



C A L I F O R N I A  
DEPARTMENT OF JUSTICE

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San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

RE: Review of District Attorney's Decision Regarding the Death of Banko Brown

Dear Members of the San Francisco Board of Supervisors:

This letter is in response to your resolution requesting that the Attorney General's Office review the April 27, 2023, shooting death of Banko Brown by Walgreens security guard Michael Anthony. The San Francisco County District Attorney reviewed the matter and determined that criminal charges should not be filed against Mr. Anthony.

Under California law, a District Attorney is given broad discretion to determine whether criminal charges are appropriate in a particular case because she is the official who has been elected by that County to act as its public prosecutor. When the Attorney General's Office agrees to review a District Attorney's decision not to file charges, we ask whether the District Attorney's Office abused its discretion under all the circumstances in the case. Our focus is on whether the District Attorney's decision not to file charges was reasonable based on the facts and the law.

In making crime-charging decisions, prosecutors must believe that the admissible evidence is of such convincing force that it would warrant a conviction of the crime charged by an objective fact finder beyond a reasonable doubt after hearing all of the evidence and considering the most reasonably foreseeable defenses such as self-defense. In this case, the San Francisco County District Attorneys' Office did not believe a prosecution would result in a conviction.

We have carefully reviewed the investigative materials regarding the shooting, the District Attorney's Report on this fatal shooting, and your additional submissions. Based on that review and taking all of the circumstances into consideration, we cannot say that the San Francisco County District Attorney's Office abused its discretion in declining to file criminal charges against security guard Michael Anthony.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Flores, Jr.", written in a cursive style.

PETER E. FLORES, JR.  
Deputy Attorney General

For ROB BONTA  
Attorney General