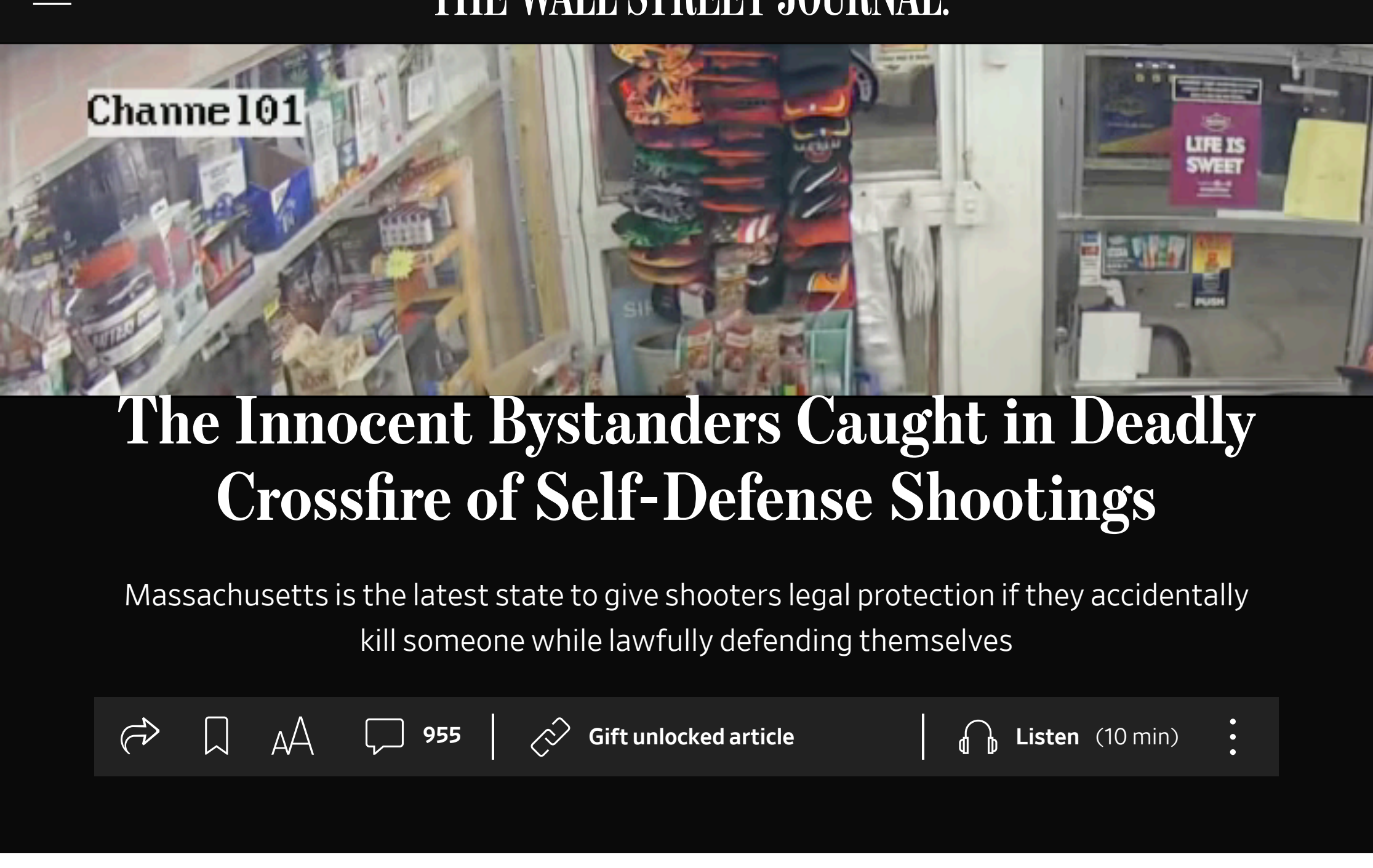


The Innocent Bystanders Caught in Deadly Crossfire of Self-Defense Shootings

Massachusetts is the latest state to give shooters legal protection if they accidentally kill someone while lawfully defending themselves

955 Gift unlocked article Listen (10 min)

Security camera footage at an Akron, Ohio, convenience store, moments before Torres Bruster, in cap and black T-shirt, was shot in the head. Video: City of Akron

By Mark Maremont Follow
Dec. 6, 2025 at 9:00 pm ET

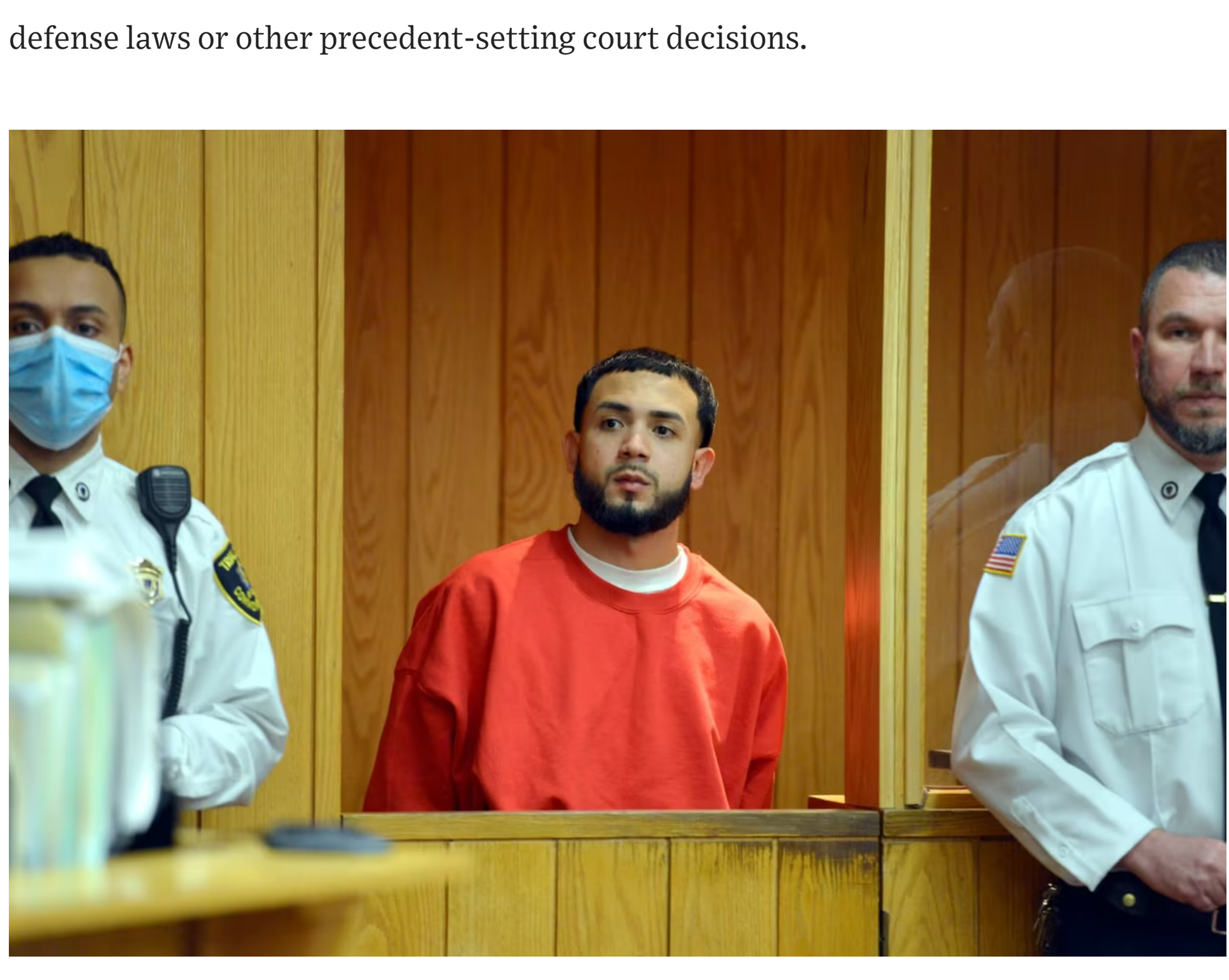
Kenneth Santana-Rodriguez brought along his 9mm handgun on a pedicure date with a woman at "A Touch of Beauty" nail salon in Holyoke, Mass.

They were sitting side by side when the father of the woman's child burst into the salon, demanding to know the nature of their relationship. Santana-Rodriguez told police the man raised his shirt to reveal a firearm and said, *You know what's about to happen.*

Santana-Rodriguez pulled out his 9mm and shot twice. "It was him or me," he told police. Yet he missed his intended target, Irvin Sanchez. One bullet instead struck the chest of an employee who had been working on the woman's toenails, killing Trung "Michael" Tran, 33 years old. Prosecutors filed a charge of first-degree murder against Santana-Rodriguez.

In October, his lawyers won a victory in the state's highest court.

"A defendant's lawful self-defense against an assailant may excuse the killing of an unintended victim, such as an innocent bystander," the Massachusetts Supreme Judicial Court ruled, joining the list of states with similar protections under self-defense laws or other precedent-setting court decisions.



Kenneth Santana-Rodriguez during a 2023 court appearance in Holyoke, Mass. DON TREEGER/THE REPUBLICAN

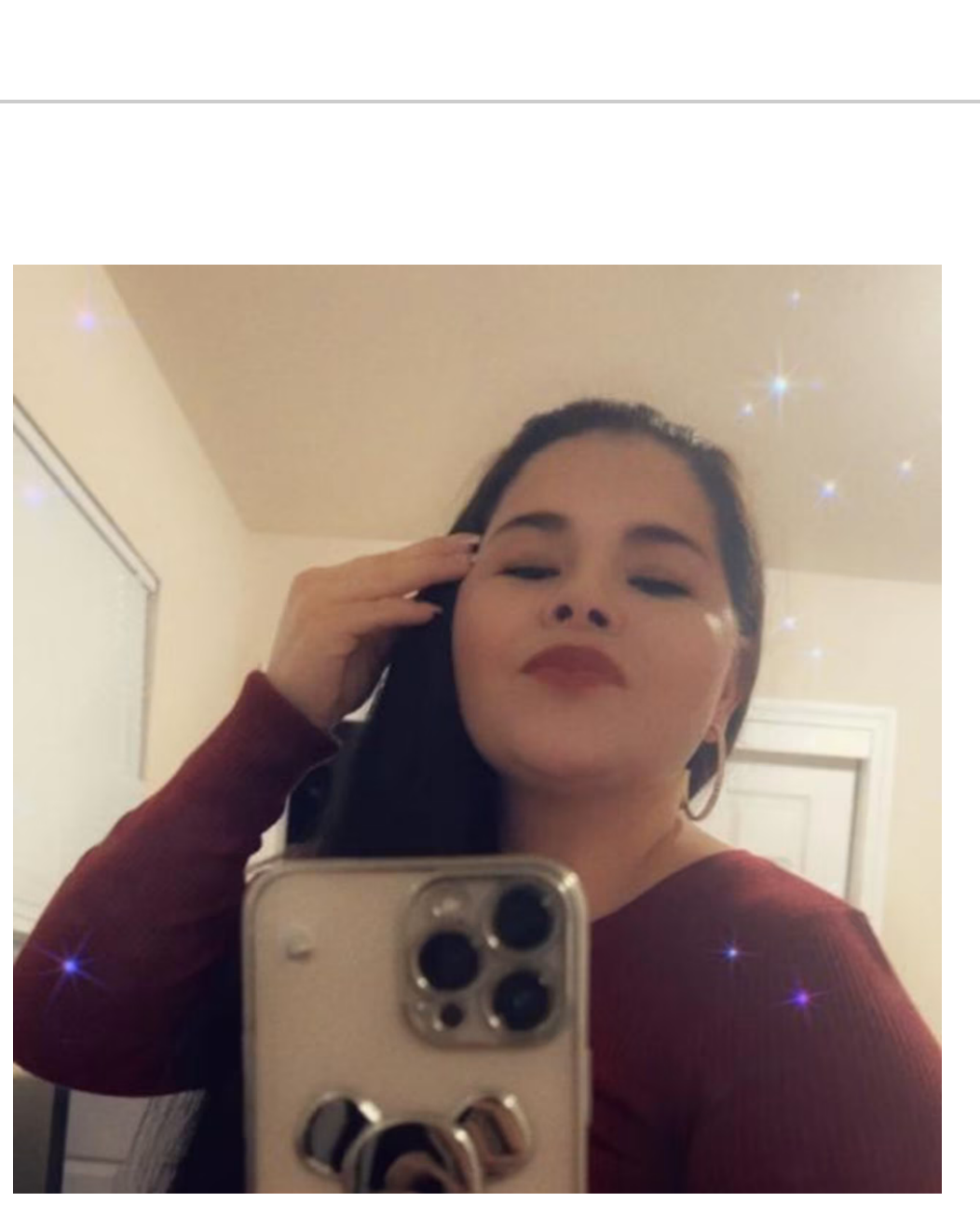
Amid a rise in self-defense homicides across the U.S., there also has been a toll on bystanders killed by stray gunfire. Often, prosecutors don't file homicide charges in those cases. Many grieving families, angry that nobody is being held to account for the loss of their loved one, are left to try to seek a measure of justice in civil courts.

After midnight on Nov. 21, 2023, a fight broke out between two men at El Torero Club, a bar on the outskirts of the farming community of Watsonville, Calif.

Both men were thrown out. One of them, Sergio Ramos Carranza, talked his way back inside by apologizing to staff, prosecutors said. The other man, who started the fight, later returned to the bar with a gun. He pushed past a woman who tried to stop him, then opened fire at Carranza and missed.

Carranza pulled out his own gun and returned fire, killing his assailant. The bullets he shot in self-defense also wounded three bystanders and killed Carolina Martinez, a 36-year-old woman who worked at the bar.

Advertisement



Carolina Martinez in an undated photo. SONIA MARTINEZ

Prosecutors charged Carranza only with a weapons violation. "If a person fires justifiably in self-defense and inadvertently injures or kills an innocent bystander, the law of self-defense applies, and the person does not commit a criminal act," the Monterey County District Attorney said at the time.

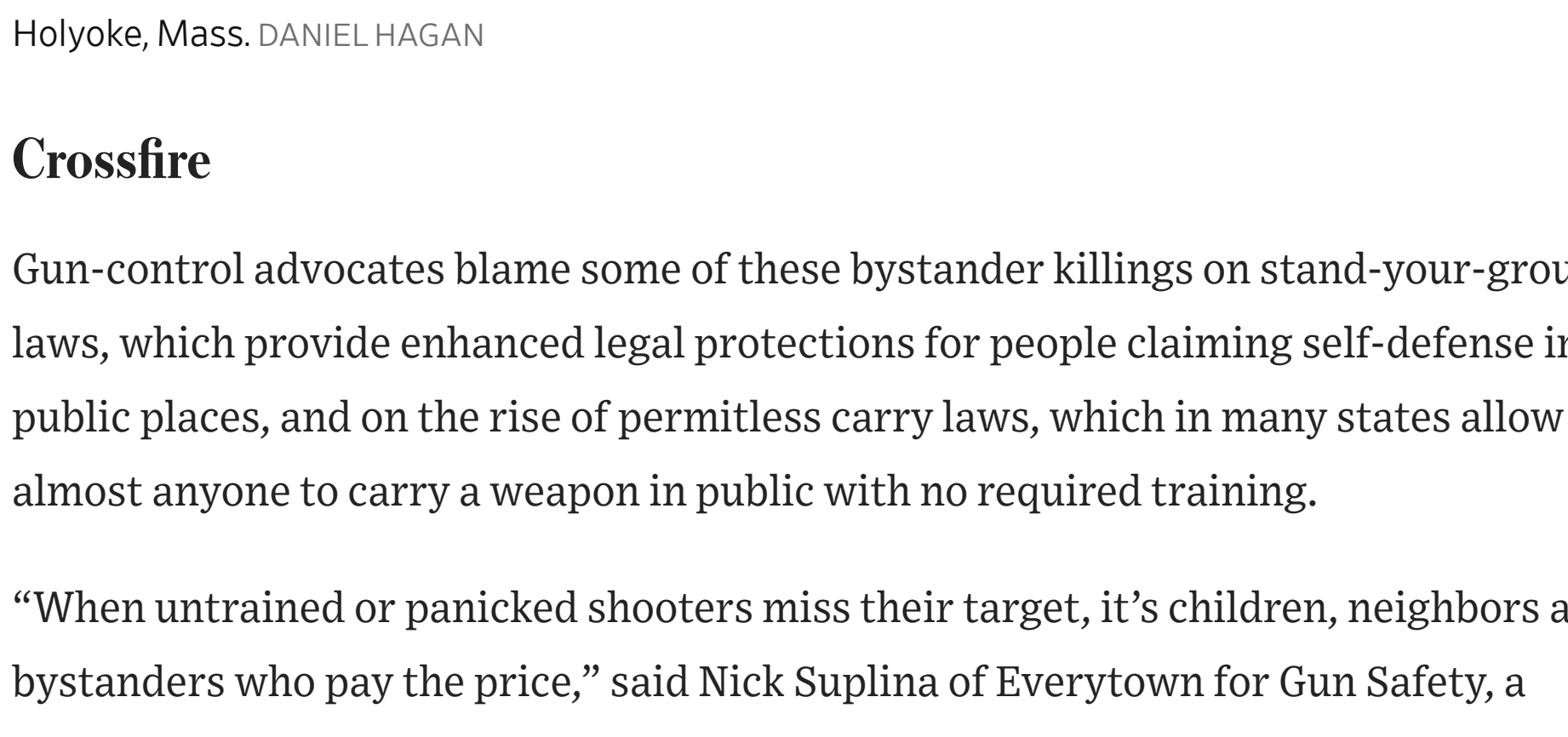
Carranza pleaded no contest and was given a year's probation. A public defender representing him didn't respond to requests for comment. The bar has since closed.

"Justice has not been served," said Sonia Martinez, sister of the slain bar worker. Her sister was the mother of two girls, she said. One daughter was 19 and pregnant at the time of the killing.

The 2023 nail-salon murder case against Santana-Rodriguez, who held a gun permit, remains open. In returning the case to the trial court, the state supreme court said a defendant who acted in lawful self-defense could still be convicted of a lesser charge of involuntary manslaughter if they were reckless in the killing of a bystander. Prosecutors haven't yet said how they will proceed.

Advertisement

Santana-Rodriguez, 26, "feels awful about what happened," said his lawyer, Daniel Hagan. "A person whose life was imminently threatened made a mistake. I don't see how you could call that person a murderer."



Irvin Sanchez, in a still from a video, running after the shooting at 'A Touch of Beauty' nail salon in Holyoke, Mass. DANIEL HAGAN

Crossfire

Gun-control advocates blame some of these bystander killings on stand-your-ground laws, which provide enhanced legal protections for people claiming self-defense in public places, and on the rise of permitless carry laws, which in many states allow almost anyone to carry a weapon in public with no required training.

"When untrained or panicked shooters miss their target, it's children, neighbors and bystanders who pay the price," said Nick Suplina of Everytown for Gun Safety, a nonprofit focused on gun-violence prevention. "These laws don't deter violence, they create more of it by turning public spaces into crossfire zones where anyone can be harmed."

Advertisement

The Second Amendment Foundation, a nonprofit that supports gun rights, said the rights of self-defense and to bear arms come with a duty to act responsibly. Instances where someone accidentally kills a bystander while defending against an aggressor "are the responsibility of the criminal perpetrator," the foundation said, not of the person engaged in legitimate self-defense.

The legal grounds for shielding shooters in bystander killings is a long-established doctrine called transferred intent, experts say. If a person engaged in legitimate self-defense accidentally shoots a bystander, their intent—to defend against an assailant—is transferred to include the unintended victim.

"In general, when someone is viewed to have a valid self-defense claim, the idea is that they are justified in taking the action that they did because of an emergency situation," said Rachel Barkow, a criminal-law professor at New York University: "So, if in the process, they accidentally kill someone else, that is not deemed to be criminal."

Many states have enacted such provisions into statute. Others, now including Massachusetts, have cemented the protection with judicial decisions.

Barkow said the doctrine predates the stand-your-ground laws enacted in recent decades in 30 states. But, she added, "stand-your-ground will allow more people to claim self-defense than otherwise would have been able to," creating more cases involving dead bystanders where the legal question is raised.

Advertisement

In most states, and echoed in the Massachusetts decision, a person acting in legitimate self-defense who kills a bystander could still be charged, legal experts said, if they acted recklessly or negligently. The charges typically would be for a lesser offense than murder.

Good Samaritan

Even when prosecutors bring lesser charges in such cases, they don't always win a conviction.

In September, 2022, 48-year-old Torres Bruster walked into a gas-station convenience store in his Akron, Ohio, neighborhood, wearing a baseball cap and a black T-shirt. Security video shows him putting two Icehouse beer cans on the counter and then waiting behind an angry, shirtless customer.

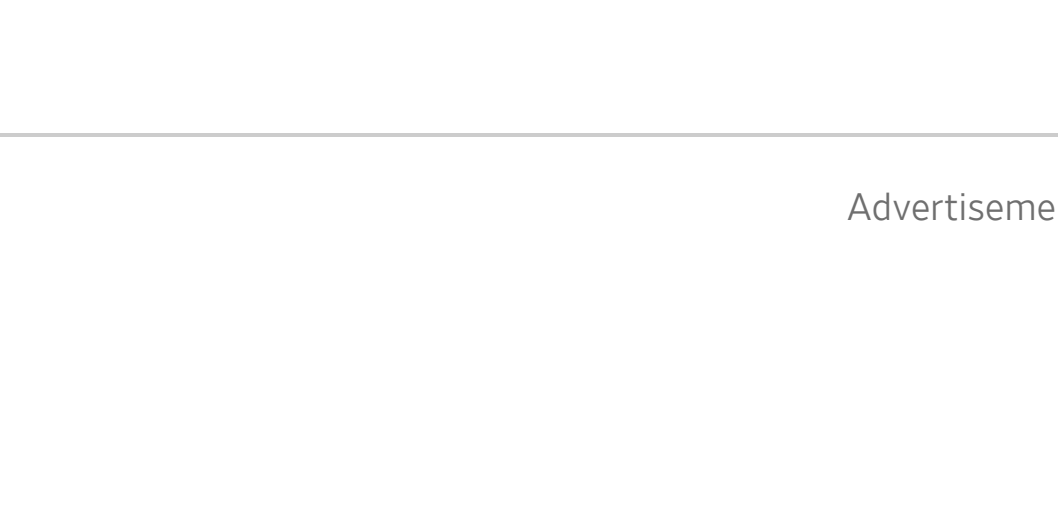
The shirtless man, Andre Lee, argued with the convenience store owner after the customer claimed he was shortchanged. Lee, now 38, pounded on the plexiglass partition protecting the cashier. Then he reached through the opening and grabbed items, throwing them on the floor. A store employee told police that Lee threatened to kill the owner.

The store owner, Gurninder Banvait, told police she feared for her life and pulled out a gun from behind the counter. She gave conflicting accounts of what happened next, telling one officer she intentionally fired a warning shot. Later, she told a detective she didn't know how the gun went off, saying it was an accident.

Advertisement

In the security-camera footage, Banvait holds the gun in one hand and fends off Lee with the other. There is a flash and Bruster, waiting to pay for his two beers, keels over backward. Lee continues his rampage at the counter for more than 30 seconds before he notices Bruster lying on the ground.

Bruster, a bullet lodged in his brain, died almost seven weeks later.



Torres Bruster in an undated photo.

Prosecutors charged Banvait with negligent homicide, a misdemeanor punishable in Ohio by a maximum of six months in jail. Her attorney filed a notice that she intended to claim self-defense.

"Everybody knows it was a tragedy. Their heart goes out to Mr. Bruster," said Banvait's attorney, Jon Sinn. "My client wasn't defending herself against Mr. Bruster, but against" the irate customer.

"There was also the question about whether she intentionally fired the shot," Sinn said. "The gun went off in the middle of a struggle."

Advertisement

A jury found Banvait, now 58, not guilty.

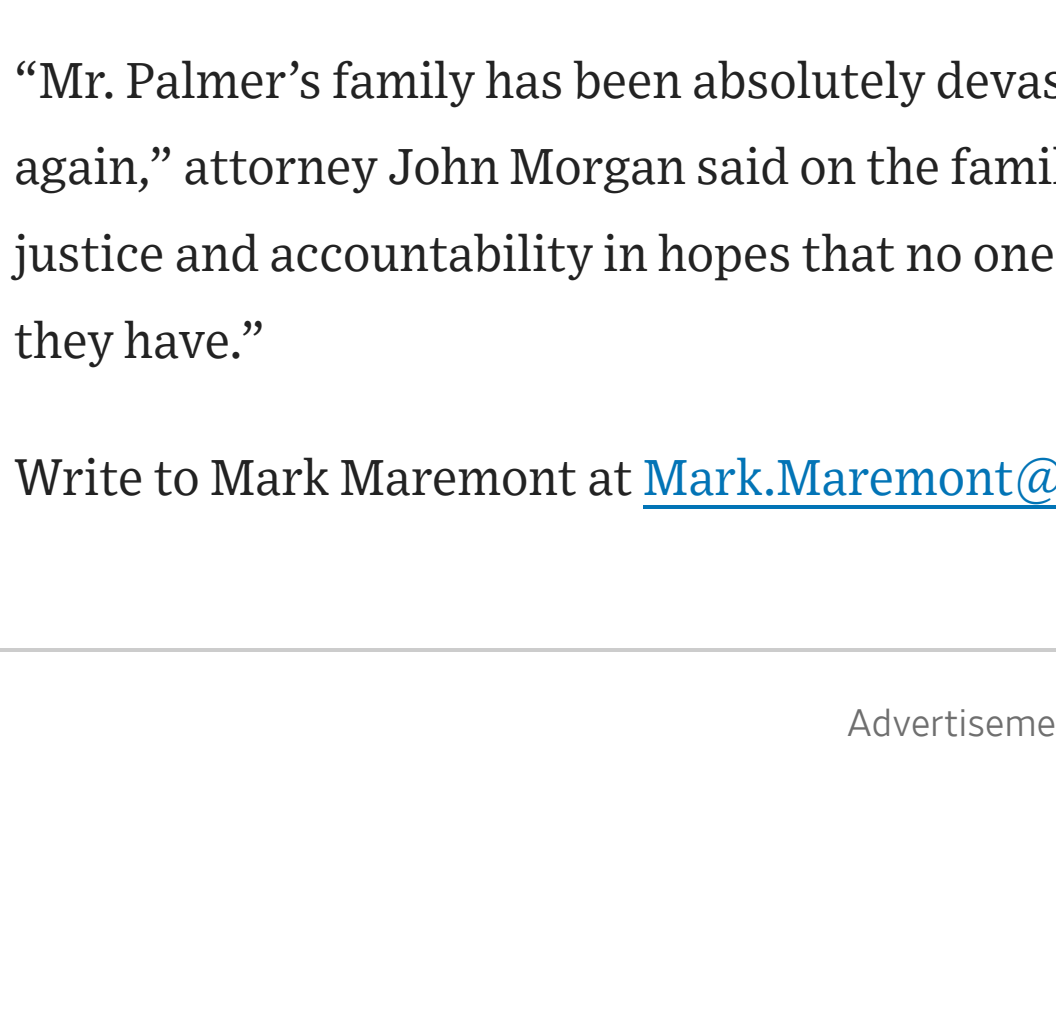
Bruster's family didn't feel that justice was done, said Charles Tyler, a lawyer who represented the family in a civil lawsuit against the store owner. Lee, the shirtless man, was unarmed, he said, and the force the owner used far exceeded the threat she faced.

"You have the right to protect yourself," Tyler said, "but you don't have the right to kill or injure innocent people." The lawsuit was settled on confidential terms.

With more guns in hand nationwide, there are more chances for self-defense accidents.

Another one happened after a Detroit Lions football game, at a September 2024 tailgating event at Eastern Market, a historic Detroit public market. A group of people got into an argument after a fistfight, according to prosecutors, and a man approached the group holding a handgun in a threatening way. A second man pulled out his gun and shot him dead.

The fatal bullet, which passed through the man's head, also killed a bystander, 40-year-old Rayshawn Palmer. He was, by all accounts, acting as a Good Samaritan, trying to break up the fight. Palmer, a father of six, was found by police wearing a Detroit Lions cap and jersey.



Rayshawn Palmer in a photo provided by his family.

Three days later, Wayne County prosecutors announced the killing of both men was a "case of lawful self-defense." Nobody was charged.

"Most heartbreaking of all is the fact that a completely and totally innocent bystander, Mr. Palmer was shot and killed with the same bullet," prosecutors said.

Palmer's family in July 2025 sued the market operator, an event group and a security company, alleging negligence. The operator and security company have denied the lawsuit claims.

"Mr. Palmer's family has been absolutely devastated and will never be made whole again," attorney John Morgan said on the family's behalf. "But they are seeking justice and accountability in hopes that no one else has to endure the type of loss that they have."

Write to Mark Maremont at Mark.Maremont@wsj.com

Advertisement

Appeared in the December 8, 2025, print edition as 'When Self-Defense Kills Bystanders'.

Show Conversation (955)