



Office of the New York State Attorney General Letitia James

Office of Special Investigation

July 26, 2023

Report on the Investigation into the Death of Mike Rosado

SUMMARY

New York Executive Law Section 70-b (Section 70-b) authorizes the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI does not seek charges, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation into the death of Mike Rosado, which was caused by Police Officer Michael Saline, a member of the New York City Police Department (NYPD).

On August 29, 2021, NYPD Police Officer Michael Saline shot Mike Rosado, causing his death. After a full evaluation of the facts and the law, OSI will not seek charges against PO Saline because we conclude that a prosecutor could not disprove beyond a reasonable doubt that his actions were justified under Article 35 of the New York Penal Law.

FACTS

Overview

On August 29, 2021, at 4:12 a.m., Police Officer Vlora Gjeka and Police Officer Michael Saline of the NYPD's 46th Precinct were about to drive home after finishing a tour of duty when they saw a large group of people outside a grocery at 2080 Valentine Avenue.¹ The officers, in plain clothes and still in the parking lot where officers parked their personal cars, heard gunshots coming from the direction of the group. The officers saw the decedent, later identified as Mike Rosado, stepping between two parked cars and holding a firearm near the corner of Valentine Avenue and East 180th Street.

¹ All times are approximate.



Figure 1. Photo taken by Detective R. Smith of NYPD's Crime Scene Unit, after the incident, of the intersection of East 180th Street and Valentine Avenue. 2080 Valentine Avenue Grocery is the storefront with the awning to the left. Valentine Avenue runs north-south. North is to the left. The maroon minivan from which Mike Rosado retrieved a gun is the car parked on the north side of East 180th Street, second from the corner. When Mike Rosado was shot he was standing between the rear of the minivan and the front of the black SUV at the corner.

The officers, on foot, crossed the street toward the group of people with their guns drawn, PO Saline in front and PO Gjeka behind. PO Saline directed Mike Rosado to drop the gun. When he failed to drop the gun, PO Saline fired his weapon in Mike Rosado's direction. Two bullets struck him; one was fatal. As Mike Rosado was struck he dropped his gun and another man, later identified as Mike Rosado's father, Rafael Rosado, picked up the gun and fired shots in the direction of the officers. Multiple video cameras from the grocery at 2080 Valentine Avenue recorded parts of the incident, and one civilian recorded part of the incident from an apartment window across the street. A map noting the grocery, the police lot, and the precinct is below.

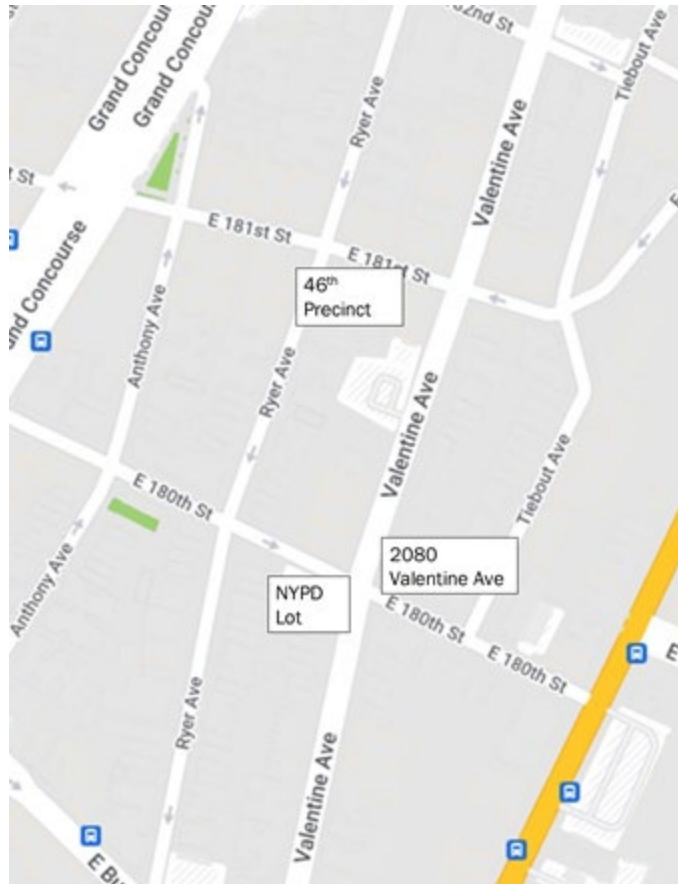


Figure 2. A map from Google Maps showing the 46th Precinct, the NYPD parking lot, and 2080 Valentine Avenue.

OSI's Video Review

Security video from the grocery

OSI reviewed video from sixteen cameras from the video security system inside and outside the grocery at 2080 Valentine Avenue. The cameras inside recorded audio and video; the cameras outside only recorded video. The video footage was downloaded on consent of the owner on the date of the incident by NYPD Force Investigation Division (FID) detectives. The descriptions in this section are based on Camera 5, which was outside the grocery and faced east along East 180th Street, and Camera 12, which was outside the grocery and faced south along Valentine Avenue.

A group of about twenty people, including Mike and Rafael Rosado, congregated on the corner of Valentine Avenue and East 180th Street, socializing and drinking. At 4:00 a.m. Rafael Rosado was inside the grocery purchasing beer and ice. Video shows that throughout the night Mike Rosado was drinking beer, smoking cigarettes and a hookah, and talking to people.

At 4:10 a.m. video shows what appeared to be an argument, for reasons unknown, between a woman dressed in brown and a woman dressed in yellow. A man dressed in maroon followed the woman in yellow and Rafael Rosado approached the man in maroon and appeared to argue with him. Others crowded around Rafael Rosado and the man in maroon.

At a timestamp of 4:12:50 a.m. on the grocery video, Mike Rosado approached Rafael Rosado, and a physical fight broke out between Rafael Rosado and other, unidentified, men. At 4:13 a.m. a man threw a bottle toward Rafael Rosado. Other objects were thrown around as the crowd dispersed. At 4:13:40 a.m. Mike Rosado got into the front seat of a maroon minivan parked on the north side of East 180th Street, east of Valentine Avenue, and appeared to reach for something in the passenger seat but left the car empty-handed and apparently yelling. At 4:13:43 a.m. Mike Rosado got back into the minivan and emerged with a gun, apparently from the passenger-side glove compartment. Mike Rosado got out of the car and fired the gun straight up into the air two times, at 4:13:47 and 4:13:48, according to the video timestamps, as shown below. ([Camera 5 video](#))





Figures 3 and 4: Two stills from the security video at 2080 Valentine Avenue, facing east along East 180th Street, showing Mike Rosado firing two shots into the air.

The people on the street covered their ears and ran for cover at the sound of the gun shots. At 4:13:58 a.m. Rafael Rosado took the gun from Mike Rosado and approached the man in maroon and the woman in yellow. Mike Rosado took the gun back from Rafael Rosado.

Video shows that at 4:14:04 a.m. PO Saline, in plain clothes, was diagonally across the street, on the southwest corner of Valentine Avenue and East 180th Street, while Mike Rosado had the gun in his hand and walked to his left (eastward), along East 180th Street. PO Saline waited for two cars to go by on Valentine Avenue before beginning to cross Valentine diagonally toward the grocery. At 4:14:07 a.m. (19 seconds after Mike Rosado's second gunshot) video shows that PO Saline began to run across Valentine with his gun in his hand and that, when PO Saline was halfway across, Mike Rosado stepped between two cars parked on the north side of East 180th Street, east of Valentine, and turned to his right, toward PO Saline. At 4:14:10 a.m. Mike Rosado, continuing to walk forward, raised his right arm and extended it toward PO Saline. At 4:14:11 a.m. PO Saline fired at Mike Rosado, who had stepped into 180th Street, slightly in front of two parked cars. Video shows PO Gjeka across Valentine Avenue, on her phone and crossing the street toward PO Saline and Mike Rosado. ([Camera 12 video](#))





Figures 5, 6, and 7: Three stills from the security video at 2080 Valentine Avenue, facing south along Valentine Avenue, showing Mike Rosado (white T-shirt, diagonal strap across his back, top left of photos) walking between two parked cars towards PO Saline, who was running toward him in the street (from top right to top middle of photos).

Surveillance video from the grocery shows that Mike Rosado dropped the gun when he was shot and that Rafael Rosado picked up the gun and began firing in the direction of the officers. Video shows Mike Rosado stumbled backwards for a few feet before reaching the sidewalk. Blood began to show through Mike Rosado's shirt and he collapsed on the sidewalk on East 180th Street. As people went to help Mike Rosado, Rafael Rosado grabbed a woman² by the arm and, after a brief conversation, pushed the gun into her midsection. The woman quickly walked across the street with the gun before uniformed police officers arrived on the scene.

Cell phone video

OSI reviewed a video taken by a civilian who was in an apartment across East 180th Street from the grocery. The cell phone video captured a male voice yelling, "Police, drop it!" followed by a single gunshot. The same male voice said, "Drop it! Drop the fucking gun!" followed by nine more gunshots. The cell phone video shows PO Saline in a shooting position on the sidewalk behind parked cars pointing his gun across the street. ([Cell phone video](#))

² The woman was later identified and was charged in Bronx County with the crimes of Criminal Possession of a Weapon in the Second Degree, Hindering Prosecution in the Second Degree, Tampering with Physical Evidence, and other charges in connection with this incident, as described below.

Witness Interviews

PO Gjeka

OSI interviewed PO Gjeka, of the 46th Precinct. She said she and PO Saline had just finished their work shift, left the precinct in plain clothes, and were in the parking lot at East 180th Street and Valentine Avenue, where their personal cars were parked. PO Gjeka said she drove PO Saline to his car,³ dropped him off, and was pulling out of the parking lot when she heard people screaming and the sound of glass breaking. PO Gjeka said she saw objects being thrown and she watched Mike Rosado run into a maroon van. PO Gjeka saw Mike Rosado get out of the van, saw a muzzle flash, and heard two gunshots. As soon as she heard the gun shots, she ran out of her car with her cell phone and off-duty gun. She saw PO Saline already running across the street toward the crowd and followed him. PO Gjeka said she heard PO Saline repeatedly yell, "Police! Police! Drop the gun, drop the gun, drop the gun. Police," as she called 911. PO Gjeka said she saw a man wearing a white shirt and blue pants, later identified as Rafael Rosado, fire shots toward them, at which point she fired her gun at the shooter multiple times and ran up the block to find cover.

PO Saline

OSI interviewed PO Saline of the 46th Precinct. He said he was in PO Gjeka's car when he noticed a commotion coming from the group of people on the corner of East 180th Street and Valentine Avenue. PO Saline said that after he got out of PO Gjeka's car and before he got into his own car he heard glass breaking and saw a fight begin to break out. PO Saline said he saw Mike Rosado, whom he described as a man wearing a white shirt, go into a van and rummage around for something. PO Saline saw Mike Rosado get out of the car and then he heard more than one gun shot. PO Saline immediately ran toward the corner with his firearm in his hand and repeatedly yelled, "Police! Drop the gun! Police! Drop the gun!" PO Saline said as he was yelling he lost sight of Mike Rosado for a second before he saw him coming toward him, between the cars, with a gun in his hand. Mike Rosado quickly turned to face him from between the cars with the gun raised and pointed toward him, at which time PO Saline fired his gun at least once. PO Saline said that he fired because although he could not see Mike Rosado's gun in the moment, he knew that the shots had been fired by him. PO Saline felt Mike Rosado posed an immediate threat to himself as well as others on the street. PO Saline said he was in his civilian clothing without a protective vest, so as he fired his gun he moved to get to cover. PO Saline said that after Mike Rosado had been struck he dropped the gun and he saw Rafael Rosado pick up the gun and fire shots in his direction. PO Saline said he again feared for his safety as well as the safety of PO Gjeka and others which is why he

³ There are actually two parking lots for the 46th Precinct officers. One lot is closer to the station house, which is where PO Gjeka had parked, and the other is closer to the 2080 Valentine Grocery, which is where PO Saline had parked. PO Gjeka and PO Saline got into PO Gjeka's car first, and PO Gjeka drove PO Saline to his car.

returned fire in the direction of Rafael Rosado.



Figure 8. The photograph, taken by Detective R. Smith of the NYPD's Crime Scene Unit, shows the corner of 180th Street and Valentine Avenue. The maroon minivan is the van from which Mike Rosado retrieved the gun. Mike Rosado was shot while standing between the two parked vehicles shown in the photo.

F.B.⁴

OSI interviewed civilian witness F.B. who was working at the 2080 Grocery the night of the shooting. F.B. told OSI he heard an argument begin in front of the store. F.B. recognized Mike and Rafael Rosado from the neighborhood. F.B. told OSI he was looking through the glass door and he saw Mike Rosado fire several rounds. He told everyone to go to the back of the store as he pulled the gate down. F.B. told OSI that while he was putting he gate down he saw the police and he heard someone yelling, "Police, drop the gun." F.B. went to the back of the store and heard several more shots fired. When the police arrived F.B. opened the gates and showed them the surveillance footage from the store's cameras.

G.B.

OSI reviewed an audio recording of an interview conducted by FID Detective Jennifer Lew from August 29, 2021, at 12:48 p.m. of G.B., who lives across the street and was home during the incident. She told Detective Lew that she heard a female voice that she believed to be a police officer yell, "Put the gun down." She also heard a male voice that she believed to be a police officer state, "Put the gun down!" G.B. said that shortly after she heard 5 or 6

⁴ Civilian's initials are used to maintain anonymity.

gunshots.

911 calls⁵

OSI reviewed six recorded 911 calls. Five of those calls are described below; the other call was largely unintelligible.⁶

PO Gjeka called 911 at 4:15:28 a.m. She was screaming and out of breath and said, “Officer Gjeka! Officer Gjeka 46 Precinct! 46 Precinct! Shots Fired! Off duty Officer Gjeka! 10-13! 10-13, 10-13, 10-13, 180 and Valentine, 10-13. . . Central please get us units 10-13, 10-13. . . Multiple shots fired, I believe there is one man injured Central I just need units. . .”⁷

An anonymous male caller at 4:16:27 a.m. said, in Spanish, “2080 Valentine. Valentine and 180th. I heard a shooting, and I had to start running. I did not see it, I just heard many shots and I started running. Police need to get there soon I don’t know if someone is injured because I just started running.”

An anonymous caller at 4:17:59 a.m. said, “I’m just calling because I heard some gunshots go off. 180 and Valentine. I would say 5 or 6. I seen two cars drive off right after the shots went off. I seen a red car. I think someone is injured.” OSI reviewed an audio recording of FID Detective Jennifer Lew interviewing this 911 caller. She refused to give her name and said that she only looked out her window after the gunshots had stopped.

An anonymous caller at 4:18:18 a.m. said, “2080 Valentine! My nephew has been shot! I don’t know who shot him. He’s still breathing.”

An anonymous caller at 4:19:02 a.m. said, “We need the ambulance. They were shooting here. . . The cops shot somebody. I saw the cops shooting and I don’t know. 180th and Valentine. Somebody is dying. I saw it. I heard shots and I woke up and I looked out the window and the cops were right in front of my house standing between cars and I don’t know if they were shooting at each other. I didn’t see no shooter I just saw cops.”

Ballistics evidence

Following the incident, while still on scene, PO Gjeka and PO Saline surrendered their firearms to FID. Both PO Gjeka and PO Saline used 9mm luger caliber semi-automatic pistols,

⁵ OSI attempted to interview the 911 callers but we were unable to make contact with them.

⁶ The 911 call not described in the main text was 22 seconds long. Apart from some unintelligible speech, a female caller yelled, “Put him in the car, put him in the car! Pick him up and put him in the fucking car!” The caller was later identified and is being prosecuted by the Bronx County District Attorney as mentioned in the footnote above.

⁷ In the NYPD 10-13 means “officer needs assistance.”

which were their off-duty firearms, during the incident.

Members of the NYPD Crime Scene Unit (CSU) responded to the scene and collected ballistics evidence, which included 17 shell casings and several bullet fragments. CSU Detective Kimberly Cenizal processed and photographed the officers' firearms. FID Detective Danielle Sheehan submitted the firearms to the lab for ballistics comparison and testing.

PO Gjeka's firearm was a Smith & Wesson model with a magazine capacity of eight rounds, plus one in the firing chamber, for a total capacity of nine rounds; Detective Cenizal recovered 4 live rounds from PO Gjeka's gun. PO Saline's firearm was a Sig Sauer model with a magazine capacity of 10 rounds, plus one in the firing chamber, for a total capacity of 11 rounds; Detective Cenizal recovered 7 live rounds from PO Saline's gun.

On September 1, 2021, pursuant to a search warrant, Detective Evan Johnson recovered a black 9mm luger caliber semi-automatic Glock pistol with blood stains on it from the woman who, the grocery video showed, took the gun from Rafael Rosado and left the scene of the incident, as described above. Detective Johnson met the woman who, in his presence, retrieved a backpack from the floor of a vehicle parked in front of a building in East Harlem; she gave him the backpack and he found the gun in the backpack. The gun had a magazine capacity of 18 rounds, plus one in the firing chamber, for a total capacity of 19 rounds. CSU Officer Philip Iacovino recovered eight live rounds from the magazine.

CSU collected 17 expended 9mm caliber shell casings from the scene at East 180th Street and Valentine Avenue. Nine of the shell casings collected were 9mm Speer Plus P shell casings, the brand of bullets issued by NYPD for all officers. These casings were collected from the south side of East 180th Street. The remaining eight shell casings were 9mm Luger Blazer casings which were recovered from the north side of East 180th Street.

NYPD Firearms Analysis Section conducted a microscopic analysis of all the expended shell casings and determined that four of the expended Speer Plus P shell casings were discharged from PO Saline's firearm, five of the Speer Plus P shell casings were discharged from PO Gjeka's firearm, and the remaining eight Luger Blazer shell casings were discharged from the firearm recovered from the woman shown in the video who took the gun from Rafael Rosado.

DNA Testing

The gun recovered from the woman who took it from Rafael Rosado was swabbed and submitted to the New York City Office of the Chief Medical Examiner (OCME) for DNA testing. According to the DNA test report written by Eboni Yearwood, Criminalist, Level II, the blood on the gun was from one male contributor, Male Donor A. According to the test report, the DNA

profile of Male Donor A was compared to the DNA profile of Mike Rosado. Although the DNA profile for Male Donor A did not match Mike Rosado's, a likelihood ratio of 310 billion suggests that Male Donor A is potentially the parent or child of Mike Rosado.⁸ According to the test report, the woman who took the gun was not the source of the DNA of the blood on the firearm.

Medical Examiner

Dr. Kristin Landi, of OCME, performed the autopsy of Mike Rosado. OSI reviewed Dr. Landi's autopsy report, which states the cause of death as "gunshot wound of chest with injury of lungs" and the manner of death as homicide. In the report Dr. Landi noted three gunshot wounds: a "perforating gunshot wound of the chest," a "graze wound of upper right arm," and a "perforating gunshot wound of the lower left arm."

In an interview with OSI, Dr. Landi explained that, based on the trajectory of the wounds, it was her opinion that Mike Rosado had been struck by two bullets. One bullet caused a superficial wound on Mike Rosado's right arm before entering his chest and killing him. Dr. Landi noted in her report that, "with proper orientation of the right arm the graze wound of the right arm lines up with the entrance wound on the right chest sidewall and may reflect a single path made by a single ballistic." Dr. Landi said the graze wound on Mike Rosado's right bicep is consistent with his having been shot while his right arm was raised and extended in front of him, because the path of the bullet can be lined up to show that the bullet grazed his bicep before entering his chest cavity on the right side of his chest. The path of the bullet was through Mike Rosado's chest from the right to left, front to back and slightly down. The wound to his chest cavity was the shot that caused his death.

Dr. Landi said there was also a perforating wound to Mike Rosado's lower left arm, with its entrance 15 inches below the left shoulder and its exit from the inner aspect of the arm, 14 inches below the shoulder, traveling left to right and upward.

Dr. Landi said the injuries she observed to Mike Rosado's right arm and chest were consistent with the grocery security video, which showed that Mr. Rosado was shot while his arm was raised and forward; the wound on Mr. Rosado's left arm was consistent with his being shot a second time as he turned toward the sidewalk and dropped the gun.

⁸ OSI reviewed a report by NYPD FID Sgt. Richard Fiumano, which said that on August 29, 2021 at 8:10 a.m. Rafael Rosado was taken to St. Barnabas hospital to treat a wound to his left forearm, sustained during the incident, and that Rafael Rosado refused treatment.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which an individual is justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section 35.00. Unlike an affirmative defense, the people have the burden at trial of disproving a defense beyond a reasonable doubt, Penal Law Section 25.00(1). In order to obtain a conviction at trial, “The People [would be] required to prove beyond a reasonable doubt that [PO Saline] was not justified” in using deadly physical force against Mr. Rosado, N.Y. Criminal Jury Instructions 2d, Penal Law Section 35.15(1). “[W]henver justification is sufficiently interposed ... the People must prove its absence to the same degree as any element of the crime charged.” *People v. McManus*, 67 N.Y.2d 541, 546-47 (1986).

Article 35 contains a provision defining justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense (Penal Law Section 35.30), and a general provision defining justification when deadly force is used by any person (Penal Law Section 35.15). As detailed below, based on the evidence reviewed in this investigation, OSI would be unable to disprove beyond a reasonable doubt that PO Saline’s use of deadly physical force was justified under either provision.

Penal Law Section 35.30(1) provides:

“A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.”

Police officers using deadly physical force pursuant to Penal Law Section 35.30(1) are under no duty to retreat, Penal Law Section 35.15(2)(a)(ii).

The Court of Appeals, in *People v. Goetz*, 68 N.Y.2d 96 (1986), said that “reasonable belief” has both subjective and objective components: the subjective component is satisfied if the person using force actually believed, “honestly and in good faith,” that deadly force was about to be used against that person or another, and that the use of deadly force was necessary to prevent or stop the danger, whether or not the belief was accurate, 68 N.Y.2d at 114; the objective component is satisfied if a “reasonable person” under the same circumstances could

have held the same belief, 68 N.Y.2d at 115. See also *People v. Wesley*, 76 N.Y.2d 555 (1990).

When interviewed by OSI, PO Saline did not say his intention was (or was not) to arrest Mr. Rosado when he shot him – rather, he said his intent was to stop Mr. Rosado from using deadly physical force: Mr. Rosado had a gun in his hand, had just fired it, and was pointing it at PO Saline. In addition, PO Saline could have reasonably believed Mr. Rosado was committing an offense – namely Criminal Possession of a Weapon in the Second Degree, Penal Law Section 265.03(3) – based on hearing and seeing Mr. Rosado firing a gun while in a crowd of people on the corner of East 180th Street and Valentine Avenue.

Considering the above, OSI initially analyzes PO Saline’s conduct pursuant to Penal Law Section 35.30(1).

Based on his interview with OSI, PO Saline subjectively believed that shooting Mr. Rosado was necessary to stop Mr. Rosado’s use of deadly force. PO Saline was walking to his car when he first heard glass breaking and a commotion he understood to be the start of a fight breaking out between members of the community who had congregated on the street corner. PO Saline heard and saw Mr. Rosado fire a gun twice while standing among a crowd of people. PO Saline immediately ran across the street with his gun drawn, announcing that he was a police officer and yelling for Mr. Rosado to drop the gun. When PO Saline got closer to the crowd, he observed Mr. Rosado approach him from between two parked cars. Mr. Rosado did not drop the gun he was holding when directed to do so and instead raised his arm up toward PO Saline. PO Saline said that while he could not see Mr. Rosado’s gun in the moment, he knew the gunshots had come from Mr. Rosado, and, recognizing the imminent threat to himself, PO Gjeka, and the civilians on the street, PO Saline fired. PO Saline said that after being struck Mr. Rosado dropped the gun and began to retreat at which time his father, Rafael Rosado, picked up the gun and began to fire shots in his direction. PO Saline said he again feared not only for his safety, but also for the safety of PO Gjeka and the people on the street corner, which is why he returned fire toward Rafael Rosado.

Under the circumstances presented above, OSI would be unable to prove that PO Saline’s subjective beliefs were unreasonable.

PO Saline’s account is corroborated by the security video camera footage from the 2080 Grocery, the eyewitness account of civilian F.B., as well as the cell phone video. The evidence also corroborates PO Saline’s assertion that Mr. Rosado was the first to fire. As noted above, security camera video footage shows that Mr. Rosado fired two shots while standing among a crowd of people. The video shows that after the two gunshots PO Saline ran across the street with his gun drawn and that Mr. Rosado walked forward, between the two parked cars, toward PO Saline with the gun in his hand.

OSI also analyzes PO Saline's actions under Penal Law Section 35.15, which, as noted above, provides that any person (including a police officer) can use deadly force if the person reasonably believes that deadly force is being used or is about to be used against him or her or a third person. OSI concludes that, even if PO Saline was not attempting to arrest Mr. Rosado for an offense, OSI would not be able to disprove beyond a reasonable doubt that he was justified in using deadly physical force against Mr. Rosado.

Penal Law Section 35.15(2)(a), unlike Section 35.30 governing police use of deadly force, mandates that a person may *not* use deadly physical force "if [that person] knows that with complete personal safety, to [that person] and others he or she may avoid the necessity of [using deadly physical force] by retreating."

The evidence demonstrates that if PO Saline believed he could not have retreated with complete safety to himself or others, that belief was reasonable. PO Saline saw Mr. Rosado fire a gun two times at a crowded street corner. Mr. Rosado failed to comply with PO Saline's demands to drop the gun and instead moved towards him and raised the gun. Based on Mr. Rosado's actions leading up to PO Saline's shots, it is reasonable to conclude that PO Saline could not have retreated with complete safety to himself, PO Gjeka, or others on the street.

For these reasons, OSI concludes that a prosecutor could not disprove beyond a reasonable doubt that PO Saline's use of deadly force was justified under Article 35 of the Penal Law and will close this matter with issuance of this report.

Dated: July 26, 2023