Non-Fatal Officer Involved Shooting of

Timothy Silva and [redacted]

El Monte Police Department

Corporal Hever Diaz #669

Officer James Singleterry #620

J.S.I.D. File #25-0107



NATHAN J. HOCHMAN

District Attorney

Justice System Integrity Division

September 10, 2026

MEMORANDUM

TO: CHIEF JAKE FISHER
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Timothy Silva and [redacted] (a minor)
J.S.I.D. File #25-0107
L.A.S.D. File #025-00039-3199-057
E.M.P.D. File #25-015227

DATE: September 10, 2026

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 14, 2025, non-fatal shooting of Timothy Silva and [redacted] by El Monte Police Department (EMPD) Corporal Hever Diaz and Officer James Singleterry.[1]

We conclude Diaz and Singleterry acted in lawful self-defense and the defense of others at the time they fired their service weapons, reasonably believing based on the totality of the circumstances that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this non-fatal officer involved shooting at approximately 2:30 p.m. on April 14, 2025. The District Attorney Response Team was provided with a briefing and walk-through of the scene by Los Angeles Sheriff's Department (LASD) Homicide Lieutenant Daniel Vizcarra.

The following analysis is based on reports, radio transmissions, 9-1-1 calls, recorded interviews, photographs, and surveillance video submitted to this office by LASD Homicide Bureau Detectives on September 24, 2025. Diaz's and Singleterry's voluntary statements were considered in this analysis.

[1] On April 14, 2025, Timothy Silva was 19 years old and [redacted] was 14 years old. To protect his identity given his status as a juvenile, [redacted] is referred to throughout the memo, as "the minor."

INTRODUCTION

On April 14, 2025, EMPD Officers Diaz and Singleterry were on patrol in the City of El Monte when they observed a stolen Hyundai driven by Silva.[2]

The officers pursued Silva and his minor passenger into a dead-end street. The officers exited their car with their service weapons drawn. Silva accelerated toward Singleterry, narrowly missing him, prompting an officer involved shooting. Silva then fled into a bank parking lot and crashed into a dumpster. Silva abandoned the car and the minor, who had sustained multiple gunshot wounds.

The minor sought help for his injuries and was sitting in a security guard's parked vehicle when officers found him. The minor was treated by paramedics and transferred to a local hospital. Silva was arrested a short distance away.[3] Both the minor and Silva gave statements.

FACTUAL ANALYSIS

At 11:47 a.m. on April 14, 2025, EMPD officers were advised by dispatch that the city's Flock license plate reader (LPR) camera system had identified a stolen Hyundai Tucson in the area of Garvey Avenue.

Singleterry told investigators he was on patrol working traffic enforcement with his partner, Diaz when he heard EMPD dispatch broadcast the description of a stolen Hyundai. As they were driving down Garvey Avenue, Singleterry saw a Hyundai matching the broadcast description, pass them and then make an abrupt right-hand turn.

Singleterry told investigators when he saw the Hyundai, he told Diaz, "I think that's [the car]!" The driver of the Hyundai, later identified as Timothy Silva, sped away and turned onto a dead-end street. As Silva turned the Hyundai around at the end of the street, Singleterry verified the license plate belonged to the stolen vehicle.

Diaz drove to the end of the dead-end street and parked the patrol car facing the Hyundai. Singleterry estimated the parked cars were approximately 15 feet away from each other. Singleterry and Diaz exited the patrol car with their service weapons unholstered. Singleterry stood at the fender of his patrol car with his service weapon pointed at the driver of the Hyundai.[4]

Singleterry yelled, "Hey, turn the car off!" Silva refused to turn the car engine off and Singleterry saw the Hyundai back up. Singleterry said he yelled at the driver to "stop" four to

[2] The officers were driving a marked black and white patrol car and were dressed in EMPD uniforms with shoulder patches, the word POLICE, badges, and nametags sewn onto their uniforms.
[3] Silva was charged in case 25EMCF00339. He pled to all three counts, Vehicle Code section 10851(A), and two counts of Penal Code section 148 for 16 months state prison.
[4] Singleterry wore a body-worn video camera which was powered on but not recording. Singleterry said he forgot to activate his camera when he exited the patrol car.

five times then saw Silva turn the wheels of the Hyundai in his direction. Singleterry yelled, "Stop! Stop! Stop!" when Silva "immediately accelerated" in his direction.



A Resident's Surveillance Camera Video Depicts Diaz (Yellow Circle) Outside his Patrol Car and Prior to Silva (Red Arrow) Accelerating Toward Singleterry. Singleterry is not Visible on the Passenger Side of the Patrol car.



Surveillance Camera Video Depicts Silva (Red Arrow) Accelerating Toward the Side of the Patrol Car Where Singleterry is Standing. Diaz (Yellow Circle) Began Firing at Silva Through the Hyundai's Front Windshield.

Singleterry could not see where Diaz was located and attempted to move back toward the safety of the patrol car when he heard gunshots and saw bullet holes in the windshield of the Hyundai.

Singleterry was unsure whether the gunshots were coming from inside or outside of the Hyundai, but he believed gun shots were being fired at him. Singleterry said, "I just heard the shots and [Silva's] coming right at me, so I started returning fire." Singleterry said he fired, "…four-ish times into the driver's windshield…[because] I thought they were shooting at us."

Singleterry continued shooting in the direction of the Hyundai after it passed him on the street. Singleterry said, "I'm being shot at, so [Silva] starts to drive around me. I put shots into the passenger side of the vehicle through the window at the driver…He goes by me and I put, I think three or four more shots into the back of the car, trying to get him to stop because now I think he's armed and leaving, and possibly a danger, even more dangerous to whoever he comes in contact with."

Singleterry called dispatch and put out a "998" broadcast describing Silva, the Hyundai, and the shooting incident.[5] Singleterry said Diaz came over to him and told him he thought Singleterry had been struck by the Hyundai. Diaz told him, "I thought they ran you over, so I shot!"

Singleterry said he immediately ran to the car to chase after Silva but realized they could not leave the scene after being involved in a shooting. Singleterry was visibly shaken and said, "We hugged…then basically did an adrenaline dump and waited for [the other officers] to get there." Singleterry told investigators, "I thought I was going to be hit. I thought I was going to be hit and killed."

Singleterry said he feared being struck by Silva because he had sustained "very serious injur[ies]" after being struck by a car on a prior occasion. Singleterry said, "I have this plate in my hand, my thumb doesn't work. I have nerve damage in my hand from being struck by a car seven years earlier…and then just two weeks earlier I helped you guys, LASD…for the guy that was killed in South El Monte…So cars are super dangerous to pedestrians, and then my brain at that time [of the shooting] was that this guy is going to hit and kill me…I thought [Silva] was within five feet of me, which is really close."

Diaz told investigators when Singleterry spotted the stolen Hyundai, Diaz drove after the car into a dead-end street.[6] Diaz thought the driver would abandon the car and flee on foot, but observed the driver make a U-turn and face the Hyundai directly at them.[7]

Diaz estimated the distance between the two cars, after he parked the patrol car, was approximately ten feet. Diaz said he was concerned for his and Singleterry's safety and believed they were "in a bad position" because their patrol car was not equipped with a ballistic windshield. Diaz said he exited the patrol car to protect himself and avoid being trapped in a "fatal funnel."

[5] 998 is the radio code for "Officer needs help/Officer involved shooting/All units respond.
[6] Diaz said while he was on patrol he responded to multiple calls for service involving El Monte Flores gang members on that dead-end street.
[7] Diaz only saw Silva driving the car, he did not see the minor in the passenger seat.

Diaz exited the patrol car with his service weapon drawn in the "low and ready" position and yelled, "Stop the car! Stop the car!"[8] Diaz said Singleterry had exited the patrol car, but Diaz was focused on the driver of the Hyundai and could not see Singleterry. Suddenly Silva accelerated the Hyundai toward where Diaz believed Singleterry was standing.

Diaz described the dead-end street as "very narrow…there was no chance for [Singleterry] to get out of the way [of the Hyundai]." Diaz said, "When the car turned and faced us, it caught me by surprise because I was expecting a regular traffic stop…but as soon as they turned and faced us, I was just thinking I'm in a horrible spot. If they were to shoot, there's nowhere for me to go…based on my experience when it comes to stolen vehicles…a lot of them [are stolen by] members of the El Monte Flores gang. …I've stopped [gang members] and recovered guns from them. I've investigated them committing crimes, shootings, attempted homicides, and [other crimes]."

Diaz said, "I saw the [Hyundai] drive towards [Singleterry's] direction at a pretty, pretty fast pace. So, at that point, my thought process was Singleterry's about to die. He's going to get run over. He's dead. So, at that point I decided to shoot. I shot four times towards the driver."

Diaz said from his perspective, "I didn't see [Silva] turn to try to avoid hitting the [patrol] car…it just looked like they were barely able to make it past the [patrol] car without hitting it." As the driver of the Hyundai sped past him, Diaz was able to observe the driver. He attempted to notify dispatch of the incident but realized his microphone was turned off.

Diaz ran to the car to use the car radio and heard Singleterry broadcasting the incident. Diaz said, "At that point I had a sigh of relief because…I thought [Singleterry] was like pinned or crushed or something, on the side of the car."

Diaz went to Singleterry to check on him. Diaz said, "I saw that he was pretty shooken [sic] up. His eyes were pretty watery, and the first thing I did, I grabbed him by the shoulders, and I said, 'Are you okay?' And he was like, 'Are you okay?' And I can tell he is pretty shooken [sic] up about what happened, so I gave him a big hug, and then we were right there just kind of processing everything, and then everybody showed up and helped us out."

Silva sped off and entered a Chase Bank parking lot where he crashed into a dumpster. Silva fled from the car and threw a piece of clothing which landed near the ATM. The minor, who was injured, exited the Hyundai and attempted to enter a parked car. A security guard contacted the minor and helped him until the police arrived.

Officers who arrived at the Chase Bank parking lot were directed to the minor sitting in the passenger seat of a car, bleeding. Investigators interviewed Chase Bank Security Officer Andy Cortes.

Cortes said he was sitting in his parked car in the Chase parking lot when he saw the minor, who was bleeding, trying to open the door to a parked car. The owner of the parked car got out of his car while the minor continued to attempt to enter the car.

[8] Diaz said he was wearing his body worn video camera but did not activate the camera.

Cortes said he felt he needed to de-escalate the situation, so he asked the minor if he could take him to the hospital. The minor took off his shirt and Cortes observed what appeared to be a gunshot wound on the minor's body.

The minor told Cortes he needed help, then walked away from Cortes. Cortes checked with the owner of the Honda to make sure that person was safe. Cortes said when he returned to his car, the minor was sitting in his passenger seat. Cortes opened the door and told the minor to get out of his car so he could get the minor some help. Cortes heard sirens and flagged the officers over toward his car. Cortes said the officers arrived and he had no further involvement.

Officer Nathan Hernandez wrote that he arrived at the Chase Bank parking lot and saw Cortes "gesturing" with his head, towards his car. As Hernandez walked toward the car, he saw, "[The minor] who is a documented gang member from the criminal street gang El Monte Flores with the moniker of Lil Cee." Hernandez observed the minor had been shot multiple times. Hernandez applied a tourniquet to the minor and called Los Angeles County Fire Department paramedics to treat him.[9]

Hernandez spoke to the minor while the minor was in the emergency room at Los Angeles/University of Southern California Medical Center (LA/USC-GH). The minor spontaneously told Hernandez he was the passenger in a stolen car driven by "Timbo."[10]

A couple of hours later, Detectives Gonzalez and Solis interviewed the minor. The minor tearfully told investigators, he was "lucky to be alive." He said when "Timbo" picked him up, he did not know the Hyundai was stolen.

The minor said when Silva turned down a dead-end street, the officers were behind them and stopped on the street. Silva made a "U-verse and then for a minute [the officers with their guns drawn] were just staring at us and we're staring at them."

During the interview the following exchange took place:

Minor: [After the U-turn] [redacted] moves up, [redacted] like, he drives *at* them but like he's going to hit them and they start shooting us.[11]

Investigator: The way [Silva] was driving, he was going at [the officers] pretty hard?

Minor: Yes.

Investigator: How hard was he…Pretty fast?

Minor: Yes.

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[9] Hernandez wrote he had prior contacts with the minor including an arrest for possessing a rifle during a vehicle pursuit involving EMPD officers.

[10] Hernandez did not ask the minor any questions. Hernandez knew at the time the minor spoke to him, that "[redacted]" was the moniker of Timothy Silva, a documented [redacted] gang member.

[11] Emphasis on "*at*" was made by the minor during the interview.

Investigator: And then [Silva] turned [the car] hard?

Minor: Yes, and then he turned [the car] hard…I don't know how to explain it. Cause it's like 50-50. [Silva] was trying to hit them and maybe like he wasn't trying to hit them and he was just trying to get out-get out of there…

Investigator: So do you think [Silva] was driving to where he was trying to scare [the officers] so he went at them pretty hard and then turned at the last minute?

Minor: Yes.

Investigator: Did the officers tell you to stop and get out of the car?

Minor: Yes.

After crashing the Hyundai into a dumpster, Silva abandoned the minor and fled the scene. He was found by officers a short distance away near a freeway and taken into custody without incident. He told Officer Guadalupe Delgado he was a passenger in the back seat of the Hyundai while his friend, [redacted], drove. Silva said he told [redacted] to stop the car when the police tried to pull them over, before the officers fired at them.

Civilians

[redacted] was interviewed by Officer Melissa Ortiz shortly after the incident. She told Ortiz she heard six or seven gunshots and looked out her residence window. She saw a grey SUV driving at a high rate of speed near the officers who were standing in the street.

[redacted] told investigators he was exiting the bank and walking to his car when the minor approached him and told him he had been shot. [redacted] offered to call an ambulance, but the minor refused medical help and asked [redacted] to drive him to his aunt's home. [redacted] said the bank security guard came over to assist the minor until the police came.

FORENSIC EVIDENCE

Medical

Silva was arrested and treated for a small abrasion to his left bicep at the Greater El Monte Community Hospital. Treating physicians medically cleared Silva before he was booked by officers. The minor was transferred to LA/USC-GH where he was treated for an abrasion/laceration to his head and multiple gunshot wounds to his leg, inner thigh, and upper arm.

Firearm Analysis

Criminalists from the LASD Firearms Identification Section (FIS), analyzed the service weapons belonging to Diaz and Singleterry. At the time of the incident, Singleterry utilized a Sig Sauer

P320. When inspected by FIS, Singleterry's service weapon contained one cartridge in the chamber and a magazine with seven unspent cartridges.

Diaz's service weapon was also a Sig Sauer P320. Criminalists observed one round in the chamber and a magazine containing 17 unspent cartridges.

Criminalists analyzed cartridge cases found at the scene and determined Singleterry's service weapon fired 20 rounds. Criminalists recovered three cartridge cases and two bullet fragments identified as having been fired from Diaz's service weapon.

LEGAL ANALYSIS

A peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) &(B).

Deadly force shall be used "only when necessary, in defense of human life," and officers "shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

"A threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. Imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed." Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

The officers pursuing Silva had received information that the car he was driving had been stolen. After a brief chase into a dead-end street, they attempted to conduct a lawful traffic stop on the driver. Concerned for their safety, the officers exited their patrol vehicle with their service weapons unholstered in the low and ready position. Their experience with stolen cars and gang members in that area of El Monte heightened their sense of caution.

Despite the officers' orders to turn off and exit the car, Silva refused. When the officers physically blocked Silva from leaving by boxing him in at the end of the dead-end street and standing in the street with their guns drawn in the street, Silva refused to surrender.

Witnesses described Silva as driving directly at the officers prior to the officer involved shooting. Silva threatened Singleterry's life when he narrowly missed hitting the officer. He also threatened the minor's life when his actions caused the officers to shoot at him.

Witnesses described Silva accelerating toward Singleterry in the stolen vehicle. While in the hospital being treated for gunshot wounds, the minor tearfully told investigators the officers were stopped in the street with their firearms pointed at Silva. He saw the officers stare at Silva, who stared back at them. The minor said Silva drove the vehicle straight for the officers, prompting them to fire their weapons in self-defense.

Based on his prior knowledge of Silva and his observations, the minor believed Silva was driving "pretty fast" and was going to hit the officers with the car if Silva did not immediately turn away. The minor told investigators, "[Silva] drives *at* them but like he's going to hit them… it's like 50-50. [Silva] was trying to hit them and maybe like he wasn't."

An independent witness in the area also saw Silva driving recklessly. [redacted] told investigators she heard six or seven gunshots and saw a grey SUV speeding near the officers standing in the street.

Diaz said he fired his service weapon four times at the driver of the Hyundai believing Singleterry was "about to die or was dead." Diaz told investigators he believed, "There was no chance for [Singleterry] to get out of the way [of the Hyundai]" and he believed Singleterry was "pinned [or] crushed on the side of the [patrol] car."

When Singleterry saw Silva turn the wheels of the Hyundai in his direction, Singleterry feared for his life and thought, "Oh shit! He's going to hit me! He's going to kill me!" Singleterry estimated Silva drove within five feet of him as he heard gunshots and saw bullet holes in the windshield of the Hyundai. Singleterry could not tell where the gunshots were coming from and believed someone in the Hyundai was shooting at him. He said he fired his service weapon at the driver in self-defense. Singleterry continued shooting at the Hyundai as it passed him, believing that the occupants in the Hyundai were armed and would harm someone else.

Based on the totality of the circumstances, Singleterry and Diaz's belief that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves, or others was an objectively reasonable use of deadly force.

CONCLUSION

For the foregoing reasons, we find that Officer Singleterry and Corporal Diaz acted lawfully in self-defense and the defense of others when they used deadly force against Timothy Silva and the minor.