

**Fatal Officer Involved Shooting of Richard Solitro Jr.  
Los Angeles Police Department**

**Officer Amar Pal, #42172**

**J.S.I.D. File #21-0164**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**November 15, 2023**

## MEMORANDUM

TO: CAPTAIN OMAR BAZULTO  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Richard Solitro Jr.  
J.S.I.D. File #21-0164  
L.A.P.D. File #F024-21

DATE: October 10, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 24, 2021, fatal shooting of Richard Solitro Jr. by Los Angeles Police Department (LAPD) Officer Amar Pal. We have concluded that Officer Pal acted in lawful self-defense at the time he fired his service weapon, 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 the shooting on April 23, 2021, at 4:25 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LAPD Lieutenant David Smith.

The following analysis is based on body worn camera video (BWV), Digital in Car Video System (DICVS), investigative reports, audio recordings and transcripts of witness interviews, crime scene photographs, autopsy and toxicology reports submitted to this office by LAPD Force Investigation Division (FID) Detective T. Grabe, on March 29, 2022. Compelled statements, if any, were not considered as part of this analysis.

### **INTRODUCTION**

On April 24, 2021, at approximately 2:35 p.m., Los Angeles Police Officers Amar Pal and Byung Kim from the Hollywood Patrol Division were responding to an (unrelated) alarm call with activated lights and sirens, in a marked black and white police car. Officer Pal drove on Sunset Boulevard towards Fairfax Avenue using the center median to pass cars stopped in the number one lane, while Officer Kim navigated directions.

As Officer Pal approached the left-hand turn lane at the intersection, a person driving a black Hyundai Sonata in the number one lane, swerved into the left-hand turn lane in front of Officer Pal's patrol car. Officer Pal reduced the speed of the patrol car and was slowly rolling forward approximately 10 feet behind the Hyundai when the driver of the Hyundai immediately shifted

the car into reverse and drove backwards, ramming the rear of the Hyundai into the front of the officers' patrol car.

Officer Pal shifted the patrol car into park and both officers quickly exited, using their car doors for cover. The driver of the Hyundai, later identified as Richard Solitro Jr. ("Solitro"), jumped out of his car wearing dark glasses and a black hoodie. Solitro directly faced the officers with his right hand hidden behind his lower back.

Solitro yelled at the officers to get out of their car. He said, "Get out of the (unintelligible) car! On the count of three, I am going to shoot (unintelligible)!" Pedestrians in the area heard the countdown and fled the scene. Both officers unholstered their service weapons and pointed them at Solitro. Officer Pal and Officer Kim yelled at Solitro, "Put your hands up!"

At the same time the officers were ordering Solitro to put his hands up, Solitro began counting: "One . . . Two . . . Three!" On the count of "Three," Solitro took a shooting stance and quickly swung his right arm from behind his back, to shoulder height, with his elbow locked while holding something in his right hand. Almost simultaneously, as Solitro thrust the item he was holding forward, Officer Pal fired two shots at Solitro while Officer Kim had one hand on his weapon and was using the other hand to call for help on the radio. Solitro was hit by one round which entered his lower chest and neck, killing him.

It was later determined that when Solitro exited his car, he was wearing a Kevlar bullet-proof vest underneath his black hoody and the object he was holding was a white envelope. There was writing on the outside of the envelope. Inside, it contained a five-page single spaced type written letter.

The outside of the letter had handwritten crosshairs, was addressed to "Shooter McGavin," and had the date of the incident, "04/24/2021." The letter foreshadowed the shooting incident with specific details, including the date and location where Solitro was shot by LAPD.

Investigators recovered a 51-page letter inside Solitro's car. Another five-page letter inside an envelope dated "04/23/2021" and a 96-page type-written document were found in his hotel room.

## **FACTUAL ANALYSIS**

### **Video Evidence**

#### *Patrol Car Digital in Car Video System (DICVS) Video*

The DICVS showed Officer Pal driving on Sunset Boulevard approaching Fairfax Avenue with audible sirens, in the background. Officer Pal was driving in the median between the yellow lines as he passed cars stopped in traffic. The street is lined with businesses and there are numerous pedestrians and drivers in the area.

As Officer Pal approached the intersection and left-hand turn lane, a black Hyundai Sonata sedan quickly pulled into the left-hand turn lane in front of the patrol car. (*Figure 1*)



*Figure 1: Solitro pulled in front of the patrol car traveling “Code 3” (activated lights and sirens).*

Before Officer Pal could bring the patrol car to a complete stop, the driver shifted the Hyundai into reverse and rammed the front of the patrol car. (*Figures 2 and 3*) The back window of the Hyundai had lettered printing that said, “KILL ME N REMAIN A SLAVE 2 LHIS GAME 4EVA.”



*Figure 2: As Officer Pal slowed the patrol car, Solitro shifted the Hyundai into reverse.*



*Figure 3: Solitro rammed the back of the Hyundai into the front of the patrol car.*

Upon impact with the Hyundai, the patrol car and the officers were violently jolted inside their car. Immediately after hitting the front of the patrol car, Solitro quickly exited his car and began yelling at the officers. He hid his right hand behind his lower back while closing his driver's side door with his left hand. He kept his right hand hidden from view while he confronted the officers. (Figure 4)



*Figure 4: Solitro exited the car, hiding his right hand behind his back (right arm identified by the yellow directional arrow).*

Both officers began yelling, “Hey! Put your hands up! Put it down!! Put it down!!” When Solitro swung his hand from behind his back and thrust an object forward, Officer Pal fired his weapon. The timeline from the DICVS illustrates how quickly the events unfolded:

- 2:35:25 Solitro rammed his Hyundai into the front of the patrol car.
- 2:35:28 Solitro exited of the Hyundai and began yelling at the officers.
- 2:35:30 Solitro closed the Hyundai car door, his right hand hidden behind his back.
- 2:35:33 While yelling, Solitro squared off while facing the officers.
- 2:35:36 Solitro took a shooting stance, rapidly brought his right hand to the front of his body, pointed the paper envelope at the officers, and was shot.
- 2:35:38 Officer Kim radioed, “Officer needs help! Shots fired!”

#### *Officer Pal’s BWV*

Officer Pal was responding to an emergency alarm call, driving the patrol car with lights and siren. As he neared the intersection at Sunset Boulevard and Fairfax Avenue, he began slowing down. The driver of the Hyundai maneuvered his car into the officers’ lane. As the Hyundai reversed and began backing up quickly, Officer Pal yelled “Whoa!” before impact.

As Solitro exited his car, Officer Pal immediately put the patrol car in park, opened the door, and stood behind the door for cover. (*Figure 5*)



*Figure 5: Officer Pal’s BWV, as Solitro stood in the traffic lane with his hand behind his back.*





*Figure 6: As Officer Pal ordered him to “Put it down!” Solitro counted down to “three” and swung his right arm around while holding a white envelope, pointing it at Officer Pal.*

Both officers yelled, “Put your hands up! Put it down! Put it down! Put it down!” During the officers’ commands, Solitro yelled over them and began counting, “One... Two... Three!” On “Three,” Solitro took a shooting stance and swung his right arm around and pointed a white envelope at Officer Pal. (*Figure 6*) Within fractions of a second, Officer Pal fired his service weapon at Solitro, hitting him in the neck and chest.

#### *Officer Kim’s BWV*

Officer Kim was seated in the passenger seat of the patrol car while Officer Pal was driving. Officer Kim’s whole body was jolted when Solitro rammed his car into the patrol car. Officer Pal put the patrol car into park as Officer Kim exited the car.

Officer Kim stood behind the open car door, with his gun unholstered, and pointed it at Solitro. Both Officers Kim and Pal yelled, “Put your hands up!!” Officer Pal yelled, “Put it down!” while Solitro counted down, “One...Two...Three...” While still pointing his service weapon at Solitro, Officer Kim reached for his radio when gunshots were fired. Officer Kim radioed for help, “Officer needs help! Shots fired! Sunset and Fairfax!”

#### **Officer Statements**

##### *Officer Byung Kim*

On the day of the incident, Officer Kim was working with his regular partner, Officer Pal. They were traveling Code 3 (i.e. lights and sirens) in the center median, to an unrelated alarm call. As

they approached the intersection, Officer Kim observed a “black sedan maneuver to the left . . . approximately 20 feet away,” from the number one lane to the left turn lane. Officer Kim believed the driver intentionally “blocked” them, since they could not pass around the cars stopped in traffic.

As the patrol car slowed and came to a stop, Officer Kim saw the [white] reverse lights on the black sedan and saw the sedan quickly back up. “[Solitro] reversed and rammed [us] at a high rate of speed.” Officer Kim told investigators, “[being rammed at a high rate of speed] shook me . . . In my mind, as soon as I saw that he rammed me, there was really only one reason why someone would reverse and ram our speed [sic] at that high of a speed. I got out of my vehicle and unholstered because the likelihood of this encounter rising to the point where deadly force may be justified was pretty high, because this person had just violently rammed us with their vehicle.”

Officer Kim believed the only reason someone would use a car to ram into them was, “To harm us, to kill us.” As Officer Kim exited the patrol car and unholstered his weapon, he saw Officer Pal already outside the patrol car yelling commands at [Solitro], who was yelling back at Officer Pal.

Officer Kim described Solitro as “. . . extremely mad, extremely angry, almost accusatory . . .” Officer Kim believed Solitro had a gun behind his back. Officer Kim took one hand off his service weapon and reached for his radio to broadcast their location to ask for more help (i.e. backup officers).

As Officer Kim brought the radio up to his mouth to broadcast their location, he heard Solitro begin a “countdown” and saw Solitro’s right hand hidden behind him, “in the small of his back.” Officer Kim told investigators, “I believed [Solitro] was pulling out a pistol . . . [he] pulled his hand out from the small of his back and extended his arm . . . As soon as [Solitro] moved his arm, he was raising it shoulder height, locked elbows, almost like you’re aiming a gun, and he pointed it directly at my partner.” After Solitro fully extended his arm in the direction of the officers, Officer Kim could see that Solitro had something in his hand but could not make out the shape.

As Solitro counted down to the final number, Officer Kim told investigators “I recognized that the final beat of the count would be “three” and that he would have revealed whatever he had, which I thought was a gun, take aim and shoot us . . . [I]t happened too quick for me to react to either put my radio away, get a two-handed grip, solid shooting platform.”

At that moment, Officer Kim heard Officer Pal fire two rounds at Solitro, in rapid succession. Officer Kim immediately broadcast via radio a call for help, checked on his partner, and waited for backup officers. Officer Kim told investigators, “I didn’t have time to react to what was happening and and [sic] by the time I realized what was going on, the suspect was already stopped . . .”

After being shot, Solitro fell to the ground still holding the envelope in his right hand. He rolled onto his stomach with his hands underneath his body. When back up officers arrived, Officer



Kim saw an officer attempt to render aid to Solitro by removing his clothes to locate the wound. After Solitro's black hoodie was cut off, Officer Kim observed that Solitro was wearing body armor.

#### *Officer Shawn Anderson*

Officer Shawn Anderson heard the call for help over his radio. He and his partner drove to the incident at Sunset and Fairfax. He observed Solitro lying face-down on the ground. They handcuffed Solitro and rolled him over to render medical aid.

As one of the officers cut away Solitro's black hoodie, Officer Anderson observed that Solitro was wearing Kevlar body armor. When the body armor was lifted, Officer Anderson saw a bible on Solitro's bare chest. He saw the wound to Solitro's neck but did not see any other wounds to Solitro's chest or stomach area. The officers believed the scope of Solitro's injuries were beyond their abilities to help him and they waited for the paramedics to arrive.

When the paramedics arrived Officer Anderson began looking for items of evidence. He found the envelope that Solitro was holding when he was shot, behind the driver's side rear tire of the Hyundai.

#### **Witnesses Statements**

██████████

██████████ was with his family, waiting to cross the street at Fairfax Boulevard when he heard an "impact car crash" and saw a car back into a "cop car." He saw the driver [Solitro] "aggressively" get out of the car and walk towards the officers. ██████████ observed "[that the driver] pivoted quickly . . . [and] reached back into his waistband . . ." ██████████ told investigators, "I did see what I thought was a gun."

██████████ estimated when [Solitro] initially exited his car, he was approximately "18 feet" away from the officers. However, [Solitro] moved "with an aggressive swagger" towards them and closed the gap to approximately "14-15 feet."

██████████ saw [Solitro] draw, what he believed was a handgun from the back of [Solitro's] waistband. He told investigators, "I knew there was going to be gunfire, rightfully so, [the officers] were about to be presented with no choice but to shoot him . . . the dude was clearly making an intentional reach for something . . . [and there were] many civilians standing around." As soon as ██████████ realized there would be gunfire, he turned to his family and told them to run. As ██████████ was retreating, he heard two gunshots.

██████████

██████████ was in his car stopped at the stoplight, on Fairfax Avenue when he heard police car sirens. He believed he was watching the end of a "high-speed chase" when he heard a "very loud crunch and screeching tires" and saw a traffic collision between a police vehicle and another car. ██████████ believed the police vehicle had rear ended the other car. According to

██████, “the police officers got out of [their] vehicle first and instructed the driver to get out of the vehicle. The driver got out of [his] vehicle very quickly, swung open the door.”

██████ told investigators, “From my point of view, as he got out of the vehicle, he turned towards the officer. . . . I do believe it was his right hand that went behind his back kind of indicating that he was drawing . . . from the officers’ point of view, they could only interpret it to be a weapon. Especially in the manner that he had done that in.”

It appeared to ██████ that [Solitro] acted intentionally to provoke a lethal response from the officers, “From my point of view in the moment, he appeared to be pulling out a weapon.” Jordan told investigators, “I don’t know if the guy had a weapon or not, but he definitely wanted to make the appearance that he was drawing a weapon on the officer which I can only interpret as . . . kill me.”

██████

██████ was coming from a store on Sunset Boulevard, carrying items for his restaurant when he heard a “crash.” He told investigators, “. . . I saw a guy getting out of his car and yelling at LAPD. And when I saw him getting out of the car, I thought he – for the moment I thought he had a gun.” ██████ remembered the man yelling at police say, “You think you got me? Let’s do it! Let’s do it right now! One, two, three.”

██████ was shocked by what he saw, “Everything happened really fast once he said ‘one, two, three.’ He faked it like he had a gun, but he didn’t. . . He puts his hands behind his back . . . faked that he pulled out a gun, but it was not, it was a piece of paper.” The next thing ██████ saw was “[Solitro] getting shot.”

██████

██████ was at work when she heard car tires “screech.” She looked in the direction of the screeching tires and saw an LAPD patrol vehicle’s lights and heard the siren. She saw a man get out of his car and confront the LAPD officers in the patrol car.

She described the incident for the investigators, “I saw (inaudible) and tell the other person . . . to put his hands up. [Solitro] came out of his car . . . he put one hand up and the other right hand was going back on his back . . . and he was reaching for something . . . I heard the two cops say, ‘Drop the weapon!’ and then they shot.”

She believed [Solitro] may have been armed, “I did see that he was armed or was trying – trying really to scare the cops or he really had a gun with him or a knife with him or something. But he was reaching for something.” As soon as she saw [Solitro] fall after being shot, she ran inside a store.

#### *LAFD Firefighter Jacy Hernandez*

Firefighter Hernandez responded to the location to care for Solitro after the shooting. She checked for a pulse and then connected the electrical leads from the cardiac monitor to Solitro.

Firefighter Hernandez observed a single gunshot wound at the lower left side of Solitro's chin and determined that he was deceased.

On the ground next to Solitro, she observed “. . .some tactical looking pouch . . . a pink colored bible with a cross upside down . . . tactical armor.” She also recalled writing on the vehicle that said, “I am Isham Jesus Christ Lucifer Morningstar . . . Kill me now. Seek consequences tomorrow.”

██████████

██████████ and Solitro were best friends for approximately 20 years. ██████████ told investigators that Solitro was an addict, an alcoholic, and was suicidal. However, Solitro was smart and manipulative, and getting him into a long-term mental health program proved difficult for his family. ██████████ believes that Solitro may have attempted suicide several times, the most serious was when Solitro was shot by a police officer in Rhode Island. ██████████ told investigators “[Solitro] pulled out a weapon – a replica gun on an officer, and the officer shot [Solitro] twice . . . in the leg and the stomach.”

██████████ told investigators that Solitro began showing signs of mental health problems in 2020, when Solitro told ██████████ that Solitro was the devil and that Solitro needed to save humanity. ██████████ stated, Solitro believed he was a [character] in a movie, “[Solitro] believed he was in ‘The Truman Show’ and ‘The Matrix’ . . . [T]hat’s why it ended the way it ended, because in [Solitro’s] mind the whole thing was a movie and it needed an ending . . . he was Truman and [Solitro] wanted to stop being in the movie.”<sup>1</sup>

According to ██████████, Solitro asked ██████████ and his other friends to send him body armor. ██████████ refused to send Solitro body armor and was prepared for “the worst-case scenario,” in which Solitro would harm other people or an “officer had to do what he had to do [i.e. shoot Solitro].” ██████████ told investigators the reason he came forward, was because “. . . I know why [Solitro] did what he did and it’s not the officer’s fault.”

## **Forensic Evidence**

### *Autopsy*

On April 27, 2021, Los Angeles County Medical Examiner Dr. Matthew Miller performed the autopsy of Solitro's remains. Dr. Miller classified the manner of death as homicide and attributed Solitro's death to a single gunshot wound to his chest and neck resulting in the fatal perforation of the left subclavian vein and transection of the left subclavian artery. The round remained in the body after he was shot and was recovered from the soft tissue of the left side of Solitro's back.

Dr. Miller noted the presence of tiny metallic fragments in Solitro's lower anterior abdominal wall and a well healed scar, indicating the presence of “a remote (old) gunshot wound.”

---

<sup>1</sup> Both The Matrix and The Truman Show movies deal with themes involving real versus manufactured reality in which the main characters are trapped in a simulated reality.

## Toxicology

On June 23, 2021, toxicology results identified the presence of marijuana but did not detect the presence of any other illegal drugs or alcohol in Solitro's body at the time of his death.

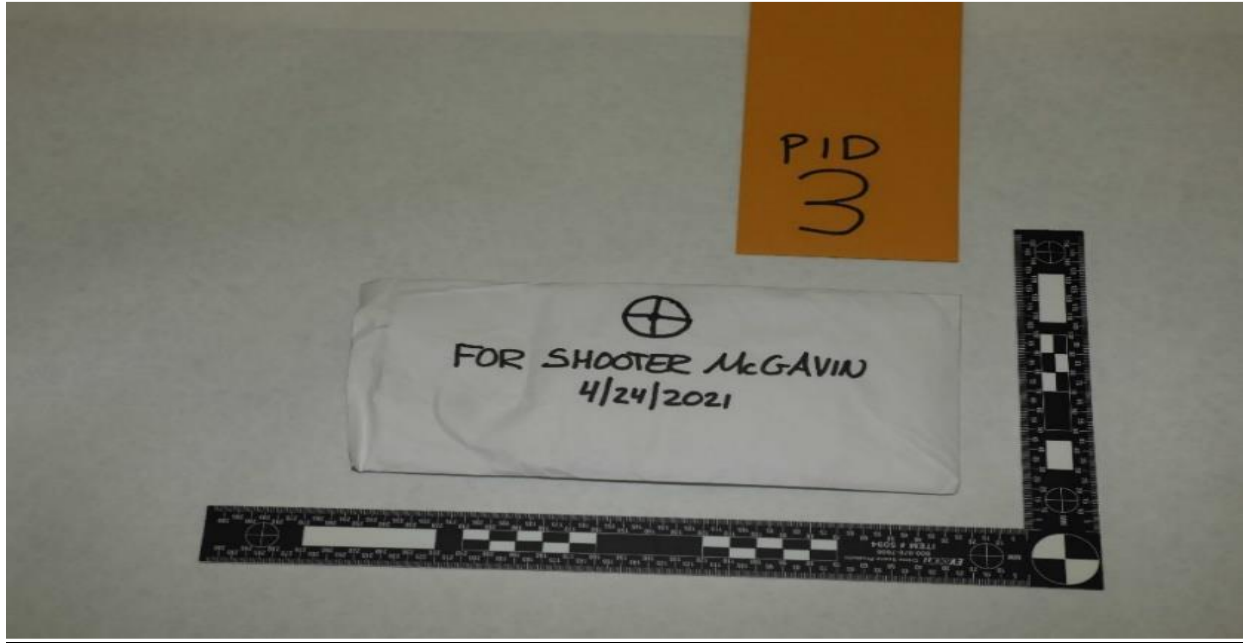


Figure 7: The letter Solitro was hiding behind his back as he took a shooting stance.

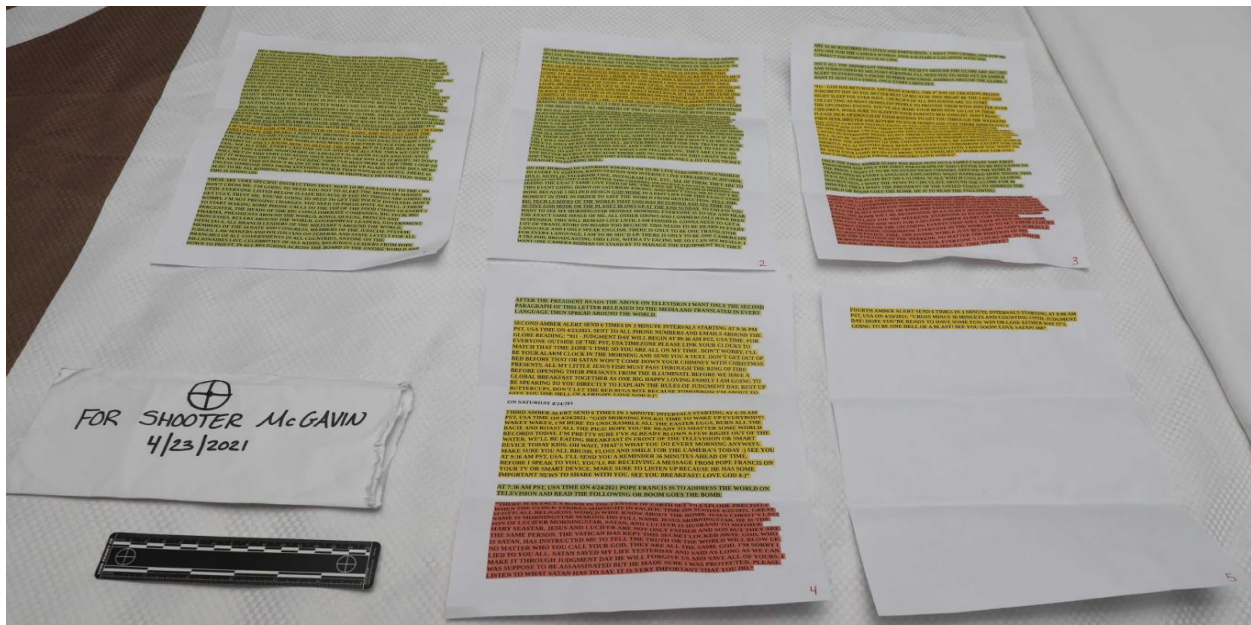


Figure 8: Contents of the envelope Solitro was holding when he was fatally shot.

### *Solitro's letters*

Solitro was holding a white envelope when he was shot by Officer Pal. The outside of the envelope contained writing that included the crosshairs of a scope, the date (of the incident) “4/24/2021,” and the words “FOR SHOOTER McGAVIN.”<sup>2</sup> (Figure 7) Inside the envelope there were five, single-spaced type written pages. (Figure 8)

The letter addressed to “SHOOTER McGAVIN,” stated, in part:

“WITH EVERYONE IN THIS WORLD ACTING CRAZY RIGHT NOW I HAD TO DO SOMETHING CRAZY TO GET YOUR ATTENTION. NOW THAT I HAVE YOUR ATTENTION, IF MY CALCULATIONS ARE CORRECT ITS SATURDAY 4/24/2021 IN BEAUTIFUL HOLLYWOOD CALIFORNIA . . . THER [sic] IS NOTHING ANYONE COULD HAVE DONE TO PREVENT THIS MOMENT IN TIME FROM HAPPENING . . . IF I DON'T DO THIS WE ALL DIES [sic] BY THE END OF THE WEEKEND AND IF WE ALL DIE WE HAVE TO REPEAT THIS REALITY ALL OVR [sic] AGAIN. WE SHOULD BE ON SUNSET BOULEVARD RIGHT NOW AND YOU JUST SHOT ME RIGHT IN THE HEART!” (Figure 8)

When officers searched inside the Hyundai, they found Solitro's 51-page letter. In the letter, Solitro described a prior incident in which he was shot by a North Providence Police Officer, after he was ordered to drop a “movie prop gun.” Solitro describes wanting to commit suicide and using the prop gun, to create a situation where an officer felt he would have to use lethal force. (Figure 9)

failure, I thought. As I turned the corner on my street to approach my house I saw a police SUV parked outside my **house and my entire mood did a complete 180. The song I was listening to went to MAX,** my heart started pumping, my rational thoughts were quiet the fire and rage inside turned back on, I had **one final, brief pity party in the car before and I said, "Fuck it, let's do this. Today is a GOoD day to die"** and opened **the car door.**

**I reached inside my center conSOUL and grabbed my movie prop gun, I got out of my car, left the driver's door open and music on full blast to drown out all the sorrows from all my past LIVEs.** So

INRI 31

*Figure 9: Excerpt from Solitro's 51-page letter describing the incident when he was shot by a North Providence (Rhode Island) police officer.*

Solitro writes, “. . . I said, “**Fuck it, lets do this. Today is a GOoD [sic] day to die**” and opened **the car door. I reached inside my center conSOUL [sic] and grabbed my movie prop gun.**” According to Solitro he was ordered to drop the gun multiple times, while his mother was screaming. Solitro continued to wave the gun around and was shot by the officer after being warned multiple times to “drop the gun!”

---

<sup>2</sup> “Shooter McGavin” was a character and the main antagonist in the movie Happy Gilmore.

I saw the figure of the police officer standing on my front porch as I walked around the back of my car yelling for him to "get the fuck off my property". I heard him call for backup and say, "he's got a gun". As he walked down the front walkway into the street and drew his weapon, I crossed the front yard and he disappeared to the back of his SUV in the street at the end of my driveway. As we circled around one another I heard him say "put the gun down" a couple of times over the screams from my mother who was approaching me down the walkway. As I stood at the end of the walkway by the light pole, facing my house, waving the movie prop gun in the air in my right hand, I heard him say "put the gun down" one final time. I froze as I came to my senses and put the gun down to my right side and that is when I heard and felt a slight pinch as the two bullets enter my body. I twirled around and did a 180, faced the street, threw the movie prop gun in the grass and laid down on the last section of concrete walkway. I had looked up at the police officer and said, "You shot me!", in shock that I had actually been shot and even more in shock that other than a slight pinch it didn't hurt at all! As I laid there looking up at the darkness of the night sky I saw a fallen star race to earth, thoughts racing about being shot and being alive, the police officer approached me and stood over me. He immediately apologized to my mother and me which sent shock waves through my body. Even more so than those two bullets. If his sympathetic apologies could move mountains they would have and were heard and respected. While those shots may have seemed misaligned, they hit home in the most perfect way. The

*Figure 10: Excerpt from Solitro's 51-page letter describing the incident when he was shot by a North Providence (Rhode Island) police officer ("INRI 32").*

Solitro appeared remorseful regarding the incident, "I never stopped to think or care about my family or friends or police office [sic] involved." After Solitro was shot, he describes the officer's reaction:

"[The officer] immediately apologized to my mother and me which sent shock waves through my body. If his sympathetic apologies could move mountains they would have . . ."

LAPD officers obtained a search warrant and searched Solitro's hotel room. Inside the room, they found another envelope dated "4/23/21," which contained another five-page type written letter with similar themes to the letter Solitro was holding when he was shot.

#### *Collision Data Analysis from the Hyundai*

Investigators from the California Highway Patrol Multi-Disciplinary Accident Investigation Team (MAIT) and LAPD Multi-Disciplinary Collision Investigation Team (MCIT) analyzed the electronic data recorder from Solitro's Hyundai. Investigators concluded the Solitro came to a full stop before putting the car into reverse. Solitro floored the gas pedal to 96% (of its capacity), gaining maximum acceleration. Limited by the distance between the two cars, Solitro accelerated up to 12 miles per hour before impacting the police car.

## **LEGAL ANALYSIS**

### **The Law**

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 to the peace officer or another person. An 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 up 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).

## **CONCLUSION**

In this case, the evidence shows that while Solitro was in Los Angeles, he intended to confront LAPD officers on Sunset Boulevard. He had two letters, one dated April 23, 2021, and April 24, 2021. In his letters addressed to Shooter McGavin, Solitro planned the details and memorialized the moment he would be shot.

Solitro’s plan began when he intentionally attacked the officers by ramming his car into their patrol car. The impact was violent and resulted in injury to Officer Kim. Before the officers could evaluate whether they were injured by the impact, Solitro immediately jumped out of his car and simulated holding a concealed weapon behind his back. His physical actions and his announcement that he was going to shoot the officers, was justifiably perceived by both officers and witnesses as an immediate and deadly threat.

Officer Kim described Solitro’s demeanor as “extremely mad, extremely angry, almost accusatory” and Solitro’s physical actions as threatening “I believed [Solitro] was pulling out a pistol . . . aiming a gun, and . . . point[ing] it directly at my partner.”

Solitro was aware of threat he presented to the officers because he had played out a similar scenario in a prior confrontation with an officer involving lethal force in Rhode Island. In this case, when Solitro began his countdown and moved towards the officers, he intentionally created a sense of urgency that eliminated any opportunity to deescalate the situation and avoid a lethal response.

Therefore, based on the totality of the circumstances, it was reasonable for Officer Pal to believe that Solitro was holding a deadly weapon and deadly force was necessary to defend against an imminent threat of death

For the foregoing reasons, we find that Officer Pal's use of deadly force was reasonable under the circumstances and he acted lawfully in self-defense and in defense of others.