

**Fatal Officer Involved Shooting of Grechario Mack
Los Angeles Police Department**

**Sergeant Ryan Lee, #36603
Officer Martin Robles, #41225**

J.S.I.D. File #18-0134



GEORGE GASCÓN
District Attorney

Justice System Integrity Division
November 26, 2024

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
Force Investigation Division
Los Angeles Police Department
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 Grechario Mack
J.S.I.D. File #18-0134
F.I.D. File #F024-18

DATE: November 26, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 10, 2018, fatal shooting of Grechario Mack by Los Angeles Police Department (LAPD) Sergeant Ryan Lee and Officer Martin Robles. We conclude that the evidence is insufficient to prove that the officers did not act in self-defense or defense of others when each fired his weapon.

The District Attorney's Command Center was notified of this shooting on April 10, 2018, at approximately 11:30 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Detective Luis Alarcon.

The following analysis is based on reports, recorded interviews, DVD recordings, and photographs submitted to this office by LAPD Force Investigation Division. No compelled statements were considered in this analysis.¹

FACTUAL ANALYSIS

On April 10, 2018, at approximately 3:35 p.m., Mack entered the Baldwin Hills Crenshaw Plaza Mall. A security guard saw that he had a knife tucked in his waistband and notified security dispatch. Professional Security Consultants (PSC) Security Supervisor [REDACTED] and Security Guard [REDACTED] approached Mack and asked him if he had a knife. Mack said he threw the knife in the trash and was no longer armed. [REDACTED] told him if he still had the knife, he would have to leave the mall. [REDACTED] and [REDACTED] left Mack, but security officers continued to monitor him both in person and via security cameras.

¹ This analysis was delayed in order to consider information gained from potential civil litigation. According to the Los Angeles City Attorney, no civil litigation arising from this incident occurred.

Approximately an hour later, [REDACTED] walked past Mack and observed a knife handle in Mack's waistband. [REDACTED] and [REDACTED] told Mack to leave the mall. Mack said he would not leave. At [REDACTED]'s request, PSC dispatch called the police. At 5:41 p.m., PSC dispatcher [REDACTED] contacted LAPD and requested they send officers to the mall. She described Mack and said he was armed with a knife. [REDACTED] asked officers to remove him from the mall. The LAPD operator at Communications Division (CD) asked if Mack had threatened anyone with the weapon and [REDACTED] said he was only carrying the knife in his left pocket.

CD broadcast the call over LAPD Southwest Division base frequency at 5:43 p.m. No units were available to handle the call, so it went unassigned until 6:07 p.m., when it was assigned to Sergeant Ryan Lee, who was at the station, and a gang sergeant. The gang sergeant broadcast he was not available to respond, so at 6:09 p.m., Sergeant Anthony White, who was also at the station, broadcast that he would also respond. Lee and White drove to the mall in separate police vehicles.

At approximately 6:05 p.m., PSC officers gathering near Mack saw him get progressively more agitated. Mack drew a knife from his waistband with his right hand and held it at his side before sliding it back into his waistband and covering the handle with his shirt. He repeated this gesture several times before PSC security updated LAPD with two different calls to 9-1-1 at approximately 6:15 p.m. At 6:17 p.m., CD relayed that Mack was on the second level of the mall brandishing a large knife and replacing it in his belt.

Lee arrived at the mall first. At 6:23 p.m., Lee contacted PSC Officer [REDACTED] on the second level of the mall. Several PSC officers stood at a distance around Mack. PSC Officer [REDACTED] pointed out Mack, who was standing outside the Oshkosh B'Gosh children's clothing store, near a railing that overlooked the first level of the mall. Lee communicated over the radio that he would wait until White arrived before contacting Mack. Lee broadcast his position, requested backup, and said he needed a unit equipped with a beanbag shotgun.

At 6:25 p.m., White entered the mall on the second level concourse through the southeast entrance. He walked northbound on the eastern walkway to join Lee. As he walked, his BWV captured dozens of shoppers walking through the mall and shopping in stores with no apparent sense that there was a potentially dangerous situation developing. Shoppers walked past Mack and behind Lee as he stood facing Mack, who was holding the knife.

When White contacted Lee, the two sergeants agreed to wait for officers with a beanbag shotgun to arrive. Meanwhile, Lee told White that Lee would deploy his Taser and designated White as cover officer in case lethal force became necessary. White broadcast their position inside the mall. White told Lee that he would stop pedestrian traffic through the hallway to minimize the danger to passers-by in case it became necessary for the officers to use force. Lee kept watch on Mack as White ordered shoppers to stop and directed them to walk southbound towards the exits.

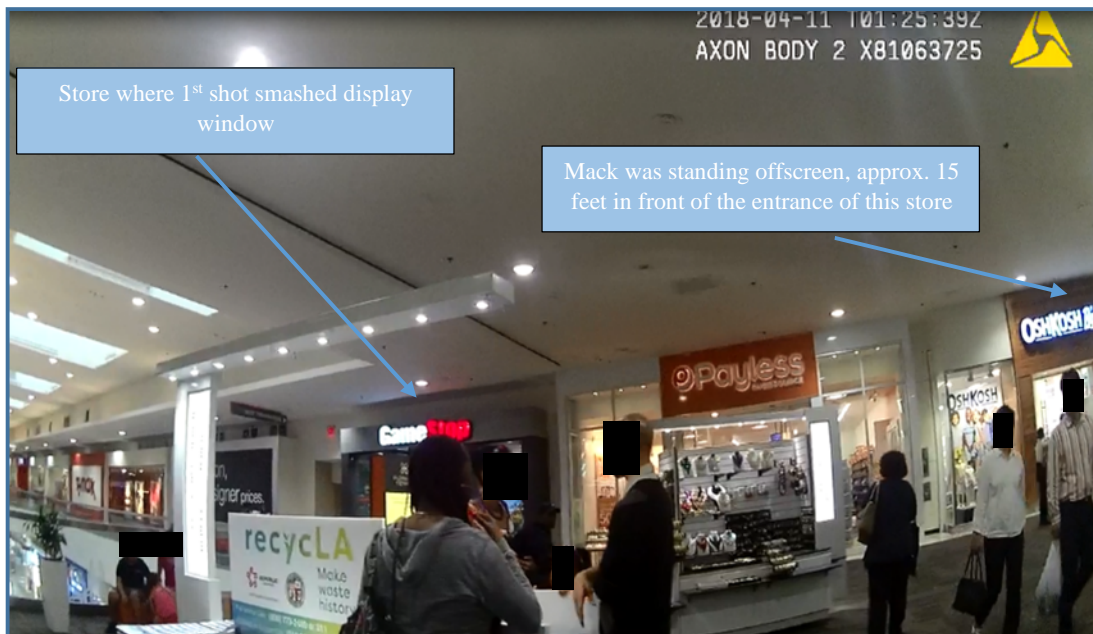


Figure 1 This still photograph from White's BWV shows mall shoppers in the area where the first shots were fired approximately 3 minutes and 20 seconds before the final shot was fired. This still was taken as White was attempting to get their attention to direct them to move away. At this time, Mack was standing outside the OshKosh store, at the far right of the photograph.

Mack was still holding the knife and still posed a threat to public safety. White unholstered his service weapon and took a position behind the counter of a Doc Popcorn kiosk at approximately 6:27 p.m. Mack crouched into a fighting stance and began waving the knife in front of him.

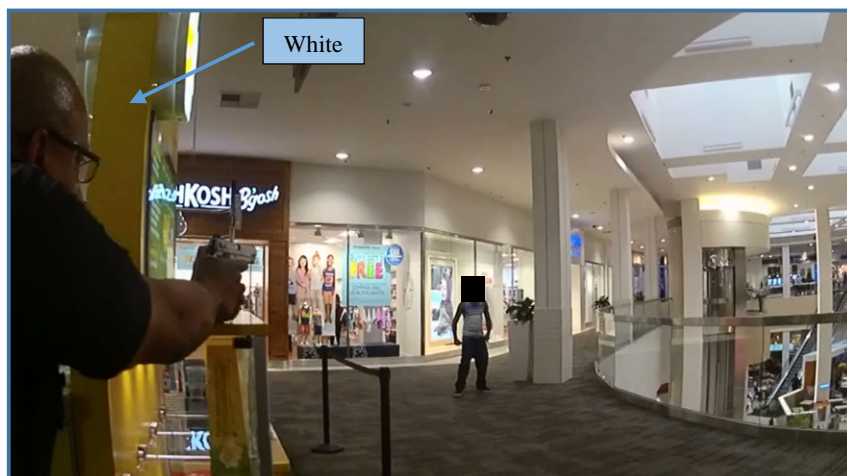


Figure 2 This still photograph from Lee's BWV shows Mack holding his knife and confronting Lee and White.

Mack held the knife with the blade pointing forward and stepped quickly towards Lee and White. He stopped and backed away from them. He repeated this movement several times and the officers held their fire.

Lee and White maintained their distance from Mack while commanding him to drop the knife approximately 20 times over the next minute-and-a-half. Mack did not drop the knife, nor did he respond verbally. He continued waving the knife in front of him, making aggressive moves and gestures in the officers' direction, and glancing behind him periodically. At one point, the officers yelled at a passerby to stay away.

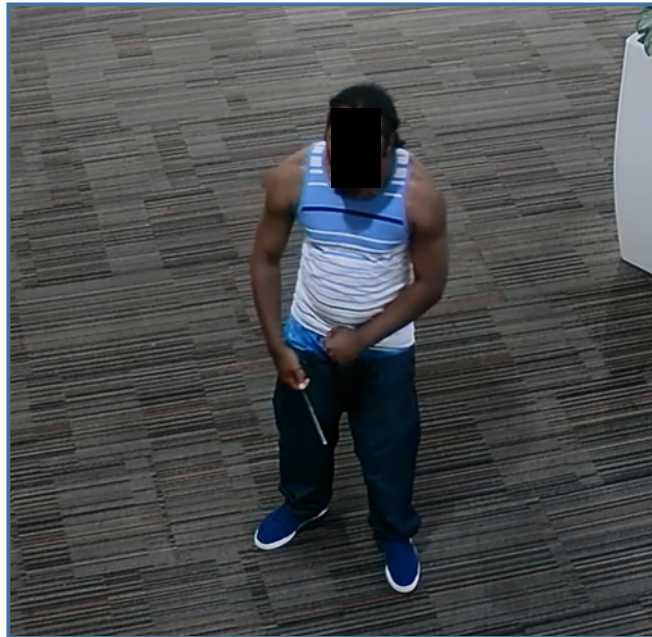


Figure 3 Mack confronting Lee and White.

Lee and White continued to develop tactical options with one another. The two sergeants discussed Lee flanking Mack and utilizing his Taser while White kept Mack's attention focused on White. Before the officers could act on this plan, White noticed that Officers Javier Tafoya and Andres Arellano were running up the escalator located behind Mack at the north end of the mall. Arellano was armed with a beanbag shotgun. Lee and White agreed to wait until the officers arrived, so that they could use the beanbag shotgun to neutralize the threat Mack posed. As they waited, Mack maintained his aggressive posture and gestures in the direction of Lee and White.

After Tafoya and Arellano reached the top of the escalator, they ran southbound towards Lee and White along the east walkway. When they arrived, Lee directed Arellano to take a position by a pillar approximately 30 feet from Mack and shoot him with a beanbag. Arellano ran to the pillar, raised the shotgun to his shoulder, announced, "Beanbag," and ordered Mack to lay down. Mack fled.



Figure 4 This still photograph from Lee's BWV captured the moment Mack began to flee.



Figure 5 This still photograph from a mall security camera shows the relative positions of Mack, White, and Lee as Mack began to run.

Mack sprinted southbound towards the west walkway past kiosks and storefronts. He was still clutching the knife in his right hand. PSC personnel who had been standing nearby rushed away for safety.

Lee and White chased Mack as White continued ordering Mack to drop the knife. Lee dropped his Taser and drew his service weapon. Mack ran southbound on the west walkway in the direction of the TJ Maxx store. White later said that he was afraid that if Mack continued to run, Mack would attempt to grab someone. White noticed the TJ Maxx store was crowded when

White entered the mall approximately three minutes before.² He believed that if Mack continued running, he might soon reach a crowd of people or enter the TJ Maxx store.

As Mack raced southbound towards the TJ Maxx, he passed the GameStop store to his right and Lee to his left. Lee was approximately 23 feet from Mack when he fired a single round from his service weapon at Mack. The round missed Mack and passed through the window of the GameStop store, which shattered. Mack continued running with the knife.

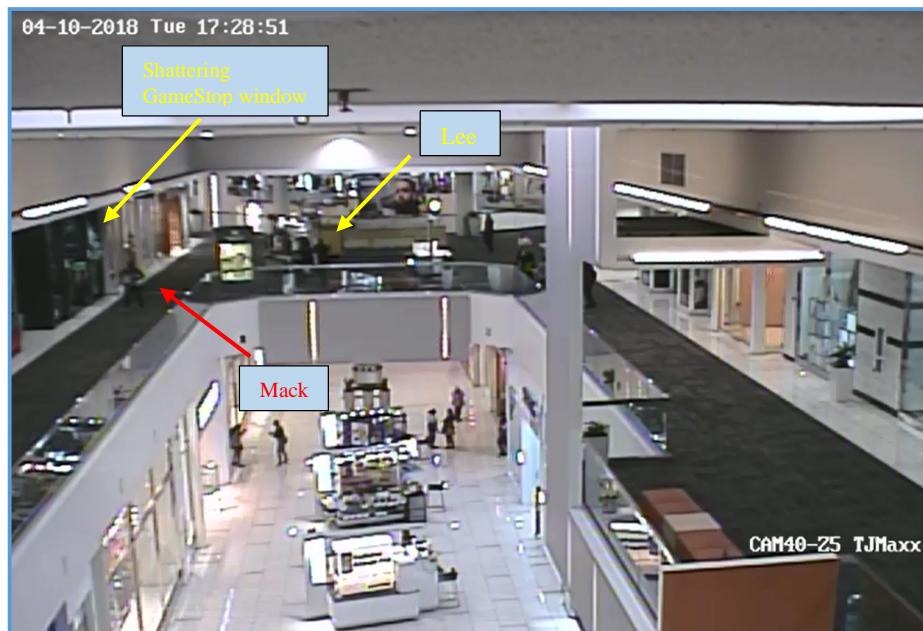


Figure 6 This still photograph from mall surveillance video shows Mack and Lee the moment Lee fired his first round.

Mack continued sprinting past the TJ Maxx display windows and Lee stopped at the glass walkway rail to aim his service weapon. Lee fired three more rounds at Mack. When Lee fired the first of these three shots, Mack was approximately 28 feet away from him and when Lee fired the last round, Mack was approximately 56 feet away. Mack stumbled, fell, and dropped the knife. Mack immediately picked up the knife with his right hand, stood up, and continued racing southbound towards the TJ Maxx entrance. Lee and White chased Mack southbound on the western walkway of the mall with their pistols drawn.

² Investigators later identified 41 people who were inside of the TJ Maxx store during the incident, none of whom were injured.



Figure 7 Mack's location when he collapsed the first time.

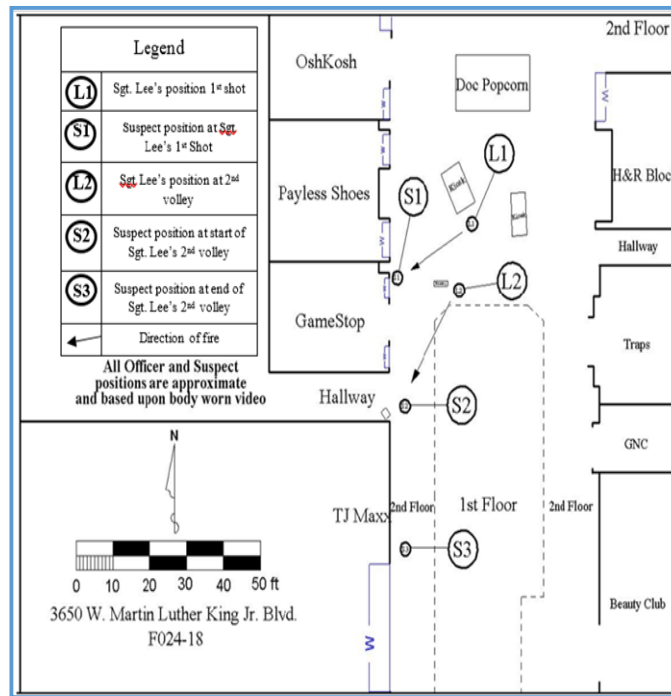


Figure 8 This ballistics diagram approximates where Mack and Lee when Lee fired his service weapon.

As Mack continued running, he approached a bridge which connected the east and west walkways of the second floor of the mall.

Partners Martin Robles and Officer Ikenna Okoro had arrived at the south side of the mall during the initial standoff between Mack and Lee and White. Robles armed himself with a rifle and he and Okoro entered the mall through the southeast entrance. They ran northbound in the direction of Lee and White on the east walkway of the second level concourse, on the opposite side of the mall from the TJ Maxx. As they ran, Robles' BWV captured well over a dozen mall patrons, including children, strolling through the mall apparently unaware of the unfolding incident. Robles arrived at the bridge between the east and west walkways approximately 20 seconds after entering the mall. He took a position on the bridge facing the TJ Maxx store as Mack approached it as he ran southbound on the western walkway.

Robles aimed his rifle at Mack just as Mack picked up the knife and resumed running. Mack made slashing gestures with the knife across his neck and continued running southbound on the west walkway. Robles yelled, "Drop it!" but Mack continued running towards Robles. Robles fired eight rounds from his rifle in one continuous volley. His approximate distance from Mack was 32 feet when he fired first shot to 18 feet when he fired the last. The first round shattered the TJ Maxx display window and subsequent rounds struck glass panes of the safety railing along the west walkway.

As Robles fired at Mack, Lee and White stopped pursuing Mack. Mack collapsed to the floor. Once again, Mack picked up the knife and began to get up. Mack was laying on his left side, propped up on his left elbow as he lifted the knife to his throat again. Robles yelled, "Drop it!" Simultaneously, Lee and Robles each fired one additional round.



Figure 9 This still photograph from Lee's BWV depicts Mack at approximately the moment Lee fired his last shot. Circled in the background is a woman in a wheelchair who was crossing into TJ Maxx. She was unharmed.



Figure 10 This still photograph from Robles' BWV shows Mack at approximately the moment Robles fired his final shot.

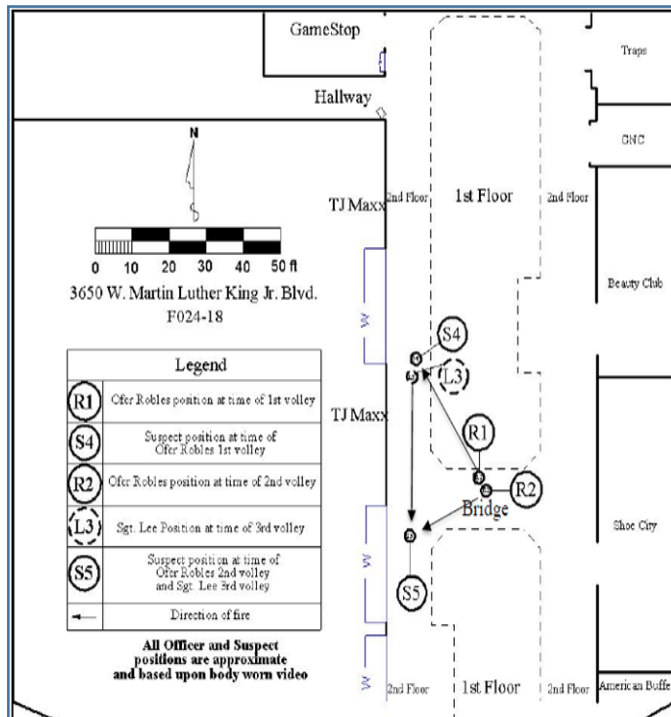


Figure 11 This ballistics analysis shows the approximate positions of Lee, Robles, and Mack when Lee and Robles fired their last rounds.

Mack fell onto his back and made several more slashing motions with the knife across his throat before rolling onto his right side into a fetal position. He dropped the knife and made a final attempt to stand before resuming the fetal position on his right side.

Tafoya called for the immediate response of a Rescue Ambulance (RA). Lee organized an arrest team, which handcuffed Mack. Officer Gerald Chavarria began administering medical assistance to Mack. Lee separated Robles from the rest of the officers and told other officers to establish a perimeter and identify witnesses.

The RA arrived at the scene at 6:40 p.m., 12 minutes after Tafoya called for its response. The Firefighter/Paramedics provided medical treatment until they determined Mack showed no signs of life and pronounced him dead at 6:53 p.m.

Following the incident, investigators recovered Mack's knife from the second level walkway in front of the TJ Maxx.



Figure 12 This photograph depicts the knife Mack wielded during the incident.

Investigators also collected a total of eight spent 5.56x45 cartridge cases. Six were on the second level bridge in front of the TJ Maxx and two more were found on the first floor below the bridge. This spread of 5.56x45 cartridge cases is consistent with Robles firing eight shots from his rifle on the second-floor bridge. Investigators also recovered five .45 caliber spent cartridge cases from the west side second level walkway. Four of the .45 caliber spent cases were in front of the GameStop store, and the fifth was in front of the TJ Maxx, north of the bridge. The location of these cases is consistent with Lee firing his .45 caliber semiautomatic pistol four times in the area of the GameStop, chasing Mack southbound as Mack continued to run, and firing a final round in front of TJ Maxx.

After the incident, investigators identified 124 witnesses. From those witnesses, investigators were able to obtain 19 recorded interviews.

The witnesses varied in how many officers they saw and the number of gunshots they heard. Multiple witnesses reported hearing officers tell Mack to drop the knife. Two witnesses believed officers fired a beanbag shotgun at Mack, but no beanbag shotgun rounds were fired.

██████████ believed only one officer fired his weapon during the incident. The description he provided of the officer fit White, but White did not fire his weapon.

██████████ was inside the TJ Maxx during the incident. She described hearing six to seven gunshots and then saw a Hispanic male officer fire a shotgun at Mack. No shotguns were fired during the incident.

Of the 124 witnesses mentioned above, 42 witnesses said they did not see, but only heard, the shooting. They were provided forms on which they reported hearing between one and twenty gunshots.

Autopsy

On April 13, 2018, Los Angeles County Deputy Medical Examiner Doctor Timothy Dutra performed an autopsy on Mack's body. Dr. Dutra found that Mack suffered five gunshot wounds, including two to the chest. Dr. Dutra concluded that Mack died of gunshot wounds to the chest.

Photographs of the body indicate there were no lacerations to Mack's neck as a result of the slashing motions he made at his throat. The autopsy report notes scars across Mack's neck, which are evident in the photographs of his body, but the autopsy report makes no mention of a recent or fresh laceration.

Dr. Dutra extracted a bullet from Mack's chest that entered through Mack's back and passed through his lung. He also removed a fragment of bullet jacketing from a gunshot wound in Mack's left buttock. Criminalist Annette Woiwode conducted a ballistics analysis of the bullets removed from Mack's body. She concluded that the bullet taken from Mack's chest had rifling characteristics consistent with a bullet test fired from Lee's service weapon. She also determined that the fragment extracted from Mack's left buttock exhibited rifling characteristics consistent with a bullet test fired from Robles' rifle.

A forensic analysis of Mack's blood and urine detected the presence of cocaine, methamphetamine, marijuana, and phencyclidine.

LEGAL ANALYSIS

In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense,

uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.³

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo* (1948) 85 Cal.App.2d 577. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person’s beliefs were reasonable, the danger the person perceived need not to have actually existed. *Id.*

The evidence examined in this investigation shows officers responded to a radio call in which they were told that Mack was in the Crenshaw Mall during business hours brandishing a knife. Lee was the first officer to contact him. Lee saw Mack standing near a railing and reacted cautiously—he maintained a safe distance from Mack, waited for White to arrive, and requested a backup unit equipped with a beanbag shotgun. When White arrived, the sergeants ordered Mack to drop the knife approximately 20 times, providing him with clear directions and a reasonable time to follow those directions. Mack refused to drop the knife and responded by making aggressive gestures with the knife in the direction of the officers, including taking steps toward the officers. It was reasonable for the officers to conclude that Mack brought a knife into a crowded shopping mall in order to use it to harm someone. It was further reasonable to conclude that his failure to relinquish the knife evidenced a powerful determination to use it to injure someone. The officers reasonably believed they were in danger of death or great bodily injury; however, they held their fire.

The officers maintained their distance and developed a tactical plan in which Lee would use his Taser to eliminate the danger posed by Mack in a non-fatal manner. White and Lee decided not to use the Taser when they saw Arellano approaching up the escalator with the beanbag shotgun. Before firing the beanbag shotgun, Arellano shouted out a warning, once again providing Mack an opportunity to comply with their lawful demands and avoid any use of force. At that time,

³ Penal Code section 835(c)(1)(a), stating that a peace officer’s use deadly force is justified “only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for any of the following reasons. . . to defend against an imminent threat of death or serious bodily injury to the officer or to another person. . .” did not take effect until January 1, 2020.

Mack sprinted in the direction of dozens of mall patrons, endangering them. As he fled, he was still wielding the knife with which he threatened the officers moments before.

Even as he ran, White twice directed Mack to drop the knife before Lee fired. Mack did not comply.

When Mack fled, he eliminated the non-lethal options that were available to the officers. Arellano could not fire a beanbag because when Mack ran, Arellano lost his aim and had to reposition himself to realign his shot. By the time he found a position near the front of the OshKosh B'Gosh store, Mack had already been shot. Additionally, Arellano could not fire because Mack's flight put White and Lee between himself and Arellano, so Arellano shooting a beanbag would endanger White and Lee.

It was also reasonable for Lee to discard his Taser and deploy his service weapon instead. When Mack ran, he quickly created too much distance to make Lee's Taser a viable option. Mack's decision to run created a situation where less-lethal force would be ineffective.

Mack was racing in the direction where the officers knew there were dozens of people. As Mack sped down the walkway, he could easily have reached a shopper or turned into the GameStop or the TJ Maxx which was crowded with people if the officers had not taken immediate action. An unaware shopper could have walked out of a store or into the walkway directly into Mack's path. The officers reasonably believed Mack presented an imminent threat of death or great bodily injury to the mall patrons. Lee reasonably believed immediate deadly action was necessary to protect the safety of the people in the mall. Therefore, he was reasonable in using deadly force to stop Mack.

Mack sprawled to the ground and dropped the knife after Lee's fired four shots. At that point, Robles was taking his position on the bridge. When Mack fell after Lee's fourth shot, both Lee and Robles held their fire, providing Mack another opportunity to surrender. Mack immediately rearmed himself, got up and continued running in Robles' direction as well as the direction of the entrance to the crowded TJ Maxx store.

Even as Mack ran, Robles told him to drop the knife, again providing Mack with an opportunity to surrender. He still did not drop the knife. Mack ignored Robles' instructions and continued sprinting with the knife. Robles was reasonable in concluding that either he or the people in the mall were in danger of great bodily injury and lethal force was necessary to protect himself and others when he fired at Mack.

When Mack fell to the ground the second time, Robles and Lee held their fire. Mack immediately rearmed himself and moved as if he was trying to get up. Robles again directed Mack to drop the knife. Mack did not comply. He pulled the knife across his throat. Both Lee and Robles each fired one shot. Mack did not stand before Lee and Robles fired the last time. Still, both Lee and Robles reasonably believed Mack remained a threat to cause great bodily injury to people nearby, having watched him spring to his feet and continue running towards the TJ Maxx entrance seconds before. They reasonably concluded he would do so again. Even after Lee and Robles proved they would use lethal force against him, Mack yet again armed himself

and did not surrender. By the time he fell the second time, Mack had closed the distance between himself and Robles to approximately 23 feet, and he was also steps away from the entrance of TJ Maxx. Had he stood up and ran towards either Robles or the TJ Maxx from where he fell the second time, the officers would have had very little time to stop him. If he had run towards Robles, Lee would have gravely endangered Robles and any civilian who may have been in the background if he fired to defend Robles. If Mack had run towards the TJ Maxx entrance, people in the store would have been in serious danger if Robles had continued to fire as Mack ran towards the door and into it. If Mack were able to get into the store, he would have been imminently able to cause great bodily injury or death to the people inside. Given that Mack's actions demonstrated he would sooner die than give up the knife and given that he had already gotten up and continued running towards people after apparently being struck by bullets, it was reasonable for Lee and Robles to believe he would continue to run with the knife towards people again if he were able to do so.

In evaluating Lee and Robles' final shots, we must consider how quickly the officers were forced to make their decisions. *Graham v. Connor*, above, suggests we make this kind of contextual evaluation. Fifteen seconds elapsed between Lee's first shot that shattered the window of the GameStop store and the final shots fired simultaneously by Lee and Robles. Even though he fell to the ground twice and the officers held their fire twice during that 15 seconds, Mack was still able to cover approximately 140 feet between the first and last shots.

Between the time Mack got up the first time he fell to the second time he fell, four seconds elapsed, during which Mack had advanced nearly 50 feet towards the door of TJ Maxx with Robles rapidly firing at him the whole way. When Mack fell the second time, he immediately reached for the knife. Both officers were forced to make a nearly instantaneous evaluation of the threat he posed. Each officer had just seen him cover nearly 50 feet in four seconds. Each officer knew that if Mack were to get up and run again, they would have less than four seconds to bring down a moving target before he reached Robles or TJ Maxx. In that moment, Robles ordered Mack to drop the knife one last time. Mack ignored Robles' command as he had ignored every other command issued by the officers since the beginning of the incident. Additionally, once Mack finally dropped the knife, neither officer fired again, demonstrating that both officers remained in control of their emotions and used their weapons solely to end the threat Mack posed. This evidence supports a reasonable belief that Mack posed an imminent threat to cause great bodily injury or death when each officer fired his last shot.

Given his close proximity to Robles and the TJ Maxx entrance, it was reasonable for Lee and Robles to respond to the threat with deadly force.

The Board of Police Commissioners (BOPC) reviewed the case and determined that the last shot fired by each officer was out of policy, although the other shots were in policy. The BOPC found that:

At the time the final rounds were fired, namely (Lee's) fifth round and (Robles) ninth round, it was not objectively reasonable to believe that (Mack) presented an imminent threat of death or serious bodily injury to the officers or others. In particular, (Mack) had

not attempted to get to back to his feet, and nobody was in his immediate vicinity. Given the lack of an imminent threat, the discharge of these final rounds by (Lee) and (Robles) was not objectively reasonable.

This reasoning does not bind the District Attorney's Office. While a reasonable fact finder could conclude that it was not reasonable to believe Mack presented an imminent threat of great bodily injury at the time the officers fired their last shot, a reasonable fact finder could evaluate the events leading up to the last shot and reach the opposite conclusion.

In acknowledging that every other shot the officers fired was within policy, the BOPC agrees with the officers' conclusion that Mack was a threat to cause death or great bodily injury because he was armed, defiant, erratic, refused to disarm, and ran in the direction of other people. Immediately before each officer fired his final shot Mack, Mack had rearmed himself; he had again defied directions to drop the knife; and he was within 23 feet of Robles. In short, Mack had engaged in all of the dangerous, erratic and defiant behaviors that the BOPC believed made him a deadly menace before all of their previous shots except one: he did not get up and start running at someone. However, moments before, the officers had witnessed Mack cover nearly 50 feet in four seconds, during which time he got shot, fell to the ground, grabbed the knife, stand up and continue running. Before the officers fired their final shots, Mack was within 23 feet of Robles—he had already demonstrated he was able to spring upon Robles in less than four seconds—and therefore he presented an imminent deadly threat to Robles.

Because Mack had not actually stood up and ran towards Robles or to the entrance of the TJ Maxx store before the officers fired at him for the last time, a reasonable person with the benefit of 20/20 hindsight might conclude the officers should have continued to hold their fire and hope that Mack did not get up and stab someone. The law of self-defense does not demand this optimistic forbearance. Because Mack remained non-compliant and had the ability to inflict great bodily injury on Robles in under four seconds, he presented an imminent threat of death or great bodily injury to Robles. Therefore, Robles had the right to act in self-defense and Lee had the right to act in defense of Robles.

The fact that the officers chose not to assume the risk that Mack would cause great bodily injury or death does not subject them to criminal liability. By disregarding the officers' demands to drop the knife and sprinting in the direction of TJ Maxx and Robles, Mack created the kind of dangerous, tense and rapidly evolving situation contemplated by *Graham v. Connor*. Under the guidance of the *Graham v. Connor* decision, we must consider the officers' actions while keeping in mind that they were in the stressful position of having to make a difficult, split-second, life-or-death decision in the midst of a dangerous situation. In that light, the People would be unable to successfully prosecute Lee and Robles for homicide.

CONCLUSION

Based on the available evidence, we conclude that it cannot be proved beyond a reasonable doubt that Sergeant Lee and Officer Robles did not act lawfully in self-defense and in defense of others when they used deadly force against Grechario Mack.