Non-Fatal Officer Involved Shooting of Gene Atkins and
Fatal Officer Involved Shooting of Melyda Corado

Los Angeles Police Department

Officer Sinlen Tse, #40995
Officer Sarah Winans, #42566

J.S.I.D. File #18-0313

Justice System Integrity Division
November 30, 2020
MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
   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: Non-Fatal Officer Involved Shooting of Gene Atkins and
         Fatal Officer Involved Shooting of Melyda Corado
         J.S.I.D. File #18-0313
         L.A.P.D. F.I.D. File #046-18

DATE: November 30, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney’s Office has
completed its review of the July 21, 2018, non-fatal shooting of Gene Atkins and fatal shooting
of Melyda Corado by Los Angeles Police Department (LAPD) Officers Sinlen Tse and Sarah
Winans. It is our conclusion that the officers acted in lawful self-defense and defense of others
and are not criminally responsible for the shootings of Atkins or Corado.

The District Attorney’s Command Center was notified of this shooting on July 21, 2018, at
approximately 5:58 p.m. The District Attorney Response Team responded to the location. They
were given a briefing and walk-through of the scene by LAPD Lieutenant Jeff Wenninger.

The following analysis is based on reports, recorded interviews, officer body-worn cameras,
dash-camera videos, Trader Joe’s surveillance videos, and photographs submitted to this office
by the LAPD Force Investigation Division (FID). Tse and Winans’ compelled statements were
considered as part of this analysis.

STATEMENT OF FACTS

On July 21, 2018, Tse and Winans were LAPD officers assigned to Hollywood Patrol Division.
On that day, Tse and Winans were in uniform and on patrol together in a marked black and white
LAPD SUV.

At approximately 3:00 p.m., LAPD Officer Ryan Lawrence broadcast to Airship Three that he
received a LoJack hit on a vehicle in the area of Sunset Boulevard and La Brea Avenue.¹
Airship Three flew to the location and began pursuing the vehicle in question, a blue Toyota

¹ LoJack is a stolen vehicle recovery system that is integrated with law enforcement, enabling vehicles and
equipment to be tracked and recovered by police. The system uses a hidden mounted transceiver and a tracking
computer installed in police cars and aircraft, which allows the police to track the location of reported stolen
vehicles equipped with LoJack.
Camry with a license plate number of [Redacted]. The driver of the vehicle was later determined to be Gene Atkins. The owner of the Camry was Atkin’s grandmother.

At 3:04 p.m., Officer Vanessa Henson, who was assigned to Airship Three, broadcast that the airship “had received a LoJack signal that indicated an armed and dangerous suspect and vehicle was traveling south from Sunset Boulevard… It’s going to be related to a shooting that happened a little bit earlier in Newton Division. Air Three, I think we have eyes on the vehicle. It’s going to be eastbound on Waring crossing Orange. Let me get units to respond Code Three.” Tse and Winans heard this radio broadcast and responded to the location with lights and sirens activated.

As Tse and Winans were driving eastbound on Sunset Boulevard approaching Cahuenga Boulevard, Henson broadcast, “Watch your traffic guys. Watch your traffic and watch this guy is armed.” Simultaneous to this broadcast, Atkins drove southbound on Cahuenga Boulevard, in the northbound traffic lanes, and negotiated an eastbound turn onto Sunset Boulevard, nearly colliding with Tse and Winans’s SUV.

Tse and Winans began a vehicle pursuit of Atkins. The pursuit lasted approximately nine miles. Tse and Winans were the primary unit, Officers Cesar Corona and Andrew Ngo were the secondary unit, and Sergeant Peter Ruiz was the third unit in pursuit.² See Figure 1 for the pursuit path.

[Map of the pursuit path]

Figure 1: Overview of the police chase.

² Although Corona and Ngo were initially the primary unit, Tse and Winans became the primary unit in pursuit when Atkins cut them off on Sunset Boulevard.
The pursuit lasted approximately 15 minutes, during which time Atkins committed numerous traffic violations in an attempt to evade officers. He drove on the wrong side of the road, drove at speeds far exceeding the posted speed limits, and failed to yield at traffic lights and signs.

During the pursuit, Atkins collided with another vehicle when he was travelling south on Vermont Avenue, just north of Beverly Boulevard. Atkins failed to stop and continued eastbound on Beverly Boulevard. Atkins then stopped approximately a quarter of a mile away at the Conserve Fuel gas station, located at 3625 Beverly Boulevard.

Onfalia M., Eliufo M., and their two daughters were getting gas for their 2016 white Jeep Wrangler at the gas station when Atkins arrived. Onfalia M., the driver of the Jeep, had parked at gas pump number two, facing west towards Beverly Boulevard. She was outside her vehicle when Atkins approached. Atkins ran towards Onfalia M., pointed a firearm at her and yelled, “Give me the fucking keys, hurry up!” Onfalia M. became frozen with fear and did not move or respond verbally. Atkins opened the driver side door, partially entered the Jeep, pointed his firearm at Eliufo M. who was seated in the front passenger seat, and yelled, “Give me the keys and get out!” Eliufo M. informed Atkins that Eliufo M. did not have the car keys. Atkins then exited the Jeep and returned to the Camry. Atkins drove out of the gas station and the pursuit continued. Atkins was out of his car for a total of 16 seconds before he entered the Camry and drove away. See Figure 2.
As the pursuit continued, the Camry’s right front tire detached and came to rest on the westbound lane of Bellevue Avenue at Vendome Street. See Figure 3.

![Figure 3: Camry’s right front tire rolls off the rim.](image)

Despite losing a tire, Atkins refused to stop. As the Camry’s speed decreased, Winans was able to observe another person in the front passenger seat of the Camry. The passenger in the Camry was later identified to be Atkin’s girlfriend, Leah W.

Atkins turned northbound onto Silverlake Boulevard from Marathon Street and continued to decrease the Camry’s speed. At this time, Winans observed Atkins reaching for something. Winans believed that Atkins was reaching for a weapon so she broadcasted, “He’s arming himself. He’s reaching for something.”

Atkins continued northbound on Silverlake Boulevard and increased his speed. Atkins drove in the opposing lanes of traffic and he nearly struck a pedestrian crossing Silverlake Boulevard at Effie Street. See Figure 4.
As the pursuit continued northwest on Rowena Avenue, Atkins fired two gunshots at Tse and Winans. The first shot went through the back window of the Camry causing it to shatter. The second shot was fired from the open driver’s side window. See Figures 5 and 6.
As Atkins traveled northwest on Rowena Avenue, he side-swiped the passenger side of a Acura MDX. After the collision, Atkins was able to force the Camry though the intersection to turn southbound on Hyperion Avenue. See Figure 7.

Paige W., the driver of the Acura, had pulled her vehicle over to the right side of Rowena Avenue because she heard the police sirens. It was at this time that Atkins collided with the passenger side of her car as he drove past.
Paige W. observed Atkins discharge a firearm at the pursuing officers as Atkins turned southwest onto Hyperion Avenue. Another witness, Michael A., also observed Atkins fire two shots at the pursuing officers.

Atkins continued approximately a tenth of a mile on Hyperion Avenue until he crashed the Camry into an electrical pole, on the east side of the street, directly in front of a Trader Joe’s located at 2738 Hyperion Avenue, in the City of Los Angeles.

LAPD provided a sketch of the physical layout of the incident location, which depicts key officers, their vehicles, and the neighboring businesses. See Figure 8.

![LAPD sketch of the incident location.](image)

Upon hearing the crash, most of the Trader Joe’s employees and customers, including Melyda Corado, looked in the direction of the crash. See Figure 9.

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3 Tse and Winans did not observe these shots. Tse had turned their vehicle northbound through a parking lot in order to circumvent the traffic jam and to turn southwest onto Hyperion Avenue.
Atkins exited his vehicle and immediately fired three rounds at the officers as he ran into the Trader Joe’s store. Leah W. remained inside the Camry. See Figures 10, 11, and 12.
Figure 11: Atkins runs towards the entrance of Trader Joe’s and fires a second shot at the police.

Figure 12: Atkins runs towards the entrance of Trader Joe’s and fires a third shot at the police.
Tse and Winans immediately returned fire.

Winans told investigators that she fired shots because she felt “my life and my partner’s life and anybody else that was, you know, just civilians that could be in the parking lot, our lives were in imminent threat of death or serious body injury.” She added that before she fired, she noticed the background was a “concrete wall … which I thought was working in my favor because … if I were to miss, then it’s going to hit concrete.” She was also asked whether she saw any civilians inside the Trader Joe’s when she shot, to which she responded, “no.”

Tse told investigators that he shot because he was “in fear for my life” and “I shot at the suspect in order to defend myself against him because he was shooting at me to prevent imminent death on me and my partner.” Tse added that when he shot, Atkins was “at the wall near the entrance” and “there were civilians and people in the area, but they were not close to him.”

Tse discharged five rounds and Winans discharged three rounds at Atkins. Atkins entered the Trader Joe’s and Donald K., a pedestrian who was approximately 20 feet east of Atkins during the gunfire, followed Atkins inside and the officers held their fire. No other individuals were observed in the area during the gunfire between Atkins and the officers and there was a solid wall directly behind Atkins as he ran into Trader Joe’s. See Figures 13, 14, and 15.

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Figure 13: Tse and Winans returning fire as Atkins runs into Trader Joe’s shooting his firearm.

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4 The investigation later determined that Atkins was struck one time in the left elbow.
Nine seconds passed from the time Atkins crashed the Camry until he entered the Trader Joe’s. During this time, Corado ran towards the entrance doors of the Trader Joe’s. See Figure 16.
Nine seconds later, Corado ran back into view of the Trader Joe’s surveillance camera followed by Atkins. At some point during these nine seconds, Corado was struck by gunfire. Surveillance footage did not record Corado being struck. Additionally, Corado is never seen in the officers’ body-worn cameras nor police vehicle’s dash cameras that had an unobstructed view of area.

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5 This is the only footage from Trader Joe’s surveillance system that was operational at the time of the incident.
When Atkins ran into the Trader Joe’s, Corona, Tse and Winans ran east taking cover behind a block wall that was two feet and five inches in height. The wall was north of the Trader Joe’s entrance/exit doors and across the parking lot. See Figures 18 and 19.

Figure 18: Trader Joe’s parking lot and location of block wall and entrance/exit of Trader Joe’s

Figure 19: Winans’ body-worn camera depicting officers taking cover across from the Trader Joe’s parking lot.
When Corado ran back into Trader Joe’s, an interior surveillance recording shows she hid behind the manager bridge. Atkins stood behind a produce counter and pointed his firearm towards the officers outside Trader Joe’s. Donald K. approached the managers bridge and Atkins fired three additional rounds at the officers from inside the store. See Figure 20.

![Figure 20: Corado hides behind manager bridge while Atkins fires at police officers from behind the produce counter.](image)

The three gun shots went through the closed glass exits doors, shattering them. See Figure 21.

![Figure 21: Trader Joe’s exit doors with three bullet holes in it.](image)

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A manager bridge is a semi-enclosed platform near the store entrance/exit from which management personnel direct operations within the store.
Atkins’ rounds struck a vehicle in the parking lot and a metal pole right above officers’ location behind the block wall. See Figure 22. The officers did not return fire.

After shooting at the officers from inside the store, Atkins walked around the store, gathered several hostages, and ordered them near the front registers along the west side of the store.

At about 3:25 p.m., the airship observed that there was a passenger who was not moving, seated in the front seat of the Camry that Atkins crashed.

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7 Winans body-worn camera audio captures the sound of a bullet striking the metal pole just above her head.
At about 3:26 p.m., Atkins approached hostage Matthew L. and asked for his cell phone. Matthew L. gave Atkins his cell phone. Atkins told Matthew L. to exit the store, tell the police his cell phone number, and to inform the police that Atkins wanted to negotiate. Matthew L. complied. At approximately 3:32 p.m., Ruiz called Matthew L.’s cell phone and spoke to hostage Mary M. Mary M. informed Ruiz that Atkins was armed with a gun and suffering from a gunshot wound. The call was then disconnected. 

At approximately 3:34 p.m., the police removed Leah W. from the Camry and took her to County USC Hospital.

At 3:37 p.m., Ruiz again telephoned Matthew L.’s cell phone and spoke to Atkins. Atkins told Ruiz that Corado was injured and lying down in the store. This was the first time LAPD was made aware that Corado was hurt. From the time Atkins entered Trader Joe’s until the time he informed Ruiz of Corado’s condition, 18 minutes and 30 seconds had elapsed.

Ruiz asked Atkins for permission to allow officers to take Corado out of the store and Atkins agreed. Atkins initially told Ruiz to have officers come into the store and take Corado out, however, at Ruiz’ suggestion, Atkins agreed to instead have a couple of people take her out. At 3:45 p.m., Atkins allowed two hostages to carry Corado outside to the police. At 3:52 p.m., Los Angeles Fire Department personnel began treatment on Corado. At 4:10 p.m., Corado was pronounced dead at the scene.

At 4:49 p.m., an LAPD Special Weapons and Tactics (SWAT) armored vehicle positioned itself in front of the Trader Joe’s entrance/exit doors.

At 5:01 p.m., Mary M. contacted Ruiz and informed him that Atkins wanted to surrender. Atkins instructed Mary M. to tell LAPD that Atkins would allow himself to be handcuffed. An LAPD officer then tossed handcuffs into the store via the west exit sliding glass door.

At 5:02 p.m., a hostage retrieved the set of handcuffs and returned to Atkins and the other hostages. Eventually Atkins allowed Mary M. to handcuff Atkins. Mary M. then took Atkins gun, placed it into a Trader Joe’s bag and placed the bag on the ground between registers number six and seven.

At 6:30 p.m., Atkins was escorted out of the Trader Joe’s by his hostages. The hostages formed a circle around Atkins as they all walked out of the store. LAPD immediately took Atkins into custody.

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8 Throughout the negotiations, phone calls to Atkins were constantly disconnected due to technical issues or by Atkins hanging up the phone.
9 Atkins informed Ruiz that Atkins did not know what was wrong with Corado.
Corado Injury/Postmortem Examination

On July 23, 2018, Deputy Medical Examiner Scott Luzi performed a postmortem examination of Corado’s remains. An autopsy revealed Corado suffered one fatal gunshot wound. The projectile travelled through Corado’s left arm, 15.5 centimeters below the top of her shoulder. It exited her left arm and entered her left torso, traveling through her left lung and heart.

Subsequent ballistic testing revealed that it was one of Tse’s rounds that struck Corado.

Atkins Injury

Atkins suffered a single gunshot wound to his left elbow as he was running from the car into the Trader Joe’s. After Atkins ran into the Trader Joe’s, he bled throughout the store. Once in custody, he was transported to Los Angeles County USC Medical Hospital and treated for his injury.

Leah W. Injury

Leah W. suffered an approximate three-inch gash to her forehead just above her right eyebrow. Paramedics treated Leah W. for a wound to her head that they described as a gunshot wound. Leah W., however, was uncooperative with the paramedics and officers and she refused to answer any medical questions or provide any statements. As such, the exact cause of her injury is unknown.
**CRIME SCENE EVIDENCE RECOVERY**

**Toyota Camry**

Atkins’ grandmother’s Camry was analyzed by the LAPD Forensic Science Division in order to conduct a bullet path analysis. The LAPD analyst noted there was a penetrating impact located on the front face of the rear window tail light housing consistent with a bullet impact. The analyst further concluded that the pathway is consistent with a bullet traveling from front to back.

![Image of Camry with shattered back window]

*Figure 25: Picture of Camry depicting the shattered back window*

**Atkins’ Firearm**

Atkins was armed with a 9mm Smith & Wesson Model SD9VE semiautomatic pistol. LAPD seized the firearm from a Trader Joe’s shopping bag located inside the grocery store between registers six and seven. The firearm was loaded with one 9mm cartridge in the magazine and the firearm’s chamber was loaded with an unfired 9mm cartridge. There was blood found on the firearm which was tested and determined to match Atkins’ DNA.

![Images of firearm and bullets]

*Figure 26: Atkins’ firearm located inside Trader Joe’s*  
*Figure 27: Atkins’ Firearm with two bullets*
**Blood throughout the Trader Joe’s**

After running into the store, Atkins bled as he roamed inside for the next few hours. LAPD documented and collected Atkins’ blood throughout the store.

**Firearm Casings**

One discharged 9mm cartridge case was recovered on Hyperion Avenue south of Rowena Avenue. Subsequent firearm analysis determined that the cartridge case was fired from Atkins’ gun.

Two discharged 9mm cartridge cases were recovered from the inside the Camry. Subsequent firearm analysis determined that the two cartridge cases were fired from Atkins’ gun.

Two discharged 9mm cartridge cases were recovered from the sidewalk near the crashed Camry. Subsequent firearm analysis determined that the two cartridge cases were fired from Atkins’ gun.

Three discharged 9mm cartridge cases were recovered inside Trader Joe’s grocery store in the produce area where Atkins fired at officers. Subsequent firearm analysis determined that the three discharged cartridge cases were fired from Atkins’ gun.
Attempted Murder on Grandmother

The investigation determined that on July 21, 2018, at approximately 1:30 p.m., Atkins shot his 77-year-old grandmother multiple times. Atkins’ grandmother sustained gunshot wounds to the chest, right shoulder, left scapula, right buttocks, and right thigh areas. Atkins’ girlfriend Leah W. was also injured during the initial attack on his grandmother. After shooting his grandmother, Atkins placed Leah W. in the front passenger seat of his grandmother’s Camry, and Atkins stole the vehicle. As a result of these events, LAPD activated the LoJack system on his grandmother’s Camry. Atkins’ grandmother survived her injuries.

Charges filed on Atkins

Following his arrest, Atkins was charged in case BA469832 with 54 criminal charges. The charges include, but are not limited to, murder, in violation of Penal Code § 187(a),10 attempted murder, in violation of Penal Code § 664/187(a); kidnapping, in violation of Penal Code § 207(a); assault on police officer with a gun, in violation of Penal Code § 245(d)(1)/(d)(2)/(a)(2); vehicle grand theft, in violation of Penal Code § 487(d)(1); felony evading with willful or wanton disregard for the safety of the public, in violation of Penal Code § 2800.2(a); discharge of a firearm at an occupied vehicle, in violation of Penal Code § 246; discharge of a firearm with gross negligence, in violation of Penal Code § 246.3; false imprisonment of a hostage, in violation of Penal Code § 210.5; robbery, in violation of Penal Code § 211; attempted carjacking, in violation of Penal Code § 664/215(a); and mayhem, in violation of Penal Code § 203.11

Atkins’ criminal case is currently suspended. On February 19, 2020, pursuant to Penal Code § 1368, defense counsel declared a doubt as to Atkins’ competency. The case is calendared for Penal Code § 1368 further proceedings in Department 108, on December 23, 2020.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if that person actually and reasonably believes that he or others are in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; See also People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082.

In protecting oneself or another, a person may use all the force that they believe is reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury that appears to be imminent. CALCRIM No. 3470. If the person’s beliefs were reasonable, the danger does not need to have actually existed. Id.

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10 Atkins is charged with the murder of Corado based on the Provocative Act Theory (PAT). Under California law, the PAT permits a person to be guilty of murder even if someone else did the actual killing. See CALCRIM No. 560.
11 Some of the crimes are charged multiple times since there were numerous victims throughout the incident.
In evaluating whether a police officer’s use of deadly force was reasonable in a specific situation, 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 with 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

California law also permits the use of deadly force by police officers when necessary to effect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. People v. Ceballos (1974) 12 Cal.3d 470. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. Ceballos, supra, 12 Cal.3d at 479. “An officer may use reasonable force to make an arrest, prevent escape or overcome resistance.” Brown v. Ransweiler (2009) 171 Cal.App.4th 516. When protecting the public peace, a police officer “is entitled to even greater use of force than might be in the same circumstances required for self-defense.” Id.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code § 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146.

A person is not guilty of a crime, if they killed someone as a result of an accident or misfortune. CALCRIM No. 510. Such a killing is excused, and therefore not unlawful if (1) the person was doing a lawful act in a lawful way; (2) the person was acting with usual and ordinary caution; and (3) the person was acting without any unlawful intent. Id.

The evidence examined in this investigation shows Officers Tse and Winans responded to a LoJack hit on a stolen Camry. They were informed that the Camry was related to a shooting that happened earlier that day. As soon as they encountered Atkins, he nearly collided with their police vehicle. Over the next nine miles, Atkins showed a complete disregard for the safety of himself, Leah W., the police, and the public. During the pursuit, he committed numerous dangerous traffic violations in an attempt to evade the police. Atkins also attempted to carjack another vehicle and almost hit a pedestrian crossing the street. Further, Atkins shot at the pursuing police officers on two separate occasions. Atkins’ actions were violent and threatened death or serious bodily injury to the police and the public. Even after losing a tire and subsequently crashing his vehicle, Atkins failed to give himself up or surrender.

After the crash, Atkins immediately exited the Camry and fired his handgun three times at Tse and Winans as he ran into the Trader Joe’s. Reasonably believing Atkins was a dangerous armed fleeing felon and presented a deadly threat, Tse and Winans returned fire. The officers knew the Trader Joe’s store was filled with customers and employees. Tse and Winans returned fire in an attempt to stop Atkins from trying to injure or kill them or civilians in the Trader Joe’s. Atkins
showed no consideration for the lives of others and it was reasonable and lawful for Tse and Winans to use deadly force to protect themselves and the public.

In reviewing all of the body-worn video, dash camera recordings, and surveillance footage, Corado is never visible at the entrance of the Trader Joe’s. The officers, when interviewed, stated they never saw Corado or any other civilians near Atkins when they shot at him. At the time Tse and Winans fired their duty weapons at Atkins, there were no individuals visible in the background and there was a solid wall directly behind Atkins. When Atkins got to the entrance of the Trader Joe’s, the officers ceased firing their service weapons.

Corado is last observed on the Trader Joe’s surveillance footage, before being struck by gunfire, running towards the entrance. Immediately after running offscreen, Corado runs back into view and hides behind the manager bridge. The frame of the surveillance footage excludes the entrance doors. There is no surveillance video that captures the entrance from inside the Trader Joe’s. This evidence thus suggests that Corado was struck by a bullet when she was still inside the Trader Joe’s running towards the entrance that Atkins entered. This conclusion is further supported by the fact that LAPD did not know that Corado was injured and inside Trader Joe’s until 18 minutes after Atkins ran into the store and used a hostage’s cell phone to inform LAPD that Corado was injured.

When the officers fired at Atkins, no bystanders were visible behind him or in the line of fire. The evidence supports the conclusion that Corado was accidentally struck by gunfire when she ran towards the front doors. Tse and Winans fired their weapons in self-defense to stop an extremely violent armed man from entering a grocery store filled with shoppers. Tragically, Tse’s round struck Corado and both officers were unaware of this fact until much later.

Finally, when the officers fired at Atkins, they were legally justified in doing so because he was a dangerous fleeing felon who had committed numerous forcible and atrocious felonies which threatened death or serious bodily injury. By the time the officers returned gunfire, Atkins had already shot his grandmother multiple times and fired upon the police on three separate occasions. He also committed an attempted carjacking armed with a firearm. At the time officers fired their weapons, Atkins was running towards a busy supermarket, which had many shoppers inside whose lives the officers believed would be at risk once Atkins entered. Throughout the pursuit, Atkins failed to comply with several commands and signals from police to stop. Under these circumstances, the officers were justified in using deadly force in an attempt to stop Atkins. The fact that Corado was struck accidentally by Tse’s gunfire is tragic, however, it does not negate the lawfulness of the officers’ actions in using deadly force to stop a dangerous fleeing felon.

**CONCLUSION**

We conclude that Tse and Winans acted in lawful self-defense, defense of others, and in pursuit of a dangerous fleeing felon when they used deadly force against Atkins. Furthermore, we conclude that Corado was killed due to Atkins’ provocative act resulting in the officers’ responding to Atkins use of deadly force and therefore Atkins is criminally responsible for Corado’s death. We are closing our file and will take no further action in this matter.