Office of the New York State Attorney General Letitia James

Office of Special Investigation

September 24, 2024

Report on the Investigation into the Death of Daniel Legler

SUMMARY

New York Executive Law Section 70-b authorizes the Office of the Attorney General (OAG), through the Office of Special Investigation (OSI), to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI does not seek charges, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Daniel Legler.

On August 6, 2023, New York State Police (NYSP) Trooper Dominick Caito shot Mr. Legler, causing his death. After a full evaluation of the facts and the law, OSI will not seek charges against Tr. Caito, because we conclude that a prosecutor could not disprove beyond a reasonable doubt that his actions were justified under Article 35 of the New York Penal Law.

OVERVIEW

On August 6, 2023, Tr. Caito initiated a traffic stop on a car driven by Mr. Legler, on a highway in the City of Rochester. Mr. Legler did not pull over and fled from Tr. Caito's patrol car at a high rate of speed. During the pursuit, Mr. Legler crashed his car into a field in the Town of Gates, where Tr. Caito attempted to arrest him. Following a brief physical struggle, Mr. Legler fired a shot from a revolver, and Tr. Caito returned fire with his NYSP-issued gun multiple times, striking Mr. Legler. Mr. Legler died of his wounds. The incident was captured by Tr. Caito's body worn camera (BWC).

FACTS

Based on OSI's interview with Tr. Caito and review of Tr. Caito's BWC video[1] and the Monroe County 911 Center's recorded radio transmissions, on August 6, 2023, at around 9:24 p.m., Tr. Caito was driving his marked NYSP patrol car westbound on the Inner Loop highway in the City of Rochester when a maroon 1995 Cadillac Deville merged in front of him from another lane without using its turn signal; Tr. Caito ran the Cadillac's license plate, which indicated that its inspection sticker was expired.[2] According to Tr. Caito, and consistent with his BWC video,[3] he turned his patrol car's emergency lights on and initiated a traffic stop at the

[1] Tr. Caito's BWC video, redacted in accordance with OAG policy, is linked here: Tpr. Caito BWC. OAG previously released a portion of Tr. Caito's BWC footage; see Attorney General James Releases Footage from Investigation into the Death of Daniel Legler (ny.gov).

[2] Based on the NYSP crime-scene photographs, a "Ten-Day Time Extension for Motor Vehicle Inspection" sticker was taped to the Cadillac's windshield, stamped by the Genesee County Department of Motor Vehicles on August 4, 2023.

[3] Tr. Caito's BWC activated when he turned his patrol car's emergency lights on; due to the positioning of Tr. Caito and his BWC, only the inside of the patrol car can be seen during the pursuit. OSI reviewed six overhead videos from Department of Transportation cameras along Interstate 490; while Mr. Legler's car is not

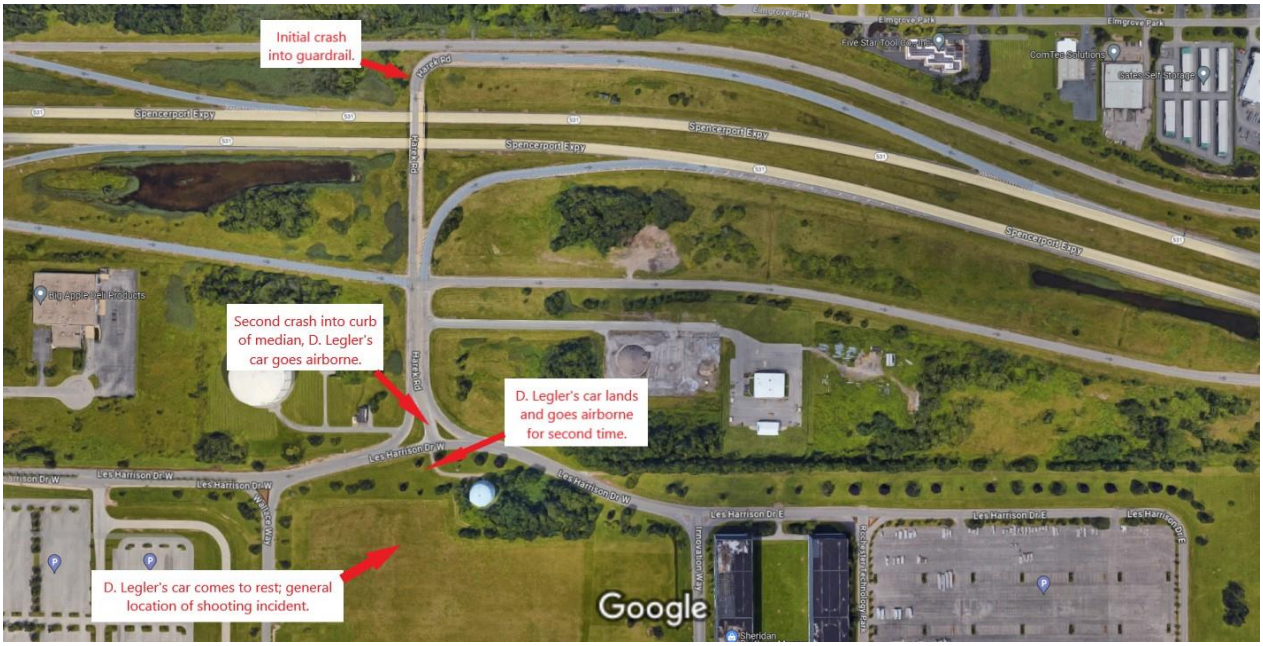
beginning of Interstate 490 West, near a small shoulder-area where the Cadillac would have room to pull over. The driver of the Cadillac, later determined to be Mr. Legler, the sole occupant of the car, did not pull over or stop and instead fled from Tr. Caito's patrol car at a high rate of speed, traveling westbound on Interstate 490. Based on Tr. Caito's BWC video and the recorded radio transmissions, at 9:25:27 p.m.,[4] Tr. Catio radioed, "… I have a car taking off on me, westbound 490 … I'll be pursuing this car … speeds are 80 miles per hour, traffic's medium … maybe notify an SP supervisor."

According to Tr. Caito, and consistent with his BWC video, he pursued the Cadillac, which was staying "pretty far ahead" of his patrol car as it fled. At 9:27:06 p.m. Tr. Caito radioed, "Traffic's still light, speeds are up to 90 miles per hour," and turned on the patrol car's siren as he continued to pursue the Cadillac. Tr. Caito told OSI that during the pursuit the Cadillac drove on the left shoulder of the highway to pass other cars, and that at some points its speed appeared to reach up to or over 100 miles per hour (mph); Tr. Caito said the speed limit on this portion of Interstate 490 was 55 mph. According to Tr. Caito, the Cadillac continued onto State Route 531, which transitions into the Town of Gates; at 9:28:17 p.m. Tr. Caito asked dispatch to notify the Monroe County Sherriff's Office (MCSO) of the pursuit. Based on written depositions of Gates Police Department (GPD) members, MCSO Incident Reports, and the recorded radio transmissions, around this time members of MCSO and GPD began heading to that area.

Tr. Caito said the Cadillac got off State Route 531 at the Rochester Tech Park exit, in the Town of Gates, which contains a sharp turn; as displayed in the below diagram, the off-ramp intersects with Harek Road. Tr. Caito said he slowed his patrol car down as he got off the exit and navigated the turn and saw the Cadillac strike a guardrail or median near the intersection of Harek Road and Les Harrison Drive West; Tr. Caito then saw the Cadillac become airborne and come to rest in a nearby field.

distinguishable on the videos, Tr. Caito's patrol car with its flashing emergency lights is visible at times during the pursuit.

[4] The times are from the timestamps on Tr. Caito's BWC video, which are displayed in military time.



Aerial diagram created by OSI, based on BWC footage and the NYSP Forensic Identification Unit's photographs and reports; the diagram depicts the general areas where the crash and subsequent shooting occurred, as detailed more fully below.

Based on his BWC video and the recorded radio transmissions, at 9:29:10 p.m. Tr. Caito radioed, "And the vehicle just crashed, just off the Tech Park exit, going southbound into a field." The BWC video shows that Tr. Caito parked his patrol car on Les Harrison Drive West and approached the field on foot; Tr. Caito used his flashlight to illuminate the area, and, once he appeared to see the Cadillac, he yelled out commands to the driver, including, "Stay in the car," and, "I have canine, canine will beat you."[5] As shown below in a still image from Tr. Caito's BWC video, as Tr. Caito moved closer to the Cadillac Mr. Legler got out of the car from the driver's seat, despite Tr. Caito directing him to stay inside.

[5] During his OSI interview, Tr. Caito confirmed he did not actually have a police dog with him.

Tr. Caito yelled at Mr. Legler to stay in the car, advising him that he was at gunpoint, but Mr. Legler walked around the front of the Cadillac and over to the passenger's side of the car. Tr. Caito quickly advanced towards Mr. Legler, calling out several more commands, including "Let me see your hands, let me see your fucking hands," and, "You're gonna get Tased." As displayed below in a still image from Tr. Caito's BWC video, Mr. Legler either fell backwards or intentionally got on the ground as Tr. Caito approached him; at this point Tr. Caito had his Taser out in his right hand, pointed at Mr. Legler.

As Tr. Caito got closer, he told Mr. Legler to stay on the ground and roll over; once Tr. Caito was directly in front of Mr. Legler, Mr. Legler began to sit up, and Tr. Caito used his left hand to push him back down and onto his side. Mr. Legler repeatedly said, "Don't do it," and Tr. Caito again told him to roll over or he was going to "get Tased." Tr. Caito then holstered his Taser and attempted to put Mr. Legler's hands behind his back.

At 9:30:47 p.m. on the BWC video, as Tr. Caito struggled to gain control of Mr. Legler's arms, a "pop" sound can be heard followed by Tr. Caito yelling, "Oh shit."[6] Tr. Caito then quickly moved backwards and, at 9:30:51 p.m., fired five shots in the direction of Mr. Legler with his NYSP-issued gun. As displayed below in zoomed-in still images from Tr. Caito's BWC video, a frame-by-frame review of the video shows what appears to be an object in Mr. Legler's left hand after the "pop" sound is heard and Tr. Caito began backing up, though it is difficult to decipher with clarity on the video due, in part, to Tr. Caito's movement.[7]

[6] At this point on the BWC video, only Mr. Legler's head is visible.

[7] As a visual aide, OSI extracted the shooting portion of the incident and slowed down the moments before Tr. Caito fired at Mr. Legler; the clip is linked here: Tpr. Caito Slow Version.

At 9:30:55 p.m., Tr. Caito radioed, “Shots fired, shots fired, shots fired. I’m in the field, shots fired.” At 9:31:00 p.m., Tr. Caito yelled out, “Get on the ground, get on the fucking ground, stay down.” As displayed below in a zoomed-in still image from Tr. Caito’s BWC video, as Tr. Caito issued those commands Mr. Legler can be seen crouching over with his arm extended down toward the ground.

Mr. Legler then appeared to start standing upright, and, at 9:31:10 p.m., Tr. Caito fired a sixth shot, causing Mr. Legler to fall back on the ground. At 9:31:16 p.m., Tr. Caito radioed, "I got shots fired, shots fired … shots fired in the field, suspect's down, he's got a gun but I don't know where it's at, I'm backing up to cover."

At 9:31:45 p.m., other officers began to arrive, and Tr. Caito pointed out Mr. Legler's location and said what sounds like, "He's right there, he shot next to my ear, I shot him … four or five times, four rounds." At 9:32:44 p.m., Tr. Caito radioed, "…I'm good. Suspect is down, I'm out with the Sheriff's Office. I have shots fired … notify a supervisor. Start AMR[8] to my location, there's gonna be cars on the road with lights on."

Review of the BWC videos of responding GPD, MCSO, and NYSP members show that they approached Mr. Legler with their guns drawn, and GPD Police Officer Curtis Miller found a silver revolver next to Mr. Legler's body, picked it up, and set it aside.

Still image from PO Miller's BWC video showing PO Miller picking up the revolver, circled in yellow, from next to Mr. Legler's body. Mr. Legler's face has been obscured for privacy.

Based on their BWC videos, responding officers handcuffed Mr. Legler at the front of his body, searched his clothing to make sure there were no other weapons, and checked Mr. Legler for a pulse. After finding no pulse, PO Miller said, "he's gone," and said that his breathing was

[8] AMR stands for American Medical Response, and represents a request for ambulance/emergency personnel to respond to the scene.

"agonal" only. Officers further assessed Mr. Legler, finding a gunshot wound to his chest, and secured the area while they waited for emergency personnel, who arrived shortly after.

NYSP Tr. Joshua Athoe interviewed Gates Ambulance Service Paramedic Brian Torres at the scene, which was recorded by Tr. Athoe's BWC. Based on the BWC recording, Paramedic Torres said that when he and other ambulance personnel arrived he saw Mr. Legler lying on his back with his eyes open and his pupils dilated, with no pulse or other signs of life. At 9:46 p.m., Paramedic Torres advised dispatch that Mr. Legler was "dead on arrival." Paramedic Torres said he then checked on Tr. Caito, who was okay other than experiencing ringing in his ear.

OSI Interviews

Tr. Caito

OSI interviewed Tr. Caito on October 12, 2023.[9] Tr. Caito said that once he saw the Cadillac crash into the field, he parked his patrol car on the road and began walking over to the edge of the field to try to find where it came to rest. Tr. Caito said he saw the car in the field and Mr. Legler[10] in the driver's seat, and drew his gun to conduct a "felony stop." Tr. Caito said a "felony stop" consists of an officer having his or her gun drawn while ordering someone out of a car or to otherwise comply with potential apprehension. When asked, Tr. Caito said he intended to put Mr. Legler in custody for "Unlawful Fleeing [and] several [vehicle and traffic] violations … [and] … Reckless Driving."[11] Tr. Caito said he issued several verbal commands for Mr. Legler to stay in the car, but Mr. Legler "kept opening the door and shutting it" as he looked at Tr. Caito. Tr. Caito again ordered him to stay in the car, but Mr. Legler got of the Cadillac. Tr. Caito said he saw Mr. Legler walk around to the other side of the Cadillac, so he started to approach him. Tr. Caito also said he saw Mr. Legler reaching around his waist and pockets, prompting Tr. Caito to direct Mr. Legler to show him his hands, but Mr. Legler did not comply.

[9] As the details Tr. Caito gave regarding the pursuit were described earlier in the report, this section focuses on what Tr. Caito said about the interaction in the field.

[10] Tr. Caito said Mr. Legler's identity was not known to him until after the fatal incident and that, to his knowledge, he had no previous interactions with him.

[11] Unlawful Fleeing a Police Officer in a Motor Vehicle in the Third Degree is a class A misdemeanor; a person is guilty of that offense when, "knowing that he or she has been directed to stop his or her motor vehicle by a uniformed police officer or a marked police vehicle by the activation of either the lights or the lights and siren of such vehicle, he or she thereafter attempts to flee such officer or such vehicle by driving at speeds which equal or exceed twenty-five miles per hour above the speed limit or engaging in reckless driving…" Penal Law Section 270.25. Reckless Driving is an unclassified misdemeanor; a person is guilty of that offense when that person drives "…any motor vehicle…in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonable endangers users of the public highway." Vehicle and Traffic Law Section 1212.

As Tr. Caito got closer, he saw Mr. Legler fall backwards into the grass. Tr. Caito said he could see Mr. Legler's arms and hands and, since they appeared empty at that time, he holstered his gun and instead drew his Taser. Tr. Caito then issued various verbal commands for Mr. Legler to roll over so he could apprehend him, but Mr. Legler did not comply. Tr. Caito said he thought Mr. Legler may have been injured from the crash so he walked closer to him; once Tr. Caito got to him, Mr. Legler tried to get back up, and Tr. Caito pushed him back on the ground. Tr. Caito said he gained control of Mr. Legler's right arm and continued telling him to roll over, but Mr. Legler would not comply and kept saying, "You don't want to do this," or "Don't do this." Tr. Caito said he also heard Mr. Legler say what sounded like, "Oh yeah?" after Tr. Caito warned him that he would use his Taser; Tr. Caito said he believed Mr. Legler sounded intoxicated.

Tr. Caito said he holstered his Taser so he could more easily arrest Mr. Legler, and, as he was trying to place Mr. Legler's hands behind his back, he saw Mr. Legler's left shoulder swing around and heard a gunshot go off next to his ear. Tr. Caito described the gunshot as "extremely loud" and "deafening," and said that while he did not see the weapon at that point, based on his training and experience, including several years of military service, there was no doubt in his mind that the sound he heard was a gunshot. Tr. Caito added that as he heard the gunshot, he thought he was going to die and did not yet know whether he had been shot. Tr. Caito said he backed up to create distance and saw Mr. Legler "roll forward with his left hand up," holding what appeared to be a solid object; while he could not clearly make out what the gun looked like in that moment, Tr. Caito said it was clear to him that Mr. Legler was holding a gun based on the positioning of his hand. Tr. Caito said he drew his NYSP-issued gun and fired at Mr. Legler five times, noting that he was in a dark, open field with no cover. Tr. Caito said he alerted dispatch over the radio that shots had been fired, and then saw Mr. Legler hunched over in the grass, starting to get back up; Tr. Caito issued commands for Mr. Legler to get down on the ground, but he did not comply, and Tr. Caito fired one more round at Mr. Legler. Tr. Caito told OSI he fired again because he thought Mr. Legler was going to get up and shoot him.

Tr. Caito said Mr. Legler then fell back down, and he notified dispatch that more shots were fired and the suspect was down, and asked them to start an ambulance. According to Tr. Caito, he did not approach Mr. Legler at that point because he did not know Mr. Legler's condition, but did know that he had a gun and had already tried to kill him, so he had to wait for additional backup and stay in cover for his own safety. Tr. Caito said that once responding officers arrived, he pointed out Mr. Legler's location and began to assist them with approaching Mr. Legler until another officer escorted Tr. Caito away from the area.

Civilian Witness (CW)[12]

On December 14, 2023, OSI spoke with CW, who witnessed a portion of the incident. CW told OSI that on the evening of August 6, 2023, she was driving on State Route 531 when she saw a police car with its emergency lights on pursuing a red car. CW said she got off State Route 531 and saw the patrol car parked on Les Harrison Drive and the red car in an adjacent field. CW said that while she could not clearly see what was happening in the field, she did see two people near the red car, and heard someone say, "Roll over, you're going to get Tased." CW said she could hear sounds of a struggle, so she pointed her car in the direction of the field and turned on her high beam headlights to help the officer see better. CW said she then heard multiple shots; shortly after, more officers arrived, and she left the area. CW also confirmed the contents of a written statement she had given to NYSP, which included that the shots she heard sounded like they were two different pitches.

Scene Processing/Evidence Collection

Crash Scene:

Following the incident, members of NYSP's Forensic Identification Unit (FIU) processed the area and determined that Mr. Legler first hit a guardrail after getting off the Tech Park exit, then, after temporarily regaining control of the car, struck a curb in the median at the intersection of Harek Drive and Les Harrison Drive West; the car then hit earthen embankments, became airborne, overturned, and ultimately came to rest upright in the field.

Images from FIU's Report showing points of impact and where the Cadillac came to rest.

[12] OSI does not publish the names of civilian witnesses.

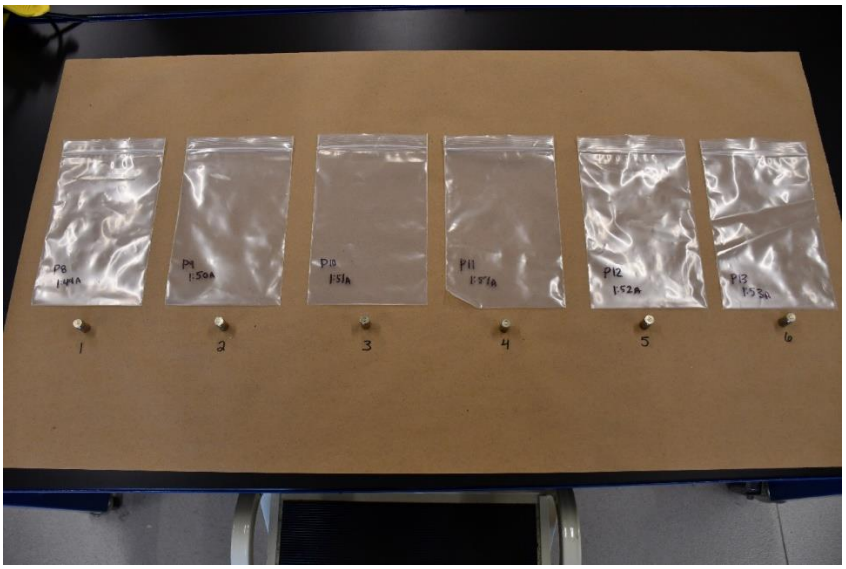
Shooting Scene:

FIU members also searched the field; the pertinent evidence recovered by FIU is described below, based on OSI's review of the FIU reports and scene photographs, as well as OSI's observations at the scene.

FIU members recovered Tr. Caito's NYSP-issued Glock 21 .45 auto pistol, which contained seven rounds of ammunition in its thirteen-round magazine, and one round in its chamber. This is consistent with Tr. Caito having fired six shots, if his gun were fully loaded, with a round in the chamber.

As displayed below, FIU members collected six spent .45 caliber casings in the field. According to the NYSP FIU report, five of the casings were recovered about 31 feet west of Mr. Legler's body and the sixth casing was recovered about 59 feet northwest of his body.

FIU photographs of evidence markers showing where the grouping of five casings was recovered (left photograph) and where the sixth casing was recovered in relation to the other five (right photograph; evidence marker of sixth casing circled in red).



FIU photograph showing the six .45 caliber spent casings recovered from the field.

As displayed below, FIU members collected the silver North American Arm .22 Magnum revolver that was next to Mr. Legler's body; the revolver had a five-round cylinder containing one spent casing and four live rounds.

FIU photographs showing the revolver in the field (left) and the revolver, its cylinder, the spent shell casing, and the four live rounds after the revolver was disassembled and processed by FIU members (right).

As detailed below, Mr. Legler sustained two gunshot wounds, and Monroe County Associate Medical Examiner Chelsea Milito recovered one bullet from Mr. Legler's body during his autopsy.

NYSP members submitted the items they collected to the NYSP Forensic Investigation Center (FIC) for analysis, the results of which are summarized below.

Ballistics Analysis

Based on the report from FIC's Firearms Section, FIC test fired Tr. Caito's gun and found it to be operable. FIC microscopically examined the six spent .45 caliber casings collected from the field, compared them to test-fired casings from Tr. Caito's gun, and identified them as having been fired from the same firearm. FIC microscopically examined the bullet recovered from Mr. Legler's autopsy, compared it to a test-fired bullet from Tr. Caito's gun, and identified them as having been fired from the same firearm.

FIC test fired the revolver, which, as displayed above, NYSP members disassembled and processed before submitting to FIC. While the report does not state whether the revolver was operable, on December 27, 2023, OSI spoke with the Associate Director of FIC's Firearms Section, who confirmed that the revolver successfully test-fired after FIC re-assembled it; given that the revolver was submitted dissembled, FIC was unable to classify it as operable on the laboratory report. FIC microscopically examined the spent .22 caliber casing recovered within the cylinder of the revolver and compared it to a test-fired casing from the revolver; following analysis, FIC observed "agreement of their class characteristics," but found that there was "insufficient agreement or disagreement of their individual characteristics to either identify or eliminate the items as having been fired in the same firearm."

DNA Analysis

Based on the report from FIC's Biological Science/DNA Section, FIC analyzed swabs that FIU members obtained from the "Top Strap/Cylinder" of the revolver, the "Grip/Trigger Area" of the revolver, and the spent shell casing and live rounds from the revolver's cylinder, respectively. Following analysis, FIC found that the swabs from the "Top Strap/Cylinder" and the "Grip/Trigger Area" were positive for blood, and that the DNA profiles obtained from each of the swabs, including from the casing and live rounds, matched the DNA profile obtained from Mr. Legler.

Medical Examiner

Associate Medical Examiner Chelsea Milito conducted the autopsy of Mr. Legler on August 7, 2023, at the Monroe County Medical Examiner's Office, which members of OSI attended. Based on the information Dr. Milito gave OSI during the autopsy and review of Dr. Milito's Final Autopsy Report, Mr. Legler sustained two gunshot wounds – one to his chest and one to his right elbow – and the cause of Mr. Legler's death was the gunshot wound to his chest. In her report, Dr. Milito described the fatal wound as entering Mr. Legler's "left lateral chest," and said that a corresponding, mildly deformed bullet was recovered "from the muscles superior to the right medial clavicle;" Dr. Milito also said the bullet passed through Mr. Legler's "…left lung; anterior aortic arch; [and] anterior brachiocephalic artery…" Dr. Milito said the other gunshot wound entered and exited Mr. Legler's right elbow. In addition to the two gunshot

wounds Mr. Legler sustained, Dr. Milito noted an "area of … contusions and abrasions" on Mr. Legler's chin and neck, a contusion on his right arm, and an abrasion on his right lower leg. Review of Mr. Legler's Death Certificate, which was signed by Dr. Milito, states that the gunshot wound to Mr. Legler's chest caused his death within "seconds to minutes."

LEGAL ANALYSIS

Article 35 of the New York Penal Law (PL) governs the circumstances under which a person may be justified in using deadly force against another. Justification is a defense, not an affirmative defense, PL Section 35.00. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL Section 25.00(1). Put another way, in this case the People would be required to prove beyond a reasonable doubt that Tr. Caito was not justified in using deadly physical force against Mr. Legler.

Article 35 contains a provision defining justification when a police officer uses deadly force while effecting or attempting to effect an arrest for an offense, PL Section 35.30. PL Section 35.30(1) provides, in pertinent part:

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

The Court of Appeals, in *People v Goetz*, 68 NY2d 96 (1986), said that "reasonable belief" has both subjective and objective components: the subjective component is satisfied if the person using force actually believed, "honestly and in good faith," that deadly force was about to be used against that person or another, and that the use of deadly force was necessary to prevent or stop that danger, regardless of whether the belief was accurate, 68 NY2d at 114; the objective component is satisfied if a "reasonable person" under the same circumstances could have held those same beliefs, 68 NY2d at 115. See also *People v Wesley*, 76 NY2d 555 (1990).

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

Based on his interview with OSI, Tr. Caito subjectively believed that shooting Mr. Legler was necessary to stop his imminent use of deadly force. Tr. Caito said that while he was struggling to place Mr. Legler in handcuffs in the field, he heard a gunshot go off next to his ear, and did not immediately know whether he had been shot. Tr. Caito said he backed away from Mr. Legler and saw what he believed to be a gun in Mr. Legler's hand, and, knowing that Mr. Legler had already shot at him once, fired his gun at Mr. Legler multiple times. Tr. Caito said he then saw Mr. Legler hunched over in the field, starting to stand up despite Tr. Caito's verbal commands for him to get back on the ground; Tr. Caito said he fired at Mr. Legler once more because he thought Mr. Legler was going to get up and shoot him.

Under these circumstances, OSI would be unable to prove that Tr. Caito's subjective belief that deadly force was needed to stop Mr. Legler from using deadly force was unreasonable.

Tr. Caito's account is corroborated by his BWC footage and the physical evidence reviewed by OSI. On the BWC video, as Tr. Caito was attempting to place Mr. Legler in handcuffs, a "pop" sound can be heard followed by Tr. Caito immediately shouting, "Oh shit," and backing up; as Tr. Caito moved backwards, a silver object can be seen in Mr. Legler's hand, just before Tr. Caito began to fire. Following Tr. Caito's first volley of shots, the BWC footage shows Mr. Legler crouched over, reaching his arm down towards the ground; Tr. Caito directed Mr. Legler to get back on the ground, but Mr. Legler did not comply and instead appeared to start standing upright, and Tr. Caito fired again. Based on their BWC videos, responding officers located a silver revolver next to Mr. Legler's body. FIU members processed the revolver, which had one spent shell casing in its cylinder along with four live rounds, and, following analysis, FIC determined that the revolver, spent casing, and live rounds contained Mr. Legler's DNA.

In sum, based on the evidence in this investigation, OSI concludes that a prosecutor would be unable to disprove beyond a reasonable doubt that Tr. Caito's use of deadly physical force was justified under the law and will close the matter with the issuance of this report.

Dated: September 24, 2024