Office of the New York State Attorney General Letitia James

Office of Special Investigation

April 15, 2025

Report on the Investigation into the Death of Pedro Felix

OVERVIEW

New York Executive Law Section 70-b directs the Attorney General's 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 or a peace officer. When, as in this case, OSI does not seek charges against the officer, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation of the death of Pedro Felix, who was shot and killed on July 4, 2024, by an officer of the New York City Police Department (NYPD) in Queens County.

On July 4, 2024, Pedro Felix stabbed and killed his eight-year-old stepbrother in the apartment they shared with Mr. Felix's father, stepmother, and one year old sister in Queens. Mr. Felix also stabbed his father and stepmother. Two uniformed NYPD officers responded to 911 calls of an assault in progress with a knife. They entered the apartment and saw Mr. Felix, armed with a knife, holding his father in a headlock over the kitchen sink. The officers ordered Mr. Felix to drop the knife. He did not, and an officer fired his service weapon once, striking Mr. Felix on his right side. Mr. Felix later died from his injuries.

Having thoroughly investigated the facts, including review of body worn camera (BWC) video, and analyzed the law, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that the officer's use of deadly force against Mr. Felix was justified under New York law and will not seek charges against the officer.

FACTS

Background

The shooting occurred in an apartment building in Jamaica, Queens (OSI does not generally publish the address of a residence), a few blocks from the Long Island Railroad's Jamaica Station. Mr. Felix lived in the apartment with his father, JF, and his stepmother, CL (OSI does not publish the names of civilian witnesses). Also living in the apartment were CL's eight-year-old son, and JF and CL's one-year-old daughter.

OSI interviewed Officer Patrick Lynch, who fired at Mr. Felix, and his partner, Detective Specialist Fabio Gonzalez.

Officer Lynch joined NYPD in 2012 and was a Neighborhood Coordination Officer (NCO) in the 103rd Precinct in Queens at the time of the shooting. According to NYPD, NCOs act as liaisons between the neighborhood they are assigned to and the police department. They attend community board meetings and familiarize themselves with residents and community leaders to facilitate the exchange of ideas and concerns. NCOs generally do not respond to 911 calls,

but deal with broader issues affecting the neighborhood where they are assigned. Officer Lynch had never fired a gun in the line of duty except for training at the NYPD shooting range.

Detective Specialist Gonzalez joined NYPD in 2011 and was also an NCO in the 103rd Precinct. He and Officer Lynch were partnered for roughly one year before the shooting.

Neither Officer Lynch nor Detective Gonzalez had encountered Mr. Felix or his family before July 4, 2024.

Events Leading to the Shooting

Officer Lynch and Detective Gonzalez told OSI that, because of the July 4th holiday and anticipated staffing shortages, they were assigned to patrol a sector of the 103rd Precinct. They were in uniform and driving a marked NYPD SUV. The officers began work at 3:00 p.m. and were scheduled to end their shift at 11:35 p.m.

OSI interviewed JF, Mr. Felix's father, and CL, Mr. Felix's stepmother. JF told OSI that he worked as a home attendant and had done an overnight shift from July 3rd to July 4th. JF was scheduled to finish work at about 4:00 p.m. on the 4th. CL also worked as a home attendant. She told OSI that she left the apartment she shared with Mr. Felix, her husband, her eight-year-old son, and her one-year-old daughter at 8:00 a.m. on July 4th. Mr. Felix was to watch the children while CL and JF were at work. CL said Mr. Felix was mostly quiet and kept to himself, had never been violent, and always got along with his eight-year-old stepbrother; Mr. Felix would routinely pick up the boy from school. CL saw nothing out of the ordinary with Mr. Felix before she left for work.

CL told OSI that she tried to call Mr. Felix from work to check up on him and the kids at 2:30 p.m. Mr. Felix did not answer, so CL called her husband. JF told OSI that he called Mr. Felix, who answered and said that everyone was good. JF could hear the eight-year-old boy and the one-year-old girl in the background while he spoke to Mr. Felix.

JF and CL told OSI that they met up at the train station by their home around 5:00 p.m. Security video showed them as they walked into their building carrying groceries and took the elevator to the fifth floor. CL said that when she entered the apartment, she called out for the eight-year-old, who did not answer. JF and CL told OSI that Mr. Felix said that the boy had just entered the bathroom. JF told OSI that he tried the bathroom door, but it was locked. CL told OSI that there was a liquid in a pot boiling on the stove. CL asked Mr. Felix for help with the groceries. JF tried to pry the bathroom door open. CL got a kitchen knife and turned to the bathroom door to try to jimmy it open. CL and JF told OSI that they felt a burning liquid on their back. CL then felt Mr. Felix stab her in her upper back. JF told CL to run and CL tried to open the apartment door. CL said that Mr. Felix stabbed her upper back again. JF told OSI that he

grabbed Mr. Felix and CL was able to run out of the apartment. CL said she did not know what happened to the knife she was using to try to force open the bathroom door. JF said he and Mr. Felix were in a physical struggle, and Mr. Felix stabbed him in his upper back and neck area. JF said he got the knife away from Mr. Felix, but Mr. Felix got another knife.

CL said she took the elevator down to the lobby bleeding from her wounds. She told the doorman, in Spanish, she had been stabbed and to call for help. The doorman did not speak Spanish. CL ran out of the building to try to find the police. She said she ran toward the train station because police are always nearby.

Officer Lynch and Detective Gonzalez told OSI that they heard over their police radio calls for an assault in progress with a knife. They drove to the address given. According to BWC, as they got out of their police car at 5:19 p.m., bystanders told them that a woman came out of the building bleeding. Officer Lynch told OSI that he spoke with another police unit who pulled up, and that unit left to look for the woman.

Officer Lynch and Detective Gonzalez entered the building. Officer Lynch told OSI that the doorman gave them the apartment number of the woman who was stabbed. According to BWC, the officers took the elevator to the indicated floor and found the apartment. Officer Lynch told OSI that the door to the apartment was closed, but not locked. According to BWC, Officer Lynch pushed open the door. Detective Gonzalez told OSI that he heard the sounds of a struggle. According to BWC and the officers, Detective Gonzalez entered the apartment first followed by Officer Lynch. Both officers had their guns drawn.

The Shooting

As shown by their BWCs (Officer Lynch; Detective Gonzalez), as the officers entered, Mr. Felix held JF in a headlock bent over the kitchen sink. Detective Gonzalez told OSI he saw a knife in Mr. Felix's hand and could see JF struggling with Mr. Felix to keep the knife away from his neck. Both officers repeatedly ordered Mr. Felix to drop the knife. When he did not drop the knife, Officer Lynch fired his service weapon one time at Mr. Felix at 5:23 p.m., striking him in the side of his body. BWC showed that Mr. Felix immediately released his father and fell to the floor. Officer Gonzalez told OSI that the knife fell from Mr. Felix's hand and that he (Officer Gonzalez) picked it up and moved it to the couch in the living room.

JF told OSI that he had disarmed Mr. Felix and that Mr. Felix was not holding a knife when he was shot by the officer. As the still frame from Detective Gonzalez's BWC shows below, however, JF was mistaken, as a knife blade is clearly visible in Mr. Felix's hand moments before he was shot by Officer Lynch.

Still from Detective Gonzalez's BWC showing Mr. Felix holding his father, JF, over the sink in their apartment. Mr. Felix was holding a knife in his left hand (circled).

The Aftermath

BWC showed that Officer Lynch held Mr. Felix at gunpoint as Mr. Felix lay on the floor, apparently conscious. JF told Detective Gonzalez in Spanish to check on his kids. Detective Gonzalez went to a back bedroom and found the one-year-old daughter, alive and standing upright in her crib.

More NYPD officers responded to the apartment and placed Mr. Felix in handcuffs. JF was bleeding profusely from a cut on his neck. BWC showed that JF told Detective Gonzalez that his son was in the bathroom and was not ok. Detective Gonzalez used a handcuff to manipulate the lock on the bathroom door and open it.

Detective Gonzalez told OSI, and his BWC showed, that he discovered the eight-year-old boy unresponsive in the bathtub with visible stab wounds around his body. An officer picked up the boy and ran him out of the building to a waiting ambulance. According to BWC and medical records, the boy was rushed to Jamaica Medical Center, where he died.

According to medical records, an ambulance took JF to Jamaica Medical Center where he was treated for lacerations to his ear, mouth, shoulder, and hands, as well as stab wounds to his abdomen and back. He spent the night in the hospital and was released. Mr. Felix's stepmother, CL, suffered stab wounds to her back as well as first and second degree burns. She was treated overnight at Jacobi Medical Center and released.

Mr. Felix was taken by ambulance to Jacobi Medical Center. According to medical records, Mr. Felix did not have a pulse when he arrived in the emergency room at 5:54 p.m. He was declared dead at 6:44 p.m.

Evidence Collection and Analysis

NYPD's Crime Scene Unit (CSU) processed the scene for forensic and ballistics evidence.

Officer Lynch was armed with a Glock 19 semiautomatic firearm loaded with Speer brand 9mm ammunition. Ballistic analysis concluded that Officer Lynch fired one time. A Speer brand 9mm shell casing was recovered in the apartment.

A large kitchen knife with blood on the blade was found in the kitchen sink area. Another large blood-stained kitchen knife found on the sofa in the living room where Detective Gonzalez had moved it; there was also a smaller kitchen knife on the sofa. Another kitchen knife was found by the door of the apartment.

Medical Examination and Autopsy

Dr. Yvonne Milewski of the New York City Office of Chief Medical Examiner (OCME) conducted the autopsy of the eight-year-old boy. The boy was stabbed eighteen times about his chest and neck. Dr. Milewski determined that the cause of the boy's death was "stab wounds to torso with injuries of heart and left lung" and deemed the manner of death to be "homicide (stabbed by another person(s))."

Dr. Kara Storck of OCME performed the autopsy of Mr. Felix. Mr. Felix was shot in his lower right flank near his pelvis. The cause of death was "gunshot wound of torso" and the manner of death was "homicide (shot by police)."

LAW

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1). As detailed below, based on the evidence in this investigation, OSI concludes that a prosecutor would be unable to disprove beyond a reasonable doubt that the use of deadly physical force by Officer Lynch was justified.

In this case, Officer Lynch used deadly physical force. Under PL 10.00(1) deadly physical force is "physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury." Under PL 10.00(10) serious physical injury is "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

PL 35.30 is the provision defining justification when a police officer or peace officer uses force to effect or attempt to effect an arrest.

PL 35.30(1) provides:

> "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."

Under the law, therefore, deadly physical force by a police officer is justified when the officer reasonably believes deadly force is necessary to defend the officer or another against the imminent use of deadly physical force. Police officers using deadly force pursuant to PL

35.30(1) are under no duty to retreat when threatened with deadly physical force, according to PL 35.15(2)(a)(ii).

In is recent decision in the *People v Jairo Castillo*, 42 NY3d 628, 631 (2024), the New York Court of Appeals stated:

> "The defense of justification provides that a person may use physical force to defend himself against an assailant's 'imminent use of unlawful physical force,' but does not authorize the use of 'deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force' (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that 'defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,' and an objective requirement, that defendant's 'reactions were . . . those of a reasonable man acting in self-defense' (*People v Collice*, 41 NY2d 906, 907 [1977])." (Ellipses and square brackets in original.)

Therefore, before using deadly force in self-defense, a person must honestly and in good faith believe that deadly force was about to be used against them or another and that deadly force was necessary for self-defense, and a reasonable person under the same circumstances could have believed the same.

Here, the officers were responding to 911 calls of a stabbing. They were directed to an apartment where they found Mr. Felix holding his father in a headlock with a knife in his hand. Mr. Felix had stabbed his stepbrother, father, and stepmother, committing the crimes of murder, attempted murder, assault in the first, second, and third, degrees, and various weapons offenses. Both officers repeatedly ordered Mr. Felix to drop the knife. When he did not comply, Officer Lynch fired one time at Mr. Felix, killing him.

Based on the law and the evidence, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Lynch's use of deadly force against Mr. Felix was justified under New York law. As a result, OSI will not seek charges and closes the matter with this report.

Dated: April 15, 2025