

**ATTORNEY GENERAL'S REPORT REGARDING THE FEBRUARY 26, 2025,  
OFFICER-INVOLVED SHOOTING INCIDENT IN LONDONDERRY, NEW  
HAMPSHIRE**

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**I. INTRODUCTION**

New Hampshire Attorney General John M. Formella announces the completion of the investigation into the officer-involved shooting that occurred in Londonderry, New Hampshire on February 26, 2025, that resulted in the fatal shooting of 23-year old Calvin Ly-Bishop. The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding the use of deadly force. The findings and conclusions in this report are based upon information gathered during the investigation, including viewing the scene of the incident as well as photographs of the scene; video of the incident; listening to recorded interviews of witnesses; and reviewing official reports generated during the course of the investigation.

As provided in RSA 7:6, the Attorney General is the State's Chief Law Enforcement Officer. The Attorney General has the responsibility to ensure that whenever law enforcement officers use deadly force, it is done in conformity with the law. When reviewing the use of deadly force by law enforcement officers, the Attorney General does not investigate or opine on the particular procedures or tactics used by law enforcement officers. Instead, the Attorney General's review of officer-involved use of deadly force incidents consists of a criminal investigation, which is limited to determining whether officers complied with the applicable law. Following a full investigation of this deadly force incident by the Attorney General's Office and the New Hampshire State Police Major Crime Unit, the Attorney General finds that the use of

deadly force by Sergeant Timothy Moran, Detective Marvin Alfaro and Officer James DeFelice was legally justified.

## **II. INVESTIGATION**

### **A. Planet Fitness Scene**

At approximately 4:42 pm, an employee at the Planet Fitness gym located at 4 Orchard View Drive called 911 to report that a fellow employee identified as “Calvin” had fired a gun inside the break room. The caller did not know if the shot was fired accidentally or intentionally, or whether Calvin was still present on the premises. The initial description of Calvin was that he was an employee of Planet Fitness. Londonderry officers were dispatched to that location and encountered patrons and staff evacuating the building. Officers responding noted that the call was put out via dispatch as a three-officer call, which signified to them that this was a significant event.

Among those responding was Officer Zack Castiglioni who made a visual inspection of the break room where the shot was reported to have been fired and saw a 9 mm casing on the ground. Officer Castiglioni saw that the fired round had skipped on the ground in the break room and lodged into the break room door. Detective Marvin Alfaro also responded and along with Officers Castiglioni, Ryan Woborok, James DeFelice and Sergeant Timothy Moran assisted in evacuating the building while searching for Calvin. Dispatch continued to provide further information that Calvin, further described as a possible Hispanic male in his early twenties, had left the Planet Fitness premises as well as a description of the motor vehicle Calvin might be operating. Officer DeFelice gathered additional information from a Planet Fitness employee that Calvin and another employee had an argument before the shot was fired. Sergeant Moran was shown a picture of Calvin by a Planet Fitness employee. Based on the totality of the

information, including the physical descriptors of Calvin as well as the description of the motor vehicle he was driving, the officers were able to deduce that the subject they were looking for was employee Calvin Ly-Bishop, age 23. They also learned that Mr. Ly-Bishop's mother lived close by at 61 Winding Pond Road.

Planet Fitness employee Daniel Cassidy had been working with Mr. Ly-Bishop at Planet Fitness when the gun shot was fired, and was subsequently interviewed. Mr. Cassidy disclosed that he was friendly with Mr. Ly-Bishop, and that Mr. Ly-Bishop had shared that he "lets demons into his soul," and would then fight these demons off. Mr. Cassidy recalled that Mr. Ly-Bishop and he had a verbal disagreement just two days before this event on February 24, and Mr. Ly-Bishop warned Mr. Cassidy about what Mr. Ly-Bishop could do to him "spiritually." A second employee, Dylan McEachern, corroborated this. Mr. Cassidy and Mr. McEachern were working the front desk together with Mr. Ly-Bishop on February 26.

Mr. Cassidy described Mr. Ly-Bishop's behavior as odd, describing how Mr. Ly-Bishop would stare at the ground while giggling, and making a reference to playing the "penis game" which had no context. Mr. McEachern described the same behavior, and added that Mr. Ly-Bishop's demeanor included his eyes having a "1000 yard stare" as if he was under the influence of something. When Mr. Cassidy and Mr. McEachern told Mr. Ly-Bishop he should go home, Mr. Ly-Bishop sprinted at Mr. Cassidy, but stopped short of Mr. Cassidy when Mr. Cassidy told him to "chill out." That was when Mr. Ly-Bishop went into the breakroom, and Mr. Cassidy and Mr. McEachern heard the shot and reported seeing the flash from the shot. Mr. Cassidy then saw Mr. Ly-Bishop calmly walk out of the room, and out the front door. This moment was captured on one of the Planet Fitness surveillance cameras, and is consistent with Mr. Cassidy's description.



*Image 1 – Mr. Ly-Bishop in blue walking out from the breakroom towards the main entrance with customers looking into the breakroom*

## **B. Winding Brook Scene**

Once the Planet Fitness scene was secured, Sergeant Moran posted Officer Dakota Camille there to preserve the physical evidence and he instructed the other officers present to head to a staging area near Winding Pond Road. The plan was to wait in that area to see whether Mr. Ly-Bishop was headed to his mother's nearby home at 61 Winding Pond Road in the Century Village community. Sergeant Moran, Detective Alfaro, Officer Woborok and Officer DeFelice assembled near 24 Post Office Square to begin making a plan of operation for the possibility that they could encounter Mr. Bishop on Winding Pond Road. They were joined by Officer Brendan Hurley. Points of concern included the physical layout of Winding Pond Road,

which is a two-way road that provides the only access to over 500 residents who want to enter or leave the Century Village neighborhood.

At about 5 pm and within five minutes of the Londonderry officers staging on the access road to discuss their operation plan, a motor vehicle matching the description of Mr. Ly-Bishop's motor vehicle turned on to Winding Pond Road headed into the Century Village community, which included the home of Mr. Ly-Bishop's mother. At this point, Sergeant Moran determined that the officers would execute a felony motor vehicle stop. Officer Hurley remained back at the entrance of Winding Pond Road while Sergeant Moran, Detective Alfaro, Officer Woborok and Officer DeFelice followed Mr. Ly-Bishop's motor vehicle on to Winding Pond Road.

Sergeant Moran was driving a marked cruiser and Officer DeFelice was driving a second cruiser, when both vehicles executed a felony stop on Mr. Ly-Bishop's motor vehicle, using their lights and sirens. Mr. Ly-Bishop was initially compliant as he pulled his vehicle to the side of Winding Pond Road near the intersection of Lincoln Drive.<sup>1</sup> Police vehicles, carrying officers, positioned themselves behind Mr. Ly-Bishop's vehicle while other officers sealed the access road behind them to prevent private citizens from driving into the middle of the motor vehicle stop. There were no law enforcement officers deeper into the community in front of Mr. Ly-Bishop's vehicle, and therefore no way for officers to stop vehicles from trying to drive east and exit the community. Fortunately, vehicles trying to leave the community stopped of their own accord several yards away from Mr. Ly-Bishop's car. This put the vehicles in the backdrop of

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<sup>1</sup> Lincoln Drive is a dead end road that leads into the Buttrick Village Condominium community, a complex for adults aged 55+.

the officers as they began issuing loudspeaker commands to Mr. Ly-Bishop to place him in custody.



*Image 2 – Google Earth image of the area where officers and Mr. Ly-Bishop stopped on Winding Pond Road headed into Century Village. Mr. Ly-Bishop and the officers were travelling Northwest, from bottom right to upper left, in the image. Lincoln Drive is the road extending down from the circle, which is a dead end road leading to the Buttrick Village 55+ Community.*

## **C. Officer Interviews**

### **1. Sergeant Timothy Moran**

Sergeant Timothy Moran was interviewed on March 12, 2025. He has been a law enforcement officer since 2010 and a Sergeant since 2019. Sergeant Moran was driving the vehicle closest to Mr. Ly-Bishop at the scene as Mr. Ly-Bishop stopped. Sergeant Moran opened the driver's door and used the public address system from his cruiser. Knowing the report that Mr. Ly-Bishop was armed, he also drew his weapon. Sergeant Moran ordered Mr.

Ly-Bishop to put his hands outside of Mr. Ly-Bishop's vehicle, and Mr. Ly-Bishop put his right hand out, holding a tan pistol. Sergeant Moran acknowledged the pistol and ordered Mr. Ly-Bishop to drop the pistol. Instead, Mr. Ly-Bishop placed his right and left hands out of his driver's side window. Sergeant Moran saw that Detective Alfaro was positioned to his left, Officer DeFelice was on the passenger side of Sergeant Moran's vehicle, and he could hear Officer Woborok was also on the passenger side of the vehicle.

Sergeant Moran described in detail what happened next. He saw Mr. Ly-Bishop open his driver's side door and, without any command to do so from any officer, stand up with the pistol still gripped in his right hand. Sergeant Moran dropped the microphone for the public address system, but continued to issue commands for Mr. Ly-Bishop to immediately drop the pistol. Mr. Bishop did not, but asked repeatedly for officers to shoot him. Mr. Ly-Bishop held his pistol over his head pointed upward at a forty-five degree angle and fired one round. Additional commands were issued to Mr. Ly-Bishop to drop the pistol as well as assurances that officers did not want to hurt him. Mr. Ly-Bishop told the officers to just shoot him, and that he wanted to die. Mr. Ly-Bishop then held the tan pistol under his chin, and officers pleaded with Mr. Ly-Bishop not to shoot, saying words to the effect of whatever the situation was could be resolved. Sergeant Moran could see vehicles behind Mr. Ly-Bishop and was concerned about the occupants of the cars, but noted they were not in Sergeant Moran's immediate backdrop as he faced Mr. Ly-Bishop. At that point, Mr. Ly-Bishop brought the pistol away from himself, and pointed the barrel of his pistol out towards the officers perpendicular to Sergeant Moran's vehicle, and Sergeant Moran saw what he believed was a muzzle flash and he heard a pop. Believing that Mr. Ly-Bishop had pointed his gun at the officers, and then fired on both himself and the officers

aside him, Sgt. Moran fired his pistol a total of three times, after which Mr. Ly-Bishop's body and hands twisted in a direction away from the officers, and he fell to the ground.

## **2. Detective Marvin Alfaro**

Detective Alfaro was interviewed on March 4, 2025. He has been a law enforcement officer for six years with the Londonderry Police Department, and a detective for the last three years. He recalled taking a position next to Sergeant Moran on the driver's side of Sergeant Moran's vehicle. Detective Alfaro saw that Officer DeFelice was on the passenger side of Sergeant Moran's vehicle armed with a rifle. Detective Alfaro saw Mr. Ly-Bishop holding both hands extended outside of his driver's side window with a tan pistol in his right hand. He also saw Mr. Ly-Bishop suddenly exit his vehicle without being commanded to do so. Detective Alfaro heard Sergeant Moran continue to issue commands, and Mr. Ly-Bishop speaking back to them, but Detective Alfaro did not recall what Mr. Ly-Bishop was saying. He saw Mr. Ly-Bishop begin to pace around waving the pistol so that it was sometimes pointed up in the air and sometimes pointed down towards the ground. Detective Alfaro was becoming concerned with the vehicles accumulating behind Mr. Ly-Bishop and their occupants as those vehicles were now close to the scene. Detective Alfaro tried to wave those vehicles back without confusing Mr. Ly-Bishop, towards whom commands were still being issued. He also saw Sergeant Moran similarly trying to wave those vehicles to back up away from Mr. Ly-Bishop's position.

In addition to the first gunshot fired by Mr. Ly-Bishop into the air, Detective Alfaro recalled the large number of pleas from both himself and the other officers for Mr. Ly-Bishop to drop the gun. These came from himself, Sergeant Moran, and Officer DeFelice all communicating with Mr. Ly-Bishop, but not simultaneously. At one point, Mr. Ly-Bishop squatted down and pointed his pistol towards his chin, prompting Detective Alfaro and Officer

DeFelice to plead with Mr. Ly-Bishop not to pull the trigger and assuring Mr. Bishop “we can talk though this” while telling him to put the pistol down. Detective Alfaro became more concerned when he saw Mr. Ly-Bishop turn towards the accumulating vehicles behind him and then back towards the officers, which made Detective Alfaro concerned for their safety and prompted him to issue a more emphatic command to “drop the fucking gun.” Detective Alfaro described the position and proximity of those accumulating vehicles as being “too close for comfort” and that it put the occupants in a dangerous area. He then saw Mr. Ly-Bishop raise the pistol to his shoulder height and fire a shot. Detective Alfaro saw that the muzzle was facing his position, saw a white flash of light from the end of the barrel, and heard a shot. Believing Mr. Ly-Bishop just fired at him, Detective Alfaro immediately moved towards his right to take cover next to Sergeant Moran and the cruiser. At this point, Detective Alfaro heard other gunshots being fired, but he did not immediately have a clear line of sight on Mr. Ly-Bishop behind Sergeant Moran and the cruiser’s car door. Detective Alfaro then saw Mr. Ly-Bishop had moved back towards his vehicle and his body was bladed with his left side facing Detective Alfaro with his right arm still holding the gun. Detective Alfaro fired a single round at Mr. Bishop’s center, who then collapsed down on the ground.

At no time did Detective Alfaro see or hear Mr. Ly-Bishop comply with any of the commands issued to him by any Londonderry officer. Detective Alfaro believed that during the entire encounter, Mr. Ly-Bishop posed a threat to the officers, other residents, and himself, and that this threat still existed when he fired.

### **3. Officer James DeFelice**

Officer DeFelice was interviewed on March 4, 2025. He had almost seven years of law enforcement experience at that time. Officer DeFelice arrived at the scene of the incident in the

second cruiser and positioned himself on the passenger side of Sergeant Moran's vehicle after it stopped. Officer DeFelice then knew that Officer Woborok was behind him, and Detective Alfaro was behind Sergeant Moran on the driver's side of Sergeant Moran's vehicle.

Officer DeFelice first saw Mr. Ly-Bishop at the scene extending his hands out of his driver's side window with what appeared to be a tannish colored pistol in his right hand. Officer DeFelice heard that the commands to drop the pistol were loud and clear, but instead of following the commands or responding to them, Mr. Ly-Bishop came out of his vehicle with the pistol in his right hand pointing the muzzle down by his side. Officer DeFelice saw Mr. Ly-Bishop then crouch down and hold the pistol under his chin with both hands, while the officers pleaded with him to not shoot himself. Officer DeFelice recalled one of the pleas he said aloud to Mr. Ly-Bishop was that he didn't have to do this and words to the effect of whatever you've done is not unforgivable. He then saw Mr. Ly-Bishop rise to his feet and say words to the effect that the officers will shoot him or he would shoot the officers. Officer DeFelice told him, "No, we're not going to do that; we don't have to do this," before Ly-Mr. Bishop raised the pistol over his head and fired a round.

Officer DeFelice saw Mr. Ly-Bishop then slowly lower the pistol to point the barrel of Mr. Ly-Bishop's gun towards the grouping of officers, and he saw a white light come from the end of the barrel that he recognized was similar to the light he carried at the end of his own pistol. During his interview, Officer DeFelice described how, in that split second, he felt tremendous regret that he did not fire before because he believed every officers' life was now in jeopardy with Mr. Ly-Bishop's gun now being pointed at them. Officer DeFelice believed that after he saw the gun being pointed at the officers, that it was he who fired the first shot at Mr. Ly-Bishop, which was immediately followed by the sound of several gunshots coming from the

area of the other officer on the opposite side of the cruiser. He then looked and saw Mr. Ly-Bishop was still holding the pistol and was standing. Officer DeFelice recalled firing a second shot, and was unsure whether any additional shot may have then been fired from the other side of the cruiser. At that point, Mr. Ly-Bishop fell to the ground. At no time did Officer DeFelice see or hear Mr. Ly-Bishop follow any of the commands he was given to drop the pistol.

#### **4. Officer Ryan Woborok**

Officer Woborok was interviewed on February 27, 2025. He had been a police officer for eight years at the time of this event. While he did not discharge his firearm during the event, Officer Woborok was positioned behind Officer DeFelice during the event, and was an eyewitness to what occurred

Officer Woborok told investigations that he arrived behind the other three officers, and took a position on the passenger side of Sergeant Moran's vehicle, which was the vehicle closest to Mr. Ly-Bishop. Officer Woborok saw Sergeant Moran open the driver's side door and heard him use the public announcement system to address Mr. Ly-Bishop. Officer Woborok tapped Officer DeFelice on the shoulder and told him he was with him on the passenger side of Sergeant Moran's cruiser, and saw Detective Alfaro at a position on the driver's side of the cruiser. Officer Woborok could see that Mr. Ly-Bishop's driver's window was down and that Mr. Ly-Bishop had his hands outside of the driver's window holding a tan pistol. He could hear Mr. Ly-Bishop was yelling something, but could not understand everything Mr. Ly-Bishop was saying. At one point while Sergeant Moran was ordering Mr. Ly-Bishop to turn the vehicle off, Officer Woborok heard Mr. Bishop yelling that he wanted to go home while still waving the pistol around outside of the driver's side window. Officer Woborok saw the firearm waving wildly so that the muzzle was occasionally aimed up into the air and other times pointed towards the

ground. Officer Woborok noted that the movement made it seemed as though Mr. Ly-Bishop wanted to drop the pistol but did not know how to do so.

Officer Woborok saw Mr. Ly-Bishop exit his vehicle unprompted, and walked a step or two from the driver's side door while officers tried to negotiate with him. Mr. Ly-Bishop continued to hold the pistol, and at one point squatted down, but then stood back up and fired the pistol. Officer Woborok did not believe this first shot was aimed at officers, but was more a shot into the air as Mr. Ly-Bishop continued to move the pistol around, including holding the pistol towards his own head. By now, Officer Woborok saw the private citizens in their vehicles beginning to accumulate behind Mr. Ly-Bishop's vehicle attempting to exit the complex. He also saw Mr. Ly-Bishop's attention be drawn to these vehicles behind him, and saw Mr. Ly-Bishop turn his body towards those vehicles while still moving the pistol around. This contributed to Officer Woborok's attention to and concern for the safety of the occupants of those vehicles. Officer Woborok then heard what he thought was a pistol shot followed by three or four more gunshots, after which he saw Mr. Ly-Bishop fall to the ground.

#### **D. Available Camera Footage**

At the time of this event, Londonderry Police Department did not have body worn cameras.<sup>2</sup> There is no cruiser camera footage of this incident, and footage from a privately owned delivery truck stopped far back in the line of traffic behind the event did not capture audio or video of the event itself. No civilian or third-party recordings of any part of this incident are known to exist beyond the surveillance footage captured at the Planet Fitness scene. Again, that

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<sup>2</sup> The Town of Londonderry then had a warrant article scheduled for an upcoming vote at the town meeting in March 2025 to purchase/lease body worn cameras for their officers. This article later passed.

video captured the occupants' reactions to the gunshot being fired, Mr. Ly-Bishop then taking his bag and walking out the door into the parking lot, and the arrival of Londonderry Police officers to the business.

#### **E. Autopsy Results**

An autopsy was performed on Mr. Ly-Bishop by Chief Medical Examiner Dr. Jennie Duvall on February 27, 2025. Dr. Duval found that Mr. Ly-Bishop sustained three separate gunshot wounds. Specifically, entrance wounds were documented to Mr. Ly-Bishop's side of his left chest, side of his right chest, and left neck.<sup>3</sup>

Dr. Duvall found that Mr. Ly-Bishop's cause of death was gunshot wounds of the chest, and the manner of death was homicide. As used by the Office of the Chief Medical Examiner, the term "homicide" is defined as the killing of one person by another.

Toxicology results of Mr. Ly-Bishop's blood revealed the presence of the active marijuana compound Delta-9 THC, indicating that Mr. Ly-Bishop had recently used/consumed marijuana on February 26, 2025, prior to his death.

#### **F. Physical Evidence at the Scene**

Efforts were made to recover shell casings at the scene. Three .223 Remington FC21 casings were located on the right side of the roadway, southeast of where Mr. Ly-Bishop fell to the ground. The location of these casings is consistent with the position of Officer DeFelice, who was armed with a Sig M400 Rifle. One 9mm casing was located on the right side of the roadway southeast of Mr. Ly-Bishop. Two 9 mm casings were located on the roof of Sergeant Moran's cruiser. One 9 mm casing was found on the passenger side windshield wiper blade of Sergeant Moran's cruiser. The location of these casings is consistent with the positions of both

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<sup>3</sup> It is infeasible to determine with certainty which officer's gunshots struck Mr. Bishop.

Detective Alfaro and Sergeant Moran, who were armed with 9 mm pistols. Each of these 9mm casings were Speer 9mm Luger rounds.

Mr. Ly-Bishop's tan Glock 19X handgun was also recovered. Mounted to the front of the barrel was a light system. The gun was loaded with a full magazine containing 17 rounds of Blazer 9mm Luger cartridges. Two fired Blazer 9mm Luger cartridges were recovered by police, one from the Winding Brook scene, and the other from inside the breakroom at Planet Fitness where Mr. Ly-Bishop initially fired.



*Image 3 – Mr. Ly-Bishop's Glock 19X semiautomatic pistol with mounted light.*

### **III. APPLICABLE LAW AND LEGAL STANDARDS**

New Hampshire's laws regarding self-defense, defense of others, and the use of physical force by law enforcement are set forth in RSA Chapter 627. Under RSA 627:5, II (a), a law enforcement officer, like a private citizen, is justified in using deadly force when he/she reasonably believes that such force is necessary to defend himself/herself or a third person from

what he/she reasonably believes is the imminent use of deadly force. Under RSA 627:9, II, “deadly force” is defined as any assault which the actor commits with the purpose of causing or which the actor knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a weapon capable of causing serious bodily injury or death in the direction of another person constitutes deadly force.

The phrase “reasonably believes” means that the actor “need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real.” *State v. Gorham*, 120 N.H. 162, 163-64 (1980). The term “reasonable” “is determined by an objective standard.” *State v. Leaf*, 137 N.H. 97, 99 (1993). Further, all the circumstances surrounding the incident should be considered in determining whether there was a reasonable belief that deadly force was necessary to defend oneself or another. *See id.* at 99; *Aldrich v. Wright*, 53 N.H. 398 (1873). The reasonableness standard also applies in a situation where a person who uses deadly force is mistaken about the situation or the necessity of using deadly force. Thus, either a private citizen or a police officer may still be justified in using deadly force if he/she reasonably believed that he/she was in imminent danger from the use of deadly force by another, even if, in fact, they were not, so long as the actor’s belief was objectively reasonable.

Moreover, when analyzing the reasonableness of an actor’s use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight, which is afforded by one viewing the circumstances after the fact.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court discussed the standards by which a police officer’s conduct would be judged when excessive force claims were brought against him. The Court confirmed that “[t]he ‘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.” *Id.* The Court went on to explain how to determine what is reasonable in situations where police officers use force:

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.

*Id.* at 396-97; *see also Ryburn v. Huff*, 132 S. Ct. 987, 992 (2010).

The Eleventh Federal Circuit has noted that:

The Supreme Court has emphasized that there is no precise test or ‘magical on/off switch’ to determine when an officer is justified in using excessive or deadly force. . . . Nor must every situation satisfy certain preconditions before deadly force can be used . . . Rather, the particular facts of each case must be analyzed to determine whether the force used was justified under the totality of the circumstances.

*Garczynski v. Bradshaw*, 573 F.3d 1158, 1166 (11<sup>th</sup> Cir. 2009) (citations omitted). That is because “the law does not require perfection—it requires objective reasonableness.” *Phillips v. Bradshaw*, No. 11-80002-CIV-MARRA, 2013 U.S. Dist. LEXIS 44646 \*55-56 (S.D. Fla. March 28, 2013). Specifically, the law accounts for the often-fast moving nature of dangerous situations and the necessity of making decisions in less than ideal circumstances. *See Huff*, 132 S. Ct. at 991-92 (chastising lower circuit court for not “heed[ing] the District Court’s wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation.”).

#### **IV. ANALYSIS AND CONCLUSION**

Based on all the facts and circumstances of this case, the Attorney General has concluded that the use of deadly force resulting in the death of Calvin Ly-Bishop was legally justified. Sergeant Moran, Detective Alfaro and Officer Defelice, prior to the motor vehicle stop, were aware that Mr. Ly-Bishop was armed with a deadly weapon and had already discharged that

deadly weapon at his place of employment. Once stopped, Mr. Ly-Bishop gave no indication that he would be compliant with the officers' verbal commands to put the pistol down. Instead, he continuously waved the pistol around, threatening his own safety, the safety of the officers and of the people who were accumulating in vehicles behind him, and the community of residences surrounding them in the Century Village Community, and the 55+ community of Buttrick Village. His stated intention of shooting at officers to spur the officers to shoot at him, and his physical positioning of holding the gun with both hands under his chin and saying he was going to shoot himself heightened the danger of the situation for all involved, including the nearby citizens in vehicles trying to exit the complex, as well as the many residents in the area.

Despite this behavior, officers continued to talk with Mr. Ly-Bishop, pleading for him to not commit suicide, and telling him words to the effect of whatever the problem was that they could work it out. Mr. Ly-Bishop's actions did not change however, and he both discharged his gun at a 45 degree angle up in the air, and later, brought the barrel of the gun down to aim the barrel at the officers' position.

Given all these circumstances, it was objectively reasonable for Sergeant Timothy Moran, Detective Marvin Alfaro and Officer James DeFelice to use deadly force to fire upon Mr. Ly-Bishop as it was objectively reasonable to believe that Mr. Ly-Bishop then posed an imminent threat of deadly force to the officers. At the time that they fired upon Mr. Ly-Bishop, he had pointed his gun at the officers' position after having refused all commands to drop the weapon, and had already fired the weapon at the scene of the motor vehicle stop as well as earlier at Planet Fitness. For these reasons, the officers' use of deadly force against Mr. Ly-Bishop was legally justified, and accordingly, no criminal charges will be filed against the officers in connection with the shooting.