



Office of the New York State Attorney General Letitia James

Office of Special Investigation

July 22, 2026

Report on the Investigation into the Death of Albert Melendez Jr.

OVERVIEW

New York Executive Law Section 70-b authorizes the Office of the Attorney General, 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 or a peace officer, as defined. When, as in this case, OSI does not seek charges, Section 70-b requires OSI to issue a public report. This is the public report of OSI's investigation of the death of Albert Melendez Jr., who was shot and killed on July 16, 2024, by New York State Police (NYSP) Trooper Russell Peters.

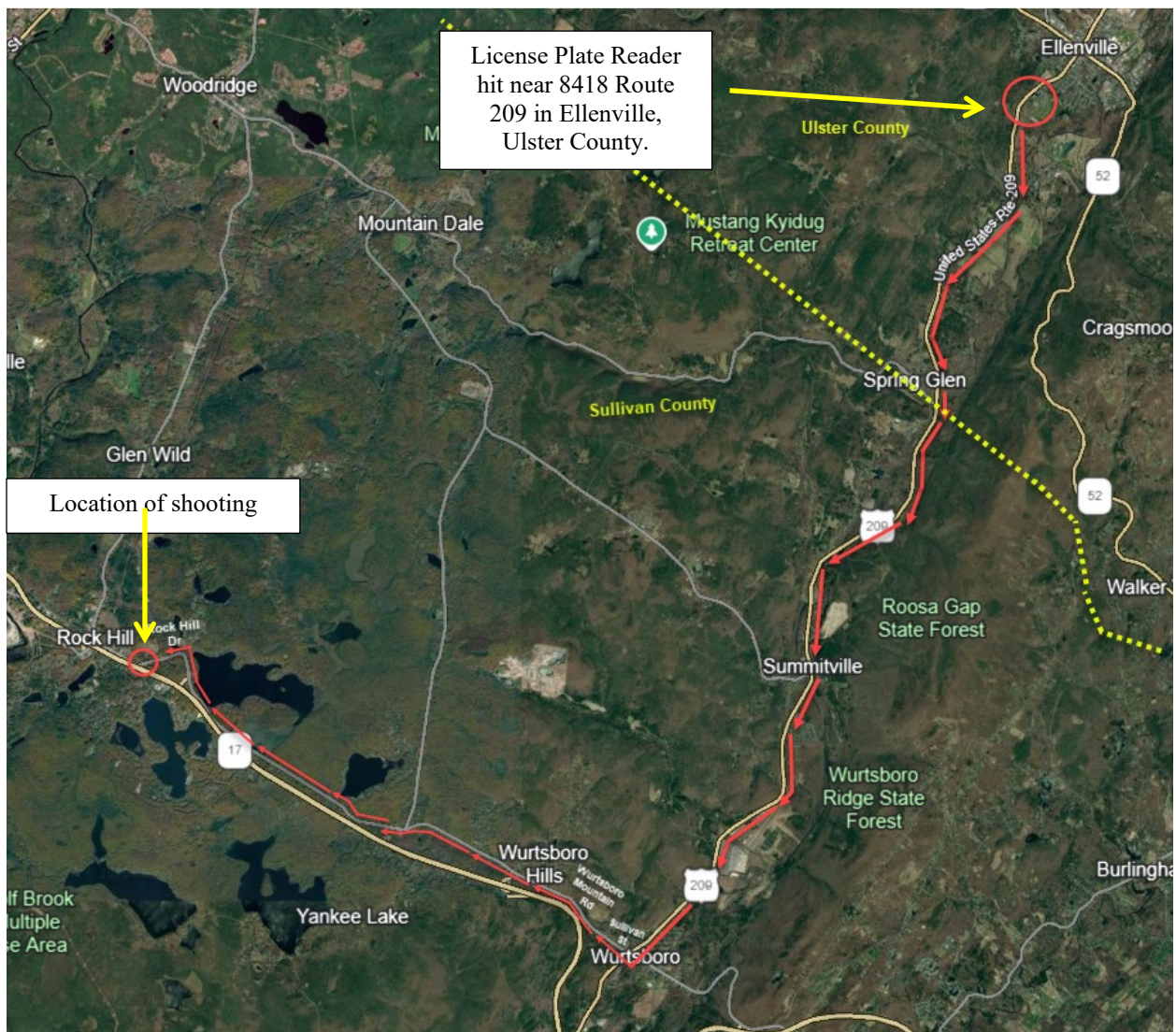
On July 16, 2024, at 2:13 a.m., a member of the Ulster County Sherriff's Office (USCO) called NYSP, reporting that a deputy was pursuing a black Mazda south on Route 209 after the car failed to pull over for a traffic stop. USCO told NYSP that they were going to stop their pursuit because the driver, later identified as Mr. Melendez, was leaving Ulster County and entering Sullivan County. NYSP Troopers Russel Peters and Eric Grahn took over the pursuit when the car entered the Village of Wurtsboro in Sullivan County. The troopers attempted to pull Mr. Melendez over but he drove away at a high rate of speed. The troopers followed Mr. Melendez for several miles until he attempted to turn around at the intersection of Rock Hill Drive and Emerald Place. Trooper Peters got out of his car and stood in front of Mr. Melendez's car in an attempt to block his path. Mr. Melendez then drove directly at Trooper Peters, striking him in the legs, and hitting the rear of the trooper car. Trooper Peters jumped to the passenger side of Mr. Melendez's car and shot Mr. Melendez several times, striking him in the chest, abdomen, arms, and left leg. Mr. Melendez was taken to Garnet Health Medical Center where he was pronounced dead.

Having thoroughly investigated the matter and analyzed the law, OSI will not seek charges against Trooper Peters because it concludes a prosecutor would not be able to disprove beyond a reasonable doubt that his use of deadly force against Mr. Melendez was justified under New York law.

FACTS

Site of Shooting

UCSO deputies attempted to stop Mr. Melendez as he drove south on Route 209 in Ulster County. As shown on the map below, Mr. Melendez continued traveling south on Route 209 toward the Village of Wurtsboro in Sullivan County. Trooper Peters and Trooper Grahn first saw Mr. Melendez on Route 209, right before he entered Wurtsboro. The troopers followed Mr. Melendez as he turned right from Route 209 onto Wurtsboro Mountain Road and attempted to pull him over. Mr. Melendez drove for several miles at a high rate of speed on Wurtsboro Mountain Road and turned left onto Rock Hill Drive. The pursuit ended at the intersection of Emerald Place and Rock Hill Drive



Ulster County Sheriff's Office

UCSO Deputy Devon Pullman wrote in his incident report that on July 16, 2024, at 2:09 a.m., he was traveling north on State Route 209 when he received a license plate reader notification that a black Mazda with a suspended registration and no insurance had driven past him in the opposite direction. Deputy Pullman confirmed through the UCSO mobile application that the car registration was suspended and did not have proper insurance.

Deputy Pullman said he turned his car around and attempted to pull the Mazda over by activating his car's lights and sirens. The Mazda did not pull over, drove away at a high rate of speed, and passed another vehicle, crossing over a double yellow line. Deputy Pullman notified Ulster County 911 that he had a "failure to comply" headed toward the Sullivan County border and provided them with the car's registration. Ulster County 911 told Deputy Pullman that NYSP was notified and responding. UCSO Sergeant James Harcher instructed Deputy Pullman to terminate the pursuit. Deputy Pullman stopped his pursuit when he reached the Sullivan County line.

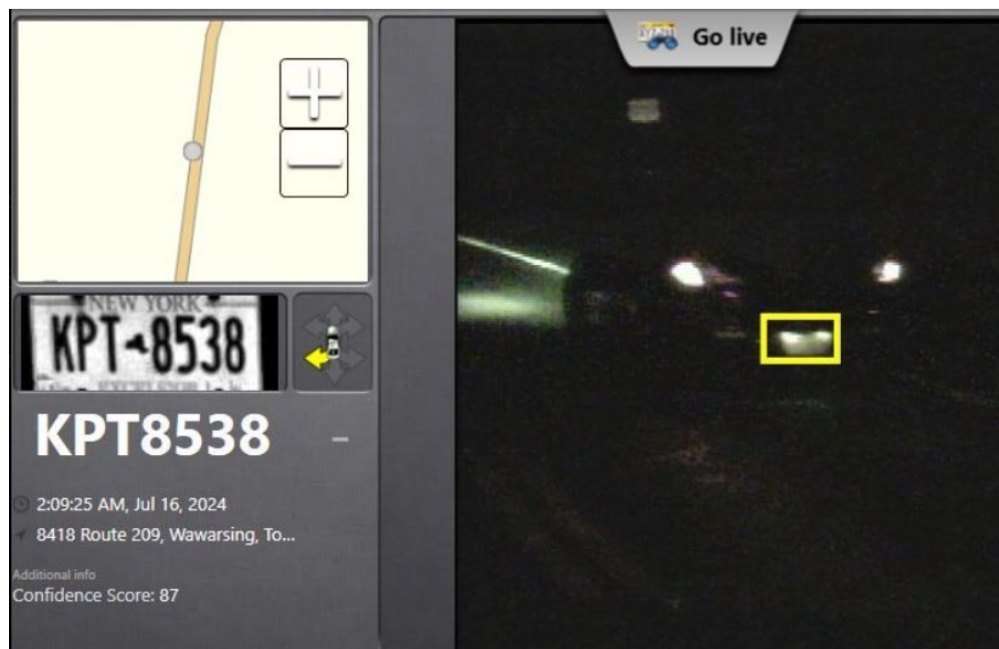


Image from the license plate reader showing Mr. Melendez as he drove past Deputy Pullman near 8418 Route 209 in Ellenville, Ulster County.

Officer Interviews

Trooper Peters

Trooper Peters said in his interview with OSI that he had been with NYSP since 2021 and has been assigned to Troop F since graduating from the academy. Prior to joining NYSP he served in the Marine Corps for four years.

On July 16, 2024, he was working an overtime shift with Trooper Eric Grahn. They were in the trooper barracks when they heard a radio communication of a vehicle pursuit that was heading south on Route 209 toward the Village of Wurtsboro. The troopers drove to Route 209 in Wurtsboro and waited for the car. Trooper Grahn was the driver, and Trooper Peters was the front passenger.

Mr. Melendez drove past the troopers heading south on Route 209, doing 73 mph in a 55 mph zone. The troopers followed Mr. Melendez as he turned onto Wurtsboro Mountain Road, confirmed the license plate matched what was broadcast over the radio, and attempted to pull Mr. Melendez over.

Mr. Melendez continued driving at a high rate of speed, reaching 90 mph at times, based on the speed the troopers reached as they drove behind him. Trooper Peters described the road conditions as wet and dark. The pursuit continued onto Rock Hill Drive toward Emerald Place where Mr. Melendez slammed on the car's brakes, turned right onto Emerald Place, and turned his car around so it was positioned perpendicular to the trooper car.

Trooper Peters said he got out of his car and stood directly in front of Mr. Melendez's car with his gun out. Trooper Peters shouted at Mr. Melendez to stop and get out of the car. Mr. Melendez briefly stopped, looked at Trooper Peters, and drove the car directly toward him, striking him in the knees. Trooper Peters was able to "jump" to the passenger side of the car. Trooper Peters said he started shooting when he saw Mr. Melendez put his hand on the gear shift fearing that he was going to reverse the car and hit him again. Mr. Melendez took his hands off the steering wheel and yelled "all right" several times after being shot.

Trooper Peters said he was in shock that Mr. Melendez hit him with the car and thought that the pursuit was over when Mr. Melendez briefly stopped and made eye contact with him. Trooper Peters began shooting because he thought that Mr. Melendez would not stop and would do anything to strike him again with his car.

Trooper Peters said he did not know how many times he fired his gun.

Trooper Peters sustained several injuries as a result of being struck by the car, including pain in his knees, left foot and ankle, and back. Trooper Peters said that most of his pain eventually went away except for his back, which intensified in the days and weeks after the incident.

According to his medical records, an MRI showed that Trooper Peters sustained a disc bulge and three herniated discs because of the incident.

Trooper Eric Grahm

Trooper Grahm said in his interview with OSI that he had been a State Trooper since 2022. Prior to joining the NYSP he was a police officer in the Town of Chester Police Department.

On July 16, 2024, he was working a double shift that started on the 15th at 7:00 p.m. and ended at 7:00 a.m. the following morning. Trooper Grahm was working alone until midnight when he partnered up with Trooper Peters. Trooper Grahm was the driver, and Trooper Peters was the front passenger.

At around 2:00 a.m. he was notified about a pursuit of a black Mazda for failure to comply; the Mazda was heading south on Route 209 into Sullivan County. Trooper Grahm and Trooper Peters responded to the area and saw the black Mazda drive by them on Route 209 at a high rate of speed. Trooper Grahm said he followed the car as it turned onto Wurtsboro Mountain Road and attempted to pull the car over by turning on the police car's lights and sirens.

The Mazda did not pull over and fled at speeds reaching 90 mph and passed other motorists by crossing over double yellow lines. Trooper Grahm followed the Mazda as it turned onto Rock Hill Drive, where he saw that deputies from the Sullivan County Sheriff's Office had set up a roadblock farther down the road. As they approached the roadblock, Mr. Melendez attempted to turn his car around at the intersection of Rock Hill Drive and Emerald Place.

Trooper Grahm said he backed up his car to block Mr. Melendez from driving away in the opposite direction and Trooper Peters jumped out of the car. Trooper Grahm saw the Mazda strike Trooper Peters and then hit the back of his car. Trooper Grahm lost sight of Trooper Peters and thought he had been run over.

Trooper Grahm got out of his car and saw that Mr. Melendez had been shot several times and immediately began administering aid.

Radio Communications

OSI reviewed the Ulster County and NYSP radio recordings from the incident. Below is a timeline of their communications:

2:13:17 a.m. Ulster County 911 contacted Sullivan County 911 about a failure to comply involving a black Mazda heading southbound on Route 209.

2:15:39 a.m. Ulster County 911 told Sullivan County 911 that the black Mazda's license plate number was KPT8538 and that they were terminating their pursuit.

2:16:48 a.m. Trooper Peters said he saw the Mazda entering the village (referring to the Village of Wurtsboro); Trooper Peters put the license plate over the radio.

2:17:02 a.m. Trooper Peters said they were behind the Mazda on Wurtsboro Mountain Road and the driver failed to pull over.

2:21:20 a.m. Trooper Peters said he believed there was only one person in the car, and they were traveling on Rock Hill Drive.

2:23:00 a.m. Trooper Graham said shots were fired.

Mazda Event Data Recorder

OSI and NYSP executed a search warrant on Mr. Melendez's Mazda and recovered data from the car's event data recorder (EDR). An EDR is part of the vehicle's air bag control module. When a vehicle is involved in a collision the air bag control module will be activated to determine if the airbags and other safety features should be deployed. When an air bag module activates it will automatically store five seconds of data prior to impact, including the car's speed and engine throttle. Mr. Melendez's air bag control module was activated and stored data related to the incident.

OSI reviewed the data download from the Mazda, which showed two events, separated by one second, triggered during the incident. The data from the two events overlapped and created a six-second lookback when combined. The combined events showed that Mr. Melendez's car was traveling at 7 mph and that the engine throttle reached 51% when he struck Trooper Peters and the police car.

Trooper Body-Worn Camera Footage

Trooper Peters

Trooper Peters activated his body-worn camera (BWC) while the officers were in pursuit of Mr. Melendez; the video showed that the trooper car's lights and sirens were activated. Trooper Peters was seated in the front passenger seat and put their travel path, speed, and road

conditions over the radio. He conveyed speeds as high as 90 mph and described the road conditions as damp.

Trooper Grahan stopped the car as they approached the intersection of Emerald Place and Rock Hill Drive. The BWC footage showed that Trooper Peters got out of the front seat and stood directly in front of Mr. Melendez's car. Trooper Peters drew his gun and began yelling for Mr. Melendez to stop the car and get out of the vehicle. Based on the BWC video, Mr. Melendez did not comply and instead drove the car directly toward Trooper Peters. Trooper Peters braced for impact by putting his hands on the hood of the car and jumping to the passenger side. He then shot Mr. Melendez several times.

Both troopers took Mr. Melendez out of his car and began administering aid with the help of a deputy from the Sullivan County Sherriff's Office. While administering aid to Mr. Melendez, Trooper Peters told Trooper Grahn that he was hit in the knees. Trooper Peters's BWC video is located [here](#). Still images from Trooper Peters's BWC video are below:



Trooper Peters standing in front of the black Mazda while he was shouting commands for Mr. Melendez to stop the car and get out.



Trooper Peters shooting into the Mazda after it struck him and the rear of the trooper car.

Trooper Grahm

Trooper Grahm's BWC footage began at the same time as Trooper Peters's. At the start of the video, Trooper Grahm was driving the car as Trooper Peters communicated over the police radio.

The BWC footage showed that Trooper Grahm followed behind Mr. Melendez until they stopped at the intersection of Emerald Place and Rock Hill Drive. Trooper Peters got out of the car while Trooper Grahm remained inside. The trooper car then shook and several gun shots rang out. Trooper Grahm got out of his car and removed Mr. Melendez from the Mazda and began administering aid.

Trooper Grahm's BWC did not capture any part of the shooting. Trooper Grahm's BWC is [here](#).

Trooper Peters's Firearm

Investigators from NYSP inspected and photographed Trooper Peters's department-issued firearm.

Trooper Peters was equipped with a Glock 21 Generation 4 .45 caliber firearm and three Glock magazines with 13-cartridge capacities (one magazine was in the firearm along with two spare

cartridges). Trooper Peters said in his interview that his magazine was loaded to full capacity with an additional round in the firing chamber of the gun. A review of the firearm and magazine showed that after the shooting they were loaded with six unfired cartridges, with one round chambered in the firearm and five in the magazine, indicating that he fired eight rounds during the incident.

Autopsy

Dr. Jennifer L. Roman of the Orange County Medical Examiner's Office performed the autopsy on Mr. Melendez on July 16, 2024. According to the autopsy report, Dr. Roman determined that the cause of death was gunshot wounds of the torso and right arm and deemed the manner of death to be homicide.

LEGAL ANALYSIS

Law of Justification

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly physical force against another. Justification is a defense, Penal Law Section (PL) 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1).

In *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]).” (Square brackets and ellipses in the original.)

Deadly physical force is force that “under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.” PL 10.00(10). Serious physical injuries include permanent scars and lacerations,

People v Brooks, 165 AD3d 694 (2d Dept 2018), and the loss of an eye or vision, *People v Ingram*, 95 AD3d 1376 (3d Dept 2012); *People v Kirschbaum*, 121 AD2d 744 (2d Dept 1986).

Police officers attempting to make an arrest for an offense are not obligated to retreat before using deadly physical force in response to deadly physical force, even if they know they can retreat in complete safety to themselves or others, PL 35.30 and PL 35.15(2)(a)(ii).

Analysis of Justification in This Case

Based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Trooper Peters's use of deadly physical force was justified under the law. Under PL 35.15 Trooper Peters could use deadly physical force if he reasonably believed it necessary to defend himself or another against the imminent use of deadly force.

Trooper Peters and Trooper Grahn attempted to apprehend Mr. Melendez after he failed to comply with a traffic stop and fled from both UCSO and NYSP members at a high rate of speed. Trooper Peters believed the pursuit was over when Mr. Melendez stopped his car at the intersection of Rock Hill Drive and Emerald Place and did not use deadly physical force until Mr. Melendez drove his car directly toward him and the trooper vehicle, striking both. Under PL 10.00(13), a dangerous instrument is defined as any instrument, including a vehicle, which, under the circumstances in which it is used or attempted to be used, is readily capable of causing death or serious physical injury. Trooper Peters had reasonable cause to believe that Mr. Melendez was attempting to commit the crime of Assault in the First or Second Degree, PL 120.10(1) or 120.05(2), when he used his car as a dangerous instrument and attempted to cause Trooper Peters serious physical injury or physical injury by striking him with the car.

Under these circumstances, OSI would not be able to disprove beyond a reasonable doubt that Trooper Peters was justified in shooting Mr. Melendez. Therefore, OSI will not seek charges against Trooper Peters and closes the matter with this report.

RECOMMENDATION

OSI recommends that the NYSP amend its Members Manual to limit the scope of crimes that can serve as the basis for a vehicle pursuit.

Article 30E of the NYSP Members Manual governs vehicle pursuits. OSI reviewed the manual that was in effect at the time of the incident, which has since been amended. While the current

guidelines differ from the 2024 version, the factors that would govern this pursuit have not been changed or altered.

The version of Article 30E in effect at the time of the incident (which is dated 2021) said that members should make every reasonable effort to apprehend suspects in a fleeing vehicle and that pursuits may be initiated whenever a law violator refuses to stop and uses a vehicle to flee. The patrol guide cautioned that vehicle pursuits may present a substantial danger to the public, to the pursuing members, and to the fleeing subjects. It said pursuits must be terminated when it becomes apparent to the members involved that the need to apprehend is outweighed by a clear and unreasonable danger to the public or to the members.

Article 30E listed several factors in determining whether to pursue a vehicle, including the nature of the offense; safety to the officer, other motorists, passengers, and pedestrians; the trooper's personal driving capabilities and tactical preparations; the type of vehicle pursued; road and weather conditions; traffic conditions; time of day or night; knowledge of the area; population of the area; and knowledge of the violator.

During a pursuit, troopers were required to activate all emergency warning lights and audible devices and to immediately radio their location and direction of travel; a description of the vehicle, including the license plate number; number of occupants in the vehicle; reason for the pursuit; and any additional information that may be helpful in terminating the pursuit or resolving the incident.

OSI concludes that the troopers involved did not violate the NYSP policy on pursuits in effect at the time.

The pursuit began when an Ulster County Sheriff Deputy attempted to stop Mr. Melendez for an expired registration. Mr. Melendez did not stop and fled at a high rate of speed. At that point and thereafter officers had reasonable cause to believe that Mr. Melendez was committing the crime of Unlawful Fleeing a Police Officer in a Motor Vehicle in the Third Degree, under Penal Law Section 270.25 (a class A misdemeanor).

Weighing the factors set forth in the policy, although the pursuit was at night and in wet conditions, it occurred in a low-populated area, the troopers were familiar with the area, and the pursuit posed minimal risk to other motorists or pedestrians. The troopers activated their car's lights and sirens, and Trooper Peters was communicating relevant information over the radio, including speed, direction, and vehicle description. When Mr. Melendez attempted to turn around, the troopers attempted to block him before he drove at Trooper Peters and Trooper Peters fired at him.

The Attorney General issued a report on June 24, 2025, concerning police pursuits [HERE](#) in which she recommended:

- That the state enact a law to increase transparency:
 - o New York law enforcement agencies should be required to track and publish a standardized set of data about traffic pursuits and high-speed chases. This should be facilitated by a centralized agency such as the Division of Criminal Justice Services (DCJS).
- That police departments ban high-speed police pursuits, with very narrow exceptions:
 - o High-speed chases can be deadly. Chases may be necessary when a serious or violent felony has been or will be committed, and when the driver's conduct poses an imminent threat of death. But, in large part, ordinary speeding or minor traffic infractions should not lead to a high-speed, dangerous chase.

Law enforcement agencies are moving in this direction. For example, in a significant change, NYPD issued new rules on pursuits, effective February 1, 2025, including these provisions [HERE](#).

- Officers may initiate a vehicle pursuit only for the most serious and violent crimes (felonies and violent misdemeanors). Pursuits are not allowed for traffic infractions, violations, or non-violent misdemeanors.
- Before deciding to initiate a pursuit, officers must take into account whether the pursuit would be in a residential community or near a school or playground.
- Supervisors must actively monitor and manage pursuits, including monitoring speed and requesting specialized units to assist if needed.
- Officers will not be criticized or disciplined if they terminate a pursuit because they do not believe it can be continued safely.

Although NYSP troopers patrolling rural roads do not face the same conditions that NYPD officers face on city streets, OSI recommends that NYSP review and amend its Members Manual to limit the scope of crimes that can serve as the basis for a vehicle pursuit.

Dated: July 22, 2026