



Office of the New York State Attorney General Letitia James

Office of Special Investigation

July 31, 2026

Report on the Investigation into the Death of Devon Allen

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 OSI, as in this case, 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 Devon Allen, who was shot and killed on April 30, 2024, by a member of the New York City Police Department (NYPD), Lieutenant Darren Melhado, and a member of Homeland Security Investigations (HSI), Special Agent Anthony Quinn.

On April 30, 2024, at 2:28 p.m., an HSI task force team drove to the area around West 25th Street, New York County, to find and detain Mr. Allen. Mr. Allen was suspected of committing an assault in December 2023, and was wanted for questioning regarding information he was believed to have about a federal drug and gang investigation. The HSI task force team consisted of Lieutenant Melhado, Agent Quinn, and Detective Nicholas Geroulakis of NYPD. They found Mr. Allen near an optical shop at 200 West 24th Street. When Mr. Allen saw them he started to run away, but Detective Geroulakis grabbed him. Mr. Allen tried to pull away, but Detective Geroulakis and Agent Quinn wrestled with Mr. Allen, and the three fell into the optical shop, where the struggle continued. Detective Geroulakis and Agent Quinn wrestled Mr. Allen to the floor and tried to handcuff him. Detective Geroulakis said he saw Mr. Allen repeatedly trying to grab the pouch he was wearing across his chest. Detective Geroulakis put his hand on the pouch, felt a gun inside, and yelled "Gun" numerous times. Agent Quinn and Lieutenant Melhado fired at Mr. Allen. Detective Geroulakis recovered the pouch and said he saw that it was unzipped and contained a gun. After the shooting, a loaded and operable gun was recovered from the pouch.

Mr. Allen was pronounced dead at Bellevue Hospital at 3:06 p.m. He was 25 years old.

Having thoroughly investigated the matter and analyzed the law, OSI will not seek charges against Lieutenant Melhado or Agent Quinn because it concludes a prosecutor would not be able to disprove beyond a reasonable doubt that their use of deadly force against Mr. Allen was justified under New York law.

OSI makes a recommendation, set forth at the end of this report, that federal agents and NYPD members working with federal agents wear and activate body worn cameras (BWCs) during policing activities.

FACTS

OSI spoke with Detective Michael Kelly of NYPD, who was working as a member of the HSI task force. Detective Kelly said the task force was working on a federal investigation of violent

gangs and was conducting a video canvass in the area of West 25th Street and 9th Avenue. On April 30, 2024, Detective Kelly said he went to Empire Grocery at 245 9th Avenue to download security video and, at 2:19 p.m., saw Mr. Allen outside the store. Detective Kelly said he was aware that NYPD's 19th Precinct had recently issued an Investigation Card for Mr. Allen for Assault in the Second Degree and said he believed Mr. Allen was a potential witness in the task force investigation. (NYPD officers issue Investigation Cards when they believe they have probable cause to believe a person has committed a crime.) Detective Kelly took a photograph of Mr. Allen and transmitted it and Mr. Allen's location to Lieutenant Melhado at the task force office, so he could assemble a team to detain Mr. Allen.



Photograph Detective Kelly took and sent to Lieutenant Melhado showing Mr. Allen wearing gray clothing and a pouch across his chest.

According to NYPD I-Card #12024020606, dated April 7, 2024, there was probable cause to arrest Mr. Allen for the crime of Assault in the Second Degree. Detective Kelly told OSI that prior to seeing Mr. Allen on April 30, 2024, his HSI team had agreed with the 19th Precinct that whichever unit found Mr. Allen would detain him and notify the other.

OSI interviewed Lieutenant Melhado, who said that on April 30, 2024, he was working in the HSI office, was wearing plain clothes, and was outfitted with an NYPD issued gun. Lieutenant

Melhado said he received a call from Detective Kelly's field team, saying they just observed a wanted person, Mr. Allen. Lieutenant Melhado put together a team, including Agent Quinn and Detective Geroulakis, to go to the area of the grocery store to search for Mr. Allen. While en route, they received the above photograph in a text message from Detective Kelly. Lieutenant Melhado said he showed that photograph to Detective Geroulakis and Agent Quinn.

According to data reviewed by OSI from the Automatic Vehicle Locating (AVL) system that tracked the HSI task force cars, Lieutenant Melhado and his team left HSI at 2:28 p.m. in an unmarked Ford Ranger and, at 2:37 p.m., arrived at 200 West 24th Street. According to NYPD's Intergraph Computer Aided Dispatch (ICAD) records, Lieutenant Melhado transmitted "shots fired by members of service" six minutes later, at 2:43 p.m.

Lieutenant Melhado told OSI that his team was traveling in an unmarked car and circling the area of the grocery store at 245 Ninth Avenue (which is near West 25th Street), when he saw Mr. Allen in front of an optical shop at 200 West 24th Street (which is near 7th Avenue), with another person, E.M. (OSI does not publish the identity of civilians.) According to Lieutenant Melhado, they stopped the car and Detective Geroulakis and Agent Quinn got out and walked quickly toward Mr. Allen. Lieutenant Melhado said Mr. Allen turned his head toward the officers, seemed to see them, and started to run in the opposite direction. Detective Geroulakis ran toward Mr. Allen and grabbed him before he got away. Lieutenant Melhado said he saw Agent Quinn run up to help, and the three of them fell through the inward opening door of the optical shop. Lieutenant Melhado said he ran into the shop and saw Detective Geroulakis and Agent Quinn wrestling with Mr. Allen on the floor, trying to handcuff him. Lieutenant Melhado said he tried to pull Mr. Allen off of Detective Geroulakis but could not. Lieutenant Melhado said he heard Detective Geroulakis yell that Mr. Allen had a gun, multiple times, though Lieutenant Melhado said he could not see Mr. Allen's hands because Mr. Allen was turning his body as he wrestled with Detective Geroulakis. Lieutenant Melhado said he feared if he waited Mr. Allen would be able to shoot Detective Geroulakis, who was struggling on the floor with him and continuously yelling, "Gun, he has a gun." Lieutenant Melhado said he drew his firearm and fired two shots into Mr. Allen's body. As he did so, Agent Quinn also fired at Mr. Allen. Lieutenant Melhado said he saw E.M. still outside, and he ran out of the optical shop to detain E.M., who was later charged with various drug offenses.

OSI interviewed Detective Geroulakis who said he was in the office on April 30, 2024, when he was told to join Lieutenant Melhado's team to find a person who was wanted for arrest. Detective Geroulakis said he was wearing plain clothes and an NYPD shield on a lanyard around his neck, and was outfitted with an NYPD issued gun. While en route, he saw a photograph of Mr. Allen who had a "pack" around his chest and was wearing all gray. While driving eastbound on West 24th Street, Detective Geroulakis said he saw Mr. Allen in front of 200 West 24th Street with another person. They stopped the car and Detective Geroulakis

said he and Agent Quinn walked toward Mr. Allen. Detective Geroulakis said he held his handcuffs out in his left hand so he could “speed cuff” Mr. Allen. According to Detective Geroulakis, Mr. Allen looked up at them and turned to run, but he was able to run up to and grab Mr. Allen. Mr. Allen pulled away from and shoved Detective Geroulakis. Detective Geroulakis said Agent Quinn joined the struggle and they all fell through the door of the optical shop and fell to the floor. According to Detective Geroulakis, Mr. Allen was grabbing, pulling, pushing, and punching him. Detective Geroulakis said he saw Mr. Allen moving his hand repeatedly toward the pouch he wore across his chest. Detective Geroulakis described this movement as a patting motion, and said he thought Mr. Allen was trying to grab the pouch. Detective Geroulakis tried to grab and hold Mr. Allen’s wrists and arms to keep him from getting to the pouch and in order to handcuff him, but could not gain control of his wrists and arms. Detective Geroulakis put his own hand on the pouch, felt a gun inside, and yelled, “Gun he has a gun.” Detective Geroulakis said he yelled “gun” three or four times because Mr. Allen kept trying to grab the pouch during the struggle. Detective Geroulakis said he heard gunshots and Mr. Allen went still. Detective Geroulakis did not fire his own weapon. According to Detective Geroulakis, he stood up holding Mr. Allen’s pouch, which was unzipped, and could see a firearm inside. Detective Geroulakis said he was treated after the incident for cuts and bruises to his forehead.

According to video from the BWC of NYPD Sgt. Max Chow, who was the first officer on the scene after the shooting, at 2:43 p.m. Detective Geroulakis was inside the optical shop and holding the pouch, which was unzipped, as shown in the still image, below. The time, 2:43 p.m., was also the time when, as mentioned, ICAD showed Lieutenant Melhado transmitted “shots fired.”

OSI spoke to Agent Quinn who said he was working on April 30, 2024, and was seated at his workstation catching up on cases when Lieutenant Melhado came into the team area and said Detective Kelly and Special Agent Corrado were in the field and needed help. Agent Quinn said he was wearing plain clothes and a law enforcement shield on a lanyard around his neck, and was outfitted with a federal agency issued gun. Agent Quinn said HSI agents and federal task force members (including those from NYPD) do not wear BWCs. While en route, Agent Quinn saw the photograph of Mr. Allen shown above. Agent Quinn said he knew from his time in HSI that Mr. Allen was wanted for assault and was believed to carry a weapon. Agent Quinn said after circling the area he saw Mr. Allen standing in front of an optical shop on West 24th Street wearing the same clothes shown in the photograph. Agent Quinn said he was seated in the rear, and Detective Geroulakis was in the front passenger seat. He said he and Detective Geroulakis got out of the car and walked toward Mr. Allen; Mr. Allen tried to run away, but Detective Geroulakis reached him first and the two started struggling. Agent Quinn said he ran up to them and their combined body weight pushed the door inward, and they all fell to the floor inside the shop. During the struggle, Agent Quinn said he delivered four or five punches to Mr. Allen’s face in an attempt to get Mr. Allen to

stop fighting. Agent Quinn said he repeatedly yelled to identify himself as a police officer. Agent Quinn said he heard Detective Geroulakis yell “gun” three or four times and then heard a gunshot. Agent Quinn said he did not know where the shot came from, and he drew his weapon and fired one shot into Mr. Allen’s head. Agent Quinn said he got to his knees and saw Detective Geroulakis holding Mr. Allen’s pouch, with the handle of a gun visibly protruding.



Exterior of the optical shop where officers stopped Mr. Allen, showing the inward-opening door through which Agent Quinn and Detective Geroulakis fell with Mr. Allen.



Interior of optical shop with orange cones indicating where Mr. Allen was shot.



Still from BWC of Sgt. Chow, who was the first officer to arrive on the scene. Detective Geroulakis is holding the pouch, right. Agent Quinn is on the left. Lieutenant Melhado has his back turned.



Photograph of Mr. Allen's pouch with firearm inside, inside a police car at the scene, where it was placed after the shooting.



Pouch Mr. Allen was wearing during the shooting.



Firearm recovered from Mr. Allen's pouch, with magazine and cartridges displayed

Medical Treatment and Medical Examiner Report

According to Mr. Allen's medical records from Bellevue Hospital Center, Mr. Allen arrived by Fire Department of New York Emergency Medical Service (EMS) to the emergency room at 3:04 p.m. He arrived in cardiac arrest and with gunshot wounds. The medical records reflect that EMS notified the hospital prior to arrival that CPR was in progress, with ventilations assisted by a bag valve mask, and that Mr. Allen had had no cardiac activity for over twenty minutes. Upon arrival, Mr. Allen was placed on a cardiac monitor, with no cardiac activity shown. Mr. Allen was declared dead at 3:06 p.m.

Dr. Cynthia Harris of the Office of Chief Medical Examiner of New York City conducted an autopsy of Mr. Allen and found he had one gunshot wound to the head and two gunshot wounds to the torso. The gunshot to the head entered Mr. Allen's left cheek and exited the right side of the neck. Another gunshot entered the left side of the lower back and came to rest inside the right side of the chest. The third gunshot entered the right forearm and came to rest inside the right forearm. Dr. Harris also described abrasions and contusions of the head, torso, arms, and legs. Dr. Harris found no fracture to the skull or other bones in the body, no damage to the neck externally, or internally to the airways, and no damage to the spine. She determined the cause of death to be gunshot wounds of head and torso and

deemed the manner of death to be homicide (shot by police).

Crime Scene and Evidence Collection

OSI investigators were at the scene during the NYPD crime scene investigation. The optical shop had security video cameras, but the security video system was not working at the time. The shop manager said the system needed replacement equipment. OSI reviewed security video from the area and did not find any video that captured the outdoor struggle between Mr. Allen, Detective Geroulakis, and Agent Quinn.

OSI spoke to S.T., who said he worked at the optical shop and was in the shop when the struggle began. S.T. said he heard the police officers identify themselves and say, "Police stop resisting." S.T. said he went to the rear of the shop and heard shots fired, but did not see the shots fired. S.T. did not say he heard anyone say "gun" during the struggle.

OSI spoke to C.G. who was a customer in the shop at the time of the shooting. C.G. said that while he was seated at an exam table he saw three men come through the front door fighting, two men fighting one. One of the men was shouting, "Police stop resisting." C.G. said the struggle went to the floor and the men bumped into an eyeglass display and the display fell in a pile. C.G. said he could see the police shield and gun on the belt of one of the men. During the struggle, one of the police officers tried to hold the legs of Mr. Allen. C.G. said the struggle was "fierce." C.G. was trying to hold up an eyeglass display and then he heard at least one, possibly two shots, but did not see the shots fired. C.G. did not say he heard anyone say "gun" during the struggle.

OSI interviewed the manager of the optical shop, C.L., who said he was working in the back of the shop when the incident began. C.L. heard a crash and came out to the front of the shop. He heard men yelling, "Police stop resisting." C.L. said he saw some of the struggle, that the deceased was "violently struggling with the officers," and that a few times it looked like the deceased was about to break free and get up to run away. C.L. said things were falling to the ground and someone in the shop was trying to hold up a display case. C.L. said he heard shots fired but did not see the shots fired. C.L. did not say he heard anyone say "gun" during the struggle. C.L. explained that the surveillance system in the shop was not working that day. He said the system needed a new wire and a new battery, and that he had been meaning to replace those things for a while.

Detectives from the NYPD Crime Scene Unit arrived at the scene at 3:30 p.m. and collected from within the shop, among other items, three bullet fragments, one deformed fired bullet, three discharged shell casings, and one handcuff and key. Crime Scene also took possession of the black pouch and the firearm from the pouch, which was a .40 caliber Bersa Thunder 40 Pro handgun.

Prior to Crime Scene's arrival, at 2:49 p.m., Lieutenant Townsend's BWC showed he took the pouch from Detective Geroulakis. A review of all BWC footage showed that Detective Geroulakis held the pouch continuously from Sgt. Chow's arrival at the scene (as mentioned previously) until he gave the pouch to Lieutenant Townsend, six minutes later. As shown by Lieutenant Townsend's BWC, he took Detective Geroulakis's gun at 2:49 p.m. and Lieutenant Melhado's firearm at 2:50 p.m. Lieutenant Townsend placed the pouch and Lieutenant Melhado's and Detective Geroulakis's guns in the back seat of a police car at 2:53 p.m. Lieutenant Townsend's BWC showed that he ordered two police officers to stand outside the car to secure the guns. Crime Scene detectives removed the guns from the car after they arrived. The Bersa Thunder firearm was inspected by Crime Scene Sergeant Edwin Perez, who found it contained one live cartridge in the firing chamber and six live cartridges in the magazine. There is no evidence that the Bersa firearm was discharged at scene during the incident.

According to Crime Scene Unit paperwork and photographs, NYPD Force Investigation Division Lieutenant Jonathan Corraso inspected Lieutenant Melhado's firearm at the scene, and found that it contained one live cartridge in the firing chamber and ten live cartridges in the magazine. The state of the load was consistent with Lieutenant Melhado's having discharged two rounds.

According to the NYPD paperwork, NYPD did not take Agent Quinn's firearm because federal agents took possession of Agent Quinn's gun. Special Agent Graham Mleczo inspected Agent Quinn's gun after it was removed from him at the scene and found that it contained one live cartridge in the firing chamber and sixteen live cartridges in the magazine. According to Agent Mleczo's evaluation, the state of the load was consistent with Agent Quinn's having discharged one round from his firearm.

The NYPD Firearms Analysis Section tested the Bersa firearm that was found in Mr. Allen's pouch; the testing was done with the bullets found in the gun. They found the Bersa firearm to be operable. The Firearms Section also examined the three shell casings found at scene. They found that two of the shell casings were 9mm Speer +P shell casings, consistent with NYPD ammunition, and that the other shell casing was a 9mm Speer +P22 shell casing, inconsistent with NYPD ammunition. The Firearms Section compared the two 9mm Speer +P shell casings with test firings from Lieutenant Melhado's gun and determined they were fired from the same gun. The Firearms Section compared the 9mm Speer +P22 shell casing to test firings from Lieutenant Melhado's gun and the Bersa gun, and determined it was not fired from those guns. The Firearms section concluded that the tests were consistent with Lieutenant Melhado's having fired two shots and Agent Quinn's having fired one shot.

LEGAL ANALYSIS

Article 35 of the 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 Lieutenant Melhado and Agent Quinn was justified.

As the Court of Appeals stated in *People v Castillo*, 42 NY3d 628 (2024):

“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]).”

Castillo, 42 NY3d at 631 (square brackets and ellipses in the original).

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 35.30. Here, because Detective Geroulakis stated that he felt a gun in the pouch that Mr. Allen was wearing as they wrestled and yelled “gun” numerous times, the officers could have reasonably believed that Mr. Allen was committing the offense of criminal possession of a weapon in the fourth degree, PL 265.01. Furthermore, Lieutenant Melhado, Agent Quinn, and Detective Geroulakis, were detaining Mr. Allen in part because of the active I-card, indicating there was probable cause to arrest Mr. Allen for assault in the second degree. Police officers using deadly physical force pursuant to PL 35.30(1) are under no duty to retreat, PL 35.15(2)(a)(ii).

PL 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.”

Based on the investigation, a prosecutor would not be able to disprove beyond a reasonable doubt that Lieutenant Melhado and Agent Quinn reasonably believed that shooting Mr. Allen was necessary to stop his imminent use of deadly force. Detective Geroulakis said he felt a gun in Mr. Allen’s pouch. The pouch in fact contained a loaded and operable gun. The struggle was described by witnesses as fierce; C.L. said Mr. Allen was “violently struggling” with the police. Detective Geroulakis said he yelled “gun” because, as he wrestled with Mr. Allen, Mr. Allen repeatedly reached for his pouch, in which Detective Geroulakis felt the gun. Agent Quinn said he was trying to help control Mr. Allen when he heard Detective Geroulakis yell “gun,” and Lieutenant Melhado arrived in the shop when he heard Detective Geroulakis yell “gun.” Although the witnesses did not say they heard Detective Geroulakis say “gun,” this could be explained because it was a chaotic scene with items crashing to the ground, and some witnesses ran to the rear of the shop to avoid the struggle.

In sum, based on the evidence in the investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Lieutenant Melhado and Agent Quinn were justified under New York law in using deadly physical force. Therefore, OSI will not seek charges and closes the matter with the issuance of this report.

RECOMMENDATION

OSI has consistently recommended that all police departments equip their officers with BWCs. Here, HSI members, even those who were from the NYPD, were not equipped with BWCs because federal HSI agents were not required to wear BWCs. If the HSI members had worn BWCs during the encounter there would have been video footage of the struggle with Mr. Allen, which would have facilitated this investigation and provided a greater degree of assurance to the people of the state that the officers’ version of events was true.

OSI does not see any reason why the activities in this case required such a heightened degree of confidentiality that BWC should not have been worn and activated. The activity in question was the arrest of a person, an activity that regular NYPD officers engage in every day with BWCs activated. As NYPD policy mandates that officers wear BWC during policing activities, OSI sees no reason why NYPD officers should depart from that policy when working with

federal officers. In fact, in the current environment, it might be more important than ever for NYPD officers to wear and activate BWC when working with federal agents.

Accordingly, OSI recommends that NYPD require its members, including those members working with federal agencies, to equip themselves with and activate BWCs according to the same policies that govern BWC use in all other NYPD activities.

Dated: July 31,2026