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Wednesday, March 09, 2011

11:21 AM

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FOR IMMEDIATE RELEASE

**SALT LAKE DA CONCLUDES USE OF FORCE LAWFUL**

**Salt Lake City, UT**—Salt Lake County District Attorney Sim Gill announced today that after working in conjunction with the Unified Police Department, the Salt Lake County District Attorney's Office has completed its investigation concerning the use of deadly force by Unified Police Department Deputies Kyle Wilkins and Kelly Smith against David Solis during an incident that occurred February 15, 2011 at approximately 11850 Westfold Way, Riverton, Utah. The purpose of the review was to determine whether the force employed was lawful under Utah law.

On February 15, 2011, Unified Police dispatch received a 911 call from David Solis. Mr. Solis informed the dispatch operator that he was suicidal. Additionally, during the call to dispatch, Mr. Solis said that he had a gun and killing a police officer would be "nice." Further, Mr. Solis informed the operator that he was taking large amounts of various psychotropic medications. Dispatch discovered that in addition to Mr. Solis, there were three other people in the residence.

While the dispatch operator attempted to talk Mr. Solis down, Deputies were sent to Mr. Solis' location at 11850 Westfold Way in Riverton. Deputies also employed a "reverse 911" call to inform occupants of neighboring homes that they should seek cover.

Deputies arrived at the above address and took up containment positions. Unified Police Department Deputies Riggs and Appleton took a position to the north of the residence, while Deputies Wilkins, Smith, and Lavato occupied a position across the street from the residence. Deputy Randy Thomas and others were located to the rear of the residence.

After the deputies surrounded Mr. Solis' residence, Mr. Solis started firing a handgun from the inside of the residence. Several of the bullets fired by Mr. Solis traveled through the

north wall of the house toward Deputies Riggs and Appleton. Deputy Appleton reported hearing a bullet whizz past his head. Riggs and Appleton were able to assist the evacuation of two the occupants of the residence. While two of the occupants escaped the residence, the Deputies were aware that a thirteen year old girl was still inside the house with Mr. Solis.

From their positions across the street, both Deputies Kyle Wilkins and Kelly Smith were able to see Mr. Solis through the living room window of the house. After hearing another burst of gunfire from within the residence, simultaneously, both deputies fired their service rifles at Mr. Solis. Each Deputy fired a single shot. One shot hit Mr. Solis in the abdomen while the other struck Mr. Solis' arm. Mr. Solis fell to the floor and Deputies were able to secure the premises.

Deputies located a loaded .40 caliber Glock handgun near Mr. Solis. Also, several magazines loaded with .40 caliber ammunition were found in the same room. Numerous bottles of prescription medication and pills were scattered about the kitchen counter. The investigators located several bullet holes in the residence. Four holes on the north exterior wall of the residence were consistent with bullets fired from the interior and traveling through the wall. Two bullets were located in the south exterior wall of the house to the north of Mr. Solis' residence.

Mr. Solis received medical attention for his injuries and survived.

This office has concluded the force employed by Deputies Wilkins and Smith was legally justified under Title 76, Chapter 2, Part 4 (1953 as amended). Specifically, under both 76-2-404 (1)(b)(ii) and 76-2-404 (1)(c).

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*Please contact District Attorney Sim Gill with any questions or requests for follow up information.*