

COVERING THE POLICE

# Defense attorney disputes SFPD claim that gun-wielding Outer Sunset man shot himself



by ABIGAIL VAN NEELY  
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Dmitri Hochstatter points his gun at an SFPD drone in the Outer Sunset on March 8, 2025. His attorney says he never fired.

After officers shot at an Outer Sunset man earlier this month, a police commander said that the suspect, 46-year-old Dmitri Hochstatter, may have fired first, shooting himself.

Hochstatter has since been charged by the San Francisco district attorney's office with five felonies and a misdemeanor: Assault with a semiautomatic firearm, discharging a firearm with gross negligence, two counts of child endangerment, attempted vandalism, and exhibiting a firearm.

Now, Hochstatter's defense attorney argues there is no evidence that Hochstatter ever discharged his gun at all.

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On the contrary, “there is substantial evidence to show that Hochstatter was shot by a police bullet,” attorney Neil Hallinan told *Mission Local* the day after police released [video](#) of the shooting in a virtual town hall.

Hochstatter was filmed in his backyard, holding a gun and pointing it at an overhead [police drone](#). “He did not shoot himself,” Hallinan said.

The charges filed by the district attorney on March 12 allege that Hochstatter fired his semi-automatic pistol and assaulted someone identified as Kalpesh Tandel with the gun. It also alleges that he damaged an SFPD drone.

Hochstatter’s firearm, the criminal complaint continues, was brandished “in a rude, angry and threatening manner” and used “in a fight and quarrel.”

It is unclear when the alleged assault took place.

In a 911 call, Hochstatter’s neighbor said that Hochstatter had been waving a gun at their children, prompting the police response. Once the drone arrived and officers were on the scene, however, there was no video of an assault.

According to his attorney, Hochstatter could not have shot himself in the same arm with which he held his gun. “I don’t think it’s possible,” Hallinan said.

Hochstatter, Hallinan added, had been holding “a semi-automatic firearm that ejects spent shell casings when the bullets are fired.” As of March 18, investigators had yet to recover any casings, Chief Bill Scott said at the virtual town hall.

Police were also unable to swab Hochstatter’s hands for residue that would indicate whether he fired his gun, Scott said, because of the “emergency medical situation” that required him to be transported to the hospital.

Hallinan has his doubts.



SFPD body worn camera footage from March 8, 2025 shows Dmitri Hochstatter lying on the ground with his gun in his right hand, his right arm bloody.

“That simply does not comport with reality,” Hallinan said. In his experience, shooting suspects with more severe injuries have had their hands swabbed while being transported to the hospital.

“His shot arm was even cuffed to his other arm, so concern about his arm is no reason they could not have run a Q-tip over his hands,” Hallinan said. He also said there was no mention by police that Hochstatter’s gun was hot, as it would have been if it had been fired.

Hochstatter is currently in custody. Police said on March 28 that their investigation is ongoing, and declined to comment further. A spokesperson for the district attorney’s office said the case had yet to be arraigned and he could not provide further information.

Drone footage of the incident shows Hochstatter pressed against his backyard fence when a gunshot rings out. A small piece of the fence explodes near his face.

Nine seconds later, Officer Donald Sakiyama, who had been positioned on a neighbor's patio with his rifle pointed at Hochstatter, fired four more shots.

Body-worn camera footage shows Hochstatter staggering backwards and, at officers' orders, laying on the ground. He was still holding the gun in his right hand while his right arm bled.

Hallinan, for his part, said Hochstatter was confused by the overhead buzzing of drones not clearly identified as SFPD property. He "had no idea" he was being watched by police.

During the incident, an officer said he did not think Hochstatter was aware of their presence, the footage shows.

Hochstatter, according to his attorney, lives with his wife and daughter and was having a "mental health crisis." His neighbors who called 911, in a recording of their conversation with officers, said they had never had an issue with him before.

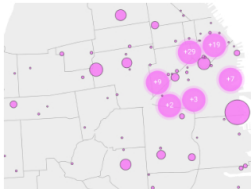
Hallinan believes that if Hochstatter had been told to drop his weapon, he would have. Relatives, the defense attorney added, had described Hochstatter as a "peaceful person."

*This is an ongoing investigation. Anyone with information is asked to contact the SFPD at 415-575-4444 or text a tip to TIP411 and begin the message with SFPD. You may remain anonymous.*

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Abigail covers criminal justice, accountability, and behavioral health. She's originally from New York City, where she was a youth advocate and watched hundreds of arraignments. Now, she enjoys foggy San Francisco mornings with her cat, Sally Carrera. (Yes, the shelter did in fact name the cat after the Porsche from the animated movie Cars.)

More by Abigail Vãn Neely

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RLE

March 31, 2025, 8:05 pm at 8:05 pm

I appreciate the follow-up as Hochstatter needs his name cleared for the most egregious charge, that of firing his weapon.

Officer Sakiyama fired off five rounds from his department issued AR-15, which is evident both from the BWC

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