OFFICE OF THE CORONER

COUNTY OF CLARK, STATE OF NEVADA

Sitting for the Purpose of an Inquest

IN THE MATTER OF THE INQUEST OF ERIK SCOTT, DECEASED.	**INQUEST** **JURY INSTRUCTIONS**

MEMBERS OF THE JURY:

It is now my duty as Hearing Officer to instruct you in the law that applies in this Inquest. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions.

INSTRUCTION NO. 1

As members of the Coroner's Jury inquiring into the death of ERIK SCOTT, you are instructed that it is your duty to examine evidence presented to you in this hearing. After deliberation, it will be your responsibility to:

1) establish the name of the deceased;
2) establish when death occurred;
3) establish where death occurred;
4) by what means the deceased met his death;
5) establish the name(s) of the person(s) causing the death;
6) determine whether the death was:
    a) Justifiable homicide; or
    b) Excusable homicide; or
    c) Homicide by criminal means.

INSTRUCTION NO. 2

The evidence which you are to consider in this case consists of the testimony of the witnesses and the exhibits.

There are two types of evidence: direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge, such as the eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to establish a fact or facts. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the Court and any evidence ordered stricken by the Court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 3

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollection.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

It is a constitutional right of a person in a criminal trial or an investigative hearing that said person may not be compelled to testify. Thus, the decision as to whether a person should testify is left to said person on the advice and counsel of his attorney. You must not draw any negative inferences from the fact that a person does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. 4

Homicide is the killing of a human being, by another human being. Homicide that is not justifiable or excusable, as defined in these instructions, is a killing by criminal means.

INSTRUCTION NO. 5

The killing of another person in self-defense, or in defense of others, is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill him, or another person, or cause him, or another person, great bodily injury; and

2. That it is absolutely necessary under the circumstances for him to use in self-defense force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to himself or another person.

INSTRUCTION NO. 6

Actual danger is not necessary to justify a killing in self-defense or defense of others. A person has a right to defend from apparent danger to the same extent as he would from actual danger even if the person is mistaken about the danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he, or another, is about to be killed or suffer great bodily injury; and

2. He acts solely upon these appearances and his fear and actual beliefs; and

3. A reasonable person in a similar situation would believe himself, or another person, to be in like danger.

INSTRUCTION NO. 7

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty.

INSTRUCTION NO. 8

A lawfully commissioned Officer of the Las Vegas Metropolitan Police Department is defined as a public officer.

INSTRUCTION NO. 9

Homicide is excusable when committed by a person doing a lawful act, without any intention of killing, yet unfortunately kills another.

INSTRUCTION NO. 10

Although you are to consider only the evidence in the case, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A decision should never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 11

After retiring you are to elect a foreperson. You have been given forms of verdicts and, after deliberation, you must select the verdict you feel appropriate and then the verdict shall be signed by all members of the jury concurring in the verdict and returned to the Hearing Officer after completion of your deliberation. Notify the Marshall when you have a verdict or need additional instructions.

VERDICT

We, the Coroner's Jury, hereby find:

1. That the name of the deceased was ERIK SCOTT
2. That the death occurred on JULY 10, 2010
3. That the location of the death was COSTCO - 801 SOUTH PAVILION CTR DR
4. That the means by which the deceased met his death was

MULTIPLE GUNSHOT WOUNDS

5. That the name(s) of person(s) causing the death was/were

MR. WILLIAM MOSHER, MR. JOSHUA STARK, MR. THOMAS MENDIOLA

6. That the death was (check one):

- [x] Justifiable
- [ ] Excusable
- [ ] Criminal

JUROR #1 [signature]

JUROR #2 Florence Talbot

JUROR #3 [signature]

JUROR #4 Maria Stowell

JUROR #5 [signature]

JUROR #6 [signature]

JUROR #7 [signature]