

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Deaths of Jerad and Amanda Miller on June 8, 2014

INTRODUCTION

On June 8, 2014, at approximately 11:05 a.m., Las Vegas Metropolitan Police (hereinafter "LVMPD") Patrol Officers Igor Soldo and Alyn Beck arrived for lunch at the CiCi's Pizza located in suite 120 at 309 North Nellis Boulevard in Las Vegas. The officers arrived in a marked patrol unit and were in uniform. Officers Soldo and Beck were seated facing one another in a centrally located table toward the back of the restaurant.

At approximately 11:18 a.m., decedent Jerad Miller entered the restaurant and engaged an employee in a brief conversation regarding the location of the restroom and then he exited the restaurant. Jerad appeared to be scouting out the officers' location within the restaurant.

At approximately 11:20 a.m., Jerad returned with his wife, decedent Amanda Miller. The two entered the restaurant and walked towards Officers Soldo and Beck. Jerad and Amanda walked past the table and simultaneously turned around to confront the officers in a coordinated attack. Both Jerad and Amanda Miller opened fire on the officers, killing them. The entire assault on the officers lasted four seconds.

After the shooting, the Millers removed the officers' handguns and extra magazines from their persons. The Millers placed a Gadsden flag, a pin bearing a Swastika symbol and a handwritten note, signed by both of them, at the scene.

The Millers then exited the restaurant and gathered up two additional bags which they had left outside. The Millers proceeded southeast, on foot, towards the Walmart store located at 201 North Nellis Boulevard. They were inside CiCi's Pizza less than one minute.

At approximately 11:22 a.m., LVMPD Dispatch received several 9-1-1 calls reporting the shooting. Approximately three minutes later, patrol officers arrived at the CiCi's Pizza crime scene.

The Millers continued to walk southeast across Stewart Avenue and along the east side of the Walmart building to the front entrance on the south side of the building.

At approximately 11:25 a.m., the Millers entered the Walmart store still armed. Jerad walked directly inside, while Amanda stopped in the entry way and retrieved a shopping cart. Jerad shouted out that a revolution had started, the cops were coming and that customers should get out. Jerad then fired a single shot into the ceiling and headed west into the store. Amanda followed several feet behind pushing a shopping cart.

Walmart customer Joseph Wilcox was in line at the customer service counter when Jerad and Amanda entered the store. Wilcox had a CCW permit and was armed with his Glock 9mm handgun. Jerad's shouting at the entrance drew Wilcox's attention. After Jerad fired the shot into the ceiling, Wilcox drew his handgun and kept it at the low ready position. Wilcox observed Jerad walking west, so Wilcox cut diagonally through a cash register area to get closer. Wilcox remained focused on Jerad and got into a position several yards behind him.

Jerad turned north on an interior aisle and Wilcox quickly ran up to the corner of the aisle to engage Jerad from behind. Unbeknownst to Wilcox, he had run up alongside Amanda Miller. At approximately 11:26 a.m., Amanda shot Wilcox one time in the left side of the torso as she walked past him with the shopping cart. Wilcox was immediately incapacitated and not able to fire any shots.

Amanda continued west and met up with Jerad at the ammunition case in the sporting goods section of the store. Jerad broke the glass doors on the cabinet with a baseball bat he secured from a nearby aisle. Jerad searched the case and loaded Amanda's bag with several boxes of 9mm and .38 caliber ammunition. Amanda left and walked toward the northwest corner of the store with Jerad several yards behind her.

LVMPD Patrol Officer Brett Brosnahan was one of the first police officers to respond to the initial call from the CiCi's Pizza. He was informed by citizens at the scene that a single suspect had fled toward the Walmart store. Officer Brosnahan ran on foot alone toward the Walmart store, where he encountered numerous citizens running out the rear exit doors.

The citizens advised Officer Brosnahan that there was a male inside the store shooting. A store employee further advised Officer Brosnahan that the suspect was near the northwest corner of the store. The employee directed Officer Brosnahan through a rear employee area to a door, which provided Officer Brosnahan access to the interior of the Walmart.

Officer Brosnahan entered the Walmart and moved toward the northwest corner. Officer Brosnahan observed Jerad walking west on an aisle carrying a green duffle bag. Jerad was armed with a black handgun (Officer Soldo's Glock) and he walked towards the northwest corner of the store. Officer Brosnahan paralleled Jerad with the intent to engage him on the furthest west aisle of the store.

Unbeknownst to Officer Brosnahan, Amanda was already in the furthest west aisle. As Officer Brosnahan turned the corner, he encountered Amanda who raised her handgun toward Officer Brosnahan and the two exchanged gunshots. Officer Brosnahan then observed Jerad come around the corner of the aisle. Jared immediately began opening fire upon Officer Brosnahan. At some point during the exchange of gunfire, Amanda was struck one time in the back by her upper right shoulder. It is unknown whether she was struck by Officer Brosnahan or Jerad.

At approximately 11:29 a.m., Officer Brosnahan retreated through the rear exit doors and he advised dispatch over the radio shots had been fired toward the rear of the Walmart store. Officer Brosnahan also updated arriving units on the suspects' descriptions, weapons, and their last known location inside the Walmart store.

LVMPD Sergeant Kurt McKenzie arrived at the Walmart and established an entry team. Sergeant McKenzie entered the rear doors of the Walmart with LVMPD Officers Zackery Beal, Timothy Gross, David Corbin and John Bethard. Officers Beal and Gross took up a position to the east of the Millers and were met with gunfire from them. Officers Beal and Gross returned fire with their AR-15 rifles. Officers Corbin and Bethard moved south and then west together to a position south of the suspects. These positions put the officers in a "Tactical L" position, which contained the Millers in the far northwest corner of the store. The Millers fired several times at Officers Corbin and Bethard; however, due to their distance and position, those officers were unable to return fire.

Once the Millers were barricaded in the corner of the Walmart, Sergeant McKenzie attempted to communicate with them. Sergeant McKenzie maintained a central location between both his entry teams and engaged Jerad in conversation. Jerad yelled for the police officers to stand down and Jerad stated that he was in charge.

During the standoff, Jerad stood up while attempting to fortify his position, exposing himself from behind the aisle. Jerad kept his handgun pointed toward the

officers as he moved across the aisle and grabbed an item off the shelf. At approximately 11:49 a.m., Jared fired upon Officer Beal, who then fired his rifle in response, striking Jerad in the chest and fatally wounding him. Jerad then fell to the ground and appeared to tell Amanda something. Amanda alternated pointing her handgun at Jerad and herself until approximately 11:49 a.m., when she shot herself in the right side of the head.

LVMPD SWAT officers, who were responding to the active shooter call, arrived on the scene. At approximately 11:59 a.m., two SWAT entry teams approached and handcuffed both Jerad and Amanda Miller. Jerad and victim Joseph Wilcox were pronounced deceased at the Walmart scene. Amanda showed signs of life and was transported to UMC Trauma, where she was later pronounced deceased.

The entire incident at the Walmart store lasted approximately twenty-four minutes. During that time, the Millers fired a total of twenty-nine shots, while LVMPD Officers fired a total of sixteen shots.

LVMPD personnel, including Crime Scene Analysts (hereinafter "CSA's"), whose responsibilities include the documentation, recovery and impounding of evidence, and detectives from the Force Investigation Team (hereinafter "FIT") and the Homicide Unit responded to both scenes to conduct the investigation. Homicide Detectives Travis Ivie and Tate Sanborn were the primary investigators of the use of force incident and the murders of Officers Beck and Soldo and Joseph Wilcox.

An autopsy was performed on the body of Jared Miller at the Clark County Coroner's Office. Jared was shot one time with, what appeared to have been, a rifle round. Dr. Simms determined Jared died as a result of a gunshot wound of the chest and his death was ruled a homicide. Toxicology tests revealed the presence of Delta-9 THC (active ingredient of Marijuana) and Delta-9 Carboxy THC (inactive Metabolite of Marijuana) in Jerad's blood.

An autopsy was performed on the body of Amanda Miller at the Clark County Coroner's Office. Amanda Miller had been shot two times: once in the back of her upper right shoulder and once in the head. Dr. Simms determined Amanda Miller died as a result of a self-inflicted gunshot wound of the head and her death was ruled a suicide. Toxicology tests were negative.

The District Attorney's Office has completed its review of the June 8, 2014, deaths of Jerad and Amanda Miller. It was determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the conduct of the officers was not criminal.

This report explains why criminal charges will not be forthcoming against the officers involved. It is not intended to recount every detail, answer every question or

resolve every factual conflict regarding this citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on September 4, 2015. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the officers was not criminal.

This decision, premised upon criminal-law standards, is not meant to limit any administrative action by the LVMPD or to suggest the existence or non-existence of civil actions by any person where less stringent laws and burdens of proof apply.

BACKGROUND

Citizen #1

On June 8, 2014, at approximately 6:06 p.m., Homicide Detectives Barry Jensen and Tod Williams contacted and interviewed Citizen #1 in her apartment which adjoined the Miller's apartment. Citizen #1 stated that Jerad and Amanda Miller moved into her apartment approximately two weeks prior. The reason they moved in with her was because their apartment #154 was too messy. Approximately a month earlier, the Millers took her out to a gathering at Bunkerville, Nevada where they met with Clive Bundy. The Millers each wore body armor and carried weapons while they were at the Bunkerville gathering. Citizen #1 knew the Millers used to own a pick-up truck, but they had sold it about a month ago to a man she did not know.

The Millers often spoke about their disdain for the government and starting a revolution. The last time she saw the Millers was earlier that morning, at approximately 4:30 a.m. They were dressed in their tactical vests and had put their AR-15, other weapons, and ammunition into a red shopping cart. The Millers told her they were going to kill police officers, place Swastikas on their chests, and then they were going underground. Citizen #1 saw four Swastika pins, which were about the size of a quarter. Citizen #1 provided verbal consent to Homicide Detectives Jensen and Williams to search her apartment.

MILLER RESIDENCES

On June 8, 2014, at approximately 8:20 p.m., a search warrant was obtained for Jared and Amanda Miller's apartment located at Oak Tree Apartments, 110 South Bruce Street #154. Homicide detectives evacuated the Oak Tree Apartments and requested the assistance of the LVMPD SWAT Team. At approximately 10:35 p.m., LVMPD SWAT and ARMOR units arrived and served the search warrant.

Prior to detectives entering, apartment #154 was first searched by the ARMOR Unit's ICORE T-5 Robot. Once the apartment was deemed safe by SWAT and ARMOR, it

was searched by members of the Homicide Unit. During the search, detectives located four computers, .22 caliber ammunition, a Ruger gun box, CD's, portable external hard drive (thumb drive), two gasmasks, photographs, paperwork titled "The New Declaration of Independence" and multiple caliber cartridge cases. Also located in the apartment was camouflaged clothing. The clothing was photographed but not taken.

Citizen #1's adjoining apartment was also searched by Homicide detectives with her consent. Detectives located numerous pages of written vitriol regarding anti-government anti-judicial system sentiments, two hard side rifle cases, a soft rifle case, a "Sheriff" hat, which had been shot and splattered with fake blood, and an "Uzi" brand handcuff box with no handcuffs.



EXTERIOR VIDEO SURVEILLANCE

On June 9, 2014, at approximately 10:00 a.m., FIT Detective Patton conducted a canvass of the businesses in and around the Walmart shopping complex for possible surveillance video. Detective Patton contacted the owner of the We Buy Gold pawn shop at 241 North Nellis Boulevard. The owner confirmed that the business had video surveillance and agreed to allow LVMPD analysts access to the DVR system so they could copy the video. Detective Patton then contacted the district manager of the

Green Valley Grocery at 251 North Nellis Boulevard. The district manager confirmed that the business had video surveillance and agreed to allow LVMPD personnel access to the DVR system so they could copy the video.

Detective Patton also contacted the manager of the Roberto's taco shop at 241 North Nellis Boulevard, Suite 101, and the manager of the Papa John's location at 241 North Nellis Boulevard, Suite 102. Both managers stated that there was no video surveillance at their respective businesses.

Detective Patton then contacted Forensic Multimedia Analyst Moses and requested that he respond to the We Buy Gold and Green Valley Grocery locations to recover available video surveillance footage. Detective Patton stayed with Analyst Moses while he recovered the video from both locations.

On June 10, 2014, at approximately 7:30 a.m., FIT Detective Patton met with Analyst Moses at the Video Lab to obtain copies of the videos recovered from the We Buy Gold pawn shop and Green Valley Grocery. Analyst Moses provided Detective Patton with several discs which contained the recovered video footage.

On June 10, 2014, at approximately 8:30 a.m., Force Investigation Team Detective Patton delivered the discs and the external hard drive to Homicide Detectives Sanborn and Ivie, who subsequently reviewed the footage and observed the following:

On June 8, 2014, at approximately 11:11 a.m., video surveillance cameras from the We Buy Gold pawn shop captured Jerad Miller walking northbound through the parking lot in front of 241 North Nellis Boulevard. The camera faced east toward Nellis Boulevard and showed a portion of the north south oriented parking lot. Jerad Miller was not carrying any bags at this time. Miller walked out of camera view toward the Green Valley Grocery store at 251 North Nellis Boulevard. At approximately 11:12 a.m., Miller returned into camera view and walked back southbound and off camera. At approximately 11:13 a.m., Jerad and Amanda Miller returned into camera view and were seen walking northbound toward the intersection of Nellis Boulevard and Stewart Avenue. Jerad Miller now had a large green military bag on his back, while Amanda had a bag slung over her shoulder and a backpack on her back.

On June 8, 2014, at approximately 11:12 a.m., video surveillance cameras from the Green Valley Grocery store captured Jerad Miller walk northbound out toward the gas pumps. The camera faced southeast toward the intersection of Stewart Avenue and Nellis Boulevard. Jerad Miller looked toward the northwest, where CiCi's Pizza was located, and immediately turned around and walked back southbound off camera toward 241 North Nellis Boulevard. At approximately 11:14 a.m., Jerad and Amanda Miller were captured walking northbound toward the intersection of Stewart Avenue and Nellis Boulevard. Jerad Miller now had a large green military bag on his back, while Amanda had a bag slung over her shoulder and a backpack on her back. The two

appeared to cross over Stewart Avenue northbound on Nellis Boulevard via the marked cross walk.

THE EVENTS AT CICI'S PIZZA

On June 8, 2014, at approximately 11:05 a.m., Officer Igor Soldo and Officer Alyn Beck arrived to eat lunch at the CiCi's Pizza located in suite 120 at 309 North Nellis Boulevard in Las Vegas. Both officers were in their LVMPD uniforms. Officers Soldo and Beck were seated facing one another at a centrally located table toward the back of the restaurant.

At approximately 11:18 a.m., Jerad Miller entered into the restaurant and then engaged an employee in a brief conversation before exiting. It was apparent that Jerad Miller was scouting out the officers' location within the restaurant.

At approximately 11:20 a.m., Jerad returned with his wife, Amanda Miller. The two entered the restaurant and walked towards Officers Soldo and Beck. Jerad and Amanda walked past the table and simultaneously turned around to confront the officers in a coordinated attack. Jerad produced a Ruger .38 revolver from his waist band, while Amanda produced a Smith & Wesson 9mm semi-automatic handgun from a messenger type bag, which she had slung over her shoulder. The two opened fire on both officers, killing them. The entire assault on the officers lasted approximately four seconds.

The Millers then removed the officers' handguns and extra magazines. The Millers placed a handwritten note, signed by both of them, a pin with a Swastika symbol, and a yellow Gadsden flag bearing a snake logo and the phrase "Don't Tread on Me" at the scene. The Millers exited the restaurant with Jerad now being armed with Officer Soldo's handgun. During the four second assault at CiCi's Pizza, Jerad and Amanda Miller each fired five shots for a total of ten shots. The Millers were inside the CiCi's Pizza for less than one minute.

The Millers gathered up two additional bags which they had left outside of the restaurant and left the scene on foot towards the Walmart store located at 201 North Nellis Boulevard.

At approximately 11:22 a.m., LVMPD Dispatch received several 9-1-1 calls reporting the shooting. Approximately three minutes later, patrol officers arrived at the CiCi's Pizza crime scene. Medical personnel arrived a short time later and transported the officers to University Medical Center's Trauma Unit where the officers were pronounced deceased.

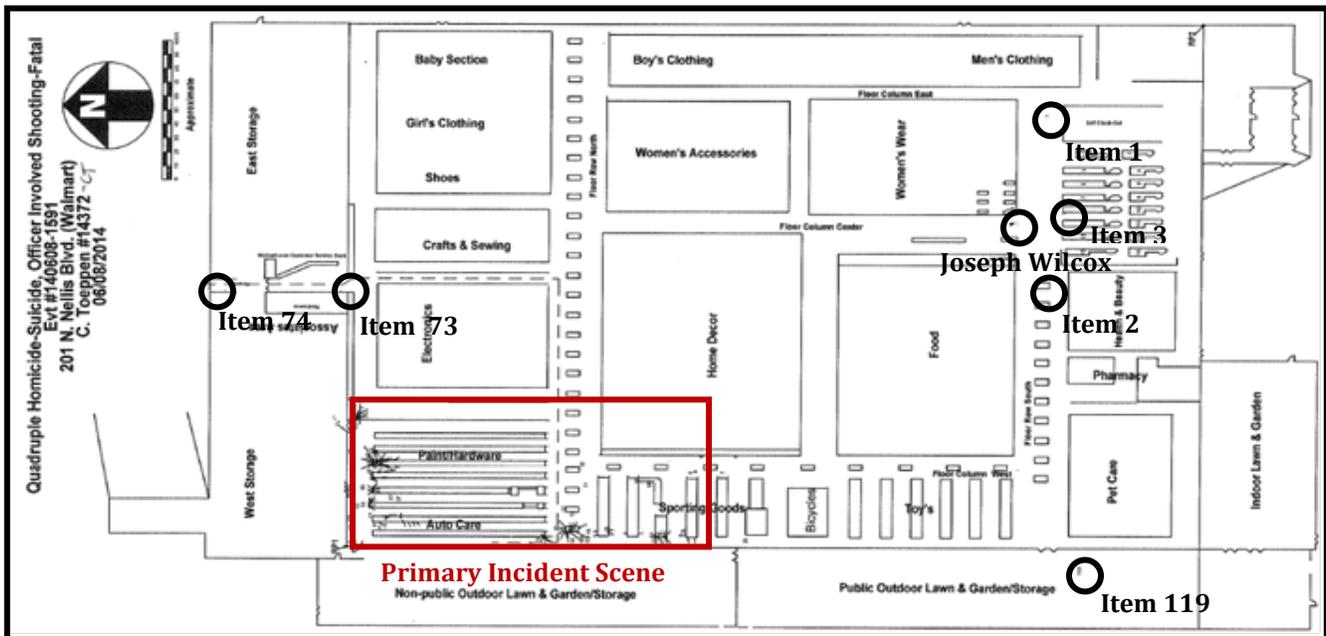
The Millers continued to walk southeast across Stewart Avenue and along the east side of the Walmart building to the front entrance of the store, which was on the south side of the building.

Citizen #2

On June 8, 2014, at approximately 2:34 p.m., Homicide Detective Chris Bunn interviewed Citizen #2. During the interview, Citizen #2 stated that, at approximately 11:30 a.m., he arrived in the parking lot of the CiCi's Pizza at Stewart Avenue and Nellis Boulevard. He heard approximately seven gunshots, but he did not know where the gunshots came from. Several people then ran from the area of CiCi's Pizza followed by a white male, who stated "the revolution just started" and "I just killed two cops." A white female followed the white male. The white male was carrying duffle bags and a handgun, which appeared to belong to a police officer. The white male and female crossed the street and walked in a normal manner in the direction of the Green Valley Grocery. Police arrived very quickly and a man informed the police what direction the two were heading.

THE EVENTS AT WALMART LOCATED AT 201 NORTH NELLIS BOULEVARD IN EARLY AFTERNOON OF JUNE 8, 2014

WALMART INCIDENT SCENE: JUNE 8, 2014



Walmart Incident Scene Diagram

On June 8, 2014, at approximately 1:45 p.m., CSA's from the LVMPD responded to the Walmart store and documented the entire incident scene and any evidence by photograph and by preparation of scene diagrams depicting the locations of the items of evidence. All items of evidence were then recovered and impounded. The vast majority of evidence was recovered within the primary incident scene depicted within the "Walmart Incident Scene Diagram" shown above, and their exact locations and descriptions are provided in the "Primary Incident Scene" section. The exact locations and descriptions of victim, Joseph Wilcox, and the various "ITEMS" found outside of the primary incident scene are provided below and are depicted in the "Walmart Incident Scene Diagram."

Body of Joseph Wilcox

The body of Joseph Wilcox was located on an interior aisle north of cashier counter stand 11. A black handgun holster was inside his left hip waistband area. An apparent bullet defect was visible in the white t-shirt on the left side of his torso.

On June 9, 2014, an autopsy was performed by Deputy Medical Examiner Doctor Lary Simms on the body of Joseph Wilcox at the Clark County Coroner's Office. Doctor Simms determined that Mr. Wilcox's cause of death was a single gunshot that he suffered to the left side of his chest. The manner of his death was ruled a homicide. A bullet was recovered and impounded.

Mr. Wilcox's clothes were also recovered during the autopsy. They included a white t-shirt and gray tank top with a hole and apparent blood.

Firearms

A black Glock, Model 19, 9mm, semi-automatic handgun, bearing serial number TKR663 (*ITEM 3*), was recovered on the floor, in a southeast direction, next to a shopping cart in a south/southeast direction and the northwest corner of cashier counter 9. The handgun contained one 9mm "FC" Luger cartridge in the chamber and fifteen 9mm "FC" Luger cartridges in the fifteen cartridge capacity magazine. The safety and hammer position were not observable. The handgun was registered to victim, Joseph Wilcox.

Cartridge Cases

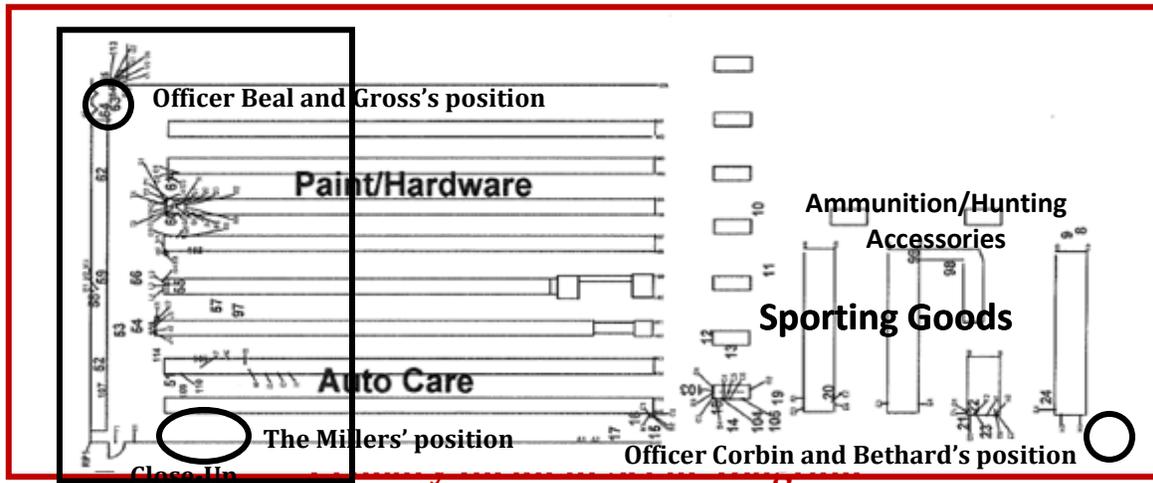
Two 9mm "Speer 9mm Luger+P" cartridge cases were recovered within Walmart outside of the primary incident scene. One was located on the floor under a shopping cart at the east end of "Floor Row South" north of the opening to the Express self-checkout area. (*ITEM 1*) The second was located on the floor in the southwest corner in the Walmart.com service area south of the bench. (*ITEM 73*)

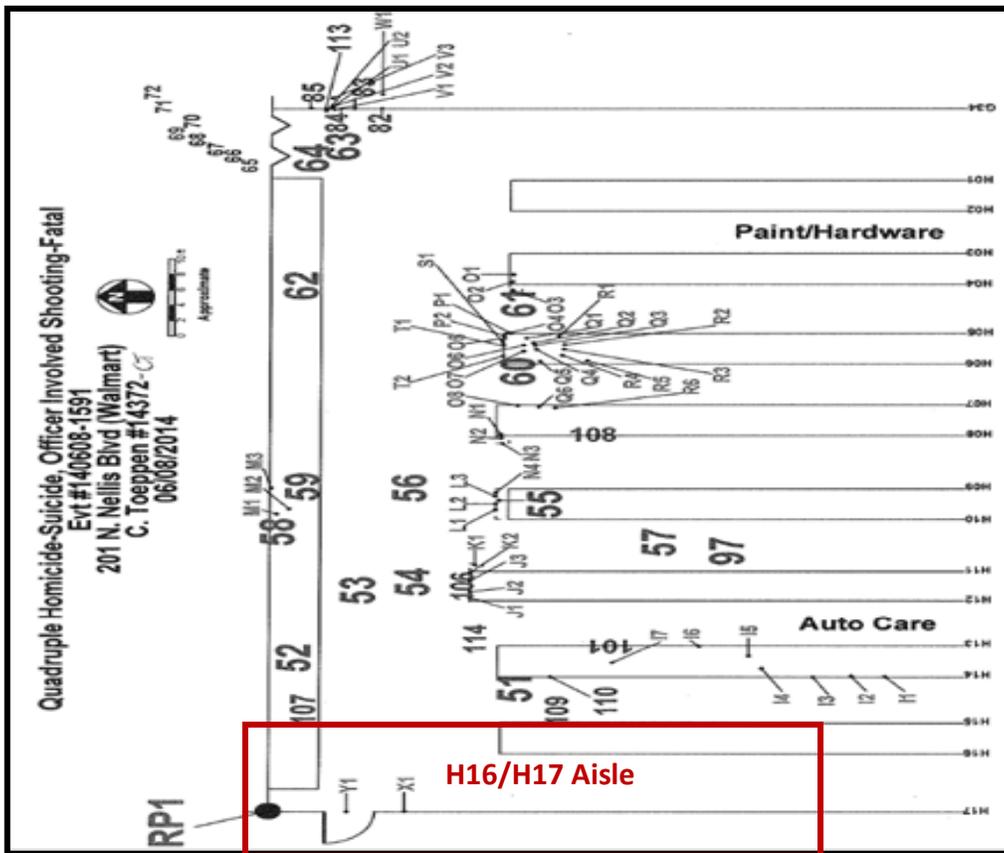
Two 9mm cartridge case bearing head stamp “*-* 9mm+P” were recovered within Walmart outside of the primary incident scene. One was located on the floor in the center of “Floor Row South” near the east side of a display case south of the refrigerator unit to aisles A4 and A5. (ITEM 2) The second was located on the ground at the north center of the alcove in the Associates Area along the south side of the threshold. (ITEM 74)

Miscellaneous Items

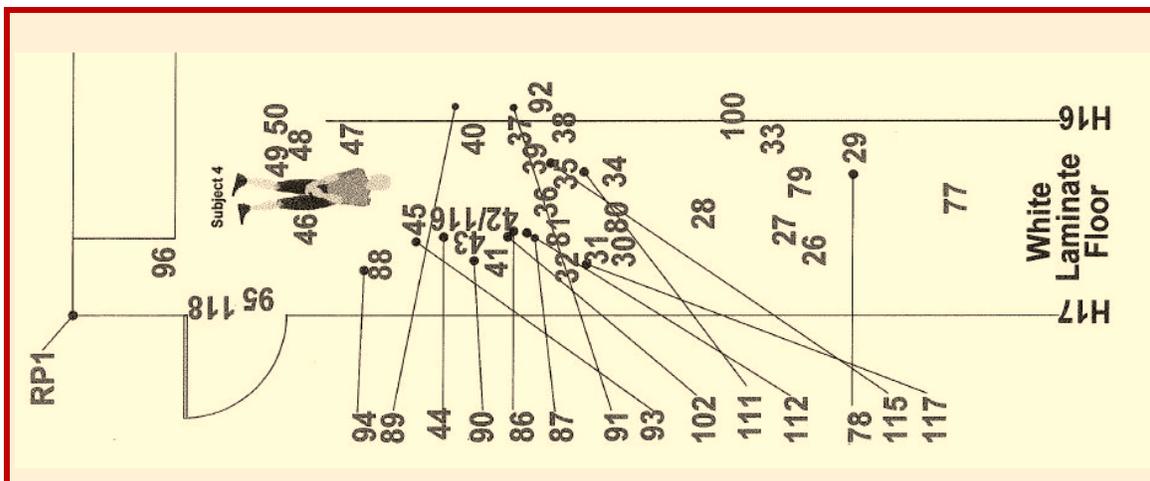
A “Survival Kit” backpack that included radios, a flashlight, masks, and miscellaneous items were located in the blue plastic pool within the enclosed Outdoor Lawn and Garden Area in the southwest corner of the building. (ITEM 119) The backpack had originally been located within the H16/H17 aisles of the Primary Incident, but was moved to the Lawn and Garden Area by a LVMPD ARMOR robot so that its contents could be safely inspected for explosives.

Primary Incident Scene





Close-Up Diagram



H16/H17 Aisles Diagram

The primary incident scene was located in the Auto Center, Paint/Hardware, and Sporting Goods areas of Walmart. The Auto Care Center area (west) and the

Paint/Hardware area (east), to include north/south aisles, and an east/west aisle along the north wall, were in the northwest corner of the building. An emergency exit metal door was in the northwest corner along the west wall. Black heavy rubber swing doors were in the northeast corner, along the north wall, which allowed access into the rear (west) storage area. The north/south aisles were labeled as H01 through H17. Aisle G34 was along the east wall within the area. The Sporting Goods area, to include east/west aisles labeled I19 through I26, was located along the west wall and immediately south of the Auto Care Center and Paint/hardware areas. The Sporting Goods area, which included an Ammunition/Hunting Accessories counter, was at the east end of aisle I23. The counter area included two enclosed units, stacked on top of each other with a locked glass door mechanism on the south side. The location of Jerad Miller ("Subject 4") and the various "ITEMS" listed below are depicted in the Primary Incident Scene, Close-Up, and H16/H17 Aisles Diagrams shown above.

Several different types of fluid; to include but, not limited to: bug killer, antifreeze, coolant, engine oil, gear lubricant, and apparent blood were on the floor primarily in the northwest corner of the Auto Care Center area. This created hazardous work conditions; therefore, cardboard boxes and kitty litter were placed on the floor to minimize slipping.

Body of Jerad Miller

The body of Jerad Miller ("Subject 4") was located within the primary incident scene. The body was clad in a black load-bearing tactical vest with an attached rifle scabbard. A grey short sleeve shirt, camouflage shorts, a black belt with numerous attached 12 gauge shotgun cartridges, white socks and black boots. The vest and shirt had an apparent bullet defect in the right chest area and the clothing and boots were stained with apparent blood.

Firearms

A total of five firearms were recovered inside the primary incident scene between the H16/H17 aisles:

A black Glock, Model 17, 9mm, semi-automatic handgun, bearing serial number WMU028 (*ITEM 26*), was recovered along the west side of the floor, near the west shelf between the H16/H17 aisles, with apparent blood on it. The handgun contained one Speer 9mm Luger+P cartridge in the chamber and twelve Speer 9mm Luger+P cartridges in the seventeen cartridge capacity magazine. A Streamlight TLR-1 tactical light was attached to the handgun. The safety and hammer position were not observable. The handgun was registered to victim Officer Igor Soldo.

A black Smith and Wesson (S&W), Model M&P, 9mm, semi-automatic handgun, used by Amanda Miller and bearing serial number HAR600 (*ITEM 33*), was recovered under

the west H16 shelf, on the floor between the H16/H17 aisles. The slide was open and the chamber and the fifteen cartridge capacity magazine were empty. The handgun was not registered.

A black Heckler and Koch (H&K), Model USP, 9mm, semi-automatic handgun, bearing serial number 24-066024 (*ITEM 37*), was recovered along the west side of the floor, under the H16 aisle shelf, north of the S&W Model M&P 9mm semi-automatic (*ITEM 33*). The handgun contained one Speer 9mm Luger+P cartridge in the chamber and eight Speer 9mm Luger+P cartridges in the fifteen cartridge capacity magazine. The safety was off and the hammer was in a cocked position. The handgun was registered to victim Officer Alyn Beck.

A black Ruger LCR, Model .38SPL+P, .38 caliber five shot revolver handgun used by Jerad Miller and bearing serial number 542-27786 (*ITEM 43*), was recovered near the H17 aisle shelf, on the floor, within the H16/H17 aisles. The handgun contained five expended HPR .38 SPL cartridge cases. The safety was not observable and the hammer was in a cocked position. The handgun was not registered.

A black, Winchester, Model 1300 Defender, pistol-grip 12 gauge pump action shotgun used by Jerad Miller and bearing serial #L3498040 (*ITEM 47*), was recovered in a half-cocked position, on the floor, next to the northwest corner at the north end of H16/H17 aisles. The shotgun contained one shotgun cartridge in the chamber and six shotgun cartridges in the tubular magazine. There were three Winchester 12 gauge cartridges; three Hornady 12 gauge cartridges; and one Baschieri & Pellagri 12 gauge cartridge.

Miscellaneous Items

A five-shot revolver speed loader (*ITEM 40*), a black holster (*ITEM 50*), a soiled camouflage shoulder holster (*ITEM 78*), with two empty firearm magazines and a “No BLM” button, a soiled green “US” duffle bag (*ITEM 79*) that contained two radios and a camouflage shirt bearing “Don’t Tread on Me” snake patch, a soiled black half mask (*ITEM 80*), and two (2) plastic bags containing 2 MRE’s (Meals ready to Eat) (*ITEM 77*), A clipboard case containing a “Manifesto by Jared Miller” and a book “The Declaration of the Independence & The Constitution of the United States” (*ITEM 86*) were all recovered on the floor, in between the H16/H17 aisles.

Other Weapons

Several knives were recovered within the primary incident scene. A soiled 12” tactical knife with a 6” blade was recovered on the east side of the floor between the H16/H17 aisles. An 8” switch blade knife with a 4” blade (closed) on the east side of the floor between the H16/H17 aisles at the north end (*ITEM 48*). A sheath containing a 7’5” knife with a 4.5” blade and an 11” knife with a 6.5” blade was recovered on the west side

of the floor between the center of the H16/H17 aisles (*ITEM 86*). A handbag/purse was recovered on the west side of the floor between the H16/H17 aisles at the north end (*ITEM 93*). Inside of the handbag/purse were two folding knives, a pair of handcuffs, and a handcuff key.

A 32" 21 ounce soiled Demarini Softball bat was recovered on the floor behind the Ammunition/Hunting Accessories cashier counter at the east end of aisle I23 (*ITEM 98*).

Ammunition

Two boxes of Winchester ammunition, containing fifty .38 Special "Winchester 38 SPL" cartridges, were recovered along the east and west sides of the floor at the south end of aisle H16 (*ITEMS 16 & 17*). Four unopened Winchester 9mm Luger ammunition boxes and four Winchester .38 Special boxes were recovered on the west side of the floor between the H16/H17 aisles. Four unopened boxes of ammunition that included one box of 50 Independence 9mm Luger containing 42 "Blazer 9mm Luger" cartridges, one box of 50 Blazer 9mm Luger containing fifty "CCI 9mm Luger N R" cartridges, one box of 50 HPR 38 Special containing 35 "HPR 38 SPL" cartridges, and one box of 12 gauge shotgun cartridges that were on the west side of the floor between the center of the H16/H17 aisles. One box of 12 gauge shotgun cartridges labeled 10 Hornady "Zombie Max" 12 gauge shotgun cartridges, containing eight shotgun cartridges, six 12 gauge "Winchester 12 GA" shotgun cartridges, and two 12 gauge "Baschieri & Pellagri 12" shotgun cartridges on the west side of the floor between the center of the H16/H17 aisles. Additional boxes of cartridge cases were included within this item number (*ITEM 87*).

A Glock 9mm firearms 17 cartridge capacity magazine was recovered containing sixteen "Speer 9mm Luger+P" cartridges on the west side of the floor between the middle of aisles H16 and H17. A Glock 9mm firearms seventeen cartridge capacity magazine was recovered containing nine 9mm "Speer 9mm Luger+P" cartridges on the east side of the floor between the H16/H17 aisles. A soiled 9mm fifteen cartridge capacity magazine containing fifteen 9mm "Speer 9mm Luger+P" cartridges on the west side of the floor between the H16/H17 aisles at the north end.

The handbag/purse (*ITEM 93*) recovered on the west side of the floor between the H16/H17 aisles at the north end also contained a soiled 9mm fifteen cartridge capacity magazine containing fifteen "Speer 9mm Luger+P" cartridges, a 9mm ten cartridge capacity magazine containing nine "Speer 9mm Luger" cartridges and one "Blazer 9mm Luger" cartridge.

A shotgun cartridge holder, containing four 12 gauge "Baschieri & Pellagri 12" shotgun cartridges, was recovered on the west side of the floor between the middle of the H16/H17 aisles (*ITEM 81*).

A twenty-five shotgun cartridge sleeve bandolier belt, that contained a total of twenty shotgun cartridges (nineteen "Hornady 12 GA" shotgun cartridges and one "Baschieri & Pellagri 12" shotgun cartridge), was recovered wrapped around Jerad Miller's (Subject #4) waist (*ITEM 120*).

A single 12 gauge "Baschieri & Pellagri 12" shotgun cartridge was recovered from a sleeve attached to the upper left chest of Jerad Miller's (Subject #4) tactical vest.

Cartridge Cases

A total of three 9mm "Speer 9mm Luger+P" cartridge cases were recovered in the "Floor Row North" area of Walmart: one was located on the floor south of the H13/H14 aisles along the north side of "Floor Row North" (*ITEM 12*), one was located on the floor south of aisle H14 in the center of "Floor Row North" (*ITEM 13*) and one was located on the floor near aisle H17 at the west end and in the center of "Floor Row North." (*ITEM 14*)

A total of seven 9mm "Speer 9mm Luger+P" cartridge cases were recovered from the Auto Care area of the primary incident scene: one was located on the floor along the west side at the south end between the H16/H17 aisles (*ITEM 15*), one was located on the floor, under the bottom shelf at the north end of aisle H17 (*ITEM 88*), one was located on the floor, under the bottom shelf along the center of aisle H16 (*ITEM 89*), one was located on the floor, under the bottom shelf along the north end of aisle H17 (*ITEM 90*), one was located on the bottom shelf along the north end of aisle H17 (*ITEM 94*), one was located on the west side of the floor between the center of the H16/H17 aisles (*ITEM 102*), and one was located on the west side of the floor between the center of the H16/H17 aisles (*ITEM 112*).

A total of four 9mm ".* 9mm+P" cartridge cases were recovered from the Auto Care area of the primary incident scene: one was located on the west side of the floor between the middle of the H16/H17 aisles (*ITEM 28*), one was located on the east side of the floor between the middle of the H16/H17 aisles (*ITEM 29*), one was located on the west side of the floor between the middle of the H16/H17 aisles (*ITEM 30*), and one was located on the west side of the floor between the middle of the H16/H17 aisles (*ITEM 32*).

A total of six .38 caliber "HPR 38 SPL" cartridge cases were recovered from the Auto Center area of the primary incident scene: one was located on the east side of the floor between the H16/H17 aisles at the north end (*ITEM 39*), one was located on the west side of the floor between the H16/H17 aisles at the north end (*ITEM 41*), one was located on the west side of the floor between the H16/H17 aisles at the north end (*ITEM 42*), one was located on the floor under the shelf in the middle of aisle H16 (*ITEM 91*), one was located on the floor under the shelf in the middle of aisle H16 (*ITEM 92*), and one was located on the center of the floor between the H16/H17 aisles at the north end (*ITEM 115*).

A total of five .40 caliber "Speer 40 S&W" cartridge cases were recovered from the Auto Center area of the primary incident scene: one was located on the west side of the floor between the H16/H17 aisles at the north end, next to subject #4 (Jerad Miller's) right hip (*ITEM 46*), one was located on the east side of the floor under the northwest corner of aisle H14 (*ITEM 51*), one was located on the west side of the floor, next to the emergency exit door along the west wall in the northwest corner of the building (*ITEM 95*), one was located under the west end of the shelves along the north wall in the northwest corner of the building (*ITEM 096*), and one was located on the west side of the floor, next to the north exit door along the west wall in the northwest corner of the building (*ITEM 118*).

A total of eleven .223 caliber "FC 12 REM 223" rifle cartridge cases were recovered from the Paint/Hardware area of the primary incident scene: one was located on the west side of the floor between aisles H1 and G34 at the north end (*ITEM 64*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 65*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 71*), one was located on the floor under the shelves at the north end of aisle G34 (*ITEM 85*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 66*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 67*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 68*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 69*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 70*), one was located on the floor in the southeast corner to the west storage area, north of the double rubber swing doors (*ITEM 72*), and one was located on the floor under the shelves at the north end of aisle G34 (*ITEM 82*).

A total of five 12 gauge shotgun cartridge cases were recovered in the primary incident scene. Four were 12 gauge "Winchester 12 GA" shotgun cartridge cases: one was recovered on the floor south of aisle H16 in the center of "Floor Row North" (*ITEM 18*), one was recovered in the center of the floor between the middle of the H16/H17 aisles (*ITEM 35*), and two were recovered in the center of the floor between the H16/H17 aisles at the north end. (*ITEMS 36 & 111*). A 12 gauge "*12*12*12*12" shotgun cartridge case, was recovered in the center of the floor between the H16/H17 aisles at the north end (*ITEM 49*).

Bullets and Expended Shotgun Cartridge Case Items

Bullets were recovered on the center of the floor between aisle H1 and G34 at the north end (*ITEM 63*), on the floor under the metal trash cans on the shelf at the north end of aisle G34 (*ITEM 83*), on the floor under the metal and plastic trash cans on the shelf at the north end of aisle G34 (*ITEM 84*), approximately 3'2" above the floor on the third shelf up along the center of aisle H16 (*ITEM 100*), on the bottom shelf along the center of aisle

H13 (*ITEM 101*), approximately 3'2" above the floor on the third shelf up along the center of aisle H17 (*ITEM 107*), and on the west bottom shelf along the center of aisle H17 (*ITEM 117*).

Pellets were recovered on the center of the floor north of the H3/H4 aisles (*ITEM 62*), within the Armor All display at the west end of "Floor Row North" possibly associated with Projectile Path B (*ITEM 104*), and approximately 4'0" above the floor on the fourth shelf up on the north end of the H11/H12 aisles (*ITEM 106*).

A pellet and a metal fragment were recovered on the second shelf up along the north wall north of the H9/H10 aisles (*ITEM 58*).

Pellet fragments were recovered on the bottom shelf along the north wall north of the H13/H14 aisles (*ITEM 52*), on the north side of the floor north of the H11/H12 aisles (*ITEM 53*), on the south side of the floor north of the H11/H12 aisles (*ITEM 54*), on the center of the floor between the H4/H5 aisles at the north end (*ITEM 61*), on the floor between the center of the H10/H11 aisles (*ITEM 97*), and approximately 0'7" above the floor on the bottom shelf at the north end of aisle H8 (*ITEM 108*).

Bullet fragments were recovered on the third shelf up from the floor at the west end of aisle I25 (*ITEM 20*), in the Winchester Knives and Tools display attached to the west end of aisle I22 possibly associated with Projectile Path G (*ITEM 22*), on the north end of the third shelf above the floor attached to the west end of the I21/I22 aisles, possibly associated with Projectile Path F (*ITEM 23*), on the south side of the floor between aisles I20 and I21 near the west end of aisle I20 possibly associated with Projectile Path E (*ITEM 24*), and on the floor under the shelves at the north end of the H11/H12 aisles (*ITEM 55*).

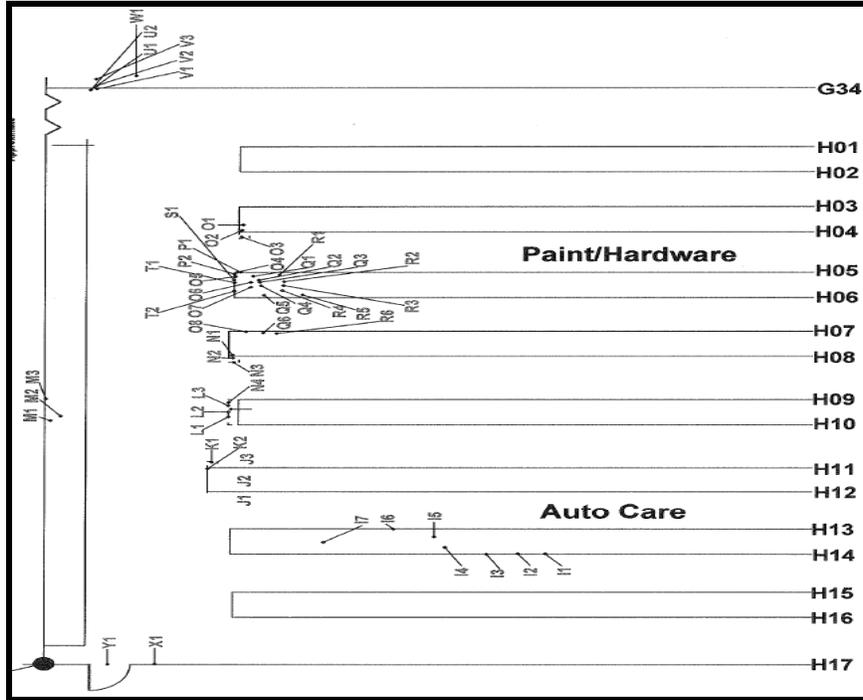
Metal fragments were recovered on the floor north of the west end to aisle I26 along at the west end along the south side of "Floor Row North" (*ITEM 19*) and on the center of the floor northwest of the west end to aisle I22 (*ITEM 21*).

Copper fragments were recovered on the floor between the center of aisles H14 and H15 at the north end (*ITEM 109*) and on the east side of the floor between the center of the H14/H15 aisles at the north end (*ITEM 110*).

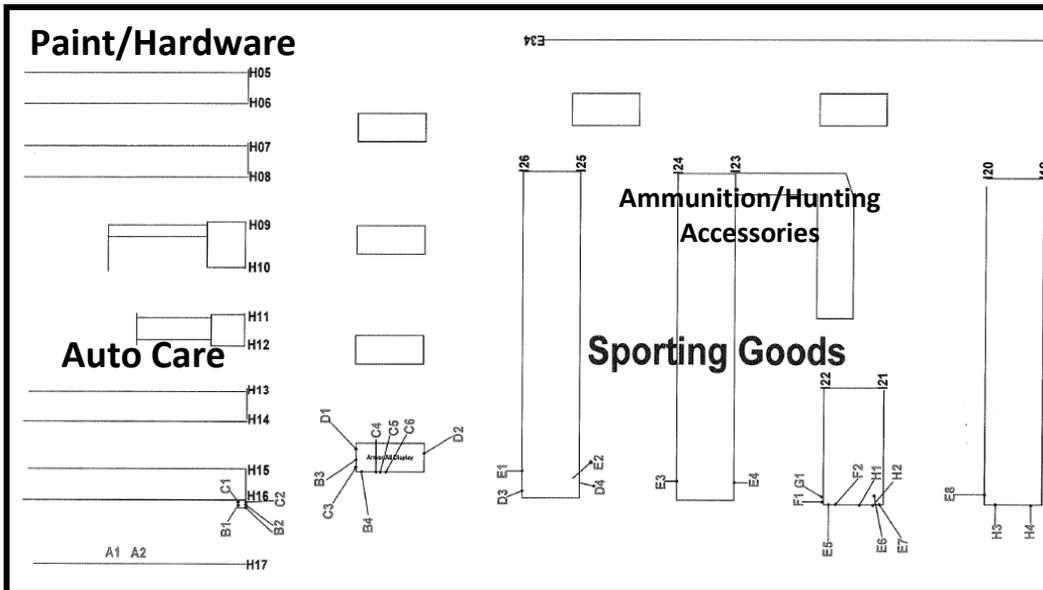
Miscellaneous items from expended shotgun cartridge cases were also recovered. The items included deformed shotgun slugs that were recovered on the center of the floor north of aisle H9 (*ITEM 56*) and within the Armor All display at the west end of "Floor Row North" possibly associated with Projectile Path C (*ITEM 105*), a felt shotgun wad recovered on the floor south of the H5/H6 aisles along in the center of "Floor Row North" (*ITEM 10*), a plastic shotgun was recovered on the floor north of the east end to aisle I26 along the south side of "Floor Row North" (*ITEM 11*), a paper wad recovered on the floor between the center of the H10/H11 aisle, (*ITEM 57*), a plastic wad recovered on the floor along the east side between the H6/H7 aisles at the north end (*ITEM 60*), and a plastic Shot Cup

recovered on the floor along the west side between the H12/H13 aisles at the north end (ITEM 114).

Projectile Paths



Auto Care and Paint/Hardware Area Projectile Paths Diagram



Auto Care and Sporting Goods Area Projectile Paths Diagram

Within the primary incident scene area were a number of bullet strikes that were

labelled for purposes of identification as A through Y. The locations of the bullet strikes are depicted in the "Auto Care, Paint/Hardware Area Projectile Paths Diagram" and "Sporting Goods Area Projectile Paths Diagram" shown above. Projectile paths could be determined consistent with the characteristics and locations of those bullet strikes:

Projectile Path A: A Preston bottle was on the floor, partially under the bottom west shelf to aisle H17, in a west direction. Projectile Path A was consistent with a north to south direction. Perforating holes were present in the Preston bottle with hole A-1 on the north side of the bottle and hole A-2 on the east side of the bottle, both were approximately 0'2" above the floor. No corresponding projectile was observed at this time.

Projectile Path B: A Battery Accessory display rack was located on the south end and attached to the west side of aisle H16. A four-sided Armor All display box was in the center of the east/west floor between the south end of aisle H16 and the west end of aisle I26. Projectile Path B was consistent with a north to south direction. A perforating hole B-1 was on the north side of the battery display rack approximately 2'4" above the floor and two holes B-2 were on the south side of the battery display rack. A penetrating hole B-3 was on the north side of the display box (row 3, column 5) and hole B-4 was on the west side of the display box (row 3, column 1) approximately 1'8" above the floor. A pellet (*ITEM 104*), possibly associated with projectile path B, was on west side of the Armor All display case, approximately 1'5" above the floor.

Projectile Path C: A Battery Accessory display rack was located on the south end and attached to the west side of aisle H16. A four-sided Armor All display box was in the center of the east/west floor between the south end of aisle H16 and the west end of aisle I26. Projectile Path C was consistent with a north to south direction. A perforating hole C-1 was on the north side of the battery display rack approximately 0'1" above the floor and hole C-2 on the south side of the battery display rack. A penetrating hole C-3 was on the north side of the Armor All box (row 5, column 5), hole C-4 was on the west side of the Armor All display box (row 4, column 1), hole C-5 was on the west side of the Armor All display box (row 4, column 1), and hole C-6 was on the west side of the Armor All display box (row 4, column 2). A deformed slug (*ITEM 105*) possibly associated with projectile path C was in the west side of the Armor All display box (row 4, column 4), approximately 0'7" above the floor.

Projectile Path D: A four-sided Armor All display box was in the center of the east/west floor between the south end of aisle H16 and the west end of aisle I26. A shelf unit was connected to the west end of the I25/I26 aisles. Projectile Path D was consistent with a north to south direction. A perforating hole D-1 was in the north side of the Armor All display box (row 1, column 4) approximately 4'0" above the floor, hole D-2 was in the south side of the Armor All display box (row 1, column 1), perforating hole D-3 was on the north side of package at the west end of aisle I26, and hole D-4 was in a package hanging from the wall at the west end of aisle I25 approximately 4'2" above the floor. No corresponding projectile was observed at this time.

Projectile Path E: A shelf unit was connected to the west end of aisles I25/I26, aisles I23/I24, I21/I22, and I19/I20. An east-west laminate floor separated the shelf units. Projectile Path E was consistent with a north to south direction. A perforating hole E-1 was on the west end of the north side press board to aisle I26 approximately 4'8" above the floor, hole E-2 on the west end to the south side press board to aisle I25, hole E-3 was on the north side press board at the west end of aisle I24, hole E-4 was on the south side pressboard at the west end of aisle I23, hole E-5 was in a battle ship board hanging from a rod attached to the north side pressboard at the west end of aisle I22 approximately 4'3" above the floor, hole E-6 was on the south side press board at the west end of aisle I21, hole E-7 was in a safety book hanging from a rod attached to the south side press board at the west end of aisle I21, and hole E-8 was in an Ozark Fan box on the fourth shelf approximately 4'2" above the floor on the north side of aisle I20. A bullet fragment (*ITEM 24*) possibly associated with projectile path E was on the ground adjacent to the bottom shelf at the west end of aisle I20.

Projectile Path F: A set of metal shelves that displayed 16 quart coolers was connected to the west side of the I21/I22 aisles. A cardboard display box for Winchester Knives and Tools was attached to the north side at the west end of aisle I22. Projectile Path F was consistent with a north to south direction. A perforating hole F-1 to a knife package approximately 3'6" above the floor was in the Winchester display box (row 2, column 2) and a defect hole F-2 was in the north side of a cooler approximately 3'10" above the floor on the third shelf. A bullet fragment (*ITEM 23*) possibly associated with projectile path F was on the shelf next to the north side of the cooler with defect F-2 approximately 3'5" above the floor.

Projectile Path G: A shelf unit was connected to the west end of the I21/I22 aisles. A cardboard display box for Winchester Knives and Tools was attached to the north side at the west end of aisle I22. Projectile Path G was consistent with a north to south direction. A perforating hole G-1 was in the top of the box approximately 4'11" above the floor. Bullet fragments (*ITEM 022*), possibly associated with projectile path G were recovered in the upper right cubicle approximately 4'2" above the floor.

Projectile Path H: A shelf unit was connected to the west end of aisles I21/I22, and I19/I20. An east-west laminate floor separated the shelf units. Projectile Path H was consistent with a north to south direction. A projectile defect H-1 was to the right front corner in a 16 quart blue cooler on the west side approximately 2'7" above the floor on the second shelf, at the west end of the I21/I22 aisles, projectile defect H-2 was to the right front corner in a 16 quart red cooler on the east side of the second shelf, defect hole H-3 was to a flashlight box on the west end of the second shelf to aisle I20, and defect hole H-4 in a flashlight box at the west end of the second shelf to aisle I19 approximately 1'11" above the floor. No corresponding projectile was observed at this time.

Projectile Path I: A set of north/south shelf units were located in the northwest

corner of the building in the Auto Care Center section with aisle H14 on the west side and aisle H13 on the east side. A laminate floor was on both sides of shelf unit. Projectile Path I was consistent with a southwest to northeast direction. A perforating hole/scrap I-1 was in the center of a box on the fifth shelf up from the bottom in the center of aisle H14 approximately 5'2" above the floor, hole I-2 was in a bungee cord container on the fifth shelf up from the bottom in the center of aisle H14, hole I-3 was in a bungee cord container on the fifth shelf up from the bottom in the center of aisle H14, hole I-4 was in the east pressboard along the center of aisle H14, hole I-5 was in the west pressboard along the center of aisle H13, hole I-6 was in a carpet mat hanging from a rod connected to the west pressboard along the center of aisle H13, hole I-7 was in a carpet hanging from a rod connected to the west pressboard along the center of aisle H13 approximately 5'3" above the floor. A bullet (*ITEM 101*), possibly associated with projectile path I, was on the bottom shelf, west side, under hole I-7.

Projectile Path J: A set of north/south shelf units were located in the northwest corner of the building in the Auto Care Center section with aisle H12 along the west side and H11 along the east side. A laminate floor was on both sides of the shelf unit. A set of shelves were at the north end of the H11/H12 aisles that contained numerous containers of Rain-X bug repellent. Projectile Path J was consistent with a west to east direction. A perforating hole J-1 was in a bug repellent container on the fourth shelf up from the floor on the west end approximately 4'5" above the floor, another perforating hole J-2 was in a bug repellent container, and another perforating hole J-3 was in a bug repellent container approximately 4'2" above the floor. A pellet (*ITEM 106*), possibly associated with projectile path J, was on the shelf next to the east side of hole J-3 approximately 4'0" above the floor.

Projectile Path K: A set of north/south shelf units were located in the northwest corner of the building in the Auto Care Center section with aisle H12 along the west side and H11 along the east side. A set of shelves were on the north end of the H11/H12 aisles. The shelves contained Rain-X bug repellent on the third shelf above the floor to aisle H11. A rack was attached to the north side of the west end of aisle H11 that displayed General Purpose tape. Projectile Path K was consistent with an east to west direction. A perforating hole K-1 was on the north wall behind the tape approximately 4'5" above the floor. A penetrating hole K-2 was in a bug repellent container on the east side of the third north shelf approximately 3'4" above the floor.

Projectile Path L: A set of north/south shelf units were located in the northwest corner of the building in the Auto Care Center section with aisle H10 along the west side and H09 along the east side. A shelf was on the north end of the H09/H10 aisles that contained metallic ladders. Projectile Path L was consistent with a west to east direction. The ladder on the north shelf on the east side along aisle H09 contained a perforating hole (L-1) which was in the west outer vertical ladder leg approximately 0'10" above the floor, a perforating hole (L-2) was in the west inner vertical ladder leg, and a defect (L-3) to the east inner vertical ladder leg approximately 1'0" above the floor. Bullet fragment (*ITEM 055*) possibly associated with projectile path L was on the floor below the north shelf

attached to the H09/H10 aisles.

Projectile Path M: A set of east/west shelf units were located in the northwest corner of the building in the Auto Care Center section along the north wall, north of aisle H09 and H10. The shelf contained adhesive spray cans. Projectile path M was consistent with a west to east direction. Perforating hole M-1 was in an adhesive spray can that was on its side, on the second shelf, approximately 3'10" above the floor. A perforating hole M-2 was in another can on its side on the same shelf. A scrap was on the north pressboard above the shelf approximately 3'8" above the floor. Pellet fragments (*ITEM 059*), possibly associated with projectile path M, were on the shelf along the north wall approximately 3'0" above the floor.

Projectile Path N: A set of north/south shelf units were located in the northwest corner of the building in the Auto Care Center section with aisle H10 on the west side and H09 on the east side, aisle H08 on the west side and aisle H07 on the west side. A laminate floor separated the two aisles. A magazine rack was attached to the north end of aisle H09 along the west side. Projectile path N was consistent with an east to west direction. Perforating hole N-1 was located along the center of the east/back side of the magazine rack approximately 2'1" above the floor, a defect N-2 severed a vertical metal frame in the east/back side of the magazine rack, perforating hole N-3 was in the magazine along the south side of the metal rack, a perforating hole N-4 and a defect N-4 were on the east side of the vertical leg of a ladder on the shelf at the north end of aisle H09.

Projectile Path O: A set of north/south shelf units were located in the northwest corner of the building in the Auto Care Center section with aisle H08 on the west side and H07 on the east side, aisle H06 on the west side and H05 on the east side, aisle H04 on the west side and H03 at the east side. A laminate floor separated the aisles. Metallic shelves containing a light bulb display was at the north end of the H03/H04 aisles. A metallic decorative light bulb display was attached to the west side of aisle H04 at the east end. Metallic shelves and a vertical metallic post were located at the north end of aisle H05 with a pressboard along the west wall. A metallic shelf containing boxes were at the north end of aisle H05. A metallic shelf was at the north end of aisle H06. Projectile Path O was consistent with an east to west direction. Perforating hole O-1 was in a box of light bulbs on the third shelf from the bottom at the north end of aisle H04 approximately 4'0" above the floor, perforating hole O-2 was in a box of light bulbs on the third shelf from the bottom at the north end of aisle H04, perforating hole O-3 was to a decorative light bulb package hanging from a rod attached to the metal rack on the west side of aisle H04, perforating hole O-4 was to the vertical metallic post at the north end of aisle H05, perforating hole O-5 was to the south side of a box on the bottom shelf at the north end of aisle H05, perforating hole O-6 was in the west pressboard at the north end of aisle H05, perforating hole O-7 was in the east pressboard at the north end of aisle H06, and perforating hole O-8 was to the south side of the Primo box on the bottom shelf at the north end of aisle H07 approximately 2'1" above the floor.

Projectile Path P: A set of north/south aisles were in the northwest corner in the Auto Care Center section. Aisle H06 was on the west side and aisle H05 was on the east side. A vertical metal post was at the north end of aisle H05. A laminate floor was on both sides of the aisles. Projectile Path P was consistent with an east to west direction. Perforating hole P-1 was on the vertical metallic pole at the north end of aisle H05 approximately 3'2" above the floor, and a penetrating hole P-2 was on the east side of the box at the north end of aisle H05.

Projectile Path Q: A set of north/south aisles were in the northwest corner in the Auto Care Center section. Aisle H05 was on the west side and aisle H-6 was on the east side. Aisle H07 was on the west side and aisle H08 was on the east side. A laminate floor was between the aisles. Metallic shelves and an east pressboard back wall containing a light bulb display were at the north end of aisle H05. Metallic shelf and a west pressboard back wall containing Primo water boxes were at the north end of aisle H06. Metallic shelves and a west pressboard back wall containing boxes of air purifiers were at the north end of aisle H07. Projectile Path Q was consistent with an east to west direction. Perforating hole Q-1 was in a light bulb box on the third shelf up at the north end of aisle H05 approximately 2'10" above the floor, ricochet Q-2 was on the metallic shelf between the box of light bulbs and the west pressboard wall on the third shelf up at the north end of aisle H05, perforating hole Q-3 was in the west pressboard at the north end of aisle H05, perforating hole Q-4 was in the east pressboard at the north end of aisle H06, two perforating holes Q-5 were the Primo water box on the bottom shelf at the north end of aisle H06, and penetrating hole Q-6 was in the east side of the air purifier box on the bottom shelf in aisle H07 approximately 2'11" above the floor.

Projectile Path R: A set of north/south aisles were in the northwest corner in the Auto Care Center section. Aisle H05 was on the west side and aisle H-6 was on the east side. Aisle H07 was on the west side and aisle H08 was on the east side. A laminate floor was between the aisles. Metallic shelves and an east pressboard back wall containing a light bulb display were at the north end of aisle H05. Metallic shelf and a west pressboard back wall containing Primo water boxes were at the north end of aisle H-6. Metallic shelves and a west pressboard back wall containing boxes of air purifiers were at the north end of aisle H07. Projectile Path R was consistent with an east to west direction. Perforating hole R-1 was in a light bulb box (south of Path Q) on the third shelf up at the north end of aisle H05 approximately 3'7" above the floor, perforating hole R-2 was in the east pressboard at the north end of aisle H05, perforating hole R-3 was in the west pressboard at the north end of aisle H06, perforating hole R-4 was in the east side of the water purifier box on the bottom shelf and hole R-5 was in the west side of the box, penetrating hole R-6 was on the east side of the air purifier box on the second shelf from the bottom approximately 2'9" above the floor.

Projectile Path S: A set of north/south aisles were in the northwest corner in the Auto Care Center section. Aisle H05 was on the west side and aisle H06 was on the east side. Metallic shelves were located at the north end of the H05/H06 aisles containing a

shelf unit box. Projectile Path S was consistent with an east to west direction. Penetrating hole S-1 was on the east side of the shelf unit box approximately 2'5" above the floor.

Projectile Path T: A set of north/south aisles were in the northwest corner in the Auto Care Center section. Aisle H05 was on the west side and aisle H06 was on the east side. Metallic shelves were located at the north end of the H05/H06 aisles containing a shelf cabinet box on the second shelf up from the floor. Metallic Shelves were located at the north end of aisle H06 containing a Primo water box on the second shelf up from the floor. Projectile path T was consistent with a west to east direction. Penetrating/defect holes T-2 (apparent entry) was on the west and north side of the water box approximately 4'8" above the floor, and perforating hole T-1 (apparent exit) was on the east side of the shelf unit box on approximately 4'10" above the floor.

Projectile Path U: A north/south aisle G34 was in the northeast corner of the Auto Care Center section, in the northwest corner of the building. A set of seven black stacked trash cans were on the bottom shelf at the north end of the aisle. Projectile Path U was consistent with a west to east direction. Penetrating hole U-1 was in the outer west side trash can. Penetrating hole U-2 was on the west side of the sixth trash can. One bullet (*ITEM 113*), consistent with Projectile Path U, was at the bottom of the sixth trash can.

Projectile Path V: A north/south aisle G34 was along the west side, in the northeast corner of the Auto Care Center section, in the northwest corner of the building. A set of four metal trash cans were on the bottom shelf at the north end of the aisle, west of the black trash cans. Projectile Path V was consistent with a west to east direction. Perforating Hole V-1 was at the base of the bottom metal trash can on the shelf approximately 0'8" above the floor, hole V-2 was at the base of the same trash can, and defect V-3 was in the west pressboard wall to aisle G34 approximately 0'9" above the floor.

Projectile Path W: A north/south aisle G34 was along the west side in the northeast corner of the Auto Care Center section and aisle G33 was along the east side, in the northwest corner of the electronic section in the northwest corner of the building. Projectile Path W was consistent with a west to east path. Defect W-1 was on the underside of the second shelf above the metal trash cans approximately 5'3" above the floor, and defect W-2 was in the east pressboard. A bulge on the opposite side of defect W-2 on the east wall to aisle G33 was observed.

Projectile Path X: A north/south aisle H17 was against the west wall in the northwest corner of the Auto Care Center section. The north end of the shelf unit was attached to a vertical piece of white wood. Projectile Path X was consistent with an east to west direction. Perforating hole X-1 was to the piece of wood at the north end of aisle H17 and a defect mark on the wall approximately 1'6" above the floor.

Projectile Path Y: A metal emergency exit door, that allowed access to the west outside area, was in the northwest corner of the Auto Care Center section along the west

wall, in the northwest corner of the building. Penetrating hole Y-1 was in the east side of the door approximately 2'0" above the floor.

WALMART INCIDENT SCENE: JUNE 9, 2014

On June 9, 2014, at approximately 9:00 a.m., LVMPD CSA's returned to the Walmart crime scene. Upon their arrival, the CSA's were directed to additional items of evidence that were located during the crime scene clean up. The area of investigation was located in the Auto Care and Sporting Goods areas of the primary crime scene. The evidence, consisting predominately of bullets and bullet fragments, was documented by photograph and then recovered and impounded.

In the Auto Care area, the third aisle east of the west wall was marked H11 (west side of the aisle) and H12 (east side of the aisle). An end cap display at the north end of aisle H12 contained shelves with 'Rain X Bug Remover' on them. One damaged plastic jug with a small amount of liquid in it, consistent with the liquid in the intact bottles on the shelves, was lying on the floor in front of the end cap. One bullet fragment was located inside the damaged bottle. Four additional damaged bottles with varying amounts of liquid remaining in them were located on the fourth shelf of the end cap from the bottom. Bullet fragments were recovered from each of the bottles.

Aisle H17 consisted of oil changing supplies and air filters. One bullet was located in a stack of plastic oil drain pans on the second shelf from the bottom approximately 24'10" south of the north wall. The bullet was lodged in between two of the plastic drain pans which were stacked together with other pans, and was located on the north side of the stack. An additional bullet was located on an open box flap of Fram air filter packaging approximately 8'11" south of item 3's location, also on aisle H17. The air filter box was located on the bottom row of the shelf and was the third box up from the bottom.

One 9mm "SPEER 9MM" cartridge case was located on the floor adjacent to the southwest corner of the end cap display of aisle H16. Two bullet fragments were located on the floor in the same location.

One bullet was recovered from inside an 'Ozark Trail' 12x24' sized tarp package located on the west wall (aisle H17) adjacent to the open space between the north/south running aisles and the east/west running aisles. The bullet perforated a similar 'Ozark Trail' box and tarp inside, adjacent to and north of the bullet's location.

Various windshield wipers and windshield cleaning supplies were located on the north wall of the store and adjacent to the north end of the H13/H14 aisles. One bullet was located on the lower shelf next to a package of 'Rain-X' anti-fog wipes. One bullet fragment was located on the lower shelf beneath the windshield wiper display, just west of item 12.

An additional bullet fragment was located inside another damaged plastic bottle of 'Rain X Bug Remover' located on the north end cap of H11/H12 aisles. The bottle was located on the third shelf up from the bottom and was on the northeast corner of the end cap.

Boxes of wheel covers were located on the north wall of the store, just north of the H11/H12 aisles. Perforating bullet holes were located on two 'Tuner Series' boxes at the west end of the display on the third shelf up from the bottom. One bullet was located inside the third wheel cover box just to the east marked 'Classic Series'. Bullet holes were located in a set of four 'Classic Series' wheel cover boxes on the floor in front of the above mentioned display. The boxes were situated so that there were two on the floor with two boxes on top. The top right box had perforating bullet holes on the ends of the box with the top left box having a penetrating bullet hole on the right side and an apparent exit on the front. The bottom left box had a ricochet on the front of the box. A search of the boxes was conducted for possible bullets or bullet fragments with negative results. An additional perforating bullet hole was located in a 'Filtrete 25x25x1' air filter on the north wall of the store, east of the 'Auto Care' section and north of the H4/H5 aisles.

Immediately south of the Auto Care area, in the Sporting Goods area, the aisles were oriented in an east/west direction. The northernmost aisle was marked I26 (on the north side) with the number of each aisle decreasing as they moved south. The third aisle to the south was marked I22 (north side) and I21 (south side). An end cap display containing red and blue coolers was located at the west end of the aisle. A damaged blue cooler was located on the third shelf up from the bottom of the end cap, near the northwest corner of the aisle. Bullet fragments were located inside the cooler, inside a defect of the lower surface. Bullet fragments were located inside a cardboard 'Winchester' display on aisle I22 adjacent to the northwest corner of the aisle and on the floor beneath the display. One bullet fragment was located on the floor near the southwest corner of aisle I21.

Aisle I20 consisted of various size camping tents. One bullet was located on the third shelf up from the bottom behind one of the tents.

One pair of white zip ties/flex cuffs was recovered from the Walmart loss prevention office.

POLICE OFFICERS

Officer Brett Brosnahan

On Sunday, June 8, 2014, at approximately 5:09 p.m., FIT Detective Patton interviewed Lieutenant John Liberty reference the Public Safety Statement he took from Patrol Officer Brett Brosnahan, who had discharged his weapon during the incident. The

interview took place inside of the Pet Smart store at 171 North Nellis Boulevard, which was being utilized as the Incident Command Post. Also present during the interview was Police Managers and Supervisors Association Representative Lieutenant Jay Roberts. Lieutenant Liberty conducted the Public Safety Statement with Officer Brosnahan at approximately 4:42 p.m. The interview was as follows:

1. Did you discharge your firearm? "Yes"
 - a) If so, in what direction? "Southwest direction."
 - b) Approximately where were you located when you fired? "Northwest corner of Walmart."
 - c) How many shots do you think you fired? "Four to five."
2. Is anyone injured? "Unsure."
 - a) If so, where are they located? "Unsure."
3. Are there any outstanding suspects? "Not to my knowledge."
 - a) If so, what is there description? N/A
 - b) What direction and mode of travel? N/A
 - c) How long have they been gone? N/A
 - d) What crime(s) have they committed? "Murder and Attempt Murder."
 - e) What type of weapon do they have? "Handguns."
4. Is it possible the suspect fired rounds at you? "Yes."
 - a) If so, what direction were the rounds fired from? "Southwest of officers' location in a northeast direction."
 - b) How many shots do you think the suspect fired? "Three to four."
 - b) Approximately where was the suspect located when they fired? "Northwest corner of store in aisle west of Sporting Goods."
5. Do you know if any other officer(s) discharged their firearms? "Yes."
 - a) If so, who are they? "Zac Beal and an officer known only as Tim."
 - c) Approximately where was the officer(s) located when they fired? "In the store, unsure of position."

6. Are there any weapons or evidence that needs to be secured / protected? "Not that I know of other than my own."

a) If so, where are they located? "What's on scene and my personal weapon that's on my person."

7. Are you aware of any witnesses? "No."

a) If so, what is their location? N/A

On June 11, 2014, at approximately 9:53 a.m., Homicide Detectives Sanborn and Ivie interviewed Patrol Officer Brett Brosnahan. Also present during the interview were Police Protective Association General Counsel David Roger and Patrol Sergeant Bonkavich. During the interview, Officer Brosnahan stated that he was in uniform and operating a marked patrol unit when he heard a radio broadcast of a shooting inside the CiCi's Pizza at Nellis Boulevard and Stewart Avenue. While en-route, the call was updated to reflect two police officers had been shot. He arrived at the scene with two other officers and parked his car on Stewart Avenue south of the scene. He exited his vehicle and several people outside the business were yelling and directing him to the south, stating the suspects had gone that way. Officer Brosnahan immediately ran south toward the rear of Walmart, where he saw numerous people running out the rear emergency doors. Several people stated there was someone inside the store shooting.

Officer Brosnahan entered the rear of Walmart and was directed by a store employee toward the northwest area of store. He entered the customer portion of the store via a set of double doors and walked west toward the corner of the store. Officer Brosnahan saw a white male (Jerad Miller) carrying a black semi-automatic handgun and a green duffle bag. The suspect was walking west on an aisle parallel to Officer Brosnahan and did not appear to see him. Officer Brosnahan prepared to confront the suspect in the farthest west aisle of the store. Officer Brosnahan entered the aisle and immediately came into contact a white female adult (Amanda Miller) who was armed with a black semi-automatic handgun. She was approximately five feet away from him. The female suspect raised her weapon and began firing at him approximately three to four times. He returned fire approximately five times and he believed he struck the female suspect in the chest. While Officer Brosnahan exchanged fire with the female suspect, he observed that the male suspect had entered the other end of the aisle and began to run towards him. Officer Brosnahan realized that he was outnumbered and was not in a good tactical position to engage both suspects. He retreated back the way that he had entered and exited out of the Walmart. Officer Brosnahan estimated that he was in the Walmart for approximately three to four minutes. He immediately updated dispatch of his shooting and the suspects' descriptions and location. He did not see anyone else inside the Walmart and he was fairly confident that the store had been cleared out. Officer Brosnahan then briefed Patrol Sergeant Kurt McKenzie of the suspects' appearance and last known location. He also informed Sergeant McKenzie

how he and his team could enter into the Walmart to confront the suspects. Officer Brosnahan secured the back of the store and coordinate other officers as they arrived, while Sergeant McKenzie entered into the Walmart with his team.

Officer Brosnahan was at home later in the evening and discovered he had a small injury in his right upper thigh. He pulled out a small metal fragment from his thigh. He advised his chain of command and transported himself to University Medical Center for treatment. A CSA responded to the hospital and documented his injury by photograph and collected the metal fragment and impounded it into evidence

Officer John Bethard

On June 8, 2014, at approximately 5:48 p.m., Homicide Detective McCarthy interviewed Officer John Bethard. Also present during the interview was Police Protective Association General Counsel David Roger. During the interview, Officer Bethard stated that he was working as marked patrol unit 2F11, when he responded to Walmart in reference to two suspects involved in the shooting of two police officers at the CiCi's Pizza. Officer Bethard arrived on the north side of Walmart and deployed his AR-15 rifle. He met with Officers Corbin, Beal, Sergeant McKenzie, and a fourth officer (Officer Gross) and they formed an entry team. They entered the Walmart through the rear north doors.

Officer Bethard heard four to five gunshots coming from the northwest portion of the store. The other officers of the entry team stayed back where the rounds were fired, while he and Officer Corbin proceeded south through a couple of isles and then headed west towards the end of the building. It was their intention to form a "Tactical L" position to engage the suspect. Once they were in position, Officer Bethard looked around the corner and observed the male suspect (Jerad Miller) standing and wearing a black tactical vest. The male suspect turned towards them and fired five or six rounds at them. They retreated a couple of isles further south before turning back west. Officer Bethard looked around the corner again and the male suspect fired another three or four rounds at him. Officer Bethard could not tell what kind of firearm the male suspect was using, but he believed it sounded more like a shotgun than a handgun. From that point on, when Officer Bethard would attempt to peek around the corner, the male suspect would fire more rounds at him. The male suspect also fired at the entry team members who had stayed back by where they had entered. During this time period, Sergeant McKenzie attempted to develop a rapport with the male suspect, but he was screaming "You guys failed! We're taking over!" Officer Bethard could not get into a position to return fire. Officer Bethard received broadcasts over the radio about what the suspects were doing from officers inside the Walmart control room. Officer Bethard held his position until he was relieved by SWAT officers. Officer Bethard and Officer Corbin did not fire their weapons.

Officer David Corbin

On June 8, 2014, at approximately 5:49 p.m., Homicide Detective Merrick interviewed Officer David Corbin. Present during the interview was Police Protective Association Representative Yant. During the interview, Officer Corbin stated that he was assigned to the Traffic Section and was working a fatal accident at the intersection of Owens Avenue and Stanley, when he heard radio traffic reference a fight or disturbance at CiCi's Pizza. He heard over the radio there were officers down and he responded to the area. He arrived initially at the CiCi's Pizza parking lot and heard the radio update the suspects were now inside the Walmart shooting. Officer Corbin continued south across Stewart Avenue to the back of the Walmart store. He arrived at the northwest corner of the building as several people were running out of the rear doors of the Walmart yelling that the suspects were coming out.

Officer Corbin "dumped" his motorcycle, dropped his helmet, drew his handgun and ran toward the rear door of Walmart. He observed Sergeant McKenzie approaching from the east and Officer Corbin met up with him at the rear doors on the north side of the building. Sergeant McKenzie had five or six officers with him. They entered into the back area of Walmart. Sergeant McKenzie then posted a female officer by the doors that entered into the store itself to protect their backs.

The entry team then made entry into the back of the Walmart. There were two or three officers with long guns, Sergeant McKenzie had a shotgun and he had a handgun. The entry team immediately started taking gunfire and two of the officers posted up on the end of the aisle and covered west with rifles. Officer Corbin teamed up with a Northeast Area Command (NEAC) officer he only knew as "Tim" (Officer Bethard), who had deployed his rifle.

Officer Corbin felt their position was vulnerable and the team could possibly be flanked by the suspects. As a result, he and Officer Bethard crossed a central aisle and moved south, where they established contact with the suspects. The new position afforded the entry team the tactical advantage by placing the suspects in a "Tactical L" position. He heard more rounds fired from the suspects and he heard Sergeant McKenzie start to negotiate with the suspects. Officer Corbin heard the male suspect (Jerad Miller) yell things like "fuck the pigs", "fuck the cops" and "we killed you, we are going to kill some more."

Officer Corbin stood over the top of Officer Bethard, who was lying down with his rifle on a bipod. Officer Corbin conducted several quick peeks and saw the male suspect approximately 100 to 125 feet north of them on the same aisle. Officer Corbin believed the suspect had on a ballistic vest, so he told Officer Bethard he needed to take the shot with his rifle. The suspect had his back to Officer Corbin and Bethard, so Officer Bethard attempted to maneuver his rifle for a shot at the male suspect. The male suspect heard this and fired approximately two or three rounds at them. Officer Corbin and Officer Bethard jumped back behind the end cap for cover. He could not tell if the male suspect fired a handgun or a shotgun.

Sergeant McKenzie came over the radio and told everyone to hold their position. The suspect then fired more rounds towards Officer Corbin and Officer Bethard. He heard the other entry team officers fire at the suspect, who in turn would fire rounds at himself and Officer Bethard. Officer Corbin ultimately heard over the radio that the suspects had shot each other and that the female suspect shot herself in the head.

Sergeant McKenzie ordered the entry team to hold in place until relieved by SWAT officers. SWAT officers cuffed the male suspect and then cleared the store. Officer Corbin and Officer Bethard did not fire their weapons during the incident.

Officer Zackery Beal

On June 8, 2014, at approximately 5:19 p.m., FIT Detective Patton interviewed Lieutenant Liberty reference the Public Safety Statement he took from Patrol Officer Zackery Beal, who had discharged his weapon during the incident. The interview took place inside of the Pet Smart store at 171 North Nellis Boulevard. Also present during the interview was Police Managers and Supervisors Association Representative Lieutenant Jay Roberts. Lieutenant Liberty conducted the Public Safety Statement with Officer Beal at approximately 4:55 p.m. The interview was as follows:

1. Did you discharge your firearm? "Yes."
 - a) If so, in what direction? "A western direction."
 - b) Approximately where were you located when you fired? "Northwest corner, approximately 40 yards east in a loading dock zone by double doors"
 - c) How many shots do you think you fired? "Ten or twelve maybe."
2. Is anyone injured? "I don't know."
 - a) If so, where are they located? "Suspect in far northwest corner."
3. Are there any outstanding suspects? "Not to my knowledge."
 - a) If so, what is there description? N/A
 - b) What direction and mode of travel? N/A
 - c) How long have they been gone? N/A
 - d) What crime(s) have they committed? N/A
 - e) What type of weapon do they have? N/A
4. Is it possible the suspect fired rounds at you? "Yes."
 - a) If so, what direction were the rounds fired from? "West to east."

- b) How many shots do you think the suspect fired? "Twenty."
 - c) Approximately where was the suspect located when they fired? "Northwest corner at the end of the aisle."
5. Do you know if any other officer(s) discharged their firearms? "Yes."
- a) If so, who are they? "Tim Gross."
 - b) Approximately where was the officer(s) located when they fired? "Unknown."
6. Are there any weapons or evidence that needs to be secured/protected? "Yes."
- a) If so, where are they located? "Rifle at Pet Smart, personal rifle and the suspects' weapons in the far northwest corner of Walmart in the aisle that runs north to south."
7. Are you aware of any witnesses? "No."
- a) If so, what is their location? N/A

Officer Beal later stated that during the stand-off with the Millers, he was by the double doors and Jerad fired a couple of rounds in his direction. Officer Beal ducked back into the doorway. He then heard a shopping cart being moved in the aisle. Believing that Jerad might be out in the open, Officer Beal sidestepped out from the doorway and into the aisle. Officer Beal had a clear view and he observed Jerad in the aisle bending over and reaching down. Jerad then spotted Officer Beal and lifted up his gun and started firing from a crouching position. Officer Beal aimed his rifle at Jerad's chest and fired one time. He then ducked back into the doorway. He believed he struck Jerad.

Officer Ryan Fryman

On June 8, 2014, at approximately 6:08 p.m., Homicide Detective McCarthy interviewed Officer Ryan Fryman. Present during the interview was Police Protective Association General Counsel David Roger. During the interview, Officer Fryman stated that he was working a marked patrol unit, when he responded to the officer down call on Northeast Area Command at the CiCi's Pizza. While en route, dispatch updated over the radio that the suspects were actively shooting inside the Walmart store at the Stewart and Nellis.

He arrived at the front of the Walmart store, which was located on the south side of the building. He met up with Officer Nicol and three other officers, who he did not know, and they made up a five man entry team. Officer Fryman entered the Walmart

through the front southeast doors. He saw an Asian female hiding in the photo section near the front of the store. Officer Fryman asked where the surveillance room was located and she directed him to the location of the security surveillance room. He located the room and discovered the door was locked. Officer Fryman kicked the door in and observed the video surveillance screens and equipment, but he did not know how to use the equipment. Officer Fryman requested over the radio for someone outside to find someone who could operate the surveillance equipment. Officer Nicol exited the store and contacted Citizen #31, who was a Walmart Loss Prevention Officer. Citizen #31 was escorted into the room so he could locate the suspects on the video system.

Citizen #31 located the suspects in the northwest corner of the store. Officer Fryman stayed in the surveillance room and provided information over the police radio to the other officers, who had entered the store from the rear north doors. Officer Fryman observed the male suspect (Jerad Miller) in a prone position firing his handgun in the direction of approaching officers. The female suspect (Amanda Miller) was in the same aisle and it appeared she was bleeding from her chest area. At one point during the shooting the male suspect removed gun magazines from a duffle bag and gave them to the female. Officer Fryman heard Officer Gross, who was a part of the rear entry team, say shots fired, and then he saw the male suspect on the ground to the north of the female. He assumed the male suspect was shot by Officer Gross. The male was lying on the ground north of the female and the female aimed her firearm at the male and appeared to shoot him.

Officer Fryman described how the male's body posture changed and it appeared as if he was impacted by a bullet she fired. The female then turned the gun on herself and shot herself in the head. Officer Fryman provided this information to the SWAT officers, who ultimately approached the suspects and took them into custody. He knew the female suspect was transported to the hospital.

Officer Troy Nicol

On June 8, 2014, at approximately 6:30 p.m., Homicide Detective Merrick interviewed Officer Troy Nicol. Present during the interview was Police Protective Association Representative Yant. During the interview, Officer Nicol stated that he was at the Clark County Detention Center (CCDC) booking a suspect, when he heard the radio broadcast of a shooting at Stewart Avenue and Nellis Boulevard. An update came over the radio that officers were not answering the radio and the call was updated to the emergency call of "officers need assistance." He immediately responded to the Walmart store.

Officer Nicol met up with Officer Fryman and the two of them kicked the door into the surveillance room and took control of the surveillance room. The officers located a loss prevention employee and had him manipulate the cameras. The officers located Sergeant McKenzie in the store, followed by the two suspects. The officers provided updates over

the radio of the actions of the two suspects. Officer Nicol saw the female suspect (Amanda Miller) point her firearm at the male suspect (Jerad Miller) and he believed the female suspect shot the male suspect. Officer Nicol then updated over the radio the female had shot herself in the head.

Officer Nicol continued to update the SWAT officers of the suspects' location. SWAT officers took both suspects into custody. The female was transported to the hospital, while the male showed no signs of life and remained at the scene.

Officer Jenny Marx-Rodriguez

On June 8, 2014, at approximately 5:50 p.m., FIT Detective Gillis interviewed Officer Jenny Marx-Rodriguez. Also present during the interview was Police Protective Association Representative Clodt. During the interview, Officer Marx-Rodriguez stated that she was operating a marked patrol unit assigned to the Southeast Area Command, when she responded to the officer needs assistance call at CiCi's Pizza on Stewart Avenue and Nellis Boulevard. While en route to the call, dispatch updated responding officers with information that the male and female suspects had taken the downed officers weapons and fled to the Walmart store located on 201 North Nellis Boulevard.

Officer Marx-Rodriguez then responded to the Walmart store and parked her vehicle on the north side of the building. She met up with Officers Stinnett, Gross, Sergeant McKenzie and additional officers by the north doors. Sergeant McKenzie put together an entry team element due to this being an active shooter. Officer Marx-Rodriguez was initially told by Sergeant McKenzie to stay by the back door with K9 Officer Jason Dukes and Officer Gregory Stinnett.

She eventually moved forward along with other officers to control a rear hallway as the entry element continued further into Walmart. Officer Marx-Rodriguez could hear the radio traffic of Officer Frymann in the security camera room, who was providing information on the suspect's actions and locations. She cleared the rooms on the east side of the back hallway and lay-away area. While clearing the area, Officer Marx-Rodriguez heard gunfire. Her group moved back to the north door of Walmart, to eliminate a cross fire situation inside the store. Officer Marx-Rodriguez heard the radio broadcast the female suspect had shot the male suspect, and then shot herself. Officer Marx-Rodriguez later saw the female suspect being brought out by medical personnel. The female was wearing a white t-shirt and tan pants and had an apparent gunshot wound to the head. Officer Marx-Rodriguez then assisted with clearing the rest of the Walmart.

Officer Gregory Stinnett

On June 8, 2014, at approximately 6:15 p.m., Homicide Detective Merrick interviewed Officer Gregory Stinnett. Present during the statement was Police Protective

Association Representative Yant. During the interview, Officer Stinnett stated that he was operating as a marked patrol unit assigned to the Southeast Area Command (SEAC), when he heard radio traffic about an officer needs assistance and shooting call in Northeast Area Command. He drove towards Northeast Area Command when he heard radio traffic about officers down at the CiCi's Pizza and that the suspects were inside the Walmart shooting.

Officer Stinnett arrived on the north side of the Walmart and deployed his department shotgun. Sergeant McKenzie had already formed an entry team and was entering the back of Walmart. Officer Stinnett met up with K9 Officer Dukes and formed a second entry team with him. Officer Stinnett and his team cleared the back employee area then held at the layaway area so the suspects would not flank Sergeant McKenzie's team. Officer Fryman was broadcasting the movements of the suspects via the surveillance room. Officer Stinnett never fired his handgun or department shotgun during the incident.

Officer James Roberts

On June 8, 2014, at approximately 3:16 p.m., FIT Detective Mitch Dosch interviewed Officer James Roberts, who stated that he was assigned to LVMPD Search and Rescue and had received information about two officers being shot and an active shooter still being inside the Walmart store at Stewart and Nellis. Officer Roberts responded to the Walmart, parked on the south side of the building and dressed in his tactical gear, which identified him as a police officer. Officer Roberts teamed up with Search and Rescue Officer John Thayer-Lindsley inside the front (southeast) doors of the Walmart and established a casualty collection point.

SWAT Sergeant Michael Quick notified them of a subject that was possibly dead inside the store. Officers Roberts and Thayer-Lindsey responded to the area just north of register nine and observed a white male, later identified as victim, Joseph Wilcox, lying on the ground. The male was wearing a white shirt, tan pants and had a soft nylon holster attached to the left side of his waistband. He observed a black semi-automatic handgun approximately ten feet south of the male. Officer Roberts checked the male for any signs of life and determined he was deceased.

Officer Anton Gorup

On June 8, 2014, at approximately 3:31 p.m., FIT Detective Dosch interviewed Officer Anton Gorup, who stated that he was assigned to the LVMPD SWAT Red Team. He received the initial information about the call through the SWAT communicator. The communicator advised of an active shooter at Walmart at Stewart Avenue and Nellis Boulevard and that two officers were down. While driving to the scene, he switched over to the NEAC (Northeast Area Command) radio channel and received several updates. Patrol officers reported that the suspects were in the northwest corner of the building, according to the store's video surveillance.

Upon arrival, Officer Gorup parked his vehicle in front of Walmart, near Nellis Boulevard, and put on his tactical gear, which identified him as a police officer. He moved to the front (southeast) entrance, where he met with SWAT Officers John Susich, Michael Walters, and William Giblin and formed a four-man element. The officers entered the store and moved toward the northwest corner of the store. In order to achieve a tactical advantage, the officers separated into two groups. Officer Gorup moved to the north with Officer Susich, while Officers Giblin and Walters moved to the west. Officers Gorup and Susich located the male suspect (Jerad Miller). The male was face-down on the aisle floor with his right arm extended forward of his head. In the male's right hand was a semi-automatic handgun with his right index finger resting in the trigger well. Officer Susich issued several verbal commands to the male but received no response. Officer Gorup then covered the male with his handgun while Officer Susich removed the handgun from the male's hand. The male was white with a thin build and wearing a black or dark colored tactical vest. Officer Gorup obtained a pair of handcuffs from an unknown patrol officer and placed the male into custody.

Approximately ten to fifteen feet away from the male suspect was the female suspect (Amanda Miller). The female was south of the male and appeared to have a bullet hole to the right side of her head near her eye. The female was wearing a black hat and was still breathing. Officer Gorup notified dispatch the female was breathing. Officer Gorup observed three to four handguns in the general area around the suspects.

Officer Karl Knowles

On June 8, 2014, at approximately 3:49 p.m., FIT Detective Dosch interviewed Officer Karl Knowles at 171 North Nellis Boulevard, where he related the following: Officer Knowles was assigned to the LVMPD SWAT Red Team. He received the initial information about the call through a text message and the SWAT communicator. The communicator advised of an active shooter at the Walmart store at Stewart Avenue and Nellis Boulevard. While en route to the scene, Officer Knowles switched to the NEAC radio channel and received several updates. One of the updates advised the male suspect was armed with a shotgun and several handguns. Officer Knowles also learned the male suspect was wearing either a ballistic or tactical vest. The male suspect was with a female suspect, who was armed with a handgun. Officer Knowles learned patrol officers could observe the suspects through the store video surveillance and the suspects were located in the northwest corner of the store.

Officer Knowles parked on the north side of Walmart and put on his tactical gear, which identified him as a police officer. SWAT Officers Dapra and Peterson had already entered the store so Officer Knowles entered and caught up with the others. The group moved as a three-man element toward the northwest corner of the store. After entering the store, Officer Knowles was informed that it appeared that the female suspect had shot the male suspect before she turned the gun on herself. However, the officer that was

monitoring the store's video surveillance warned officers not to approach her because she had barricaded herself in the area.

Officer Knowles met with Officers Giblin and Walters, who had encountered the female suspect (Amanda Miller). The female was lying on her back a short distance away from the male suspect (Jared Miller). A Glock handgun with a mounted flashlight and two backpacks were near her location. Officer Giblin possibly moved the handgun away from the female and Officer Knowles handcuffed her right wrist, using his handcuffs. Officer Walters told Officer Knowles they were good and he finished handcuffing the female. The female had a bullet wound to the side of her head.

Officer Knowles teamed back up with Officers Dapra and Peterson and finished clearing the store. While clearing the store, Officer Knowles observed another deceased white male (Joseph Wilcox). The male was lying on an aisle floor near the front of the store.

Officer William Giblin

On June 8, 2014, at approximately 4:06 p.m., FIT Detective Dosch interviewed Officer William Giblin at 171 North Nellis Boulevard. During the course of the interview, Officer Giblin stated that he was assigned to the LVMPD SWAT Red Team. He received a text message from Assistant Team Leader (ATL) Manny Rivera. The text stated there was an active shooter call at the Walmart store at Stewart Avenue and Nellis Boulevard and two officers were down. Officer Giblin responded to the scene, parked on Nellis Boulevard just south of Walmart, and put on his tactical gear, which identified him as a police officer. He met up with SWAT Officers Gorup, Susich, and Walters to form a four-man element.

The officers entered Walmart through the front (southeast) doors and moved toward the northwest corner of the store. Officer Giblin and Walters separated from Officers Gorup and Susich. Officers Giblin and Walters moved toward the west while Officers Gorup and Susich continued to the north. This movement provided the officers with a tactical advantage over the suspects.

Officer Giblin observed the female suspect (Amanda Miller) lying face-up on an aisle floor in the automotive section, which was in the northwest corner of the store. The female appeared to be approximately 10 feet south of the male suspect (Jared Miller), who was also lying on the aisle floor. Near the right side of the female's head was a semi-automatic handgun. She had an apparent bullet hole on the right side of her head but appeared to still be breathing. Officers Giblin and Walters approached the female and Officer Giblin moved the firearm away from her body to the south. Officer Giblin was not wearing gloves when he moved the handgun.

A second semi-automatic handgun with a mounted flashlight was resting on the floor next to the female's head. Between the suspects was a pistol grip shotgun. A third handgun was located at the base of a shelving unit approximately two feet away from the

female. After the suspects were secured, the SWAT officers conducted a sweep of the building. During the sweep, Officer Giblin observed a deceased white male (Joseph Wilcox) near the cash registers. The male was dressed in a white shirt and khakis pants. A holster was visible attached to his rear waistband area. Approximately ten to twelve feet away from the white male was a handgun.

Officer Giblin and other SWAT officers then conducted a secondary search of the store. The secondary search involved breaching several locked doors by either kicking them in or using a Halligan tool. No additional suspects or victims were located.

Officer John Susich

On June 8, 2014 at approximately 4:35 p.m., FIT Detective Dosch interviewed Officer John Susich at 171 North Nellis Boulevard. During the interview, Officer Susich stated that he was assigned to the LVMPD SWAT Blue Team. He received the initial information about the call via the SWAT communicator. The communicator advised of an active shooter at Walmart. While responding to the scene, Officer Susich switched to the NEAC radio channel and received several updates. Officer Susich learned two suspects were inside the business shooting at patrol officers. He was aware two officers had also been shot and one of the officer's guns had been taken. Officer Susich parked on Nellis Boulevard, south of the Walmart, and put on his tactical equipment, which identified him as a police officer.

He teamed with SWAT Officers Gorup, Giblin, and Walters to create a four-man element. They notified the SWAT lieutenant they were making entry and entered through the front (southeast) doors. Patrol officers inside the building directed the officers toward the automotive section in the northwest corner of the store. Near the middle of the store, the officers separated into two-man groups to establish a "Tactical L" approach to the suspects. He and Officer Gorup moved to the north, while Officers Giblin and Walters moved to the west.

Officer Susich observed the male suspect (Jared Miller) lying face-down on the aisle floor in the northwest corner of the store. The male was wearing black jeans and he had a backpack or holster system on. His right arm was extended forward of his head. There was a semi-automatic handgun in his right hand and the index finger rested in the trigger well. Officer Susich issued verbal commands to the male but received no response. The officers approached the male and Officer Susich tapped the body with his foot in an attempt to get him to respond, again there was no response.

Officer Susich moved the handgun from the male's hand and placed it approximately 10 feet away. He was wearing a glove when he moved the handgun. He and Officer Gorup then rolled the male onto his back to check for explosives and/or weapons. Once the area under the male was cleared, they rolled the male back onto his front where he was handcuffed. Officer Susich obtained the handcuffs from an unknown patrol officer

with red hair. Approximately 15 feet to the south was the female suspect (Amanda Miller). The female was breathing and being secured by Officers Giblin and Walters. Next to the female was a Glock handgun with a mounted flashlight, which was covered with blood. Officer Gorup requested medical respond for the female.

After the suspects were secured, the SWAT officers cleared the rest of the store. The SWAT officers then joined several other SWAT officers and conducted a secondary search of the building. The secondary search involved the breaching of several locked doors and the breaking of one window. The locked doors led to offices and storage areas in the rear of the building. No additional suspects or victims were located. The female suspect was later drug out of the store by fire department personnel.

Officer Michael Walters

On June 8, 2014, at approximately 5:06 p.m., FIT Detective Dosch interviewed Officer Michael Walters, who stated that he was assigned to the LVMPD SWAT Blue Team. Officer Walters had received information from two text messages there was an active shooter at the Walmart store at Stewart Avenue and Nellis Boulevard. En-route to the scene, Walters received an update there were, in fact, two suspects, one male and one female. The suspects were possibly wearing body armor and armed with rifles.

Officer Walters parked south of Walmart, near Nellis Boulevard and put on his tactical equipment, which identified him as a police officer. Officer Walters teamed with Officers Gorup, Giblin and Susich to form a four-man element. They entered through the front (southeast) doors and were directed toward the northwest corner of the store by patrol officers. Officer Gorup was the point man in the element and Officer Walters was the rear guard. While moving through the store, Officer Walters observed a white male, (Joseph Wilcox) lying on the ground near the cash registers. The male had a nylon holster attached to his rear waistband area and he appeared to be deceased. The team reached the middle of the store and split up into two teams. Their objective was to form a "Tactical L." Officers Walters and Giblin moved toward the west, while Officers Gorup and Susich moved toward the north.

Officer Walters observed the female suspect (Amanda Miler) lying face-up on the aisle floor in the automotive section. The female's right hand was resting on top of a semi-automatic handgun, which was on her chest. The slide on the handgun was locked back. She appeared to be still breathing. Officer Walters approached the female and moved the handgun from her chest approximately 3 to 4 feet to the south. Officer Walters was not wearing gloves when he moved the weapon.

Several automotive fluids had spilled onto the ground making the floor slippery. Additional items, which included a revolver and backpacks, were in close proximity to the female's body. Officer Walters assisted Officer Knowles, who had just joined them, with

placing her in handcuffs. The female was handcuffed to the front of her body. Under the female's head was a handgun with a mounted flashlight.

Once the suspects were secured, a sweep of the building, followed by a secondary search was performed by SWAT personnel.

CIVILIANS

Citizen #3

On June 8, 2014, at approximately 1:42 p.m., Force Investigation Team Detective Matthew Gillis conducted an interview with Citizen #3. Citizen #3 stated that, at approximately 11:30 a.m., she was on her lunch break and walking through the Walmart parking lot, where she worked. She observed a white male adult tell another Walmart employee that, "The police were on their way." The white male was wearing a gray or white "Army" shirt, and possessed a black semi-automatic handgun in his hand. The male walked towards the front entrance of the Walmart. A short time later she heard a gunshot come from inside the Walmart store. Citizen #3 walked away from the Walmart towards the Pet Smart store nearby.

Citizen #4

On June 8, 2014, at approximately 1:55 p.m., FIT Detective Matthew Dosch interviewed Citizen #4. Citizen #4 stated that she was an employee of the Review Journal and was selling newspapers near the front doors out in front of Walmart. At approximately 11:30 a.m., a white male, followed by a white female, entered the south main doors of Walmart. The male was approximately 40 years of age, approximately 6' 0" inches tall, 160 pounds, and was wearing a camouflage backpack, tan shirt, and a black baseball hat. The backpack was bulky and appeared to be filled with items. The female was approximately 40 year of age, 5' 3" inches tall, 125 pounds with long hair in a ponytail. She was wearing a black baseball hat, white shirt, unknown color shorts and a camouflage backpack. The backpack was bulky and appeared to be filled with items. The two did not appear to be armed when they entered the store. The male entered Walmart and yelled, "Everyone get out, get out, get out. The cops are coming! The cops are coming!" The female did not say anything. Several customers began running out of the store. Citizen #4 remained near the front doors until she heard a gunshot from inside the Walmart. She did not see who shot, but assumed it was the white male. Citizen #4 fled to the parking lot with several customers, who had fled out the front doors.

Citizen #5

On June 8, 2014, at approximately 2:07 p.m., FIT Detective Gillis interviewed Citizen #5. Citizen #5 stated that she was inside the Walmart store at the customer service

counter, which was near the front of the store. She heard a male yelling obscenities near the cash registers, followed by a gunshot. She saw a white male adult, approximately forty to fifty years of age, wearing a gray baseball hat, white shirt with a design on the front, carrying a black gun. The male then discharged his firearm once into the ceiling. Citizen #5 hid with several other customers in the pharmacy. Citizen #5 then heard approximately fifteen more gunshots.

Citizen #6

On June 8, 2014, at approximately 2:15 p.m., Homicide Detective Fred Merrick interviewed Citizen #6. Citizen #6 stated that he was a Walmart employee and at approximately 11:30 a.m., he was in the photograph lab when he heard four gunshots from inside the Walmart. Citizen #6 and several customers hid behind the photograph lab counter. Citizen #5 then heard eight to ten more gunshots and a male voice yell "Police are suppressive, they don't allow me freedom" and "this is a revolution." He then heard approximately eight to ten more gunshots, then four more gunshots followed by a male yell the same quotes over and over.

Citizen #6 observed a LVMPD police officer with a shotgun enter the south main doors of the Walmart. The officer negotiated with the male suspect. Every time the officer attempted to speak to the male, the male would discharge his firearm. After the gunshots, several more officers entered the Walmart and walked towards the sporting goods section. Citizen #5 and several other customers were ultimately escorted out of the Walmart store.

Citizen #7

On June 8, 2014, at approximately 2:17 p.m., FIT Detective Dosch interviewed Citizen #7. Citizen #7 stated that he and his friend, Joseph Wilcox, had gone to the Walmart to return a cable modem. They arrived in Citizen #7's vehicle, which was a black Ford Expedition with Nevada license plate 409-VAS. Citizen #7 parked on the east side of Walmart. They went inside and went to the customer service counter, which was located east of the south main entrance doors. As Wilcox spoke with a customer service representative, a white male entered the store through the southeast doors and yelled, "Everyone get out! This is a revolution!" The white male was described as being in his 30's, approximately 5'11" inches tall, 200 pounds, wearing a gray short sleeved shirt, gray pants, and prescription glasses. The white male was in possession of a backpack and was armed with a revolver in his right hand.

The white male was followed into the store by a white female. The white female was approximately 5'5" inches tall with a heavy build wearing a gray shirt, unknown color shorts, and she had a backpack.

Wilcox had a CCW permit and was in possession of his 9mm handgun. Wilcox drew his handgun from his rear waistband and chased after the pair. Citizen #7 fled out the main doors of the store. Moments later, Citizen #7 heard two gunshots from inside the store. He could not see who was shooting. Citizen #7 called Wilcox several times after hearing the gunshots, but Wilcox never answered his phone. He provided detectives with Wilcox's cellular telephone number.

Citizen #7 described Wilcox as a white male, 23 years of age, approximately 5'6" inches tall, 170 pounds with a thin build, wearing a white t-shirt and tan pants. Citizen #7 himself wore a gray shirt, black shorts and orange/ gray sandals.

Citizen #8

On June 8, 2014, at approximately 2:18 p.m., FIT Detective Gillis interviewed Citizen #8, who stated that she was an employee of Walmart and had recently returned from her lunch break. She was working at the cash register north of the main front entrance doors. Citizen #8 heard a white male yell "This is a revolution, fuck Walmart". The male then discharged his rifle into the ceiling. Citizen #8 ran out an emergency exit located south of where she was working. She did not see any other suspects.

Citizen #9

On June 8, 2014, at approximately 2:25 p.m., Homicide Detective McCarthy interviewed Citizen #9, who stated that she was inside the Walmart store near the northeast area of the store, when she saw a white male enter the south entrance walking at a fast pace. The white male was wearing a black shirt, had a gun in his hand and yelled "This is revolution motherfuckers." Citizen #9 heard two gunshots, which she thought came from the area of the jewelry department. Citizen #9 and several other persons fled to the back of the store and exited the north rear exit doors.

Citizen #10

On June 8, 2014, at approximately 2:34 p.m., Homicide Detective Merrick interviewed Citizen #10. During the interview, Citizen #10 stated that at approximately 11:20 a.m., he was near the front entrance of the Walmart store at 201 North Nellis Boulevard. He saw a white male, 6'2", skinny build, wearing a dark shirt walk into the store and say "the police are coming". The white male was with a white female adult. Citizen #10 then heard three gunshots from inside the store.

Citizen #11

On June 8, 2014, at approximately 2:40 p.m., Homicide Detective McCarthy interviewed Citizen #11. During the interview, Citizen #11 stated that she was inside the

Walmart by a fabric cutting table near the back of the store. She saw a white male adult, approximately 6'0" inches tall, wearing dark clothing enter the Walmart and yell "I knew I would find you here you fucking bitch". The male walked past the food court, when Citizen #11 heard a gunshot, a pause, then two more gunshots. Citizen #11 fled north to the rear of the store and hid behind some wood pallets out back until police arrived.

Citizen #12

On June 8, 2014, at approximately 2:43 p.m., FIT Detective Gillis interviewed Citizen #12. Citizen #12 stated that she was employed at Walmart and was working as a cashier clerk near the front of the store. At approximately 11:30 a.m., Citizen #12 saw a white male, approximately 6'0" inches tall, wearing a dark shirt and baseball hat yell "Get out of the store". The male raised a black semi-automatic handgun and discharged it into the ceiling twice. The male pointed his handgun at several customers as they fled out the store.

Citizen #13

On June 8, 2014, at approximately 2:45 p.m., Homicide Detective Merrick interviewed Citizen #13. During the interview, Citizen #13 stated that she was employed by Walmart and was in the apparel department. At approximately 1045 hours, Citizen #13 saw a white male adult enter the front doors of Walmart with a black semi-automatic handgun in his right hand and carrying a green backpack. The male was described as approximately 35-40 years of age, blonde hair, approximately 6'0" inches tall, and wearing a baseball hat and camouflage pants. The male yelled "a Revolution, the cops are coming, get out of the store." The male discharged his handgun twice into the ceiling, paused and then discharged his handgun two additional times and told everyone to leave the store. The male walked towards the toy and sporting goods section as Citizen #13 exited the store.

Citizen #14

On June 8, 2014, at approximately 2:47 p.m., FIT Detective Bunting interviewed Citizen #14. During the interview, Citizen #14 stated that on June 8, 2014, at approximately 11:30 a.m., Citizen #14 arrived at Walmart with her grandmother and her sister. They shopped inside Walmart and Citizen heard a gunshot, which came from the front entrance of the store. Citizen #14 saw a white male 30-40 years of age approximately 5'11" inches tall in possession of a handgun in his right hand raised above his head and a green duffel bag hanging over his shoulder. The male was wearing a baseball hat a white t-shirt and blue jeans, and yelled, "The cops are coming, get out of the store, leave right now!" The male walked at a casual pace, but sounded angry as he yelled out his demands. Citizen #14 then heard another gunshot. She and her grandmother dropped to the floor and attempted to hide. The male walked by the aisle where they were hiding. After he

passed them, they fled out an emergency exit located near the pharmacy area. As they exited, Citizen #14 heard approximately eight rapid gunshots. Citizen #14 and her grandmother went to the Pet Smart store and met with police. She never observed anyone else with the male.

Citizen #15

On June 8, 2014, at approximately 2:50 p.m., Homicide Detective McCarthy interviewed Citizen #15. During the interview, Citizen #15 stated that she was inside the Walmart on an aisle near the checkout registers. She saw a tall white male run into the store wearing what she thought was a white shirt. The male yelled for people to "Leave Walmart, run the police are coming." Citizen #15 then heard a gunshot, a short pause followed by two more gunshots coming from the front main entrance door area. Someone yelled for people to "run for your lives," followed by approximately six to seven gunshots, which came from the sporting goods department. Citizen #15 fled the Walmart through the front entrance.

Citizen #16

On June 8, 2014, at approximately 2:58 p.m., FIT Detective Dosch interviewed Citizen #16. During the interview, Citizen #16 stated that she was employed by Walmart and worked in the men's apparel section near customer service. At approximately 1100 hours, Citizen #16 heard a male yell loudly, "They're coming," and "Police." She looked toward the customer service area and observed a white male, tall and wearing camouflage shorts, with a bag or backpack slung over the right shoulder, and armed with a handgun. The male carried the handgun in his right hand and fired it once into the ceiling. The male then walked west through the aisle north of the cash registers. Citizen #16 exited the store and heard one more gunshot.

Citizen #17

On June 8, 2014, at approximately 3:10 p.m., Homicide Detective McCarthy interviewed Citizen #17, who stated that he worked for Coca-Cola and was inside the Walmart putting up a display near the front of the store. Citizen #17 saw a white male approximately 6'3" inches tall wearing a white shirt and blue jeans enter the store. The male yelled "This is a revolution get out of Walmart." Citizen #17 then saw a white female with light colored hair follow the male into the store pushing a shopping cart. The male possessed a semi-automatic military green handgun with an attached laser and a military backpack. The male pointed his handgun into the air and discharged it twice into the ceiling. Citizen #17 then exited the store through the front doors.

Citizen #18

On June 8, 2014, at approximately 3:36 p.m., FIT Detective Bunting interviewed Citizen #18 at 163 North Nellis Boulevard, where he stated that he was an employee at Walmart and was scheduled to work on June 8, 2014 from 11:00 a.m. to 8:00 p.m. Citizen #18 was wearing clothing identifying himself as an employee of the business. Citizen #18 was in the clothing area of the store, which was near the front door, when he heard a single gunshot. He then observed a white male adult walking inside the front door. The male appeared to be in his early thirties, 6'2", wearing camouflage pants, a camouflage shirt and an unknown style hat. The male yelled, "The revolution is coming! The police are coming, get out now!" The male was walked fast with an unknown model handgun raised above his head. The male then turned to his left walking down another aisle toward the west end of the store, where he discharged another shot into the ceiling. Citizen #18 then ran out the front door and he did not see any other suspects with the male.

Citizen #19

On June 8, 2014, at approximately 6:02 p.m., FIT Detective Mitch Dosch interviewed Citizen #19 with the assistance of a Spanish translator. During the interview, Citizen #19 stated that he and his two granddaughters, ages two and nine, went to Walmart with his friend, and his friend's fourteen-year-old daughter. They arrived in a white Toyota Camry, which was parked near the front door, close to Nellis Boulevard. Citizen #19 and his granddaughters were in housewares when he heard a noise that sounded like a balloon popping, followed by a woman screaming. Citizen #19 heard the same popping noise a second time which he then believed was a gunshot. Citizen #19 had only been in the store for about five to ten minutes before the shooting started.

Citizen #19's friend grabbed his daughter and fled the store. Citizen #19 tried to follow up, but his granddaughters could not keep up. A Walmart employee told him to hide the girls under a table which he promptly did. After hiding the girls, Citizen #19 went to look for the shooter to determine if the shooter was headed in their direction. Citizen #19 located the shooter and described him as a white male, 25-35 years of age, 5'2" to 5'3", with a thin build. He was wearing a gray shirt, gray pants, black hat, and gray backpack. The male was armed with a black handgun. The male had the gun in his right hand and was shooting at about a 45 degree angle toward the ceiling. The male was yelling something but Citizen #19 could not understand what was being said because the male was speaking in English. When Citizen #19 determined it was safe to move his granddaughters, he escorted them out of the store through an emergency exit. Citizen #19 was wearing black shoes, white socks, black shorts and a white collared shirt with blue trim. One of his granddaughters was wearing a pink floral shirt and black leggings; the other granddaughter was wearing a blue Levi one-piece outfit. His friend was wearing blue jeans and a blue and gray shirt. His friend's daughter was wearing blue Levis and a yellow shirt.

Citizen #20

On June 8, 2014, at approximately 6:04 p.m., FIT Detective Joseph Patton interviewed Citizen #20. During the interview, Citizen #20 stated he that was standing in the men's section of the Walmart when he heard a male yelling "The revolution has begun." Citizen #20 looked up and observed a white male adult; wearing what he thought was a green/tan bulletproof vest and possibly a hat, and holding a handgun in his right hand. The male yelled, "Get the hell out of Walmart. The cops are coming and they will be shooting." After the male said "they will be shooting," he pointed the gun to the ceiling and fired off one round. The male continued walking in the aisle and fired off a second round into the ceiling. Citizen #20 ran deeper into the Walmart, down the aisle closest to him, in the opposite direction of the suspect. Citizen #20 was looking for two of his friends whom he brought to the Walmart. Citizen #20 met up with his friends near the baby section and they all ran out of the nearest fire exit.

Citizen #21

On June 8, 2014, at approximately 8:30 p.m., Homicide Detective Kisner interviewed Citizen #21, a Walmart Security Officer, who stated that he was on duty on June 8, 2014 and was in the parking lot area with one of the managers when he heard a male's voice yelling something about having a gun and that he was going to kill people. Customers started to flee the store and Citizen #21 was assisting with the evacuation when he heard some gunshots within the store. Citizen #21 did not see the male yelling or see who was shooting. Citizen #21 was outside by patrol officers when he overheard a police radio broadcast that was requesting someone to operate the in-store video surveillance. Citizen #21 contacted a patrol officer and was taken inside the store where he began to operate the video surveillance systems. Two uniformed patrol officers were with him and they were broadcasting details about the suspects as Citizen #21 located and followed their actions within the store.

Citizen #21 compiled surveillance from the incident and subsequent bomb squad activity and recorded them to compact discs before turning the discs over to Forensic Multimedia Analyst Moses.

Citizen #22

On June 8, 2014, at approximately 9:02 p.m., FIT Detective Patton interviewed Citizen #22, who stated that he went to the Walmart at approximately 10:30 a.m. to shop. After leaving the Walmart she drove to another business located in the same business complex. At approximately 10:45 a.m. or 10:50 a.m., Citizen #22 was driving through the Walmart parking lot towards the Green Valley Grocery when she observed a male and a female sitting on the curb under a palm tree in the Roberto's parking lot. Citizen #22 described the female as being a white adult, with strawberry long hair, and

wearing pants and a white tank top. Citizen #22 described the male as being a white adult with short brown hair, wearing a ball cap.

Citizen #22 thought the couple just didn't look right because they had a large, army green colored, duffle bag with them and they didn't appear to be homeless because the homeless persons in the area usually push a shopping cart and the couple did not have a shopping cart with them. She thought it was strange because they were just sitting there talking and seemed to be out of place. Citizen #22 parked her car at the Green Valley Grocery (GVG) and spent approximately 10 minutes inside. As Citizen #22 left the GVG, she did not look in the couple's direction so she doesn't know if they were still there. Citizen #22 did not call 311 or 911 to report the suspicious couple.

Citizen #23

On June 11, 2014, at approximately 3:05 p.m., FIT Detective Jaeger interviewed Citizen #23 at LVMPD Headquarters. Citizen #23's daughter translated the interview because her mother only spoke Spanish. During the interview, Citizen #23 stated that she was inside Walmart with her daughter and granddaughter filling prescriptions. She dropped off her prescription at the Pharmacy and was going to shop while it was being filled. As she left the pharmacy she heard a man shouting. Ana didn't understand what the man was saying because he was speaking English. Citizen #23 saw a tall man with a gun shooting up in the air. The gunman was with a lady wearing a black shirt with a logo on the front. Occupants of the store were running away from the couple screaming. Citizen #23 ran into the pharmacy and hid behind the counter with about 20 other people. Her daughter never saw the gunman; she only heard the yelling and gunshots. She hid with her mother and daughter in the pharmacy.

After the recorder was turned off, Citizen #23 said her daughter was strapped in the shopping cart. Under the pressure of the shooting, Citizen #23 was unable to work the buckle to free her daughter from the cart. She attempted to push the entire shopping cart into the pharmacy but it wouldn't fit through the door. Someone helped her remove her daughter from the cart so she could get inside the pharmacy to hide from the gunman.

Citizen #24

On June 11, 2014, at approximately 3:57 p.m., FIT Detective Gillis interviewed Citizen #24, who stated that he was walking through the Walmart parking lot towards the front of the store when he heard a male yell out "Everyone out of the Walmart, this is a warning, police are on their way." Citizen #24 saw a white male carrying a handgun in his right hand enter the Walmart with a green military style bag slung over his shoulder. The male was approximately 6 feet tall and weighed 185 pounds. After the male entered the store he heard a loud pop, which sounded like a gunshot. Citizen #24

left the area then called 9-1-1 to report what he had seen.

Citizen #25

On June 11, 2014, at approximately 5:03 p.m., FIT Detective Jaeger interviewed Citizen #25, who stated that she went to the Walmart at Nellis and Charleston to buy ingredients to make a batch of cookies for her co-workers. She was riding a battery operated handicapped cart through the frozen food section when "all hell broke out." She heard a man with a deep voice yelling and she thought the store was being robbed. The man then started shooting up in the air so Citizen #25 got out of her cart and ran towards the back of the store. She thought she could find a storage area in the rear of the store to hide. Citizen #25 got to the photo shop area of the Walmart and the gunshots were getting louder. A Walmart associate at the photo area told her to hide behind the counter with him. Citizen #25 ducked behind the counter to hide from the suspect. Citizen #25 could hear the suspect shooting at police from the aisle next to her. After several gun shots were exchanged a uniformed police officer came to her location and asked if anyone was hurt. The officer left and Citizen #25 could hear the gunman saying to the officer "send in the negotiator." She heard the police officer ask the gunman what he wanted. Citizen #25 could not hear the gunman's reply, but she could hear the officer tell him "that isn't going to happen."

Citizen #25 stayed hidden behind the counter until other police officers arrived and escorted the group out of the building towards the Ihop restaurant on Nellis Boulevard. Citizen #25 could only describe the officer who was talking to the gunman as white, tall, and in his forties. She never saw the gunman but she did remember him shouting "we are the freedom fighters."

Citizen #26

On June 11, 2014, at approximately 5:45 p.m., FIT Detective Jaeger interviewed Citizen #26 and his family in their residence, where they stated that Citizen #26 had taken his two sons to visit his wife, who worked at Walmart, while she was on her break. Prior to going to Walmart, they went into the smoke shop next to the Walmart to buy cigarettes. They walked out of the smoke shop and saw both suspects sitting in the shade under a palm tree next to the Roberto's restaurant. They walked over to Walmart to visit Crystal who worked behind the customer service counter. Citizen #26 and his wife went outside the front doors of Walmart to smoke a cigarette. His wife finished her cigarette and went into the store to use the bathroom. After his left, a white male adult walked into the Walmart shouting "everybody get the fuck out, this is a revolution!" The man then raised a black handgun and shot into the air. Citizen #26 collected his two sons and went to the women's bathroom to find his wife. After Citizen #26 found his wife the entire Thompson family exited Walmart and fled the area.

Citizen #26 described the gunman as a tall, skinny, white male adult with sandy brown hair wearing a white shirt and faded jeans. Citizen #26 watched the news after he got home and saw a story where the gunman was described wearing camouflage. Citizen #26 saw the man when he entered the store and he was not wearing any camouflage or a tactical vest when he walked into the store. Citizen #26 did remember seeing the male carrying a duffle bag with him into the store.

Citizen #27

On June 12, 2014, at approximately 9:20 a.m., FIT Detective Dosch interviewed Citizen #27 at her residence. Citizen #27 stated that she had arrived at Walmart, grabbed a shopping cart and eventually ended up in the vacuum aisle of the store. She heard a gunshot, followed by a second gunshot. She looked out into the store and saw a white male walking near the men's department. The male was in his 30s, with either blonde or light brown hair, and walked with a limp. The male had a handgun in his right hand which was pointed toward the ceiling. The male yelled "The revolution has started! The revolution has started!" He also said, "The government is bad. We have to fix it." Citizen #27 ran to the computer area where she hid with several other customers. Officers subsequently entered the store and appeared to engage the male suspect in conversation. Citizen #27 heard the officers saying, "What do you want?" and "We can help you." The male suspect replied, "Come and get me." Citizen #27 believed the male was trying to bait or trick the officers into coming closer so he could kill the officers. A uniformed LVMPD officer stood near Citizen #27's location. The unknown officer was armed with a rifle, which he did not fire. Officers later escorted Citizen #27 and the other civilians out through the north side of store.

Citizen #28

On June 12, 2014, at approximately 12:40 p.m., FIT Detective Jex interviewed Citizen #28, who stated that he was at Walmart with his wife and their nine month old granddaughter. They were in the Men's clothing department when he observed a person yelling in the front door area. The person yelling said something about a revolution and the police were coming. Citizen #28 described the subject as a white male wearing a dark hat, dark shirt, backpack, and holding a gun, which he pointed in the air. He then heard one gunshot coming from the male subject. Citizen #28 gathered his wife and granddaughter and ran for the front door. As they were passing the registers, Citizen #28 heard another shot. He stopped and observed the male subject further to the west and walking away from the front of the store. Citizen #28 also believed there was possibly another subject with the male but could not determine if it was another male or a female. Citizen #28 left the store with his family and got into his vehicle and left the area. While driving away, he called 9-1-1 and reported the incident. Citizen #28 was not aware of the shooting at CiCi's Pizza until told by dispatch.

Citizen #29

On June 12, 2014, at approximately 1:30 p.m., FIT Detective Jex interviewed Citizen #29, who stated that she was with her husband and their nine month old granddaughter at the Walmart shopping in the Men's/Women's clothing department. She heard a man yell, "This is a revolution, you guy's need to get out or you are going to get shot. The cops are on the way." Citizen #29 then heard the male fire one shot. She described the male carrying a backpack, dressed in military gear and dirty. She described the backpack as very bulky with large straps. He was also carrying a rifle but believed he fired the shot from the pistol he was carrying. Citizen #29 stated the subject looked right at her after he fired the first shot then walked away.

Citizen #29 and her husband started to leave out the front doors when they heard another shot further into the store. Citizen #29 observed a second subject also dressed in dark camouflaged clothing and carrying a backpack. She believed the subject was with the first male and believed the second male had fired the second shot. Citizen #29 later found out that the second subject was a female.

Citizen #29 and her husband quickly left the Walmart, got in their car and left the area. While leaving the area she observed several police vehicles going northbound on Nellis Boulevard past Walmart. She was confused why the officers were not coming into the Walmart parking lot. They got home and learned about the shooting at CiCi's Pizza.

Citizens #30

On June 12, 2014, at approximately 1:42 p.m., FIT Detective Jaeger interviewed Citizen #30 and his wife. During the interview, Citizen #30 stated that they were in the checkout line at Walmart after purchasing snacks. Citizen #30 was just handed his receipt when he heard a man shouting "welcome to fucking Walmart! This is the revolution!" The man pulled out a pistol and shot in the air. They ran out of the store towards their car, where they called 9-1-1 from their cellular telephone.

Citizen #30 described the gunman as approximately 6' tall, wearing a white t-shirt and a blue or gray baseball cap. He described the gun as a semi-automatic. Neither remembered seeing the female suspect.

The call log on Citizen #30's cellular telephone showed that he called 9-1-1 on June 8, 2014 at 11:26 a.m., and he was on the telephone with dispatch for 2 minutes and 26 seconds. A photo copy was made of their Walmart receipt, which recorded the approximate time the suspect entered the store. The receipt was time and date stamped at 11:25:10 hours on 06-08-14.

Citizen #31

On June 16, 2014, at approximately 10:20 a.m., FIT Detective Jex interviewed Citizen #31, who stated that she was in Walmart with her young daughter and her daughter's friend in the Women's clothing department. She heard a male subject yelling to get out of Walmart. He was near the front doors and the Customer Service desk. Citizen #31 observed a male walking quickly into the main aisle by the registers and again state, "Get out of Walmart. This is the revolution. The police are coming. They will shoot you." She described the male subject as white, approximately 20-30's years of age and wearing a light colored shirt and khaki colored shorts and dark hat.

Citizen #31 saw the male point a gun into the air and fire one shot into the ceiling. She grabbed her daughter and friend and headed toward the Sporting Goods department then toward the west wall near the Garden department. She then heard a second gunshot, which she believed to be near the front of the store. She felt people were getting shot. She felt the male was not acting alone and believed there were others with him, but she did not see anyone else.

She and her family exited Walmart through the Garden department and into the parking lot, where she called 9-1-1. Citizen #31 later found out that there was a female with the male.

Citizen #32

On June 17, 2014, at approximately 3:29 hours, FIT Detective Jaeger interviewed Citizen #32, who stated that she was in Walmart with her two young daughters getting pictures developed. Citizen #32 decided to go shopping while waiting for her pictures to print. She was walking into the frozen food aisle when she heard a man screaming followed by gun shots. People around her started running and they guy working the photo booth told her to run into the booth and hide. She grabbed her kids and hid in the photo booth. While hiding Citizen #32 called 9-1-1 to let them know where she was and what was going on inside the store. A police officer approached the photo booth and asked everyone if they were okay. Citizen #32 could hear another officer talking to the gunman. Citizen #42 heard the gunman tell the Officer his name was "Jared." The officer asked the gunman what he wanted, and the gunman replied that he couldn't hear the officer and wanted the officer to walk to him. The officer refused and stated "if I can hear you then you can hear me" and stayed in place. The group stayed hidden in the photo booth for about an hour before they were evacuated by a SWAT Officer out the back of Walmart towards Stewart Avenue. Citizen #32 was never able to see the gunman, only heard gunshots and the conversation between the gunman and the officer.

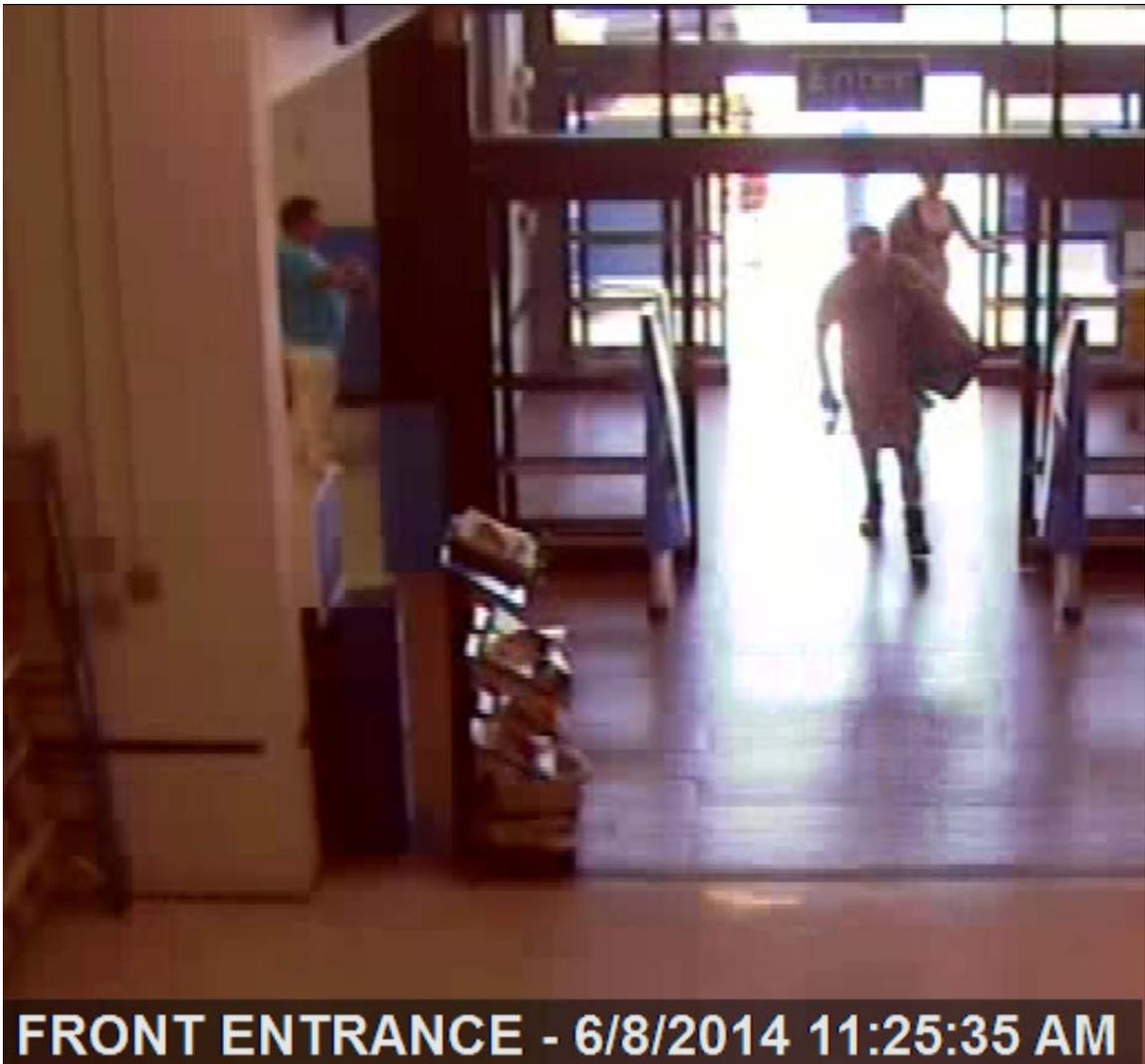
WALMART VIDEO SURVEILLANCE

On June 8, 2014, Citizen #21, a security officer for Walmart, compiled surveillance footage from the incident and subsequent bomb squad activity and recorded them to compact discs before turning the discs over to Forensic Multimedia Analyst Moses.

On June 9, 2014, at approximately 5:00 p.m., FIT Detective Patton met with the Market Asset Protection Manager at the Walmart store at 201 North Nellis Boulevard. The manager provided Detective Patton with a "My Book" 3TB external hard drive, which contained several hours of video surveillance footage from various cameras located inside the Walmart incident scene.

Homicide Detectives Ivie and Sanborn subsequently reviewed the surveillance footage and observed the following:

At approximately 11:25:35 hours, Jerad and Amanda Miller were captured entering the Walmart store and they were both still armed. Jerad walked directly inside, while Amanda stopped in the entry way and retrieved a shopping cart. Jerad, carrying a large green military bag on his back, then fired a single shot into the ceiling and headed west into the store. Amanda followed several feet behind pushing a shopping cart.



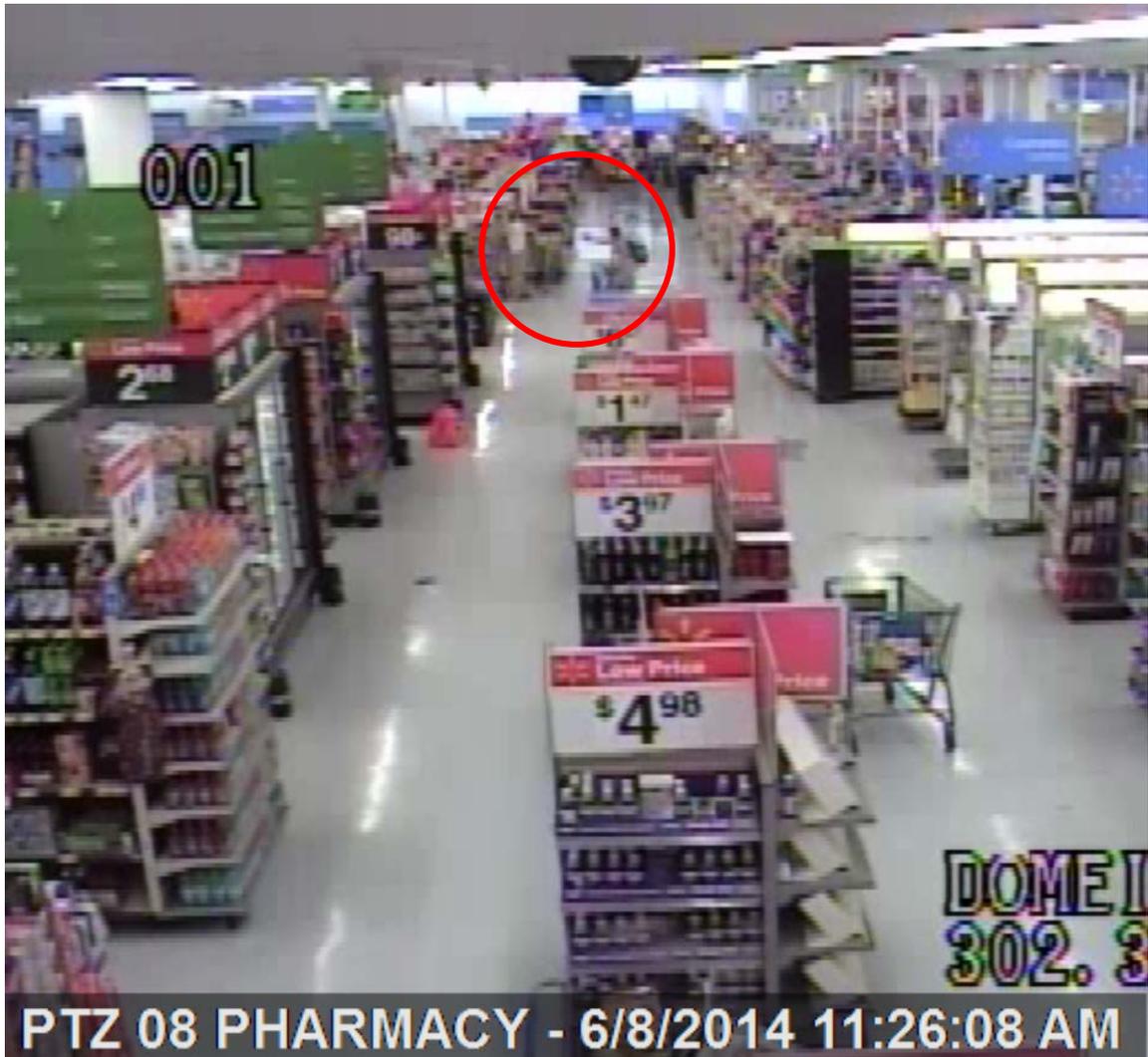
FRONT ENTRANCE - 6/8/2014 11:25:35 AM

Jerad and Amanda Miller entering Walmart

Walmart customer Joseph Wilcox was in line at the customer service counter when Jerad and Amanda entered the store. Jerad's shouting at the entrance drew Wilcox's attention. After Jerad fired the shot into the ceiling, Wilcox drew out a concealed Glock 9mm handgun and kept it at the low ready.

At approximately 11:26:02 hours, Wilcox cut diagonally through a cash register area to get closer. Wilcox remained focused on Jerad and got into a position several yards behind him. Jerad turned north on an interior aisle and Wilcox quickly ran up to the corner of the aisle, passing by Amanda, to engage Jerad from behind.

At approximately 11:26:09 hours, Amanda Miller shot Wilcox one time in the left side of the torso as she walked past him with the shopping cart. Wilcox was immediately incapacitated and not able to fire any shots. Amanda continued walking west with the shopping cart towards the Sporting Goods area.



Amanda Miller aiming handgun to left side of Joseph Wilcox

At approximately 11:27:27 hours, Amanda met up with Jerad at the ammunition case in the Sporting Goods area of the store. Jerad broke the glass doors on the cabinet with a baseball bat he secured from a nearby aisle. Jerad searched the case and loaded Amanda's bag with several boxes of ammunition. Amanda left and walked toward the northwest corner of the store, which is the aisle between H16 and H17. Jerad followed several yards behind her.

At approximately 11:28:16 hours, Officer Brosnahan entered the Walmart through a rear employee door along the north wall and moved toward the northwest corner. Jerad Miller picked up his green duffel bag and walked west towards the northwest corner of the store. Officer Brosnahan observed Jerad and paralleled him along the north wall and towards the northwest corner of the store.

At approximately 11:28:52 hours, Officer Brosnahan quickly retreated back along the north wall and out through the rear employee doors.

At approximately 11:31:41 hours, LVMPD officers arrived and secured the front entrance to Walmart.

At approximately 11:35:45 hours, LVMPD Sergeant McKenzie made entry through the rear doors of the Walmart with Officers Beal, Gross, Corbin and Bethard.

At approximately 11:38:45 hours, officers entered, cleared, and secured the front of the store, including the surveillance room.

At approximately 11:39:59 hours, Walmart security reentered the surveillance room and manually-operated surveillance was established.

At approximately 11:41:20 hours, Sergeant McKenzie was located by surveillance in a central location between both his entry teams. He was facing towards the Auto Care area and ultimately directed surveillance towards the Millers' location.

At approximately 11:45:00 hours, the Millers were located on surveillance video in the aisle in the far northwest corner of the store (between H16 and H17). Amanda was lying down in the aisle and was covering southward with a handgun (towards Officer Corbin and Bethard's position). Amanda appeared to have been shot in the right shoulder. Jerad, now wearing a tactical vest, was north of her in a prone position and he was covering east with a handgun (towards Officer Beal and Gross's position). Jerad appeared to be yelling something to officers. Jerad got up twice to retrieve items from shelves to form an improvised barricade for Amanda and provide her with water. He would then return to a prone position aiming his handgun east and sometimes south.



Millers barricaded in northwest corner of Walmart

At approximately 11:49:20 hours, Jerad got up and stepped out from behind the H16 shelf while trying to fortify his position. He bent forward, fired his handgun, and then fell backwards after apparently being struck by a shot fired east of his position (Officer Beal and Gross's position).

At approximately 11:49:48 hours, Amanda, after initially pointing her handgun at Jerad, shot herself in the head.

At approximately 11:59:10 hours, the SWAT crisis entry team simultaneously converged upon and contacted both suspects, each still with a handgun in their hand, and took them into custody. Jerad Miller was determined to be deceased on the scene.

At approximately 12:12:09 hours, Amanda was removed from the scene by City of Las Vegas Fire Rescue.

At approximately 1:21:30 hours, ARMOR utilized a robot to clear the Millers' bags and backpack, which were still located within the H16/H17 aisles. The robot removed the suspects' bags and backpack from their immediate area.

At approximately 5:37:13 hours, CSA's and investigators began examining the primary incident scene.

The entire incident at the Walmart store lasted approximately twenty-four (24) minutes.

THE COUNTDOWN OF OFFICER WEAPONS

Officer Brosnahan Weapon Countdown

At the time of the incident, Officer Brosnahan was wearing the standard LVMPD summer uniform (long sleeved shirt) with attached LVMPD shoulder patches, badge and name tag. Officer Brosnahan wore a standard utility belt around his waist as well as a body camera on his person. The body camera was recovered by Homicide Detective Merrick for download. It was later determined that the body camera was not activated and did not record during the incident. On his duty belt, Officer Brosnahan wore a handgun magazine pouch, which contained three extra 16 round Springfield Armory .40 caliber magazines.

Officer Brosnahan's primary duty weapon was a Springfield XD(m) series, .40 caliber semi-automatic handgun with serial number MG143876. The handgun had an attached "Streamlight TLR-1s" flashlight (functional) and a seated magazine. The handgun was loaded with seventeen cartridges; one cartridge in the chamber and sixteen (16) cartridges in the magazine. All the cartridges had the head stamp "SPEER 40 S&W."

Officer Brosnahan typically carried his duty weapon loaded with seventeen cartridges; one cartridge in the chamber and sixteen cartridges in the magazine. Officer Brosnahan carried three additional magazines on his duty belt. Two of the additional magazines contained sixteen cartridges; the third additional magazine contained eleven cartridges. All the cartridges had the head stamp "SPEER 40 S&W."

Officer Brosnahan appeared to missing five cartridges from his duty weapon; based on his statement of the condition he carried the handgun prior to the incident. Officer Brosnahan conducted a tactical reload of his handgun after the shooting.

The follow-up investigation determined Officer Brosnahan fired his duty weapon five times during the incident. Crime Scene Analyst Spoor impounded Officer Brosnahan's handgun, attachments, magazines and ammunition as evidence.

Officer Beal Weapon Countdown

At the time of the incident, Officer Beal was wearing the standard LVMPD summer uniform (long sleeved shirt) with attached LVMPD shoulder patches, badge and name tag. Officer Beal wore a standard utility belt around his waist. On his duty belt Officer Beal wore a magazine pouch, which contained three extra 17 round Glock 9mm caliber magazines. Officer Beal also wore a tan tactical vest over his standard uniform, which contained six black plastic 30 round capacity "Magpul-PMAG" magazines.

Officer Beal's primary duty weapon was a Glock, model 17, 9mm caliber, semi-automatic handgun with serial number LVV214. The handgun had a seated seventeen round magazine. The handgun was loaded with seventeen cartridges; one cartridge in the chamber and sixteen cartridges in the magazine. All the cartridges had the head stamp "SPEER 9mm LUGER +P."

Officer Beal typically carried his duty weapon loaded with seventeen cartridges; one cartridge in the chamber and sixteen cartridges in the magazine. Officer Beal carried three additional magazines on his duty belt, which he typically loaded with sixteen rounds. Officer Beal's additional magazines each contained sixteen cartridges, all with the head stamp "SPEER 9mm LUGER +P."

Officer Beal was not missing any cartridges from his duty weapon; based on his statement of the condition he carried the handgun prior to the incident. The follow-up investigation determined Officer Beal did not fire his primary duty weapon during the incident.

Officer Beal's deployed rifle was a Rock River Arms, Model LAR15, 5.56mm caliber, semi-automatic rifle with serial number CM204464. The rifle was black in color with an attached Surefire flashlight (functional), an EOTech red dot sight and an attached olive drab colored sling. The rifle was loaded with twenty-nine cartridges; one cartridge in the chamber and twenty-eight cartridges in the seated magazine. Officer Beal typically carried his rifle loaded with twenty-eight cartridges in the magazine and no cartridge in the chamber. All the cartridges had the head stamp "FC 223 REM."

Officer Beal carried six additional thirty round capacity rifle magazines on his tactical vest. The six additional magazines were loaded as follows:

Magazine # 2 had twenty-one cartridges in magazine, typically loaded twenty-eight

Magazine # 3 had fifteen cartridges in magazine, typically loaded twenty-eight

Magazine # 4 had twenty-eight cartridges in magazine, typically loaded twenty-eight

Magazine # 5 had twenty-eight cartridges in magazine, typically loaded twenty-eight

Magazine # 6 had twenty-eight cartridges in magazine, typically loaded twenty-eight

Officer Beal initially appeared to be missing nineteen cartridges from his rifle; based on his statement of the condition he carried the rifle prior to the incident. Officer Beal conducted a tactical reload of his rifle, by removing magazine #2 after the shooting. Investigators believed magazine #3 had not been topped off prior to the incident and the actual number of missing cartridges appeared to be six.

The follow-up investigation determined Officer Beal fired his rifle at least five times during the incident. Crime Scene Analyst Spoor impounded Officer Beal's rifle, attachments, magazines and ammunition as evidence.

Officer Gross Firearm Countdown

Officer Gross was wearing the standard LVMPD summer uniform with attached LVMPD shoulder patches, badge and name tag. Officer Gross wore a standard utility belt around his waist. On his duty belt Officer Gross wore a magazine pouch, which contained two extra 12 round Sig Sauer .40 caliber magazines. Officer Gross also wore a rifle magazine pouch attached to his upper right leg, which contained three black plastic 30 round capacity "Magpul-PMAG" magazines. Officer Gross had an additional black plastic 30 round capacity "Magpul-PMAG" magazine in his right rear uniform pants pocket.

Officer Gross' primary duty weapon was a Sig Sauer, Model P229, .40 caliber, semi-automatic handgun with serial number AG12196. The handgun had a seated twelve round magazine. The handgun was loaded with thirteen cartridges; one cartridge in the chamber and twelve cartridges in the magazine. All the cartridges had the head stamp "SPEER 40 S&W."

Officer Gross typically carried his duty weapon loaded with thirteen cartridges; one cartridge in the chamber and twelve cartridges in the magazine. Officer Gross carried two additional magazines on his duty belt, which he typically loaded with twelve cartridges. Officer Gross' additional magazines each contained twelve cartridges, all with the head stamp "SPEER 40 S&W."

Officer Gross was not missing any cartridges from his handgun; based on his statement of the condition he carried the handgun prior to the incident. The follow-up investigation determined Officer Gross did not fire his primary duty weapon during the incident.

Officer Gross' deployed rifle was a DPMS, AR-15, .223-5.56mm caliber, semi-automatic rifle with serial number F048812. The rifle was black in color with an attached black colored sling. The rifle was loaded with thirty-one cartridges; one cartridge in the chamber and thirty cartridges in the seated magazine. Officer Gross typically carried his rifle loaded with twenty-nine cartridges in the magazine and no cartridge in the chamber. All the cartridges had the head stamp "FC 223 REM."

The three additional magazines in Officer Gross' rifle magazine pouch each contained thirty cartridges. The additional magazine from Officer Gross' rear pocket contained twenty-two cartridges. All the cartridges had the head stamp "FC 223 REM."

Officer Gross appeared to be missing seven cartridges from his rifle; based on his statement of the condition he carried the rifle prior to the incident. Officer Gross conducted a tactical reload of his rifle after the shooting.

The follow-up investigation determined Officer Gross fired his rifle at least six times during the incident. Crime Scene Analyst Spoor impounded Officer Gross' rifle, attachments, magazines and ammunition as evidence.

FIREARMS EXAMINATIONS

On August 27, 2014, Forensic Scientist Anya Lester, of the LVMPD Firearms/Toolmarks Unit, conducted examinations of the weapons and firearms related evidence recovered during the follow-up investigation. Her conclusions were as follows:

Officer Soldo's Glock, 9mm, semi-automatic handgun was examined; test fired and found to be in normal operating condition with no noted malfunctions. The handgun and one magazine had a capacity of eighteen cartridges. The test fired bullets and cartridge cases from Officer Soldo's handgun were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations it was determined seven cartridge cases recovered from the Walmart crime scene were associated with Officer Soldo's handgun.

Officer Beck's Heckler & Koch, 9mm, semi-automatic handgun was examined; test fired and found to be in normal operating condition with no noted malfunctions. The handgun and one magazine had a capacity of sixteen cartridges. The test fired bullets and cartridge cases from Officer Beck's handgun were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations it was determined seven cartridge cases recovered from the Walmart crime scene were associated with Officer Beck's handgun.

Officer Brosnahan's Springfield Armory, .40 caliber, semi-automatic handgun was examined; test fired and found to be in normal operating condition with no noted malfunctions. The handgun and magazine had a capacity of seventeen cartridges. The test fired bullets and cartridge cases from Officer Brosnahan's handgun were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations it was determined five cartridge cases and three bullets recovered from the Walmart crime scene were associated with Officer Brosnahan's handgun.

Officer Gross' DPMS AR-15 rifle was examined; test fired and found to be in normal operating condition with no noted malfunctions. The rifle and magazine had a capacity of thirty-one cartridges. The test fired bullets and cartridge cases from Officer Gross' rifle were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations it was determined six cartridge cases recovered from the Walmart crime scene were associated with Officer Gross' rifle. A bullet fragment recovered from the body of Jerad Miller during the autopsy was examined and microscopically compared to the test fired bullets from Officer Gross' rifle. Based on the comparison, it was determined that the recovered bullet fragment shared similar general rifling characteristics with Officer Gross' rifle; however, due to the damage and lack of microscopic detail, a conclusive identification or elimination of Officer Gross' rifle could not be determined.

Officer Beal's Rock River Arms AR-15 rifle was examined; test fired and found to be in normal operating condition with no noted malfunctions. The rifle and magazine had a capacity of thirty-one cartridges. The test fired bullets and cartridge cases from Officer Beal's rifle were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations it was determined five cartridge cases recovered from the Walmart crime scene were associated with Officer Beal's rifle. A bullet fragment recovered from the body of Jerad Miller during the autopsy was examined and microscopically compared to the test fired bullets from Officer Beal's rifle. Based on the comparison, it was determined that the recovered bullet fragment shared similar general rifling characteristics with Officer Beal's rifle; however, due to the damage and lack of microscopic detail, a conclusive identification or elimination of Officer Beal's rifle could not be determined.

Joseph Wilcox's, Glock, 9mm, semi-automatic handgun was examined; test fired and found to be in normal operating condition with no noted malfunctions. The handgun and magazine had a capacity of sixteen cartridges. The test fired bullets and cartridge cases from Joseph Wilcox's handgun were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations, it was determined none of the cartridge cases or bullets recovered during the investigation was associated with Joseph Wilcox's handgun.

Jerad Miller's Winchester 12 gauge shotgun was examined; test fired and found to be in normal operating condition with no noted malfunctions. The integrated tubular magazine had a capacity of four 2 ¾" shotshells. The test fired shotshells from Jerad Miller's shotgun were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations, it was determined five shotshells recovered from the Walmart crime scene were associated with Jerad Miller's shotgun.

Jerad Miller's Ruger, LCR, .38 special +P caliber revolver was examined; test fired

and found to be in normal operating condition with no noted malfunctions. The revolver had a capacity of five cartridges. The test fired bullets and cartridge cases from Jerad Miller's revolver were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations, it was determined ten cartridge cases and six bullets were associated with Jerad Miller's revolver. Five cartridge cases were recovered in the cylinder of the revolver and five cartridge cases were recovered on the ground at the Walmart crime scene. Two bullets recovered at the CiCi's Pizza crime scene, two bullets recovered at the Walmart crime scene, one bullet recovered from the front of Officer Beck's ballistic vest and one bullet recovered during Officer Beck's autopsy were associated Jerad Miller's revolver.

Amanda Miller's Smith & Wesson, model M&P, 9mm semi-automatic handgun was examined; test fired and found to be in normal operating condition with no noted malfunctions. The handgun and magazine had a capacity of eleven cartridges. The test fired bullets and cartridge cases from Amanda Miller's handgun were examined in conjunction with the evidence recovered at the crime scenes and autopsies. Based on these comparative examinations, it was determined ten cartridge cases and five bullets were associated with Amanda Miller's handgun. Five cartridge cases were recovered at the CiCi's Pizza crime scene and five cartridge cases were recovered at the Walmart crime scene. One bullet recovered on the ground between the CiCi's Pizza and Walmart crime scenes, one bullet recovered at the Walmart crime scene, one bullet recovered during Officer Soldo's autopsy, one bullet recovered during Joseph Wilcox's autopsy and one bullet recovered from the rear panel of Officer Beck's ballistic vest were associated with Amanda Miller's handgun.

AUTOPSIES

Amanda Miller

On June 9, 2014, an autopsy was performed by Doctor Simms on the body of Amanda Miller at the Clark County Coroner's Office. Doctor Simms determined that Amanda's cause of death was a gunshot to the right side of her head with a corresponding exit wound to the left side of her head. Examination of the entrance wound revealed evidence of close-range firing. She also suffered a gunshot wound to her back upper right shoulder with a corresponding exit wound to her upper right shoulder. The manner of her death was ruled a suicide.

Amanda's clothes were also recovered during the autopsy. They included a short sleeve shirt bearing holes and apparent blood.

Jerad Miller

On June 9, 2014, an autopsy was performed by Doctor Simms on the body of Jerad Miller at the Clark County Coroner's Office. Doctor Simms determined that Jerad's cause of death was a single gunshot to his right upper chest. The gunshot wound was indicative of being caused by a frangible rifle round. The bullet's trajectory was from front to back, right to left and downward passing through his heart. Bullet fragments were recovered from his lower abdomen and impounded.

Jerad's clothes were also recovered during the autopsy. They included a black tactical vest, a rifle scabbard with a hole and apparent blood, and a gray adult diaper.

The toxicology report from the autopsy revealed 6.1 ng/mL of Delta-9 THC (marijuana) and 18 ng/mL of Delta-9-Carboxy THC (marijuana metabolite) in Jerad Miller's peripheral blood. The report noted that marijuana is a D.E.A. Schedule I hallucinogen that has depressant and reality distorting effects.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any killing which occurred during the course of their duties. That assessment includes determining whether any criminality on the part of the officers existed at the time of the killing. As this case has been deemed a homicide by the coroner as it relates to the death of Jerad Miller, and both Jerad and Amanda Miller used deadly force during the incident, the actions of these officers will be analyzed under the State's jurisprudence pertaining to homicides.

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide). The shooting of Jerad was justifiable under two theories: (1) The killing of a human being in self defense/defense of others; and (2) justifiable homicide by a public officer. Both of these theories will be discussed below.

A. The Use of Deadly Force in Defense of Another

The authority to kill another in defense of others is contained in NRS §§200.120 and 200.160. "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony ..." against the other person. NRS §200.120(1). Homicide is also lawful when committed:

[i]n the lawful defense of the slayer, ... or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished

NRS §200.160(1).

The Nevada Supreme Court has refined the analysis of self defense and, by implication, defense of others, in *Runion v. State*, 116 Nev. 1041 (2000). The relevant jury instructions as articulated in *Runion* and modified for defense of others are as follows:

The killing of [a] person in [defense of another] 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 [the other person] or cause [the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in [defense of another] force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to [the person being defended].

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in [defense of another], the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

....

Actual danger is not necessary to justify a killing in [defense of another]. A person has a right to defend from apparent danger to the same extent as he would from actual 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 [the other person] 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 [the other person] to be in like danger.

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

If evidence [that a killing was in defense of another exists], the State must prove beyond a reasonable doubt that the defendant did not act in [defense of another].

Id. at 1051-52.

In this case, Jerad and Amanda Miller posed an imminent danger to LVMPD police personnel and the general public. Jerad and Amanda Miller opened fire on Officer Beck and Officer Soldo, without warning, as the two were sitting at a table eating. It is clear from the Millers' statements and conduct before, during and after the killings, that they had specifically set out to locate and kill police officers that morning. After they killed the two police officers and stole their weapons, the Millers proceeded to a nearby Walmart, where Amanda shot and killed Joseph Wilcox when he attempted to confront Jerad. Amanda was then confronted by Officer Brosnahan and she immediately responded by opening fire on him. Officer Brosnahan then returned fire. Jerad soon joined her in opening fire on Officer Brosnahan. The Millers then barricaded themselves in a corner of the Walmart and opened fire on the multiple police officers who had cordoned off the area. It was during this exchange of fire that Jerad was ultimately shot and killed. Amanda then shot and killed herself. Thus, the police personnel were confronted by an actual imminent danger of being killed or suffering great bodily harm, which created in their minds an honest belief and fear that they, and others, were about to be killed or suffer great bodily injury. Accordingly, the officers were justified in acting upon those appearances, fears and actual beliefs.

B. Justifiable Homicide by a Public Officer

"Homicide is justifiable when committed by a public officer ... [w]hen necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty." NRS §200.140(2). This statutory provision has been interpreted as limiting a police officer's use of deadly force to situations when the officer has probable cause to believe that the suspect poses a

threat of serious physical harm to either the officer or another. See 1985 Nev. Op. Att’y Gen. 47 (1985).

In this case, the officers who fired at the Millers had probable cause to believe that they posed a threat of serious physical harm either to the officers and/or other persons. The Millers had targeted and then killed two uniformed police officers in cold blood. Amanda then killed a citizen who had attempted to confront Jerad after he fired his weapon inside of a busy Walmart. The Millers proceeded to barricade themselves into a corner of the store and they opened fire on multiple officers who responded to apprehend them. These circumstances created probable cause in the officers’ minds that the Millers posed a threat of serious physical harm to the officers and customers of the Walmart. In light of all the evidence reviewed to date, the State would be unable to prove that the actions of the officers were in fact *unjustified* “in the discharge of a legal duty.”

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, it has been determined that the actions of law enforcement in response to being fired upon by the Decedents were reasonable and legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. (NRS §200.190). A homicide which is determined to be justifiable *shall* be “fully acquitted and discharged.” (NRS §200.190).

As there is no factual or legal basis upon which to charge the officers, and unless new circumstances come to light which contradict the factual foundation upon which this decision is made, no charges will be forthcoming.

DATED , 2015

STEVEN B. WOLFSON
District Attorney

By

ROBERT B. TURNER
Chief Deputy District Attorney