

# REPORT ON USE OF FORCE



## Legal Analysis Surrounding the Death of Danny Wadsworth on May 30, 2014

### INTRODUCTION

During the evening of May 30<sup>th</sup>, 2014, Danny Wadsworth approached two women leaving the Town Square complex. In the parking lot, Wadsworth robbed both women at gunpoint and took several of their personal possessions to include an Apple iPhone. As Wadsworth was leaving the parking lot, he fired one (1) gunshot in an attempt to intimidate the victims and several other citizens in the area.

Responding officers were able to track the robbery victim's cell phone through "Find My iPhone" application. Officers broadcasted the movements of the phone through dispatch communications. A patrol officer attempted to conduct a traffic stop of a vehicle driven by Wadsworth. Wadsworth refused to stop and a pursuit was initiated.

Officers lost sight of the vehicle but ultimately observed the vehicle in the area of Sahara Avenue and Tam Drive. Wadsworth crashed into the center median and struck another vehicle traveling westbound on Sahara Avenue. As a result of accident, the suspect's vehicle became disabled on the median.

Officers arrived on scene and issued verbal commands to Wadsworth. Wadsworth suddenly shot himself in the head. Believing Wadsworth was shooting at the officers, Officers Jeffrey Gentry and Bryce Martines discharged their weapons striking the Pontiac several times. None of the rounds fired by officers struck Wadsworth. A subsequent autopsy revealed Wadsworth's cause of death was a contact range self-inflicted gunshot wound of the head, and his manner of death was suicide.

The District Attorney's Office has completed its review of the events surrounding the May 30, 2014, death of Danny Wadsworth. It was determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of the officers were not criminal in nature.

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 law enforcement encounter. 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 Metropolitan Police Department or to suggest the existence or non-existence of civil actions by any person where less stringent laws and burdens of proof apply.

## **I. INCIDENT DETAILS:**

On May 30, 2014, at approximately 2016 hours, Las Vegas Metropolitan Police Department (Metro) received a 9-1-1 call from T. M. who reported she and her friend were robbed at gunpoint in the parking lot of Town Square, located at 6605 Las Vegas Boulevard South. The suspect committing the robbery was later identified as Wadsworth.

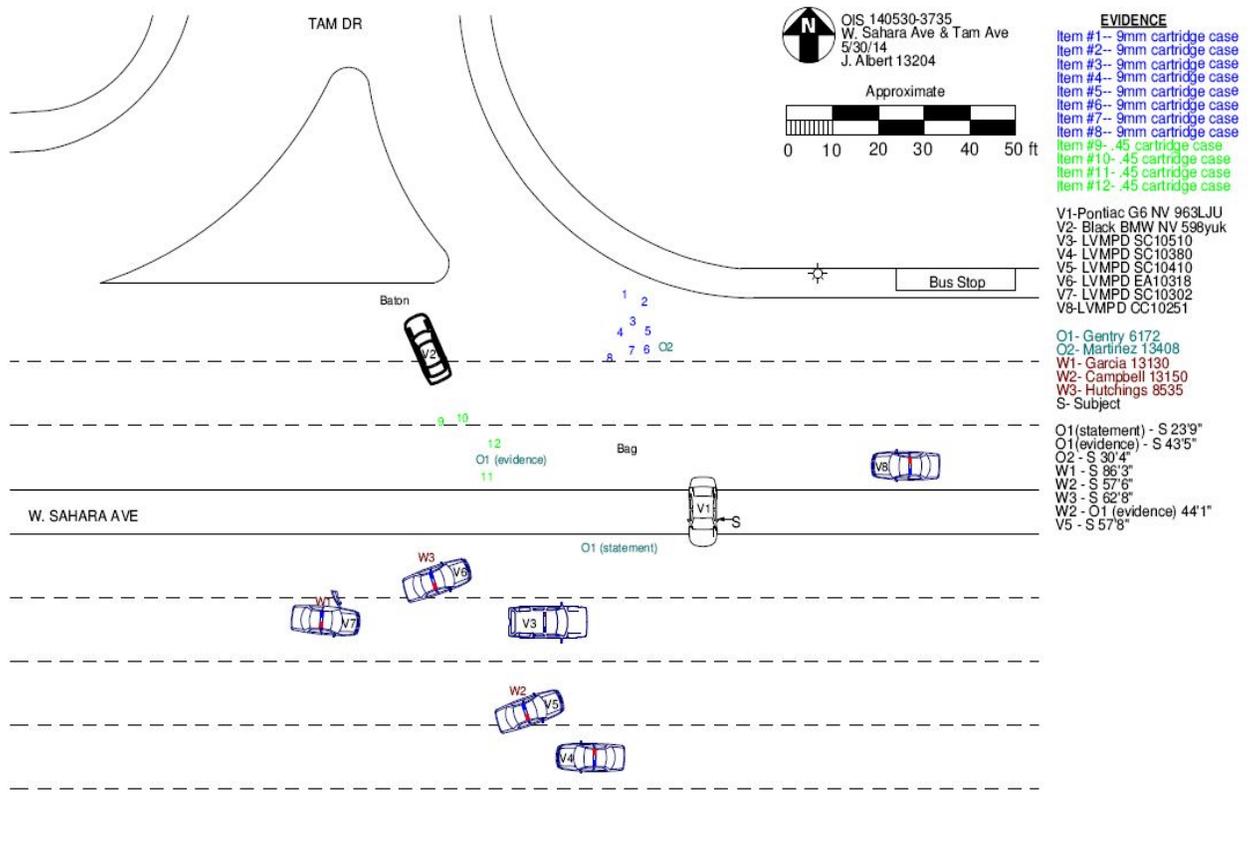
Wadsworth fled in a vehicle which was described as an older model gray or tan four-door sedan with Nevada plates that started with the number 9. As Wadsworth drove past the women, he was holding the steering wheel with his left hand and the firearm in his right hand. Wadsworth's right arm was extended and he pointed the firearm in the direction of the victims. Wadsworth fired his handgun one time out the passenger window in an attempt to intimidate the victims and/or other nearby citizens.

LVMPD patrol officers responded and learned that an Apple iPhone was one of the items taken during the robbery. Officers were able to track the victim's iPhone using the "Find My iPhone" application. This was communicated through Metro dispatch communications.

Soon thereafter, Metro officers observed a vehicle matching the description eastbound on Tropicana Avenue just west of Las Vegas Boulevard South. The vehicle was a light blue, 2007 Pontiac G6 sedan bearing Nevada registration 963LJU. After attempting a traffic stop, Wadsworth refused to stop for officers and a pursuit ensued.

Officers lost sight of the vehicle near Decatur Boulevard. Although pursuing officers lost sight of the driver, Metro officers continued to track the victim's iPhone and advised Dispatch of the updated location. The vehicle was located eastbound Sahara Avenue at the intersection with Valley View Boulevard. The driver failed to stop for officers again prompting a second pursuit.

As the suspect vehicle continued eastbound and crested the Industrial overpass, it crashed into the center median and collided with another vehicle, which was westbound on Sahara Avenue. The suspect vehicle came to rest on the center median, facing south and was unable to move anymore.



Officer Gentry parked west of the Pontiac, exited his patrol vehicle with his handgun aimed at the vehicle, and issued verbal commands. Gunfire suddenly erupted from inside the Pontiac causing Officers Gentry and Martines to believe the suspect was shooting at

them. Officers Gentry and Martines returned fire, striking the vehicle several times. None of the rounds fired by officers struck Wadsworth.

Officers approached the vehicle and determined Wadsworth was deceased. Wadsworth was seated in the driver's seat of the vehicle with a revolver in his right hand. Forensic testing of the bullet located at the scene confirms the autopsy findings that the fatal gunshot wound to Wadsworth was self-inflicted.

## **II. AUTOPSY**

On June 1, 2014, an autopsy was performed. Wadsworth's cause of death was a contact range self-inflicted gunshot wound of the head, and his manner of death was suicide.

## **III. OFFICER/SUSPECT WEAPON COUNTDOWNS**

Based on Officer Gentry's countdown, and evidence from the scene, it appeared Officer Gentry fired four (4) rounds during the incident.

Based on Officer Martines' countdown, and evidence from the scene, it appeared Officer Martines fired eight (8) rounds during the incident.

Wadsworth's handgun was a Taurus .38 caliber revolver. A countdown revealed that it had been fired two (2) times.

## **IV. HISTORY OF POLICE CONTACT WITH DANNY WADSWORTH LEADING UP TO MAY 30, 2014**

Wadsworth had a girlfriend ("N.B."). When interviewed by detectives, N.B. lied initially about her identity. Later, she admitted she had been dishonest and identified herself. According to N.B., she had been dating Wadsworth for the last 10 years. The night before Wadsworth died, she and Wadsworth spent the night at the Palace Station. On May 30<sup>th</sup>, at about 4:00 A.M., Wadsworth came back to the hotel with the Pontiac G6. Wadsworth said he got the vehicle from a friend, whom he did not identify. N.B. and Wadsworth drove to their temporary residence to move their belongings. She and Wadsworth had been living at an apartment for two weeks and rent was due.

By 7:30 AM, they had moved most of their belongings into the Pontiac. The couple returned to the Palace Station and hung out in the room until checkout. N.B. and Wadsworth went next door to the Siegel Suites where Wadsworth inquired about a room. The couple returned to the Palace Station to gamble where they stayed until 5:00 PM. Wadsworth separated from N.B., and she believed he was going to gamble in another part of the casino. At about 7:30 PM, N.B. received a cell phone call from Wadsworth. The

conversation was brief, and Wadsworth did not say where he was or what he was doing. At 8:58 PM, she received another cell phone call from Wadsworth's phone but there was nothing but dead air.

About a week before Wadsworth's death, Wadsworth made suicidal comments to N.B. Wadsworth said he did not want to go back to jail and he did not want to lose N.B. Wadsworth made similar statements before but never specified how he would commit suicide. N.B. knew Wadsworth to carry a gun, which was a black revolver. Wadsworth would carry the weapon in a holster tucked into his front waistband. Wadsworth purchased the firearm from an unknown person

N.B. was shown several surveillance stills from the robbery scene. She positively identified the white male and vehicle depicted in the still frames as Wadsworth and the Pontiac G6. N.B. did not know Wadsworth to be a robber, but described him as a thief who would shoplift from retail businesses.

## **V. FAMILY HISTORY OF DANNY WADSWORTH**

Wadsworth's mother was contacted during the investigation. Due to personal decisions, she has not had contact with him in approximately seven years. She advised detectives that her son was left-handed.

## **VI. 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 suicide by the coroner and the use of force investigation corroborates this finding, the assessment of the death of Wadsworth does not require further analysis under the laws relating to homicide.

Similarly, because Wadsworth died from a self-inflicted gunshot wound, a Police Fatality Public Fact-finding Review was not held in this case. Chapter 2.14 of the Clark County Code provides:

*"When a police-involved death occurs, and the prosecutor preliminarily determines that no criminal prosecution of the officer or officers involved is appropriate, the prosecutor shall call for a police fatality public fact-finding review."*

*"'Police-involved death'" means the death of a person where the use of force by an officer ... may have contributed to the cause of the death..."*

In the instant case, Wadsworth died from a self-inflicted gunshot wound. The use

of force by LVMPD officers did not contribute to Wadsworth's death. Under the relevant legal authority, therefore, the death of Wadsworth does not meet the definition of a "police-involved death." Accordingly, Chapter 2.14 of the Clark County Code does not call for a Police Fatality Public Fact-finding Review.

## **CONCLUSION**

Based on the review of the available materials and the application of Nevada law to the known facts and circumstances surrounding the death of Wadsworth, it has been determined that the actions of Officers Gentry and Martines were reasonable and legally justified.

The officers fired only after they heard gunfire - - Wadsworth's self-inflicted gunshot - - from inside Wadsworth's vehicle, which led them reasonably to believe the suspect was shooting at them. None of the rounds fired by officers struck Wadsworth. As there is no factual or legal basis upon which to charge Officers Gentry and Martines, and unless new circumstances come to light which contradict the factual foundation upon which this decision is made, no charges will be forthcoming.