

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Jorge Gomez on June 1, 2020

INTRODUCTION

On June 1, 2020, Jorge Gomez (hereinafter “Decedent”) was shot and killed by Las Vegas Metropolitan Police Department (hereinafter “LVMPD”) officers outside the Lloyd D. George U.S. Courthouse (hereinafter “the courthouse” or “the federal courthouse”) on Las Vegas Boulevard. This officer involved shooting (hereinafter “OIS” or “the shooting”) occurred after multiple officers saw Decedent disobey officer commands and raise a firearm in a threatening manner.

On the evening of June 1, 2020, protests were occurring in Las Vegas. Officers were assigned to multiple locations throughout downtown Las Vegas to monitor protests. Around 10:55 p.m., officers gave a dispersal order. Subsequently, officers encouraged dispersal and took those who did not comply into custody. At 11:19 p.m., reports went out over law enforcement radio that an LVMPD officer was shot in front of the Circus Circus Hotel and Casino (hereinafter “Circus Circus”).

At 11:20 p.m., Decedent was walking southbound on Las Vegas Boulevard in front of the courthouse. Decedent engaged in a verbal exchange with LVMPD officers stationed at the top of the steps of the courthouse. Decedent ignored commands from officers, and officers descended the steps to take him into custody. As officers approached, Detective J.S. saw Decedent gripping what Detective J.S. believed to be a baseball bat. Detective J.S. believed Decedent was going to use the bat against the officers. Detective J.S. therefore fired low lethal rounds at Decedent. Decedent began to run northbound. Decedent fell and dropped a handgun. Decedent picked up the handgun and began running northbound once again. At this point, Detective J.S. realized the “bat” was actually a rifle.

Numerous officers were in multiple vehicles heading southbound on Las Vegas Boulevard just west and northwest of where Decedent was running. Upon noticing the disturbance with

Decedent at the courthouse, the officers exited their vehicles. The officers heard some sort of shots fired.

At least five (5) officers saw Decedent raise his firearm towards officers and/or an area where civilians were gathered¹. Four (4) officers believed Decedent was fleeing from an altercation involving gunfire². As a result, at least eight (8) officers aimed their firearms in Decedent's direction³. Sergeant Ryan Fryman, Officer Andrew Locher, Officer Vernon Ferguson, and Officer Daniel Emerton fired shots at Decedent. Decedent sustained multiple gunshot wounds and ultimately died.

Subsequent investigation revealed that, earlier in the evening, Decedent engaged in an exchange with a different group of police officers at a protest downtown. Several officers believed Decedent posed a deadly threat during that exchange, but they did not discharge their firearms as they did not have a clear line of fire. Further, a subsequent search of Decedent's social media and cell phone uncovered extensive commentary about violent protest, white supremacy, and encouraging others to join "the movement."

The District Attorney's Office has completed its review of the June 1, 2020, death of Decedent. It has been determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of Sergeant Ryan Fryman, Officer Andrew Locher, Officer Vernon Ferguson, and Officer Daniel Emerton 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 citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on April 16, 2021. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the shooting officers was not criminal.

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

SYNOPSIS OF INCIDENT AND INVESTIGATION

Protests and Officer Involved Shooting

On May 25, 2020, in Minneapolis, Minnesota, police officers took George Floyd into custody. During the course of the interaction, officers used force to restrain Mr. Floyd and he ultimately died. Public outrage over Mr. Floyd's death led to nationwide Black Lives Matter (hereinafter "BLM") protests in response to police brutality. While many

¹ Sgt. Ryan Fryman, Officers Vernon Ferguson, Daniel Emerton, and P.F., Detective J.S.

² Officers Andrew Locher, R.L., S.B., and P.F.

³ Sgt Ryan Fryman, Officers Vernon Ferguson, Daniel Emerton, Andrew Locher, N.S., S.B., P.F., and Inspector H.D.

protests were peaceful, numerous protests escalated to involve property damage, arson, looting, and/or other violence. Civilians and law enforcement officers were attacked, injured, and/or killed in multiple cities.

Protests related to Mr. Floyd's death and BLM occurred in Las Vegas for several days. On the evening of June 1, 2020, law enforcement officers from multiple agencies, bureaus, and sections were assigned to the downtown corridor to monitor crowds and protests.



Decedent with illegal short barreled rifle and handgun



Decedent at Fremont and LVB

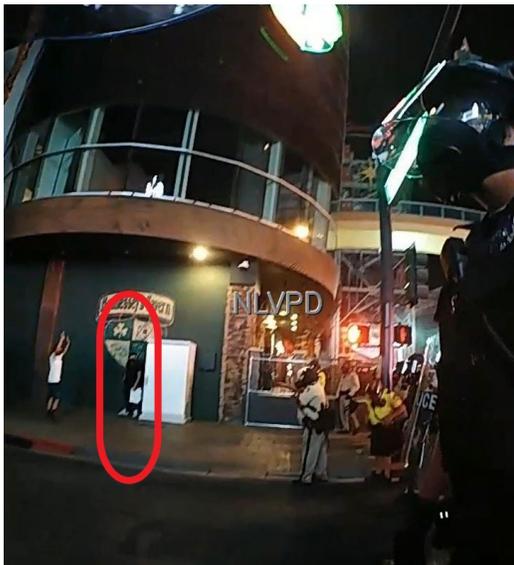
By 10:50 p.m. on June 1, 2020, a large group of protesters was at the intersection of Las Vegas Boulevard and Fremont Street. The protesters took up all of Las Vegas Boulevard on the south side of the intersection, blocking both the north and south bound lanes. Decedent was amongst said protestors. Decedent was alone, wearing a tactical vest, and open carrying two (2) firearms – an illegal short barreled rifle slung across his body and a handgun holstered at his waist⁴. Decedent stood several feet in front of the protest line, only a few feet away from a skirmish line of officers.⁵ Decedent repeatedly yelled, “Fuck you!” to officers who asked him to step back. Decedent also commented, “Nice little paintball gun, buddy” to one of the officers in front of him. LVMPD and North Las Vegas Police (hereinafter “NLVPD”) officers at the intersection took note of Decedent’s demeanor and, based on his behavior, believed he was an agitator looking for a confrontation. Civilians took note of Decedent and posted videos of Decedent to social media.

⁴ As discussed further below, the illegal characteristics of the rifle are indiscernible upon plain view. Gomez also had a third, illegally concealed firearm in his bag.

⁵ A “skirmish line” is a technique officers use to prevent people or a crowd from passing a certain area. The officers line up next to one another, creating a human wall to stop people from passing.

By approximately 10:55 p.m., the atmosphere escalated to the point that officers issued a dispersal order pursuant to NRS 203.020. Officers announced over the public address system that protesters would be subject to arrest if they failed to comply with the dispersal order. After several minutes and multiple orders to disperse, officers announced their intention to use pepper balls to encourage the crowd to disperse.

Officers deployed pepper balls, and the majority of the crowd pushed southbound on Las Vegas Boulevard. Decedent, however, remained and hid behind a power box just next to the officers' skirmish line. The power box is located at the southwest corner of Las Vegas Boulevard and Fremont, just two (2) blocks north of where the OIS later occurred. Officers noticed Decedent behind the box and believed Decedent was attempting to ambush officers. Officers ordered Decedent to show his hands. Decedent continued to hide behind the box, then he eventually stepped away from the box. Decedent walked backwards southbound on Las Vegas Boulevard facing officers. Decedent had his right hand placed on his hip where the handgun was holstered.



Decedent Hiding Behind Power Box



Decedent Backing Away From Power Box

Decedent's actions caused at least four (4) officers to draw their firearms as they believed they were threatened with deadly force.⁶ However, they did not fire as there was a crowd behind Decedent. Additional officers reported similar fears, but either did not describe whether they pulled their firearms or said they did not pull their firearms because they knew they did not have a clear shot.⁷ Decedent continued to take several steps backwards then ducked into an alley once again hiding from officers. Officers shone flashlights on the alley and ordered Decedent to drop the gun. Decedent did not comply. After approximately thirty (30) seconds, Decedent exited the alley with his hands up and walked southbound on Las Vegas Boulevard. Given his behavior, officers

⁶ Officers K.B., G.C., J.P. and S.O.

⁷ Officers J.J. and J.V.

discussed attempting to take Decedent into custody, but ultimately did not have the opportunity as he disappeared into the crowd.

Shortly thereafter, two (2) blocks south on Las Vegas Boulevard, officers continued to attempt to manage the protesters in the area of the federal courthouse. The courthouse is located at 333 Las Vegas Boulevard between Bridger Avenue and Clark Avenue. Many of the protesters were in the area of the courthouse after heading south following the dispersal order at Las Vegas Boulevard and Fremont Street.

Numerous law enforcement officers were stationed at the top of the staircase leading to the entrance of the courthouse. Several buildings in the area were vandalized the night before; therefore, the officers were specifically assigned to prevent further vandalism in the area. Officers were instructed to keep protesters away from the courthouse and to ensure protesters did not remove rocks from the landscaping in the area to possibly use as weapons.

At 11:18 p.m., there was a disturbance between law enforcement officers and citizens on the east side of Las Vegas Boulevard just south of the courthouse staircase. Forty-five (45) seconds later, a large group of citizens fled on foot from officers on the west side of Las Vegas Boulevard, directly across the street from the courthouse staircase. Twenty-five (25) seconds later, another disturbance occurred between law enforcement officers and some citizens on the west side of Las Vegas Boulevard, spilling into the street, just southwest of the courthouse staircase. These events occurred almost simultaneously all around the courthouse.

At 11:19 p.m., LVMPD dispatch broadcast "officer down" in reference to an officer being shot in the head at Circus Circus a few miles south of the courthouse. Almost immediately, a caravan of law enforcement vehicles with lights and sirens activated headed southbound on Las Vegas Boulevard in front of the courthouse to respond to Circus Circus.



Decedent Approaching Courthouse

Within one (1) minute of the broadcast regarding the injured officer, Decedent walked southbound on the east side of Las Vegas Boulevard approaching the courthouse from the north. As Decedent approached the courthouse staircase, he walked all the way up against a wall on the far east side of the sidewalk. Detective J.S. was positioned on the north end of the courthouse steps. Detective J.S. was monitoring the situation to his west and south when he noticed something in his peripheral vision on the north side of the steps.

Detective J.S. turned and saw Decedent standing near some pylons at the bottom of the north side of the courthouse steps. Detective J.S. identified himself as “Metro police” and ordered Decedent, “Stay on the other side of the barrier.” Decedent questioned, “What barrier?” and Detective J.S. clarified, “The poles, walk down along the poles to the sidewalk and make your way southbound.” Decedent followed the pylons westbound, then walked southbound on Las Vegas Boulevard in front of the pylons. Detective J.S. noticed Decedent was wearing what appeared to be a bullet proof vest, carrying a bag and an apparent baseball bat. Detective J.S. also noticed Decedent was mumbling to himself while performing combat breathing.⁸

Decedent stopped directly in front of Detective J.S. and looked at the ground. Detective J.S. once again informed Decedent to keep moving. Decedent started to turn towards Detective J.S., and other officers started to move towards Decedent to take him into custody. Detective J.S. yelled to Decedent, “Metro police, you’re under arrest, put your hands up.” Detective J.S. saw Decedent look at the officers approaching him and start reaching for the “baseball bat” hugged up against his side. As such, Detective J.S. fired low lethal bean bag rounds at Decedent.



Decedent Running Northbound

⁸ Combat breathing is a breathing technique commonly used by military and first responders to reduce physical and mental effects of stress and anxiety.

Decedent turned and started running northbound. Decedent fell to the ground and dropped a handgun. Decedent picked up the handgun and started running northbound once again. Once Decedent started running again, Detective J.S. realized the “baseball bat” was actually a rifle.

Upon seeing the firearms, Detective J.S. considered Decedent’s behavior in the preceding moments and took into account the report of another officer being shot. Detective J.S. concluded Decedent was attempting to ambush officers. Detective J.S. saw that, as Decedent ran, both firearms were pointed towards a crowd of citizens just northbound. Detective J.S. momentarily lost sight of Decedent due to a tree blocking his line of sight. Detective J.S. yelled to all the other officers, “Rifle, he has a rifle!” Detective J.S. attempted to transition to his firearm, but he did not have a clear shot as there was a large crowd just northbound past Decedent. Detective J.S. then heard shots fired. Department of Homeland Security Inspector H.D., who was positioned near Detective J.S., similarly prepared to fire his own gun but was unable to as he did not have a clear line of fire.

Several officers in the middle of Las Vegas Boulevard in front of the courthouse observed the disturbance occurring between Decedent and the officers on the courthouse steps. The officers were driving southbound on their way to Circus Circus but stopped and exited their vehicles. The officers noticed Decedent ignored officers’ commands and/or had his hand on his gun and/or that officers at the courthouse had firearms out. Officers described Decedent as “baiting” or “provoking” the officers. Officers saw or heard shots from the area of the courthouse, then they saw Decedent run northbound with a rifle. Some officers knew the shots were low lethal and were fired by an officer, but other officers were unclear as to what type of shots they heard and/or who fired.

Sergeant Ryan Fryman, Officer Andrew Locher, Officer Vernon Ferguson, and Officer Daniel Emerton were amongst the officers on Las Vegas Boulevard as Decedent ran northbound. Each of those officers saw Decedent running with the rifle and fired their own weapons at him. Sergeant Fryman and Officer Ferguson advised they fired their guns because Decedent raised or pointed his gun at them and/or the officers around them. Officer Emerton advised that he fired his gun because Decedent raised his weapon towards officers and citizens. Officer Locher advised that he fired his gun because he perceived that Decedent was shooting at officers.

Decedent was struck by gunfire and fell to the ground. Officers moved in and rendered medical assistance to Decedent. Decedent was transported to UMC but ultimately died as a result of gunshot wounds.

Officer P.F., who was in the same vehicle as Sergeant Fryman and Officer Ferguson, also described Decedent as raising his gun towards officers. Officer P.F. believed Decedent just fired at officers and was fleeing the scene. Officer P.F. did not fire his own firearm because he did not have a clear line of fire. Officer S.B., who was positioned next to Officer Ferguson, described that he saw Decedent fleeing gunfire

with his hand on a gun. Officer S.B. therefore lifted and aimed his own firearm at Decedent; however, by the time he was in position to fire, Decedent was already down. Officer R.L., who was positioned next to Sgt. Fryman, described that he heard gunshots, then he saw Decedent running with a firearm. Officer R.L. said he did not fire his gun because, by the time he had the chance, the other officers had already fired. Officer N.S. similarly described that he and several officers around him drew their firearms in response to Decedent's behavior.

Crime scene analysts (hereinafter "CSAs") responded to the scene to document and gather evidence. From the area where Decedent fell, CSAs recovered, among other items, a tactical vest with body armor, two (2) loaded firearms, including a short-barreled rifle, three (3) loaded magazines, and a tactical bag. The tactical bag contained an illegally concealed third loaded firearm, a loaded magazine, two (2) holsters and additional ammunition.⁹

Clark County Medical Examiner Investigator T.B. notified Decedent's father, Jorge Gomez III (hereinafter "Gomez III"), of Decedent's death. Gomez III stated that Decedent was radicalized by the BLM movement. LVMPD Sergeant M.I. followed up with Gomez III. Gomez III said Decedent had recently moved to Las Vegas from Oregon. Gomez III reported that BLM recruited Decedent while he was in Oregon and BLM was paying Decedent to protest. Gomez III said he blamed BLM for Decedent's death, not LVMPD. Gomez III said Decedent drove Gomez III's Chevy Avalanche to the protests. Gomez III said he was unaware of the location of the vehicle.

A review of Decedent's social media accounts and cell phone revealed he harbored strong anti-law enforcement beliefs, advocated for violent protests, and attempted to recruit others to join his efforts. Decedent made multiple comments about the current protests escalating to war and encouraged others to arm themselves. Decedent also commented that peaceful protests did not work. Further, Decedent bragged that police would not do anything to him at protests because he was armed, and they knew he could defend himself. Decedent's last post on Facebook on the day of the shooting stated, "Be ready for war. Do not cower in the face of revolution."

Decedent's phone also included a text message exchange with Gomez III wherein Decedent accuses Gomez III of being racist. On May 30, 2020, Gomez III responded that "just because I don't agree with the way you're approaching this doesn't mean that I'm racist, don't love you or don't care. I agree with the whole protest and the government needs to be hold [sic] accountable but not with violence. Sorry I respect your opinion and views and I hope you can respect my opinion its [sic] just different."

In the early morning hours of June 6, 2020, officers located Gomez III's Chevy Avalanche at the law firm of Gonzalez & Flores, which Decedent's family had recently hired. Detectives executed a search warrant on the vehicle, but they did not find anything of evidentiary value.

⁹ Decedent did not have a Nevada carry concealed firearm permit.

Detectives subsequently obtained surveillance video from the Gonzalez & Flores law firm. The video showed the Avalanche was towed to the law firm in the afternoon of June 5, 2020. The video further showed attorney Edgar Flores and another unknown individual, believed to be an employee, enter the vehicle for several minutes and look around. While they were still in the vehicle, Gomez III arrived at the law office. Attorney Flores motioned Gomez III towards the tailgate. They walked to the tailgate of the covered truck bed and Gomez III retrieved a large bag, which he brought to the car he arrived in and placed in the trunk. Gomez III then left in the car in which he arrived. The Avalanche remained in place until patrol officers discovered it later in the middle of the night.

An autopsy revealed Decedent suffered eight (8) gunshot wounds. Three (3) bullets were recovered from Decedent's person. Forensic examination revealed the three (3) bullets were fired from two (2) of the shooting officers' firearms.

INCIDENT TIMELINE

Time (hours)	Description of Event/Action	Source
2250	Decedent was captured on North Las Vegas Police Department (NLVPD) body worn camera (BWC) at Las Vegas Boulevard and Fremont Street.	NLVPD BWC ¹⁰
2255	NLVPD officers ordered protestors to clear the roadway and move south on Las Vegas Boulevard. Dispersal orders repeated multiple times.	NLVPD BWC ¹¹
2258	Pepper balls were deployed, and the crowd moved south on Las Vegas Boulevard.	NLVPD BWC ¹²
2319	Officer down (LVMPD) was broadcast in reference to an LVMPD officer being shot at Circus Circus.	LVMPD Computer Aided Dispatch (CAD)
2320	Decedent appeared on camera near the Lloyd D. George U.S. Courthouse.	The D Las Vegas Hotel & Casino video surveillance, Courthouse video surveillance
2321	Officers approached Decedent, who ran north. Low lethality bean bag rounds were discharged toward him.	Crime Tower10, Camera1 video surveillance
2322:15	Shots fired was broadcast.	LVMPD radio traffic
2322:22	Medical personnel were requested to 333 Las Vegas Boulevard S.	LVMPD radio Traffic

SHOOTING OFFICER BACKGROUND

All four (4) of the shooting officers were assigned to the Organizational Development Bureau (ODB), specifically the Firearms Training and Tactics Unit (FTTU). FTTU provides firearms training to LVMPD officers. Some of FTTU's duties include developing and conducting training programs, developing and conducting qualification courses, instructing police and corrections recruits, and providing armorer services to LVMPD officers.

¹⁰ As discussed further below, the NLVPD BWC does not have time stamps. However, the NLVPD BWC captures the sound of the OIS gunfire, which occurred at 2322. The time Decedent appears on NLVPD BWC is calculated by backtracking from the sound of the OIS gunfire.

¹¹ Supra n. 3

¹² Supra n.3

Sergeant Fryman was hired by LVMPD in 2007. At the time of the shooting, Sergeant Fryman's normal schedule was swing shift Tuesday through Friday.

Officer Ferguson was hired by LVMPD in 2006. At the time of the shooting, Officer Ferguson's normal scheduled was swing shift Tuesday through Friday.

Officer Emerton was hired by LVMPD in 2006. At the time of the shooting, Officer Emerton worked day shift Tuesday through Friday.

Officer Locher was hired by LVMPD in 1995. At the time of the shooting, Officer Locher worked day shift Monday through Thursday.

On the night of the shooting, all shooting officers were wearing identifiable LVMPD uniforms.

SCENE WALK-THROUGHS

After an OIS event, investigating detectives attempt to conduct walkthroughs with the shooting officers. During this investigation, scene walk throughs were conducted separately with each of the shooting officers in the presence of numerous witnesses. The purpose of the scene walk-through is to help investigators develop an understanding of the scene, including identifying officer locations at the time deadly force was used, identifying potential physical evidence, and re-creating a timeline of the incident.

Sergeant Ryan Fryman – Sergeant Fryman explained that Decedent raised a long gun toward him and his officers, and Sergeant Fryman believed they were going to be shot.

Officer Andrew Locher – Officer Locher explained that he fired because he believed Decedent was shooting at officers.

Officer Vernon Ferguson – Officer Ferguson explained that Decedent was leveling a rifle at Officer Ferguson and his partners. Officer Ferguson was in fear that Decedent was going to shoot him and/or his partners.

Officer Daniel Emerton – Officer Emerton explained that Decedent raised a weapon toward multiple citizens and officers, thereby putting lives in danger. Officer Emerton believed Decedent's intent was to harm others.

PUBLIC SAFETY STATEMENTS

The Public Safety Statement (hereinafter "PSS") is a series of questions asked of the shooting officer to determine if an immediate threat to public safety exists. In the case of multiple shooting officers, the PSS is done separately with each officer. Officers are required by LVMPD policy to answer the PSS questions.

Sergeant D.R. read Public Safety Statements to Sergeant Ryan Fryman, Officer Andrew Locher, Officer Vernon Ferguson, Officer Daniel Emerton, and Detective J.S. The Public Safety Statement consists of the following series of questions:

- 1) Did you discharge your firearm?
 - a. If so, in what direction?
 - b. Approximately where were you located when you fired?
 - c. How many shots do you think you fired?
- 2) Is anyone injured? If so, where are they located?
- 3) Are there any outstanding suspects?
 - a. If so, what is their description?
 - b. What direction and mode of travel?
 - c. How long have they been gone?
 - d. What crimes have they committed?
 - e. What type of weapon do they have?
- 4) Is it possible the suspect fired rounds at you?
 - a. If so, what direction were the rounds fired from?
 - b. How many shots do you think the suspect fired?
 - c. Approximately where was the suspect located when they fired?
- 5) Do you know if any other officers discharged their firearms?
 - a. If so, who are they?
 - b. Approximately where were the officers located when they fired?
- 6) Are there any weapons or evidence that needs to be secured/protected? If so, where are they located?
- 7) Are you aware of any witnesses? If so, what is their location?

Sergeant D.R. memorialized the officers' answers to the Public Safety Statement questions in a notebook. However, Sgt. D.R. subsequently allowed another Sergeant to borrow the notebook, which then went through multiple hands. Thereafter, officers made every effort to locate the notebook, but were unsuccessful.

On June 2, 2020, at 3:42 a.m., Sgt. D.R. provided an interview regarding the circumstances related to the notebook. Sgt. D.R. described that, immediately following the shooting, the scene was still "in the midst of ... chaos and riot ... where people were still going through the crime scene, still conflicting with police on scene." Officers were attempting to: 1) secure the scene; 2) ensure no one was shot by a stray round; and 3) confirm there was not another shooter in the area. Sgt D.R. explained that it was under these circumstances that he provided the notebook to another Sergeant.

OFFICER WEAPON COUNTDOWNS

On June 2, 2020, Sergeant Fryman, Officer Emerton, Officer Ferguson, and Officer Locher had their duty weapons counted down at LVMPD headquarters to determine the number of rounds fired by each officer. Subject and witness officers were photographed

by CSA personnel for appearance purposes and their weapons were photographed for identification purposes.

Sergeant Ryan Fryman (Glock 17 9mm SN BBDV266)



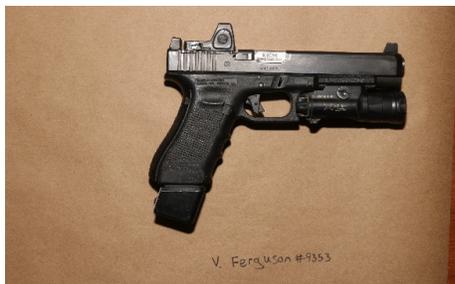
Following a countdown, detectives determined Sgt. Fryman discharged his firearm seven (7) times during the incident.

Officer Andrew Locher (Colt AR15 .223 SN LBD002447)



Following a countdown, detectives determined Off. Locher discharged his firearm five (5) times during the incident.

Officer Vernon Ferguson (Glock 34 9mm SN BBMY961)



Following a countdown, detectives determined Off. Ferguson discharged his firearm four (4) times during the incident.

Officer Daniel Emerton (New Frontier Armory G15 .223 SN NV07576)



Following a countdown, detectives determined Off. Emerton discharged his firearm four (4) times during the incident.

SCENE AND PHYSICAL EVIDENCE

The scene was located on the sidewalk on the east side of Las Vegas Boulevard just north of the Lloyd D. George U.S. Courthouse, located at 333 Las Vegas Boulevard. Decedent initially came into contact with officers stationed at the top of the courthouse staircase. Decedent's interaction with the officers occurred at the north corner of the staircase. Decedent then turned and fled northbound. The shooting officers were positioned in the southbound lanes of Las Vegas Boulevard, northwest of the courthouse. CSAs responded to photograph and document the scene, as well as collect evidence. The below summaries of evidence, officer location, and Decedent locations are based on a review of photos and CSA reports.

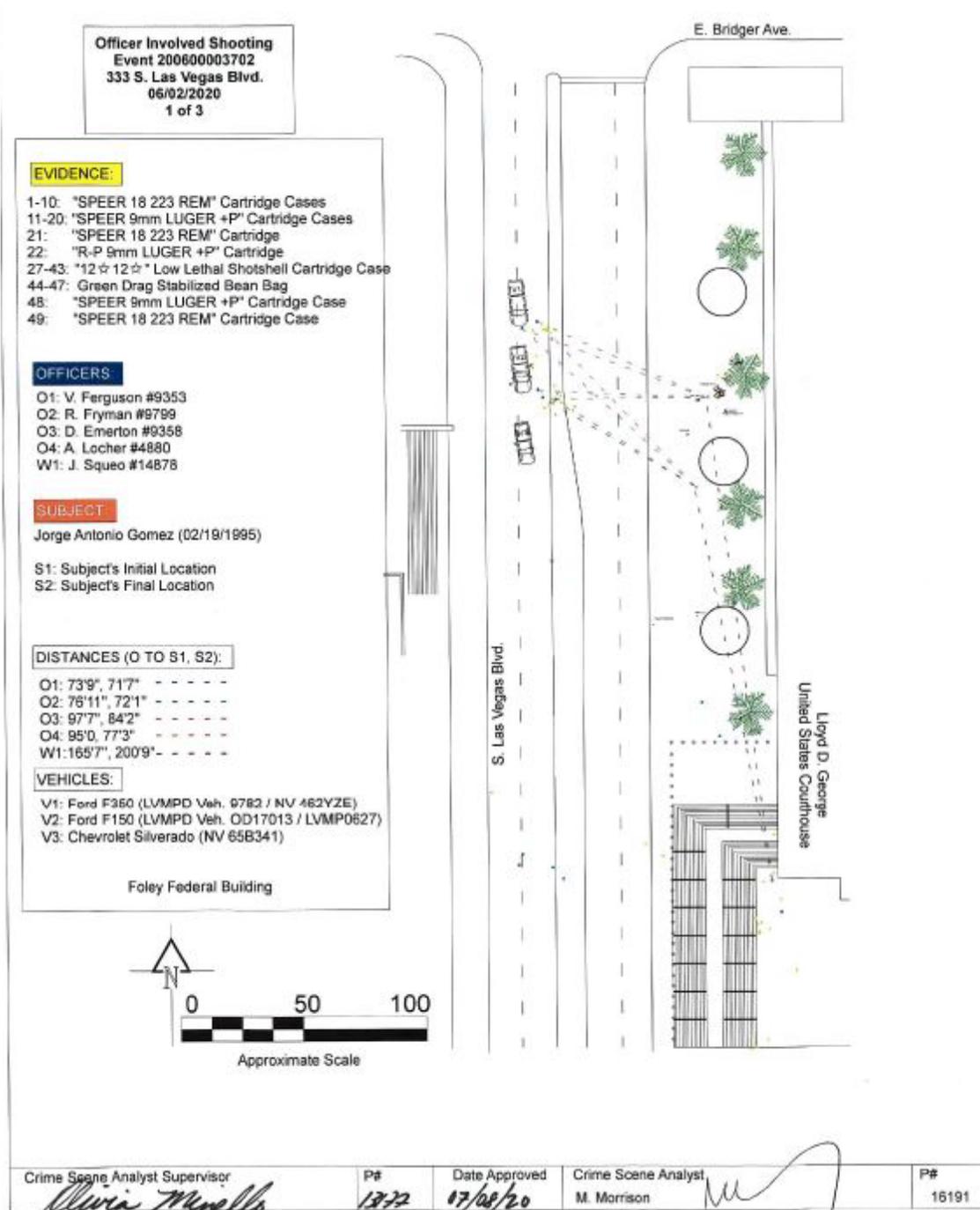


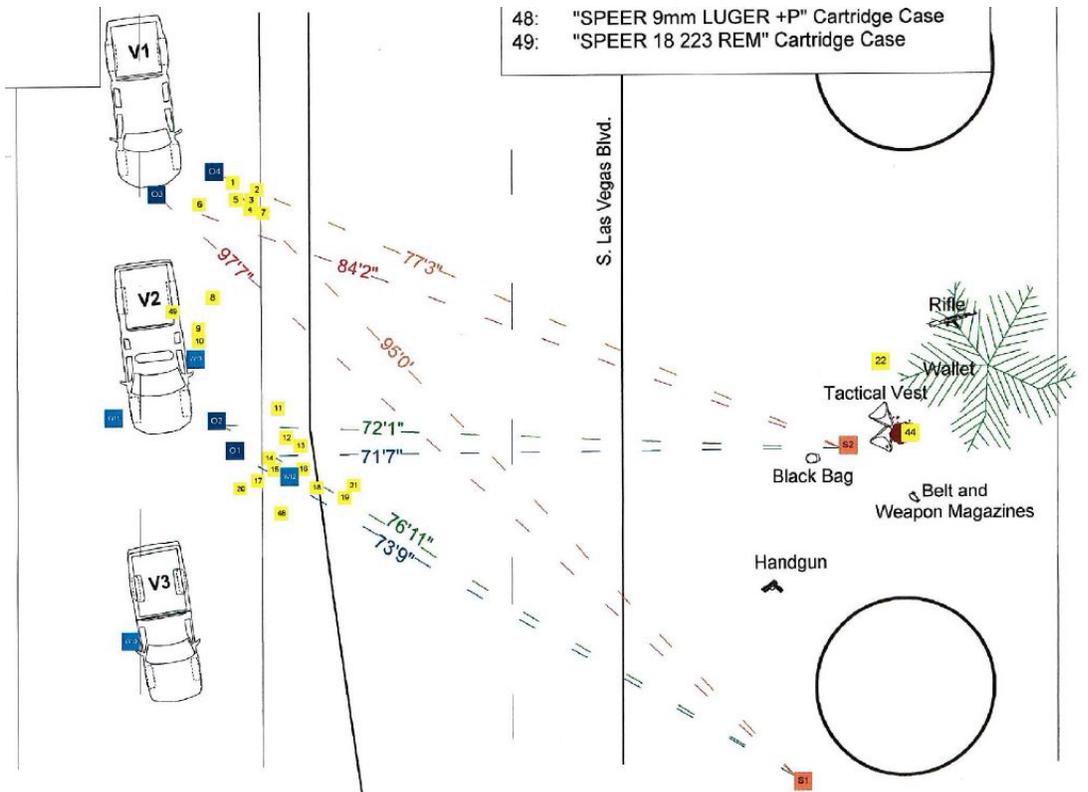
Bridger Avenue and Las Vegas Boulevard – looking south

The above photo is taken from above the intersection of Las Vegas Boulevard and Bridger Avenue looking southbound. On the left, along the east sidewalk heading south, are trees and three circular seating areas. Just beyond the trees and seating areas is the staircase leading up to the federal courthouse. On the right is the Foley Building. Vehicles 1-3 (further discussed below) are facing south in the southbound lanes of Las Vegas Boulevard. Decedent's final position (further discussed below) was just north of the middle circular seating area on the east sidewalk.

Diagram

CSAs created the below diagrams documenting the location of officers, Decedent's property, evidence, and vehicles.





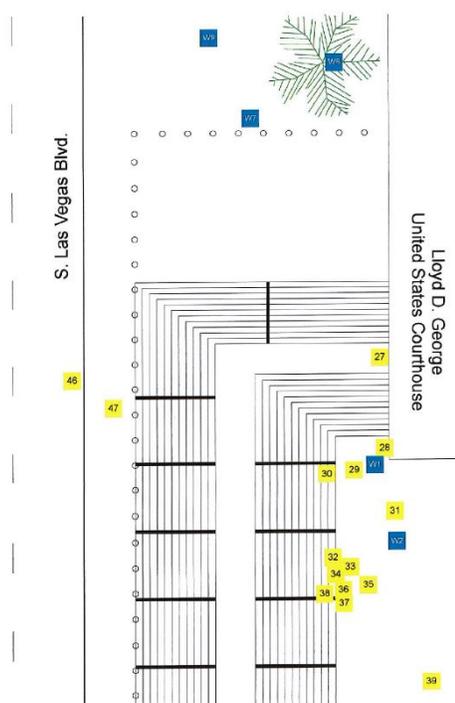
Officer Involved Shooting
 Event 200600003702
 333 S. Las Vegas Blvd.
 06/02/2020
 2 of 3

WITNESS OFFICERS

- W1: J. Squeo # 14878
- W2: L. Jacobo #17676
- W3: N. Sylvia #11524
- W4: M. Lee #9674
- W5: M. Mendez #13959
- W6: E. Carlson #7208
- W7: H. Degunya (HSD #975)
- W8: B. Dennett #12944
- W9: C. Snyder #15767

EVIDENCE

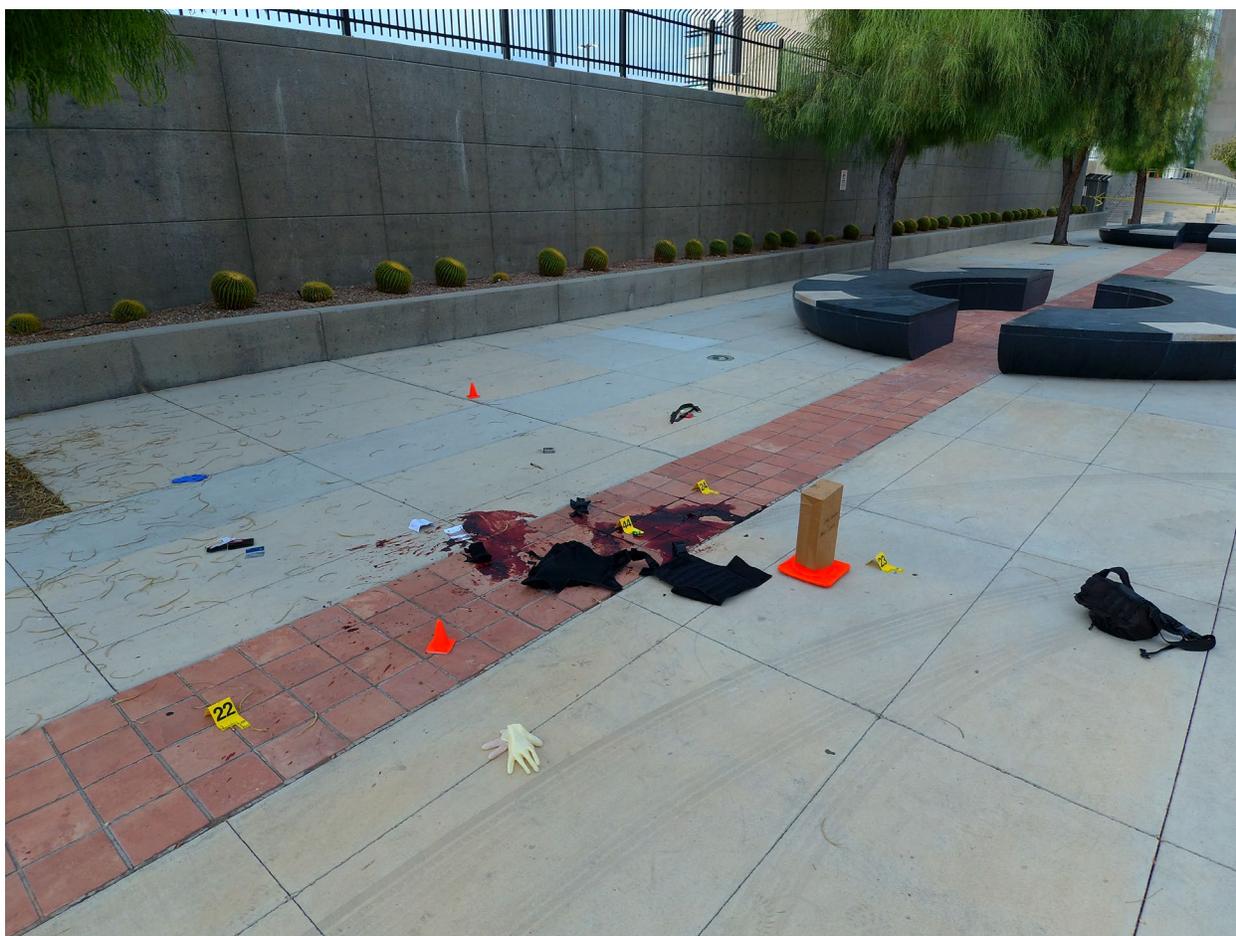
27-43: "12 ☆ 12 ☆" Low Lethal Shotshell Cartridge Case
 45-47: Green Drag Stabilized Bean Bag



Decedent's Position

Decedent was transported to the hospital prior to CSAs' arrival, but some of his property was left behind. Officers on scene relayed to CSAs that the location of Decedent's property was the location where Decedent fell following the shooting.

The diagram contains a notation for Decedent's "initial location" and Decedent's "final location", both on the sidewalk on the east side of Las Vegas Boulevard between Bridger Avenue and the courthouse staircase. Between Bridger Avenue and the courthouse are three (3) separate circular seating areas. Decedent's initial location is noted as just southwest of the center seating area. Decedent's final location is noted as just northeast of the center seating area.

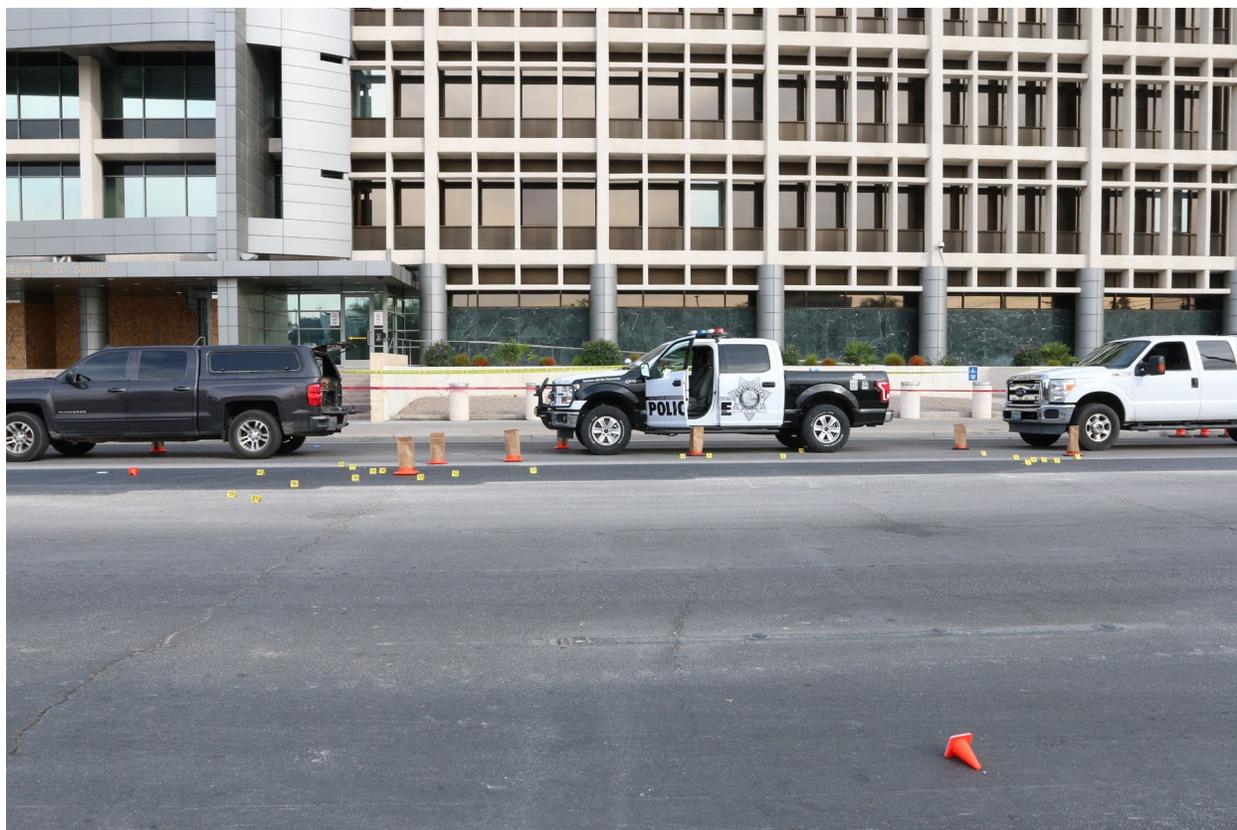


Decedent's Final Position

Vehicles and Shooting Officers' Positions

To the west of Decedent's final position, three (3) LVMPD vehicles are noted in the southbound lanes of Las Vegas Boulevard. The front bumper of the middle of the three (3) vehicles, "V2", is almost directly west of Decedent's final position. V2 is a marked LVMPD black and white Ford F-150. The furthest south vehicle, "V3", is a grey Chevy Silverado, just south of Decedent. The furthest north vehicle, "V1", is a white Ford F-350, just north of Decedent's final position.

The shooting officers provided their locations at the time of shooting during the officer walk throughs. Officer Ferguson's reported location was between V2 and V3, slightly east of the vehicles. Sergeant Fryman's reported location was between V2 and V3, just northwest of Officer Ferguson. Officer Emerton's reported location was between V1 and V2. Officer Locher's reported location was just east of the front driver's side corner of V1.



L-R - Vehicles 3, 2, 1

Witness Officer S.B.'s reported location was next to Officer Ferguson. Witness Officer R.L.'s reported location was just next to Sergeant Fryman. Witness Officer P.F.'s reported location was on the west side of V3. Witness Officer G.S.' location was on the west side of V2.

Witness Officer A.C. was on Las Vegas Boulevard, south of the above officers, but north of the courthouse staircase. Witness Officers N.S., M.L., M.M., and E.C. were also on Las Vegas Boulevard, but further south, directly west of the courthouse staircase.

Evidence

CSAs recovered twenty-two (22) cartridge cases from the area just east and southeast of V1 and V2. A concrete wall separates the sidewalk on the east side of Las Vegas Boulevard from a parking area just north of the courthouse. Thirteen (13) bullet impacts were present on the west face of the concrete wall east of Decedent's final position. CSAs located multiple bullet fragments on the ground in the area of Decedent's final position.

From the area surrounding Decedent's final position, CSAs recovered the following scattered items:

- black tactical vest containing steel armor plates and multiple bullet fragments;
- black over the shoulder tactical bag (see further details below);
- wallet with cards in the name of Decedent;
- low lethal bean bag round;
- R-P 9mm LUGER cartridge;
- Glock .40 caliber pistol housed inside a CAA G2 Roni 9mm/.40 pistol carbine conversion (see further details below);
- Glock 9mm fifteen (15) round capacity magazine containing fifteen (15) R-P 9mm LUGER cartridges;
- Glock seventeen (17) round capacity magazine containing sixteen R-P 9mm LUGER cartridges;
- Glock 19 9mm pistol (see further details below);
- black multi tool;
- Glock .40 caliber thirteen (13) round capacity magazine containing thirteen cartridges (twelve (12) R-P 40 S&W and one (1) R-P 9mm LUGER);
- additional miscellaneous items.





The Glock .40 pistol in the carbine conversion had a sling, 16-inch barrel carbine conversion, and attached SIG optic. A carbine conversion is a kit that firearms owners can purchase to convert a traditional handgun into a long rifle. Decedent's .40 Glock pistol, however, was improperly and illegally modified into a short-barreled rifle¹³. The firearm contained a thirteen (13) capacity magazine with thirteen (13) cartridges.

The Glock 19 9mm pistol had a mounted light below the slide and contained a fifteen (15) round capacity magazine with fifteen (15) R-P 9mm LUGER cartridges.

The tactical bag contained:

- Glock 17 9mm pistol (see further details below)
- two (2) empty holsters
- Glock .40 caliber magazine in a black holster containing twelve (12) cartridges
- six (6) shotshell cartridges
- box of one hundred (100) Winchester 40 S&W cartridges
- six (6) spring links and four (4) hitch pin clips in packaging
- broken metal carabiner and chain
- additional miscellaneous items

The Glock 17 from the bag had a R-P 9mm LUGER cartridge in the chamber and a seventeen (17) round magazine in the well containing thirteen (13) R-P 9mm LUGER cartridges.

¹³ The illegal characteristic of the firearm is the barrel length, which is indiscernible upon plain view as the barrel is housed in a frame.



From the area encompassing the northern corner of the staircase in front of the federal courthouse, CSAs recovered: seventeen (17) stabilized low lethal shotshell cartridge cases scattered throughout the steps and landing; a bullet fragment on the lower portion of the steps in the northeast corner of the staircase; two (2) stabilized bean bag rounds on the side walk or in the gutter just west of the northern portion of the staircase; and one (1) stabilized bean bag round in the gutter across the street on the west side of Las Vegas Boulevard directly west of the other two (2) bean bag rounds.



Spent Bean Bag Round



North Corner of Courthouse Staircase

INVESTIGATION – WITNESS INTERVIEWS

Due to the protests, none of the witness officers were working in their usual area command and most were working outside their normal hours. Many of the witness officers' usual positions were with specialty units that generally work in plain clothes. However, on the night of the shooting, all officers were uniformed and many were wearing riot gear and/or gas masks.

The below summaries attempt to describe all relevant information from the interviews but are not verbatim recitations of each interview.

Officer Witness Interviews – Fremont Street and Las Vegas Boulevard

Approximately twenty (20) minutes prior to the shooting, several officers in the area of Las Vegas Boulevard and Fremont Street had a noteworthy exchange with Decedent. Those officers' interviews are summarized below. Decedent's interactions with officers at this location were also captured on video, as further discussed below.

The officers described the general atmosphere as chaotic and dynamic while tensions were escalating. Decedent's behavior led at least four (4) of the officers to either draw their firearm and/or believe Decedent posed a threat warranting lethal force¹⁴. The consensus was Decedent was "taunting" or "baiting" officers and Decedent was going to ambush them.

Officer S.O. (LVMPD)

On the evening of June 1, 2020, Officer S.O. worked downtown to monitor protests. Throughout the evening, he was dispatched to multiple locations depending on where the crowd was hostile. At some point he joined a skirmish line at a location where protesters were screaming profanities and throwing unidentified items at officers. Dispersal orders, directing the protesters to vacate the area, were given to the crowd. Following the orders, there was a large distance between the skirmish line and the crowd of protesters. SWAT was also in the process of deploying tear gas.

While in the skirmish line, another officer pointed out a power box, about fifteen (15) yards away, and said a man, later identified as Decedent, was hiding behind the box with a firearm. Officer S.O. peeked around the box and saw Decedent wearing "body armor or something" and hiding. Numerous officers yelled, "Come out of there" and flashed lights on the power box. Decedent periodically peeked out from behind the power box before stepping out and taking a "bladed" or "shooting" stance with his hand on his holster. Decedent started backing up with his hand on his holster, momentarily hid behind another protester, then ducked into an alley. Decedent eventually stepped out of the alley with his hands up.

Officer S.O., along with numerous other officers, pulled their firearms out during the incident. Officer S.O. believed Decedent was attempting to ambush officers – "if somebody comes out of the corner with a smirk and hand on a gun, yes, I would definitely say 100% sure that he had intentions to harm us." Officer S.O. described Decedent's face as having an "extremely odd and chilling" expression, initially a dead stare, then an evil smirk. Moreover, the officers were in a particularly vulnerable position as there was poor visibility due to the tear gas and the officers were in the middle of an intersection with no cover. Officer S.O. described that it seemed Decedent was taunting or baiting them, and they believed Decedent was willing to die.

Officer S.O. contrasted Decedent's behavior with an average citizen open carrying a firearm. Officer S.O. pointed out a citizen open carrying with innocent intent would not

¹⁴ Officers K.G., G.C., J.P., and S.O.

hide, ignore commands, and then grab their gun with a smirk. Officer S.O. felt without question that Decedent was threatening their lives and the circumstances warranted the use of deadly force. However, the crowd of protesters was beyond Decedent in Officer S.O.'s line of fire; therefore, he was unable to shoot.

Officer K.B. (LVMPD)

On the evening of June 1, 2020, Officer K.B. responded to the downtown corridor to assist with protests. Throughout the evening, Officer K.B. was assigned to various locations downtown where the crowds were becoming more hostile. Officer K.B. described that protesters had broken some windows and entered businesses.

During the evening, Officer K.B. and some other officers assisted a woman with a medical issue. As he attempted to help the woman one of the other officers notified him that a man with a gun, later identified as Decedent, was nearby watching. Someone told Decedent to leave, and Decedent went across the street and continued to watch the officers.

Officer K.B. and his team subsequently responded to another location downtown where he joined a skirmish line with NLVPD officers. The crowd was very large and becoming violent, with some protesters throwing things at officers. Tensions between officers and protesters were very high. Officers were in the process of giving dispersal orders.

Officer K.B. was alerted by another officer that a man, later identified as Decedent, was hiding behind a power box at the end of their skirmish line with a rifle. The other protesters were five (5) to ten (10) feet past Decedent, so Decedent's position gave the impression that he was waiting for something. Decedent was "without a doubt" trying to conceal himself.

Officers attempted to develop a plan to take Decedent into custody and began to issue commands such as, "Let me see your hands, come out of there" while shining flashlights upon him. Decedent eventually came out and took a "shooting stance" by putting his hand on his gun that was holstered at his hip. Officer K.B. believed Decedent was going to open fire upon officers. Officer K.B. started to pull his own gun, but he realized he could not fire because the crowd beyond Decedent would have been in his line of fire. Officer K.B. then lost sight of Decedent as he comingled with other protesters and tear gas hindered visibility.

Officer K.B. described his extensive prior experience dealing with protests and/or citizens open carrying firearms. Officer K.B. described Decedent as different from the average protester or open carry citizen as, aside from hiding and ignoring commands, he had a blank stare, did not chant or yell, and held a sign that did not seem to relate to BLM. Officer K.B. noted that other protesters spaced themselves away from Decedent as if they were concerned by him as well.

Officer K.B. was later directed to the area of the federal courthouse in response to the OIS. While there, someone from the media approached Officer K.B. and said Decedent had been acting weird and other protesters had to calm him down.

Officer G.C. (LVMPD)

On June 1, 2020, Officer G.C. responded to the downtown corridor to assist with protests. As Officer G.C. arrived, other officers informed him the crowd was threatening to fight officers. Officer G.C. joined a skirmish line with officers from multiple agencies. Objects, including rocks, were being thrown at officers and protesters were yelling.

Other officers directed Officer G.C.'s attention to a power box nearby where a man, later identified as Decedent, was hiding with a gun. Officer G.C. saw Decedent crouching down behind the power box, tucked up against the wall, in an "ambush position." The power box was only a few feet away from officers, while the majority of the remaining protesters were a half a block or more away from the skirmish line. Officer G.C. saw Decedent jump out from behind the power box, "almost square off" and reach for his firearm.

Officer G.C. was afraid Decedent would start shooting "at any given moment" and therefore drew his firearm, as did numerous officers around him. The officers were unable to shoot as the crowd of protesters was behind Decedent. Visibility was hindered at this point due to tear gas in the air and Officer G.C. lost sight of Decedent as he comingled with other protesters. Officer G.C. expected "rounds to start coming" as he "thought for sure" Decedent was attempting to ambush the officers. Officer G.C. described that it seemed Decedent was taking advantage of his position with the crowd behind him, knowing the officers would be unable to shoot.

Officer J.J. (LVMPD)

On the evening of June 1, 2020, Officer J.J. assisted with the protests at various locations downtown. At one point, Officer J.J. and a few other officers assisted a woman with a medical issue when he noticed a man, later identified as Decedent, standing nearby staring at them. A bystander told Decedent to move along and he moved further away but continued to watch. Officer J.J. described that Decedent had a strange look in his eyes "like he wasn't all there."

Officer J.J. later joined a skirmish line in another location downtown to assist with crowd control. When Officer J.J. arrived, there was a large crowd of protesters, "tensions were beginning to flare", protesters used profanity towards officers, and items were thrown at officers. Officers gave a dispersal order, ordering protesters to vacate the area. Shortly thereafter, SWAT arrived and started deploying tear gas in the protesters' direction.

After most of the protesters had retreated thirty (30) to forty (40) yards, other officers informed Officer J.J. that a man, later identified as Decedent, was hiding behind a metal box a few feet away with a firearm. Officers were unable to move forward with the

skirmish line as doing so would have put them in a vulnerable position with Decedent. Officers started flashing their lights on the box. Decedent stepped out, crouched in a tactical type stance, and reached for the firearm at his hip as if he was going to draw it. Decedent started stepping backwards towards the crowd. Officers repeatedly yelled, "Don't grab the gun!" or "Drop the gun!" and another protester stepped in front of Decedent, obstructing their view.

Officer J.J. described that Decedent's behavior was inconsistent with a typical citizen open carrying a firearm because, in a "normal" open carrying situation, the citizen does not back pedal while crouching with their hands on their guns.

Officer J.L. (LVMPD)

On the evening of June 1, 2020, Officer J.L. shuffled between multiple locations to assist with protests downtown. Officer J.L. and a few other officers assisted a woman with a medical issue and realized a man, later identified as Decedent, was standing nearby with a firearm. The officers kept an eye on him but finished their medical assistance and moved on.

Officer J.L. later joined a skirmish line at Fremont Street and Las Vegas Boulevard. Prior to arriving, Officer J.L. heard over the radio that protesters were throwing items at the officers. Officer J.L. described the atmosphere upon arrival as chaotic, dynamic, and not peaceful. Around the time of Officer J.L.'s arrival, officers gave protesters a dispersal order instructing them to vacate the area. As such, most of the protesters were fifty (50) to sixty (60) yards away from the skirmish line.

Other officers directed Officer J.L.'s attention to a power box about ten (10) feet away and informed him there was a man, later identified as Decedent, hiding behind the box with a firearm. Decedent's position was problematic for officers as they were unable to move the skirmish line forward without putting themselves in a vulnerable position. Several officers further down the line with a better view of the power box pointed their firearms in the direction of the power box. Officers issued commands ordering Decedent to come out. Officer J.L. saw Decedent, armed with a rifle, start backing up while erratically jolting his hand towards his holster. Decedent appeared to be in a shooting stance. Decedent continued backing up, then ducked into an alley. Shortly thereafter, Decedent came back out and continued backing up into the crowd of protesters. Officer J.L. then lost sight of Decedent due to the crowd and tear gas in the air.

Officer J.L. described Decedent's behavior as "extremely suspicious" and "as if he was baiting us". Decedent was not acting like a typical citizen open carrying a firearm, because "normal open carry" people do not intentionally hide from officers after being told to leave the area.

Officer M.N. (LVMPD)

On the evening of June 1, 2020, Officer M.N. responded to several locations on the Las Vegas Strip and downtown to tend to protests. At some point during the evening, Officer M.N. joined a skirmish line downtown. While there, Officer M.N. was struck in the leg by a bottle. The atmosphere was very chaotic and escalating. At some point, officers gave dispersal orders directing protesters to vacate the area.

Officer M.N.'s partner pointed out a protester, later identified as Decedent, standing in front of the rest of the protesters, about five (5) yards from officers. Decedent had a rifle slung over his shoulder. Officer M.N. saw Decedent reach for his waistband, hover his hand in the area of his waist, then duck behind a power box. Officer M.N. described that Decedent seemed to be "taunting" officers. Decedent then backed out from behind the power box, but Officer M.N. could not see very well because of tear gas lingering in the area.

Later in the evening, Officer M.N. responded to assist with the OIS. At the time he did not realize Decedent was the same person he had seen earlier behind the power box. Again, Officer M.N. described the OIS scene as chaotic, in part because they had just received word that an officer had been shot. Officer M.N.'s focus was looking for threats and keeping himself safe.

Officer J.P. (LVMPD)

On the evening of June 1, 2020, Officer J.P. joined a skirmish line in downtown Las Vegas. Officer J.P. described that the crowd had grown violent and protesters threw rocks and bottles at officers. Sometime around Officer J.P.'s arrival, officers gave dispersal orders directing the protesters to vacate the area. The majority of the crowd was thirty (30) to forty (40) feet from the skirmish line.

Another officer pointed out to Officer J.P. that there was a man, later identified as Decedent, hiding behind a nearby power box with a firearm. Officer J.P. looked and saw Decedent behind the box with a long rifle. Decedent was periodically peeking out, looking to the side. Officer J.P. described that he and the majority of the officers on the scene "went gun out" on Decedent. Officers yelled orders at Decedent with their lights pointed towards him. While the officers had their guns drawn, pointed in Decedent's direction, Decedent stepped out, looked at them, and put his hand above a holster at his waist. Decedent then took a "cowboy stance" as if he were going to confront officers and stepped backwards into an alley.

Officer J.P. said he believed the situation was "definitely" unsafe for officers based on the way he attempted to conceal himself. Officer J.P. believed Decedent was waiting until the skirmish line advanced forward so they were in line with him then planned to ambush them. Officer J.P. described that Decedent "definitely" knew they were issuing him orders because there was no one else in the area they could have been talking to, and they had lights pointed at him.

Officers attempted to develop a plan to try and take Decedent into custody for failing to obey dispersal orders, but they lost sight of him in the crowd and tear gas.

About twenty (20) to thirty (30) minutes later, officers received word of two (2) separate officer involved shootings – the one with decedent and the one where an officer was shot. The almost simultaneous nature of the two (2) shootings caused confusion.

Officer J.V. (LVMPD)

On the evening of June 1, 2020, Officer J.V. responded to an intersection downtown to join a skirmish line and assist with protests. Officer J.V. described that the protest was no longer peaceful, and there was definitely a hostile atmosphere, which included protesters throwing objects at officers.

One of the other officers directed Officer J.V.'s attention to a power box about ten (10) feet in front of the skirmish line and said a man, later identified as Decedent, was hiding behind the box with a firearm. The box was twenty (20) to thirty (30) feet in front of where the remaining crowd of protesters were.

Officer J.V. described that the officers had their lights pointed towards the power box when Decedent suddenly came out, squared up to officers, placed his hand on his holster, and started backing away. As the crowd of protesters were beyond Decedent, the officers did not have a safe opportunity to fire upon Decedent. Upon backing away, Decedent stepped into an alley and stayed there for a few seconds. Officers continued pointing flashlights at the alley. Decedent eventually stepped back out and walked towards the crowd.

Officer J.V. "absolutely" believed Decedent's intent was to engage officers. As Decedent was identified as an agitator, officers attempted to devise a plan to take him into custody, but they lost track of him in the crowd of protesters and tear gas.

Officer Witness Interviews – Federal Courthouse Staircase

Numerous law enforcement officers were stationed on the staircase of the federal courthouse on Las Vegas Boulevard. While on the staircase, Detective J.S. saw Decedent approaching and issued multiple commands. Decedent did not comply; therefore, several other officers moved down the courthouse staircase to take Decedent into custody. Decedent started to reach for a weapon, and Detective J.S. fired a low lethal bean bag round at Decedent. Decedent fled northbound, fell, got up, and continued to run northbound. Detective J.S. realized Decedent was carrying firearms and alerted surrounding officers.

Detective J.S. (LVMPD) – Courthouse Steps

On the evening of June 1, 2020, robbery Detective J.S. was assigned to manage the protests in downtown Las Vegas. Specifically, Detective J.S. was stationed at the top of the northern corner of the steps of the federal courthouse. Detective J.S. was directed to prevent protesters from accessing a rock bed in the area of the courthouse out of concern the rocks may be used as weapons. At the start of the shift, officers were briefed that some protesters had been found with baseball bats.

At some point in the evening, officers were notified that an officer was shot at Circus Circus. At almost the same time, Detective J.S.'s attention was focused on a large crowd forming on the west side of Las Vegas Boulevard, across the street from the federal courthouse. Out of his peripheral vision on his right (north), Detective J.S. noticed a man, later identified as Decedent, standing near the wall at the bottom of the staircase.

Detective J.S. issued commands and warned Decedent to stay on the other side of the barrier, meaning a row of pylons along the bottom of the staircase. Decedent said, "What barrier?" and Detective J.S. explained, "The poles, walk along the poles to the sidewalk and make your way southbound". Initially, some trees and shadows somewhat obscured Detective J.S.'s view of Decedent. However, he saw Decedent start slowly walking west along the pylons. Detective J.S. saw Decedent was wearing what looked like a bullet proof vest and was mumbling under his breath. Detective J.S. instructed Decedent, "Make your way to the sidewalk, stay on the outside."

Decedent turned southbound and continued to walk on the outside of the pylons. Detective J.S. noticed Decedent had a black bag on his side that he was pulling to the front. Decedent was also carrying what Detective J.S. believed to be a baseball bat underneath his right arm. Decedent stopped when he was directly in front of Detective J.S., about ten (10) to fifteen (15) yards away, and he started looking towards the ground. Detective J.S. instructed, "You need to keep walking, dispersal orders have already been given, you need to move."

Decedent turned to face Detective J.S. Some other officers started walking down the staircase towards Decedent to take him into custody for failing to obey the dispersal order. Detective J.S. raised his low lethal weapon and advised, "Metro police – you're under arrest, put your hands up" multiple times. Decedent stared at Detective J.S. and moved his hands towards his waist. Decedent then noticed the other officers approaching him. Detective J.S. continued to instruct, "Metro police, put your hands up", but Decedent reached down and grabbed the "baseball bat." Detective J.S. yelled to the other officers that Decedent had something in his hand. Detective J.S. believed Decedent was going to use the "bat" to attack the approaching officers. Detective J.S. was especially concerned because Decedent positioned the "bat" up against his body in such a way that approaching officers would not notice the "bat." Detective J.S. therefore yelled, "Bean bag!" and fired his low lethal weapon towards Decedent.

Decedent started to “curl in,” but he was still holding the “baseball bat” and bringing it forward while Detective J.S. yelled, “Put your hands up!” Detective J.S. fired a second low lethal round and Decedent started running north bound - - the opposite direction given in the multiple dispersal orders - - with his arm straight down along the “baseball bat.” As this happened, there were several patrol cars headed southbound on Las Vegas Boulevard. Detective J.S. fired another low lethal round and Decedent fell to the ground.

As Decedent fell to the ground, Detective J.S. heard what he believed to be a gun hit the ground. Decedent started to get up and Detective J.S. saw him reach towards what Detective J.S. believed to be his bag. Detective J.S. fired low lethal rounds once again. Detective J.S. saw Decedent pick up a firearm, then start running again while clutching the “baseball bat.” Detective J.S. realized that the “bat” was actually a rifle. Decedent was headed northbound towards a group of protesters with one hand on the handgun and one hand on the rifle, both pointed towards the group of protesters.

Detective J.S. started to reposition to get a better shot but was unable to fire as there was now a crowd of protesters beyond Decedent within Detective J.S.’s line of fire. Additionally, there was a tree partially blocking Detective J.S.’s view of Decedent. At this point, the closest officers to Decedent were likely the officers headed southbound in Las Vegas Boulevard. Detective J.S. yelled, “He has a rifle, he has a rifle!” and heard shots fired.

After the gunshots, numerous officers ran towards Decedent. Detective J.S. stayed on the courthouse steps with other officers to keep an eye on protesters across the street and to the south.

Detective J.S. described that he initially found Decedent to be suspicious because of his “passive resistance”, slow pace, bullet proof vest, and “combat breathing.” Detective J.S. said Decedent had multiple opportunities to comply while he was still in front of the staircase. Detective J.S. said, once he realized Decedent had a rifle, he considered the totality of circumstances, including the almost simultaneous shooting at Circus Circus and Decedent’s behavior, and realized Decedent was attempting to ambush the officers. Decedent had been “sneaking up on” Detective J.S., concealing a firearm, combat breathing, and ignoring commands, and then was running from police into a crowd of citizens with two (2) guns. Detective J.S. therefore concluded “he’s a threat” and was “absolutely” on scene to instigate rather than peacefully protest.

Detective B.D. (LVMPD) – Courthouse Steps

On the evening of June 1, 2020, robbery Detective B.D. was stationed at several locations throughout downtown to assist with protests. Eventually, Detective B.D. was sent to the staircase of the federal courthouse. Detective B.D. and his squad had worked protests the previous night as well.

Detective B.D. noticed a man, later identified as Decedent, approaching the staircase while fumbling with a bag and his belt. Detective B.D. instructed Decedent to “move on,” and he pointed Decedent out to Detective J.S. Detective J.S. gave Decedent numerous warnings that a dispersal order had been given, and he needed to move along or he would be arrested. Decedent started walking very slowly, almost shuffling, and not picking up his feet.

Detective B.D. noticed Decedent reach for a hard object he was carrying with a cylinder shape. Decedent grabbed the object and started moving it. Detective J.S. ordered, “Get your hands up” and, “You’re going to be shot with low lethal.” Detective J.S. fired a low lethal round, Decedent turned, and Detective B.D. realized Decedent had a gun.

Decedent started to run, tripped and fell, and the gun skidded across the ground. Detective B.D. pulled out his own firearm and started running down the stairs. Decedent picked up his gun and started to run away while manipulating the gun. Detective B.D. heard gunfire as he chased Decedent. As he ran, Detective B.D.’s view of Decedent was partially obstructed by trees.

Detective C.S. (LVMPD) – Courthouse Steps

On the evening of June 1, 2020, robbery Detective C.S. was stationed on the staircase of the federal courthouse. During the evening, officers had to fire bean bag rounds at protesters to keep them away from the windows of the federal courthouse. There were also protesters picking up rocks on the other side of the street.

Leading up to the shooting, Detective C.S. heard Detective J.S. yelling to someone to “move along” as a dispersal order had been given. Detective C.S. turned and saw a man, later identified as Decedent, standing at the bottom of the stairs facing Detective J.S. Detective J.S. yelled again to “move along” and Decedent started walking at an extremely slow pace.

Detective C.S. could see Decedent had some type of satchel or bag hanging at his side. Detective B.D. and Detective C.S. agreed they should take Decedent into custody. Detective C.S. started heading down the staircase towards Decedent. Detective C.S. heard bean bag rounds fired, Decedent started to run, and Detective C.S. chased him.

As Decedent ran, he reached into his bag. Decedent then tripped and fell. As Decedent fell, the contents of his bag spilled out, but Detective C.S. could not identify the items. Detective C.S. stopped pursuing Decedent as he did not want to abandon his team, especially given that another officer had just been shot. Detective C.S. turned to return to his team and heard gunfire.

Officer L.J. (LVMPD) – Courthouse Steps

On June 1, 2020, Officer L.J. was stationed on the staircase of the federal courthouse during the protests. Officer L.J. described that their main objective was to stop anyone

coming up the stairs in order to prevent vandalism to the building. Upon arrival, officers were briefed that there had been people attempting to get into the building earlier in the day.

Officer L.J. noticed a man, later identified as Decedent, walking along the bottom of the stairs with some kind of sling around his back. Decedent was instructed by other officers to stay off the stairs. Decedent's behavior was suspicious as he walked at an extremely slow pace.

Officer L.J. saw another officer deploy a bean bag towards Decedent. Decedent started running northbound and fell. Someone else started yelling, "He has a gun he has a gun", then Officer L.J. heard gunshots.

Inspector H.D. (DHS) – Courthouse Steps

On the evening of June 1, 2020, Inspector H.D. of the Department of Homeland Security was stationed on the staircase of the federal courthouse. As a federal officer, Inspector H.D. is tasked with protection of life and property at federal facilities.

Inspector H.D. was tasked with providing lethal coverage for LVMPD officers with low lethal weapons. Inspector H.D. stood at the top of the staircase directly behind a line of LVMPD officers. A dispersal order had been given to protesters and they were moving along southbound Las Vegas Boulevard. The LVMPD officers instructed people to move along and took people into custody who disobeyed the order.

Inspector H.D. noticed a man, later identified as Decedent, wearing some type of body armor with his hands cupped in the area of his belt. Decedent took short choppy steps at the bottom of the courthouse staircase. An LVMPD officer told Decedent to "move along" and Decedent did not comply. Decedent continued taking choppy steps, but he was not moving anywhere, and he appeared to be marching in place.

The LVMPD officer fired low lethal rounds and Decedent started running. Inspector H.D. noticed Decedent was carrying a rifle at his side. Inspector H.D. yelled out, "Gun, gun, gun, gun!" and pursued Decedent. Inspector H.D. ordered, "Stop stop!", but Decedent continued running. Inspector H.D. ordered Decedent to drop the weapon, took cover and prepared to fire his firearm when he heard gunshots and saw Decedent fall. Decedent's hand was still positioned near the pistol grip of his rifle.

Inspector H.D. described that he could not fire his weapon because there were people beyond Decedent in his line of fire.

Officer Interviews – Vehicles Heading Southbound on Las Vegas Boulevard

Leading up to the OIS, numerous officers were heading southbound on Las Vegas Boulevard in the area of the courthouse. The officers were heading to Circus Circus in response to an officer being shot approximately one (1) minute prior. The officers on

Las Vegas Boulevard observed or heard an exchange between Decedent and officers on the courthouse steps wherein Decedent ignored commands. The officers on Las Vegas Boulevard heard some type of shots were fired. Many officers were unclear as to whether the shots were low lethal rounds or gunfire. Further, many officers did not know who fired the shots. The officers on Las Vegas Boulevard saw Decedent flee northbound carrying a firearm.

Officer S.B. (LVMPD) – Southbound Las Vegas Boulevard

On June 1, 2020, during the protests, Officer S.B. was in a vehicle with other officers heading southbound on Las Vegas Boulevard in front of the federal courthouse. They had just received a report that an officer was shot and were headed to that location.

Officer S.B. heard what sounded like gunshots on his left and turned to see a man, later identified as Decedent, running with a long gun. Officers yelled commands at Decedent to “stop.” Officer S.B. started to deploy his own rifle, but by the time he had it up some other officers fired their guns first. Officer S.B. did not fire as by the time he was ready to fire Decedent was already falling to the ground.

Officer S.B. described that, considering the totality of circumstances, it seemed “criminal activity was afoot”. Specifically, Decedent ran with a firearm from an area with heavy police presence while officers yelled at him, Officer S.B. heard what sounded like gunfire, and they were in the midst of responding to an officer being shot a little further south on Las Vegas Boulevard.

Officer P.F. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, during the protests, Officer P.F. was assigned to the downtown Las Vegas area. Officer P.F. was directed to arrest protesters who were disobeying the dispersal order. Officer P.F. was in a vehicle with other officers when they saw a group of protesters out on the streets and planned to detain them. As they turned southbound on Las Vegas Boulevard in front of the federal courthouse, they heard radio traffic that an officer was shot in front of Circus Circus. In light of the shooting report, the officers exited the vehicle and started to gather their rifles and tactical gear to head to Circus Circus.

Officer P.F. heard shots fired from the area of the federal courthouse. A man, later identified as Decedent, carrying a rifle ran towards Officer P.F. and his group of officers. Decedent was trying to gain control of the rifle as he ran. Decedent gained control of his rifle, started lifting it up, and officers around Officer P.F. started firing at Decedent. Officer P.F. had deployed his own firearm and was preparing to take a shot, but he was unable to fire as there were officers in his line of fire.

Officer P.F. believed Decedent had just fired at officers and was fleeing the scene. Officer P.F. planned to shoot to prevent Decedent from firing upon more officers and engaging in a shootout.

Officer R.L. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, during the protests, Officer R.L. was in a vehicle with other officers in downtown Las Vegas when they heard screaming on the radio about an officer being shot in the area of Circus Circus. They began heading southbound on Las Vegas Boulevard in front of the federal courthouse.

As Officer R.L. heard radio traffic about the Circus Circus shooting, he heard gunshots and saw all the other cars around him stopping. Officer R.L. stopped his vehicle and saw officers with rifles exiting other vehicles around him. Officer R.L. saw a man, later identified as Decedent, in front of the staircase at the federal courthouse stumbling northbound. Officer R.L.'s attention was back and forth between southbound and Decedent, so he could not say whether or not Decedent was pointing his firearm at something or someone specific. However, Officer R.L. could tell that, as Decedent was stumbling, the muzzle of his firearm was coming up.

Officer R.L. started to exit his vehicle. By the time he got out officers on either side of him were firing their rifles. Decedent fell to the ground. Officer R.L. did not fire his gun as by the time he was out of the vehicle the threat was gone.

Officer G.S. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, during the protests, Officer G.S. was in a vehicle with other officers heading southbound on Las Vegas Boulevard in front of the federal courthouse. Officer G.S. and the officers with him had just heard an officer was shot at Circus Circus, retrieved their rifles, and were en route to Circus Circus.

Officer G.S. heard officers yelling and saw officers jumping out of vehicles. A man, later identified as Decedent, was running northbound on the east side of Las Vegas Boulevard carrying a long gun. Officer G.S. got out of the passenger side of the vehicle and went around to the front of the vehicle with his rifle. Several other officers were already out of their vehicles with weapons drawn.

Officers G.S. lost visual of Decedent as he went around his vehicle. Before Officer G.S. got around the car to the other officers, the other officers started firing. By the time Officer G.S. reached the other officers, Decedent was on the ground.

Officer M.M. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, during the protests, Officer M.M. was in a vehicle with other officers heading southbound on Las Vegas Boulevard in front of the federal courthouse. Protesters had been given dispersal orders. Officers' duties were to take protesters into custody who were not complying with the dispersal order. While this was going on, officers were informed that another officer had been shot in the head.

While driving in front of the courthouse, another officer in the vehicle directed Officer M.M.'s attention to a man, later identified as Decedent, walking toward the courthouse with an AR-15. Officer M.M. heard officers on the courthouse staircase giving Decedent commands, which he ignored. The officers on the staircase fired low lethal rounds at Decedent and he began running. Officer M.M. and others in his vehicle exited the vehicle to address Decedent. Officer M.M. heard gunfire and saw Decedent fall.

Officer M.M. described that in dealing with the protests he had dealt with well over 1000 people, all with different levels of compliance. Officer M.M. described that the situation with Decedent was different than the average protester because Decedent had a firearm, specifically an AR-15, and seemed to be "trying to push a confrontation" by ignoring commands. Moreover, approximately two (2) minutes prior, an officer had been shot in the head and officers had no information on the suspect or circumstances of that event, had no idea where the round came from or how many suspects were involved.

Officer N.S. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, Officer N.S. was in a vehicle with other officers heading southbound on Las Vegas Boulevard in front of the federal courthouse. A report came over the radio that an officer had been shot.

Officer N.S. looked to his left and saw a man, later identified as Decedent, carrying a rifle in front of the courthouse. Officer N.S. got out of his vehicle to monitor the situation. Decedent walked very slowly. Officers on the courthouse stairs were addressing Decedent as he continued to take very slow steps forward. Officer N.S. could not hear the exact commands, but he could tell Decedent was not listening and it seemed Decedent was "baiting [the officers] into something."

Officer N.S. heard someone open fire and saw Decedent start spinning or zig zagging. Officer N.S. and the other officers drew their firearms and started moving. Officer N.S. heard shots and saw Decedent fall. Officer N.S. took cover while other officers approached Decedent.

Officer E.C. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, Officer E.C. was in a vehicle with other officers heading southbound on Las Vegas Boulevard in front of the courthouse. Officer E.C. and his team had been conducting roving patrols to detain protesters causing a disturbance. As they were in the area of the federal buildings, officers heard a report that an officer was shot in the head at Circus Circus.

Officer E.C. heard officers at the courthouse giving commands. Officer E.C. turned and saw a man, later identified as Decedent, carrying a rifle and a handgun. Decedent started taking short "baby steps" so slowly that he was barely covering any ground. Decedent seemed to be trying to "goad" officers. Officer E.C. and the others in his vehicle were therefore concerned by Decedent and exited their vehicle.

The officers at the courthouse gave some more forceful commands, then fired low lethal rounds at Decedent. Decedent started spinning and back pedaling northbound. An officer at the courthouse fired additional low lethal rounds as Decedent fled.

Officer E.C. started to move towards the suspect but stopped as he had no cover and would have been in the line of fire from other officers. As Officer E.C. turned, he heard officers issue additional commands. Officer E.C. saw gunshots fired at Decedent and Decedent fell to the ground. Officer E.C. and his team were receiving information that another shooter may be involved so they took cover and started looking for secondary threats. Other officers rendered medical aid to Decedent.

Officer M.L. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, Officer M.L. was in a vehicle with other officers heading southbound on Las Vegas Boulevard in front of the federal courthouse. Officer N.S., who was in the same vehicle, pointed out a man, later identified as Decedent, carrying a rifle. Officer M.L. and others exited the vehicle to keep an eye on Decedent. As traffic started to move, they got back into the vehicle, but continued to watch Decedent.

Officer M.L. saw Decedent with his hand on the grip of his firearm. Officers on the courthouse steps ordered Decedent to “take your hand off [the gun]”, then started firing low lethal rounds. Decedent ran northbound with his hand still on the firearm and Officer M.L. once again exited the vehicle. Officer M.L. heard gunshots fired but was unsure of where they came from and could not see Decedent at the time. Officer M.L. took cover behind a patrol vehicle. When he emerged, Officer M.L. saw Decedent on the ground.

Officer A.C. (LVMPD) – Southbound on Las Vegas Boulevard

On the evening of June 1, 2020, Officer A.C. was assigned to assist with the protests in downtown Las Vegas. Officer A.C. had just finished attending to an altercation between a large group of protesters and some NLVPD officers when he heard over the radio that an officer was shot at Circus Circus. Officer A.C. and the other officers around got into patrol vehicles and started heading to Circus Circus with lights and sirens.

Officer A.C. headed southbound on Las Vegas Boulevard, which took him past the federal courthouse. As he was driving, Officer A.C.'s attention was drawn to the courthouse where he saw officers yelling with their firearms drawn. Officer A.C. saw a man, later identified as Decedent, running with a rifle outside the courthouse. Officer A.C. looked forward at the road, then heard gunshots. Officer A.C. turned back left and saw Decedent fall to the ground.

Officer D.M. (LVMPD) – Courthouse Roof

On the evening of June 1, 2020, Officer D.M. was stationed on the roof of the federal courthouse operating a drone. Officer D.M. was tasked with flying a drone up and down Las Vegas Boulevard to provide live feed to a command post.

At some point in the evening, a large group of protesters began making their way southbound on Las Vegas Boulevard from Fremont Street towards the federal courthouse. There were also officers driving southbound in marked patrol cars on Las Vegas Boulevard. Officers got out of their vehicles and people began running around the Foley building, which is across the street from the federal courthouse.

Officer D.M. noticed one man, later identified as Decedent, walking alone southbound on the east side of Las Vegas Boulevard. Officer D.M. saw an officer on the courthouse steps fire bean bags at Decedent. Decedent started running then went behind a tree. Officer D.M. heard gunfire from some of the officers headed southbound on Las Vegas Boulevard and saw Decedent drop.

The drone was pointed in a direction that did not capture the shooting and/or circumstances leading up to the shooting. See the below section on video surveillance for more information on drone footage.

Officer S.O. (LVMPD) – Courthouse Roof

On the evening of June 1, 2020, Officer S.O. was stationed on the roof of the federal courthouse operating a drone. Officers S.O. and D.M. were operating the same drone. At one point, they received word that an officer was shot in the head. The officers were stunned and let the drone hover.

Officer S.O. looked down and saw a caravan of patrol vehicles stop as they headed southbound on Las Vegas Boulevard. Officer S.O. saw a man, later identified as Decedent, running on the sidewalk and heard officers giving Decedent commands. Officer S.O. heard bean bag shots, then gunshots, then saw Decedent run a little farther and fall to the ground. A tree obscured Officer S.O.'s view of Decedent for part of the incident.

The drone was pointed in a direction that did not capture the shooting and/or circumstances leading up to the shooting. See the below section on video surveillance for more information on drone footage.

INVESTIGATION – VIDEO SURVEILLANCE¹⁵

Video surveillance was recovered depicting the events leading up to the shooting, the Fremont Street protest, and Decedent on the Las Vegas Strip a few nights prior. The below summaries are based on review of the footage. Decedent is not readily identifiable in all videos, but in those videos where he is not readily identifiable his identity was determined based on the totality of evidence, including the events depicted on the video, witness statements, and comparison with other videos. The below summaries attempt to provide all relevant information from the videos, but do not include every detail of each video.

Lloyd D. George Federal Courthouse

Video surveillance was recovered from four (4) cameras at the federal courthouse, each providing a slightly different view. Two (2) of the cameras captured Decedent approaching and/or in front of the courthouse staircase. The view of each camera is discussed further below. The videos do not have embedded time stamps, but the file names include the start time of the video.

“Courthouse North” camera

The “Courthouse North” camera is positioned on the northwest corner of the courthouse and faces northwest looking towards the intersection of Las Vegas Boulevard and Bridger Avenue from an elevated position. When the video starts, the camera is focused north of Decedent’s position, at the intersection of Las Vegas Boulevard and Bridger Avenue. After the officer involved shooting, the camera shifts slightly southeast to capture a group of officers surrounding Decedent on the ground on the sidewalk on the east side of Las Vegas Boulevard.

¹⁵ On February 19, 2021, Rodolfo Gonzalez, one of the lawyers retained by the Gomez family, held a press conference. At the conclusion of the press conference, in response to a question posed by a reporter, Mr. Gonzalez claimed his law firm was in possession of five videos which captured the “exact moment” Jorge Gomez was shot.

On February 25, 2021, District Attorney Steven B. Wolfson sent a letter to Mr. Rodolfo Gonzalez requesting copies of these videos.

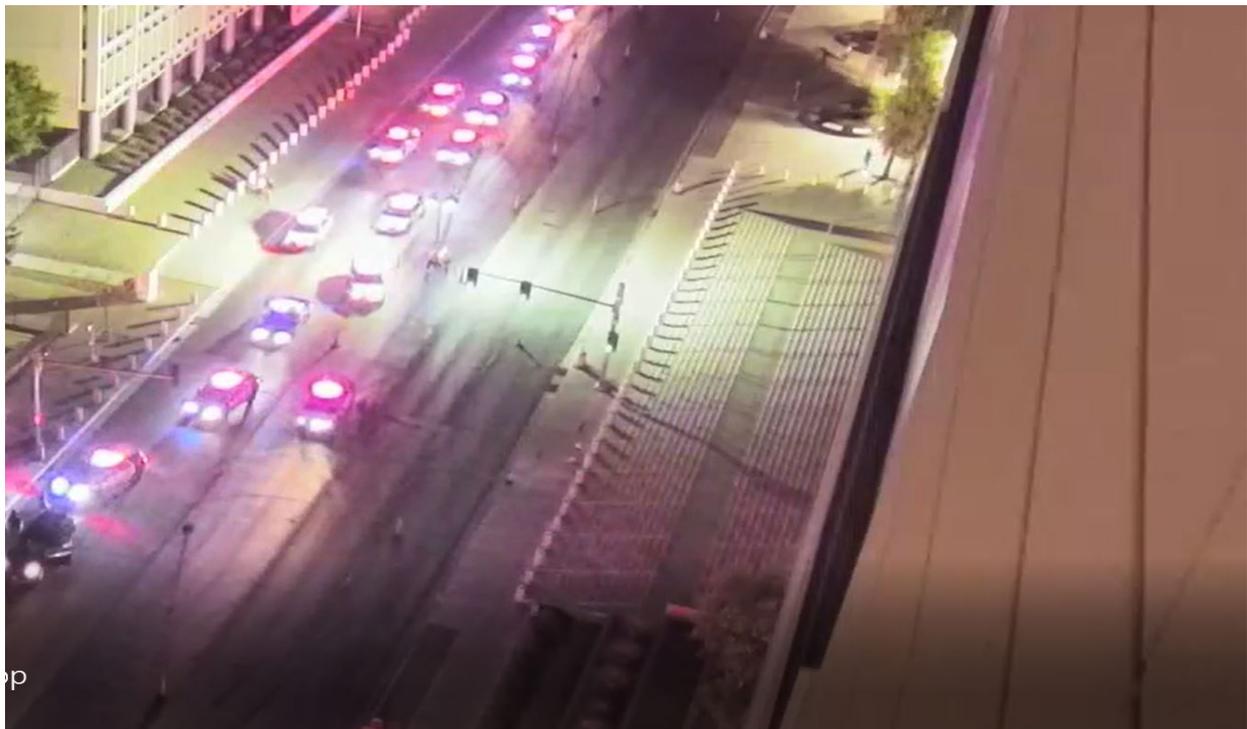
On March 02, 2021, Mr. Gonzalez sent an email to the District Attorney’s Office, and he admitted that the five videos he referenced in the press conference were from the “Foley Federal Building.” These videos were provided by the Las Vegas Metropolitan Police Department early on in the investigation of this matter, and - - contrary to the representations made by Rodolfo Gonzalez - - none of those five videos depict the “exact moment” Jorge Gomez was shot.



Courthouse North - Final Camera Position

“Courthouse South” Camera

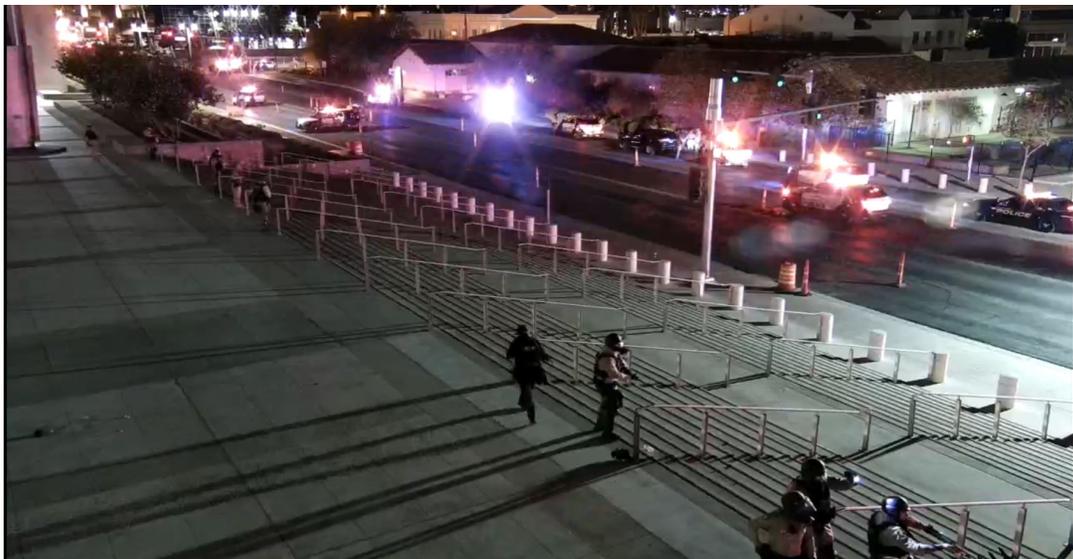
The “Courthouse South” camera is positioned on the southwest corner of the courthouse, seemingly on the roof, providing a greatly elevated view, facing north covering the courthouse steps.



Courthouse South

“Crimetower 10 Cam 1” Camera

The “Crimetower 10 Cam 1” camera is positioned on the northwest corner of the courthouse, just above the courthouse steps. The video begins with the camera pointed south, towards the intersection of Las Vegas Boulevard and Clark Avenue. During this portion of the video, the view captures the southern portion of the courthouse staircase. Later in the video, after the officer involved shooting, the camera pans to point north, slightly west, toward the intersection of Las Vegas Boulevard and Bridger Avenue. During this portion of the video, the view looks over the sidewalk on the east side of Las Vegas Boulevard, but much of the view of the sidewalk is obstructed by trees. The courthouse staircase is not in view when the camera faces north.



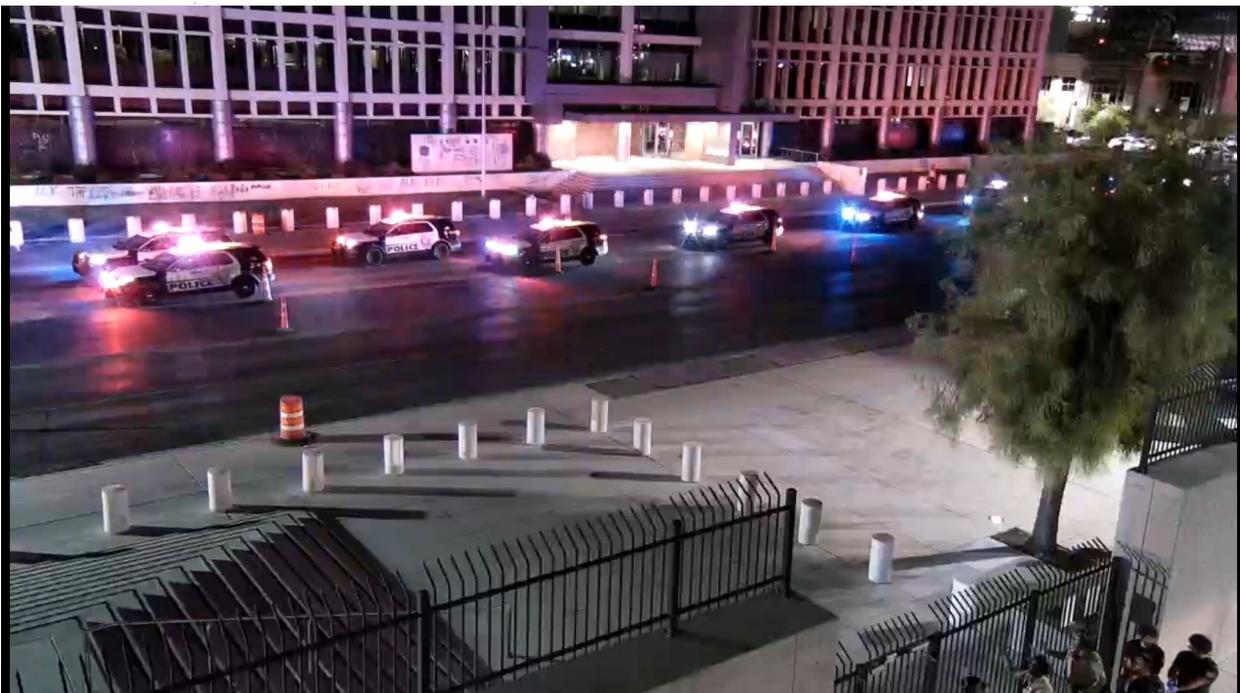
Crimetower 10 Cam 1 - Starting Position



Crimetower 10 Cam 1 - Final Position

“Crimetower 10 Cam 2” Camera

The “Crimetower 10 Cam 2” camera is positioned on the northwest corner of the courthouse, just above the courthouse steps. The view points west and slightly north for the duration of the video, capturing the northern corner of the courthouse staircase and Las Vegas Boulevard. The view of the sidewalk on the east side of Las Vegas Boulevard just north of the staircase is mostly obstructed by trees.



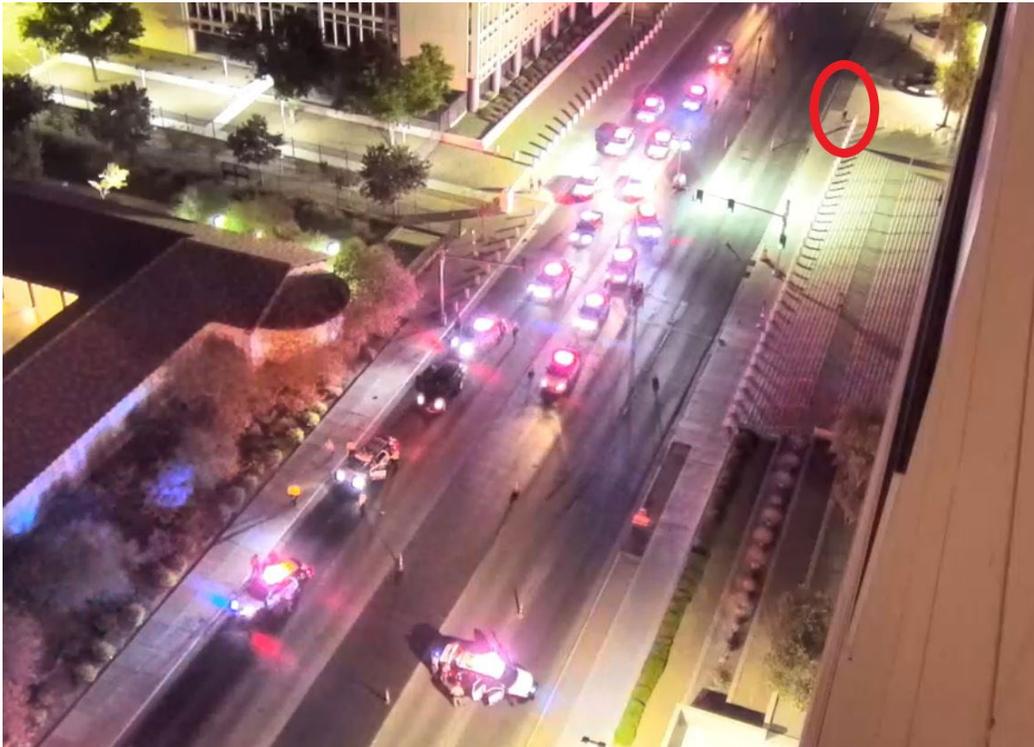
Crimetower 10 Cam 2

Footage

Collectively, the video surveillance at the courthouse depicts the following:

At approximately 11:18 p.m.,¹⁶ law enforcement vehicles with lights activated are headed southbound on Las Vegas Boulevard. Citizens are walking northbound on the sidewalk on the east side of Las Vegas Boulevard and southbound on the sidewalk on the west side of Las Vegas Boulevard. There is a disturbance between officers and citizens on the east side of the street, just south of the courthouse staircase. Additional patrol cars then head south on Las Vegas Boulevard as citizens run south on the sidewalk on the west side of Las Vegas Boulevard. Several citizens run west down a pathway just south of the Foley Federal Building and officers follow. This pathway is directly across from the center of the staircase at the federal courthouse. There is still an interaction between officers and citizens occurring on the east side of the street just south of the staircase.

At approximately 11:19 p.m., more patrol cars with lights activated are heading southbound on Las Vegas Boulevard. A few patrol cars pull over to the west, officers exit and engage in a foot pursuit with some citizens, zig zagging across Las Vegas Boulevard. Continuous activity is occurring throughout the duration of the video. Beginning at approximately 11:20 p.m., an increased number of patrol cars are moving southbound on Las Vegas Boulevard.



Courthouse South Camera

¹⁶ Approximate times are calculated from the start time of the video as noted in the file names.

At 11:20 p.m., patrol cars with lights activated are lined up end to end headed southbound on Las Vegas Boulevard. Decedent is depicted on the sidewalk on the east side of Las Vegas Boulevard. Decedent appears to have been walking southbound as far east as possible on the sidewalk, up against the wall separating the sidewalk from the federal property. As Decedent approaches the courthouse, he walks westbound along a row of pylons at the bottom of the staircase. At the corner of the pylons, marking the corner of the staircase, Decedent turns left and walks southbound along the outside of the pylons. Decedent has a bag hanging around his waist area.



Crimetower 10 - Cam 2

As Decedent is walking southbound in front of the staircase, he stops entirely and does not move for fourteen (14) seconds. Decedent looks up towards the staircase, then starts taking very small, slow steps. Up until this point, the best view of the interaction is from Crimetower 10 Cam 2, as depicted in the still photos above. However, as Decedent takes the very small slow steps, he steps out of the view of Crimetower 10 Cam 2.

The courthouse South camera provides a view that shows Decedent after he walks out of the view of Crimetower 10 Cam 2. However, the courthouse South camera is mounted very high on the courthouse and further south (see below). A zoomed in version, focusing on Decedent, was provided; however, the quality significantly diminishes with the zoom. The courthouse South camera shows that, as Decedent is taking his very small slow steps, officers start to descend the staircase. Decedent turns and starts to head northbound.



Courthouse South Camera – Zoom

At 11:21 p.m., Decedent comes running northbound back into view of Crimetower 10 Cam 2 (see below left). Decedent's left arm is swinging back and forth in a normal running fashion, but Decedent's right arm is holding something, causing it to remain relatively still as he runs. Decedent falls just north of the courthouse staircase, dropping his bag. Several LVMPD vehicles are stopped on Las Vegas Boulevard pointed southbound just northwest of Decedent. Decedent gets up and continues running northbound, behind some trees, then off camera. Officers from the area of the courthouse steps begin to pursue Decedent but stop and remain on the staircase. Moments later, several officers from the staircase advance north with their guns drawn and pointed north. The Courthouse South camera captures Decedent as he moves further north after he gets up, but due to the distance, shadows, and the quality, the video provides little additional information (see below right). Decedent runs further north than falls to the ground behind a tree.



Crimetower 10 - Cam 2



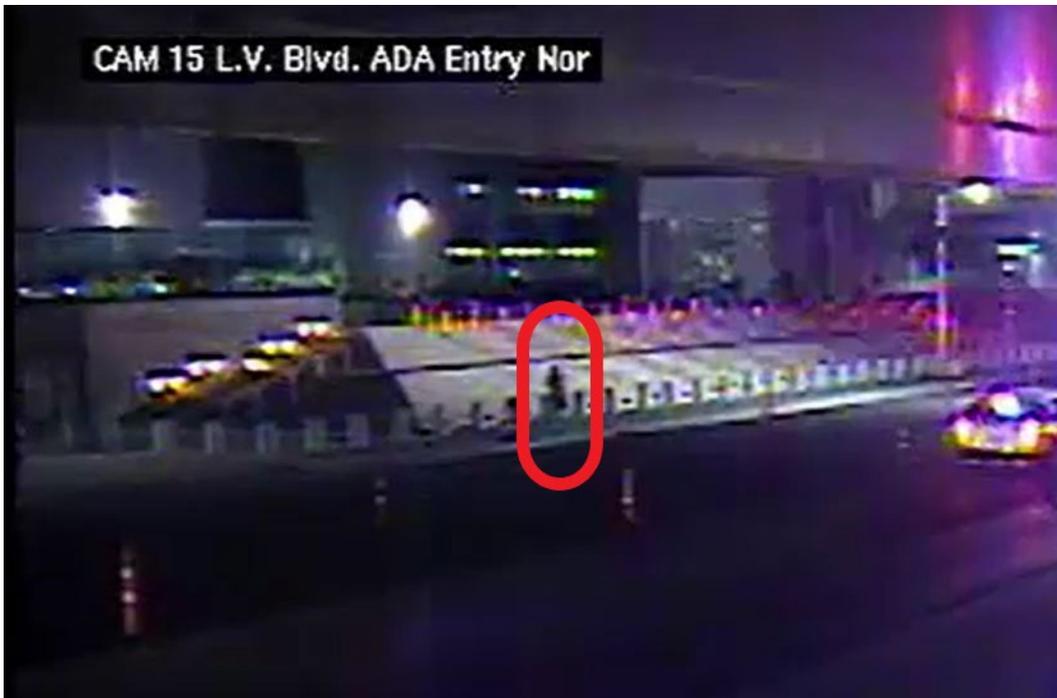
Courthouse South Camera - Zoom

Foley Federal Building

The Foley Building is located across the street from the courthouse and slightly north. The video from the Foley Building includes a timestamp that starts at 23:00 (11:00 p.m.). The camera points southeast capturing the courthouse staircase and Las Vegas Boulevard. The video is of lesser quality than the courthouse video.

Throughout the first twenty (20) minutes of the video, groups of citizens are walking southbound on Las Vegas Boulevard on both sides of the street. At 23:20:44, law enforcement vehicles with lights activated head southbound on Las Vegas Boulevard, then stop in the street just south of the courthouse. At 23:21:17, citizens in front of the Foley Building begin running southbound on Las Vegas Boulevard. Several of the citizens turn right and head westbound down a pathway just south of the Foley Building. Some officers pull over and attempt to pursue the citizens on foot. Additional law enforcement vehicles with lights activated continue southbound on Las Vegas Boulevard. By 23:23:32, both southbound lanes are almost entirely occupied by law enforcement vehicles with lights activated.

At 23:23:51, Decedent is walking along the outside of the pylons at the bottom of the staircase in front of the courthouse. At 23:24:00, Decedent stops walking. Decedent eventually starts slowly stepping forward once again. At 23:24:35, officers start heading down the stairs approaching Decedent. Decedent turns, starts running northbound, then falls just north of the staircase. The location where Decedent falls is on the very edge of the frame; thus, the video does not depict what happens or where he goes after he falls. At 23:28:27, the camera shifts north, to face almost directly east, and captures numerous law enforcement vehicles with lights activated in the southbound lanes of Las Vegas Boulevard. It appears Decedent is lying on the sidewalk on the east side of Las Vegas Boulevard with emergency personnel surrounding him.



Foley Building Video - Starting Position

The D

Video was recovered from The D Hotel and Casino, which is located at 301 Fremont Street, about two (2) blocks north and one (1) block west of the courthouse. Due to the distance, the video does not depict individuals' smaller movements. Using a zoom tool compromises the quality of the video, individuals are pixelated, and specific movements are indiscernible.

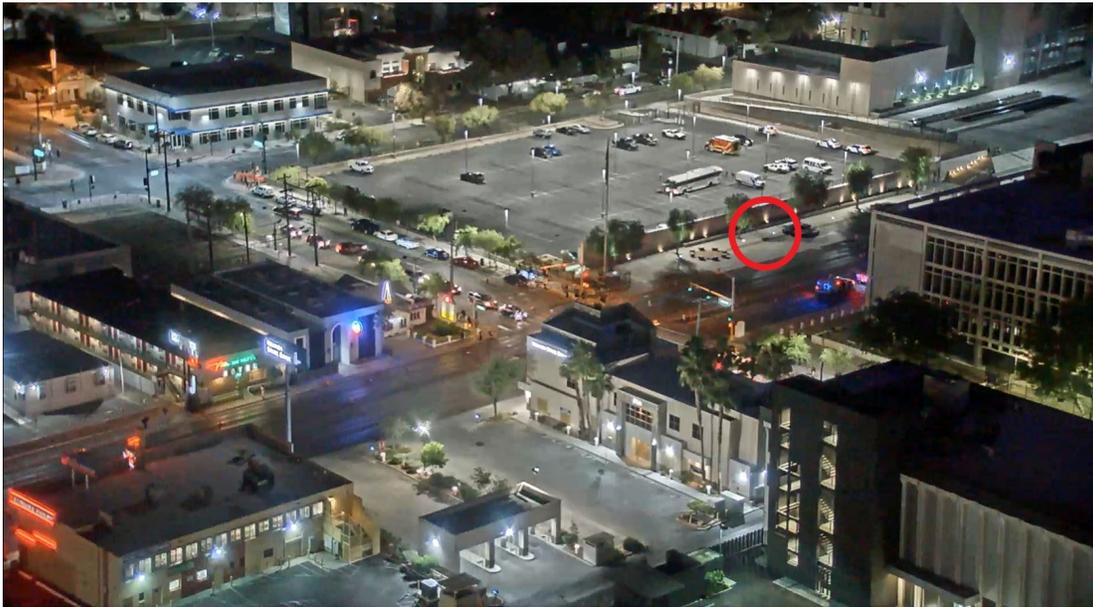
The camera points in a southeast direction, toward the intersection of Las Vegas Boulevard and Bridger Avenue. The view of Las Vegas Boulevard south of the intersection is partially obstructed by the Foley Building on the west side of the street. The camera shows a portion of the staircase at the federal courthouse, but the Foley Building blocks the view of the area in front of the northern corner of the staircase where Decedent engaged with officers. The Foley Building also blocks the portion of the sidewalk just north of the staircase where Decedent was running after he fell. There is no embedded time stamp on the video; however, the file name includes the start time which is 11:19:59 p.m.

The video shows law enforcement vehicles with lights flashing traveling south on Las Vegas Boulevard in the southbound lanes through Bridger Avenue. A group of people could be seen at the southeast corner of Bridger Avenue and Las Vegas Boulevard, just north of the courthouse. Officers are walking around at the top of the staircase in front of the courthouse.

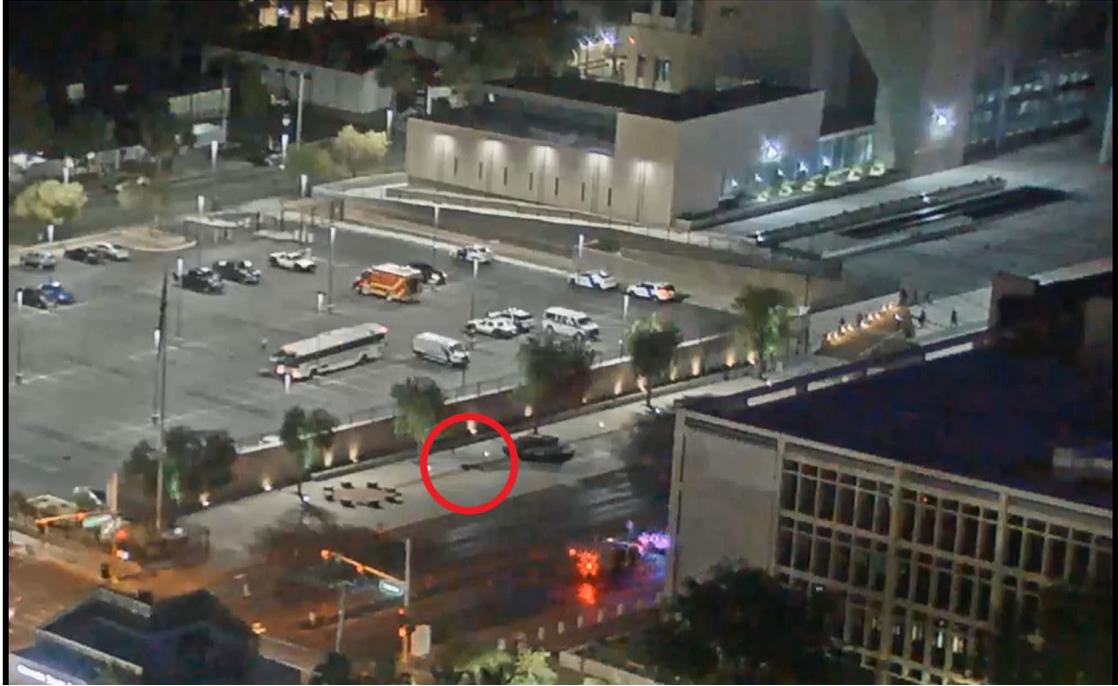
Decedent is walking southbound on the sidewalk on the east side of Las Vegas Boulevard about halfway between Bridger Avenue and the courthouse. Initially,

Decedent is in the center of the sidewalk, but as he approaches the courthouse he moves to the far east side of the sidewalk, up against the wall separating the sidewalk from a parking area and behind some trees. When Decedent reaches the pylons in front of the courthouse staircase, he stops for several seconds. A light coming from the top of the staircase illuminates Decedent. Decedent starts walking westbound outside the pylons at the bottom of the northern portion of the staircase. Several officers gather at the top of the staircase on the northern corner. Decedent then walks out of view before he turns southbound on Las Vegas Boulevard. Shortly thereafter, lights coming from the officers' position point down towards the bottom of the staircase. Approximately eighteen (18) seconds later, several officers start descending the staircase.

At 11:21 p.m., one (1) minute and five (5) seconds after Decedent walked out of view, Decedent emerges from behind the Foley Building and is running northbound on Las Vegas Boulevard. Decedent then falls to the ground. A group of citizens who had been gathered at the southeast corner of Las Vegas Boulevard and Bridger Avenue run off to the north and northeast.



The D Hotel and Casino Video



The D Hotel and Casino Video – Zoom

Drone

Officers D.M. and S.O. were stationed on the roof of the federal courthouse operating a drone.¹⁷ The officers were tasked with flying a drone up and down Las Vegas Boulevard to provide live feed to a command post. The drone footage does not have a time stamp; however, reference to other videos provides context for the timeline of the Drone video. The video provides views over various locations of downtown Las Vegas on the night of the shooting, showing large groups of citizens walking and/or running throughout downtown as officers attempt to effectuate dispersal. The crowds are headed in the general direction of south from Fremont Street.



Drone Video

Shortly before the shooting, the drone footage captures groups of citizens running from officers in the areas of: the intersection of Las Vegas Boulevard and Bridger Avenue; on the west side of Las Vegas Boulevard just south of the Foley Building; and in the middle of Las Vegas Boulevard in front of the southern portion of the federal courthouse. The video depicts extensive graffiti along a planter outside the Foley Building running the length of the building. The drone footage does not capture the shooting, Decedent's actions, or officers' actions leading up to the shooting. At the time of the shooting, the drone was facing a different direction. Immediately after the shooting, the operator shifted the drone over Decedent lying on the sidewalk and captured officers rendering medical aid. See Officers D.M. and S.O. interviews for additional information.

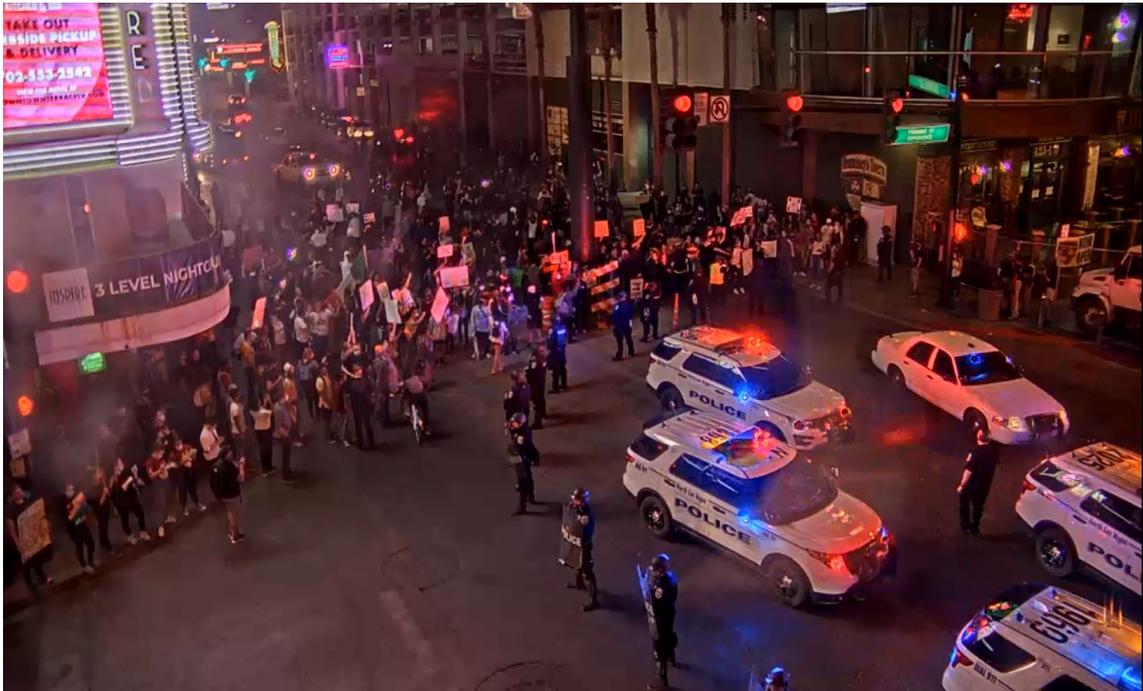
¹⁷ The officers were working together to operate one (1) drone.



Drone Video

Fremont Street and Las Vegas Boulevard Intersection

Video depicting the protest was recovered from a camera located at the northeast corner of the intersection of Las Vegas Boulevard and Fremont Street. The video does not have an embedded time stamp, but the file name includes the time the video starts, which is 10:49:53 p.m. The camera was controlled by an operator who periodically moved the camera to focus on different areas of the intersection. The video provides little information beyond that depicted in the BWC videos. The video does not capture Decedent behind the power box, in the alley, or his interaction with police during that time, as the camera is focused on other areas of the intersection.



Fremont and Las Vegas Blvd Overhead Camera Video

Social Media Videos

Several videos depicting Decedent on the night of the shooting were recovered from social media.

Fremont Street Video 1



A short video of Decedent on Fremont Street, titled “IMG_7082”, was recorded by an unknown person. The video was only two seconds in duration and appeared to be taken using a cell phone camera. The video shows Decedent standing with a black face mask pulled down and on his neck. He wore a black short sleeved shirt, black tactical style vest, blue jeans, had a rifle slung over his right shoulder, a handgun in a holster on his right hip, and a black satchel or bag slung across his waist and draped over his left leg. Decedent held a large white paper sign that read, “TRUMP 4 JAIL 2A 4 CHANGE.”

The camera view zoomed in on Decedent’s waist to show the rifle and handgun before ending.

Fremont Street Video 2

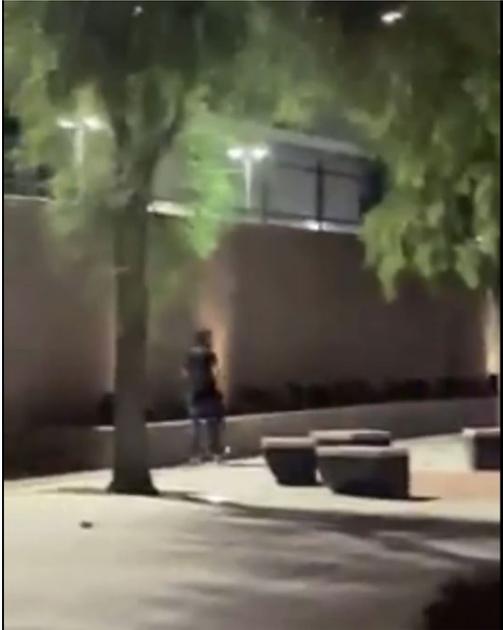


A short video of Decedent on Fremont Street, titled “IMG_7083”, was recorded by an unknown person. The video was 10 seconds in duration and appeared to be taken using a cell phone camera. The video showed Decedent wearing a black short sleeved shirt, a black tactical armor vest, blue jeans, white shoes, with a rifle with a sling over his right shoulder and a handgun in a holster on his right hip.

The camera view zoomed in to show the rifle worn on Decedent’s shoulder, which extended down the right side of his body, as well as the holstered handgun on his right hip. A black bag was visibly draped across the front of Decedent’s body as well. The camera also captured an image of Decedent’s

face from the right side of his body.

North Courthouse Phone Recording



A video labeled “North Courthouse Phone Recording” was 13 seconds in duration and showed five unidentified juveniles at the north end of the Las Vegas Boulevard east sidewalk. The camera view pointed toward the east at Decedent, who walked along the east wall of the Las Vegas Boulevard sidewalk. The wall which Decedent walked along separated the sidewalk from the secure parking lot of the courthouse.

Decedent could be seen in a black shirt, blue jeans, white shoes, and what appeared to be a rifle over his right shoulder. As Decedent walked south, one of the juveniles in front of the camera lifted his phone and recorded or took a photograph of Decedent.

A person in the background could be heard saying, “Woah, woah, woah. You see that shit right there?” One of the juveniles in the group stated, “He’s got a big ass machine gun.”

Decedent continued to walk south along the wall when the video ended.

Reno Gazette-Journal



A screen capture was done from an article by Ed Komenda with the Reno Gazette-Journal. The headline read, “LIVE: 2 shootings reported in Las Vegas after protests: Victims are a police officer, man.” The video file was titled “RGJ skateboarder”.

There was an embedded video in the article that had individuals riding skateboards north on the east sidewalk of Las Vegas Boulevard, just north of the courthouse. The skateboarders are next to circular benches which line the sidewalk. A title across the bottom of the video read, “Bro they killed him...”

The camera view zooms south toward the stairs of the courthouse as “popping” noises are heard. The camera view continues to zoom toward the stairs of the

courthouse and the video became very pixelated. There appears to be individuals running down (going north) the stairs of the courthouse. Another individual runs north along the sidewalk away from the stairs and toward the person taking the video. A person near the camera is yelling, "Oh, he has a gun!" as the camera faced toward the ground and the videographer ran. The video continues recording as the videographer runs. The image is a blur, but several gunshots are heard. Other individuals in the video could be seen running and somebody says, "They killed that dude," and another exclaimed, "They killed that nigga!"

The entire video was 26 seconds in duration. Decedent is not depicted in the video.

After OIS



A video titled "After OIS" was taken after Decedent was shot. The video was filmed by an unknown person and appeared to have been recorded using a cell phone camera. The camera view was pointed across Las Vegas Boulevard, from in front of the Foley Building. The videographer panned the camera to his right in a southeast direction and Decedent was observed lying face down on the east sidewalk just north of the courthouse. The videographer speaks in a foreign language.

The camera view stays positioned on Decedent. Officers approach Decedent from the south. Other bystanders approach the area near the videographer and step in front of him. The bystanders say, "They shot that dude, bro. They just shot him. He's laying on the fucking ground, bro." A marked LVMPD vehicle with emergency equipment activated pulls in front of the

videographer and blocks Decedent from camera view.

The video was 27 seconds in duration.

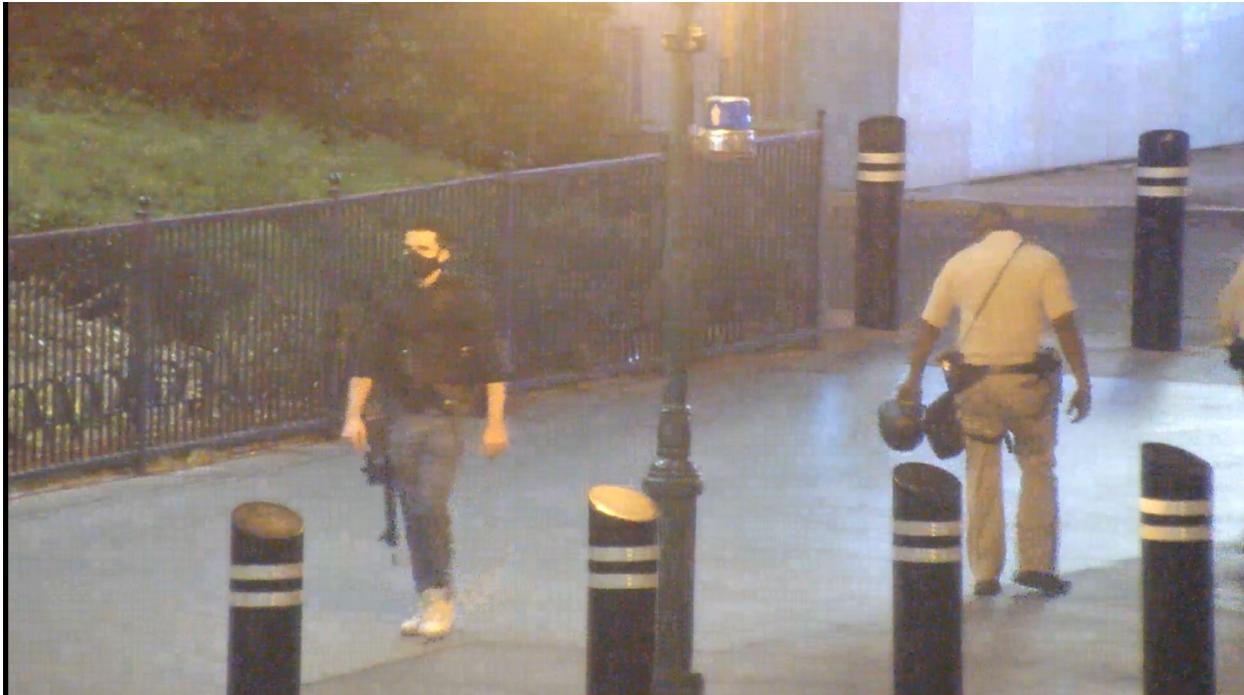
Planet Hollywood and Bellagio – 5/29/20

Multiple cameras on the Las Vegas Strip captured Decedent on May 29, 2020, around 10:30 p.m. The videos do not have an embedded time stamp, but the file names include the starting time of the video. Collectively, the videos depict the following:

At approximately 10:32 p.m., Decedent is walking northbound on the east sidewalk of Las Vegas Boulevard in front of Planet Hollywood Hotel and Casino. Decedent is carrying a rifle hanging down at his right side and a black backpack or messenger bag on his back. Decedent is wearing a black long sleeve shirt, black mask, and jeans.

There are very few pedestrians in the area. LVMPD patrol vehicles with lights activated are in the street.

At 10:34 p.m., Decedent is continuing north and walks past a group of four (4) pedestrians. The pedestrians take notice of Decedent and watch him as he passes them. A few seconds later, Decedent passes a group of LVMPD officers who also take notice of Decedent and turn to watch where he heads after he passes. The video ends as Decedent is continuing northbound in front of the Paris Hotel and Casino.



INVESTIGATION – LVMPD BODY WORN CAMERA

LVMPD detectives gathered relevant video from officers' body worn cameras (hereinafter "BWC") at both the Las Vegas Boulevard and Fremont Street protest and the courthouse around the time of the shooting.

Notably, not every officer on scene had a BWC. Pursuant to LVMPD policy, BWCs are provided to regularly uniformed LVMPD officers. During periods of civil unrest, such as the protests on June 1, 2020, officers who do not usually work in a uniformed capacity are assigned to assist with crowd control and/or safety actions. Here, most of the officer witnesses on the courthouse steps were robbery detectives and therefore do not have BWCs. Similarly, the officers driving on Las Vegas Boulevard, including the shooting officers, were assigned to the Organizational Development Bureau, a specialty unit which does not have BWCs.

Moreover, even amongst the officers with BWCs, not every officer had the camera activated.¹⁸ Several circumstances led to officers not activating BWCs. First, LVMPD police specifically excludes large scale events, such as New Year's Eve and sporting events, from situations where activation is necessary unless a situation arises that requires activation. The BWC system is not equipped to store the quantity of video that would result if officers activated their BWCs for the duration of a large event. Second, BWCs have a battery life expectancy of approximately twelve (12) hours. Many of the officers assigned to the protests had come directly from working their regular ten (10) hour day shift. Thus, many cameras had no battery life, and some were turned on and off at various points in attempt to preserve battery life.

BWCs include time stamps in Zulu Time, also known as Greenwich Mean Time. As of June 1, 2020, Zulu Time was seven (7) hours ahead of the time in Las Vegas. BWCs also sometimes have a "time drift" where the internal clock drifts from actual time based on when the cameras are synced and when the camera is docked. As such, each BWC may display a different time.

The first thirty (30) seconds of all BWC videos is video recording only, no audio recording. Audio recording begins thirty (30) seconds into each video.

The gathered BWC videos are summarized below. The below summaries attempt to describe all relevant information, but do not include every detail of each video.

Officer L.J. – Courthouse Steps

Officer L.J. was assigned to the staircase of the federal courthouse at the time of the shooting. Officer L.J. activated his body camera at time stamp 06:21:43 and captured his view from the courthouse steps facing northbound. The video captures multiple uniformed police officers on the staircase in front of Officer L.J. facing northbound. At least two (2) officers are pointing firearms northbound. Several officers, including Officer L.J., start to advance northbound. Officer L.J. stops on the staircase, turns back, and returns to the top of the staircase.

Another officer on the staircase instructs everyone present to stay in their positions. Officer L.J. remains at the top of the staircase behind several other officers. Police vehicles with lights and sirens arrive in the area. The officers discuss an "officer down" in the area of Las Vegas Boulevard and Sahara. Decedent is not depicted in the video.

¹⁸ While BWCs are worn at all times, they must be activated by the officer to begin recording.



Officer L.J. BWC

Officer G.C. – Fremont Street and Las Vegas Boulevard

Officer G.C. was assigned to the intersection of Las Vegas Boulevard and Fremont Street prior to the shooting. Officer G.C. activated his body camera at time stamp 06:00:47 and captured his view walking southbound on Las Vegas Boulevard approaching the skirmish line at the Fremont Street intersection. Officer G.C. joins the skirmish line with numerous other officers on the far west side of the road, just north of, and a few feet away from, a large power box. A lone protester, wearing a white t-shirt and blue jean shorts, is standing just to the left (east) of the power box. The rest of protesters are at a distance from the skirmish line, further south on Las Vegas Boulevard. The recording captures conversation about SWAT arriving shortly.

Another officer pointed out the power box to Officer G.C. and says there is a person, later identified as Decedent, with a gun behind the power box. Officer G.C. relayed the information to other officers with him, referring to the gun as a “413” (LVMPD code for person with a gun). Decedent peeks out from behind the box then steps out and shuffles backwards southbound. Officers shine their flashlights on Decedent, and he turns to face them before taking a few more steps backwards and ducking into an alley. While Decedent is turned facing officers and as he is stepping towards the alley, the lone protester is partially blocking Decedent from camera view.

When Decedent is in the alley, officers are yelling, “Drop your gun!” Decedent then steps out of the alley with his hands up and walks southbound to join the crowd of protesters. The officers discuss a plan to take Decedent into custody if the opportunity presented itself. Tear gas is deployed into the crowd of protesters and visual of the crowd was lost. A rock bounces on the ground a few feet in front of officers. Once the gas dissipates the crowd has dispersed.



Officer G.C. BWC

Officer J.V. – Fremont Street and Las Vegas Boulevard

Officer J.V. was assigned to the intersection of Las Vegas Boulevard and Fremont Street prior to the shooting. Officer J.V. activated his body camera at time stamp 06:01:51 and captured his view at the intersection facing south on Las Vegas Boulevard. Officer J.V. was standing in a skirmish line just north of a power box on the west side of Las Vegas Boulevard. A crowd of protesters is seen approximately one (1) block away further south on Las Vegas Boulevard. There is one (1) protester wearing a white t-shirt and blue jean shorts standing just east of the power box.

Before the audio recording starts, several officers are seen talking and pointing at the power box. A few officers step forward and try to peer around the power box. At least one (1) officer has his hand on his holstered firearm.

A man, later identified as Decedent, suddenly steps out from behind the power box and steps backwards towards the protesters as officers' lights illuminate him. While Decedent is illuminated, he stops his movement toward the protesters, turns to face the officers and brings his right hand toward his right hip. Decedent continued to face the officers as he slowly walks backward toward the protesters. Decedent then ducks into an alley.

The uniformed officers near Officer J.V. move in front of him and block the BWC view momentarily. Officers repeatedly yell, "Drop your gun!" Flashlights point towards the alley. Decedent exits the alley with his hands in the air, turns his back to the officers, and walks into the group of protesters.

Another officer approaches Officer J.V. and the other officers around him, and he advises of a plan to take Decedent into custody if an opportunity presents itself.

Moments later, tear gas is deployed, which obscures the officers' view of the protesters. By the time the gas dissipates, the protesters had scattered and left the immediate area.



Officer J.V. BWC

Officer K.B. – Fremont Street and Las Vegas Boulevard

Officer K.B. was assigned to various areas of downtown Las Vegas leading up to the shooting. Officer K.B. activated his BWC at time stamp 05:28:44 and captured himself and some other officers assisting a woman with a medical issue. A man, later identified as Decedent, walks past the officers at 05:28:55. The officers continue to attend to the woman. Decedent did not have contact with the officers. Officer K.B. deactivated the camera at 05:36:47 after the woman is transported by medical personnel.

Officer K.B. activated his camera once again at 06:03:07 in the area of Las Vegas Boulevard and Fremont Street. Officer K.B.'s gas mask could be seen in the camera view. A large group of protesters is approximately a block away from him, except for one (1) lone protester wearing a white t-shirt and blue jean shorts. The protester is just past a white power box which was located directly in front of Officer K.B. Other uniformed officers to the left of Officer K.B. shine their flashlights toward the power box. One officer is yelling, "413!" which is an LVMPD code for person with a gun. The cannister for Officer K.B.'s gas mask blocks any potential view of Decedent moving from behind the power box.

Tear gas is deployed toward the protesters and the view of them was lost. Officer K.B. moves forward and when the gas dissipates the crowd is no longer visible. Officer K.B. and the additional officers maintain their position in the street. The camera was deactivated at time stamp of 06:12:40.

Officer S.O. – Fremont Street and Las Vegas Boulevard

Officer S.O. was assigned to various areas of downtown Las Vegas leading up to the shooting. Officer S.O. activated his BWC at time stamp 05:28:29 and captured himself and some other officers assisting a woman with a medical issue. At time stamp 05:28:54, a person - - later identified as Decedent - - wearing white shoes, blue jeans, and a black bag near his thigh walks next to the officers. Decedent did not have contact with the officers. Officer S.O. deactivated the camera at 05:37:07 after the woman is transported by medical personnel.

Officer S.O. activated his BWC once again at 06:04:53 in the area of Las Vegas Boulevard and Fremont Street. A cannister from Officer S.O.'s gas mask blocks the view of the camera. Tear gas is in the air, and "pops" and explosions are heard as Officer S.O. tells another officer, "On the right, there's a guy with a 413. He has an AR, and he grabbed his gun. He went and grabbed it like this." The gas mask blocks any potential view of Decedent moving from behind the power box. The BWC continued to record with no public interaction captured. Officer S.O. deactivated the BWC at 06:12:39.

Officer J.L. – Fremont Street and Las Vegas Boulevard

Officer J.L. was assigned to the intersection of Las Vegas Boulevard and Fremont Street prior to the shooting. Officer J.L. activated his body camera at time stamp 06:03:38 and captured his view at the intersection facing south on Las Vegas Boulevard. Officer J.L. is standing just north of a power box on the west side of the street. The BWC view is partially obstructed by Officer J.L.'s gas mask.

Around 06:04:42, officers' flashlights are pointed in the direction of an alley on the west side of the street, just south of the power box. Another officer nearby is instructing the others to "keep an eye on him". Tear gas was deployed toward the protesters and the crowd was no longer visible through the smoke. Once the smoke had dissipated, the protesters had vacated the immediate area. Decedent is not depicted.

Officer J.J. – Fremont Street and Las Vegas Boulevard

Officer J.J. was assigned to the intersection of Las Vegas Boulevard and Fremont Street prior to the shooting. Officer J.J. activated his body camera at time stamp 06:02:57 and captured his view at the intersection facing south on Las Vegas Boulevard. The video shows a crowd of protesters is approximately one (1) block south, except for one (1) lone protester wearing a white t-shirt and blue jean shorts standing just next to a power box on the west side of Las Vegas Boulevard. Officer J.J. is positioned just northeast of the power box.

Before the audio recording begins, several officers are talking and looking or pointing at an alley just south of the power box on the west side of the street. At 06:03:15, a man,

later identified as Decedent, peeks out of the alley, then ducks back in. Officers' flashlights illuminate the alley. At 06:03:29, Decedent steps out of the alley and walks southbound towards the crowd of protesters. A tree, the lone protester, and part of Officer J.J.'s equipment partially blocks the BWC view of Decedent.

Officer J.J. asks another officer if the other officer sees "him." They discuss visual landmarks to try and point out Decedent. Officer J.J. gave verbal indication that he saw Decedent and informed the officers that Decedent was open carrying a gun on his right hip and an AR (rifle). Tear gas was deployed into the crowd of protesters, and Officer J.J. attempted to maintain visual of Decedent; however, by the time the smoke had dissipated, the group of protesters had left the area.

INVESTIGATION – NLVPD BODY WORN CAMERA

NLVPD officers were also working the protests in the area of Las Vegas Boulevard and Fremont Street the night of the OIS. A request for BWC video, specifically any footage which may have captured Decedent, was submitted to NLVPD by LVMPD. NLVPD provided BWC footage from two (2) sergeants. The NLVPD BWC is summarized below. The NLVPD BWC does not contain a date or time stamp. Times referenced below are the hours, minutes, and seconds into viewing the video that an action was recorded.

BWC 1

BWC 1 begins at an unknown location in downtown Las Vegas. BWC 1 sergeant eventually makes his way to the intersection of Fremont Street and Las Vegas Boulevard, arriving at 21:21. At 24:09 a group of protesters walk into the frame from the east. Some protesters are yelling, "Fuck you!" and "Fucking pigs!" at the officers in the area. The protesters gather in the southern portion of the intersection and, despite some protesters encouraging the participants to remain on the sidewalk, the protesters block all of Las Vegas Boulevard. Protesters are chanting, "No Justice, No Peace!"

At 34:08, the officers discuss a plan for SWAT arrival and to attempt to move the protesters from the area. The sergeant asks protesters to move to the sidewalk. The protesters ignore his request. At 35:51, a man - - later identified as Decedent - - comes into view holding a sign that says "TRUMP 4 JAIL 2A 4 CHANGE". Decedent is open carrying a handgun in a holster on his right hip and a long rifle in a sling hanging on his right side. Decedent is wearing blue jeans, a black t-shirt, a black mask hanging from his face, and some type of black tactical vest or body armor. Decedent also has a backpack or messenger bag hanging from his waist.



NLVPD BWC 1

Decedent steps in front of the rest of the protesters and stands within only a few feet of the sergeant, holding his sign above his head. At 36:02, Decedent asks the officers, “You don’t feel bad about what you do?” At 36:46, Decedent steps a few feet to his (Decedent’s) left. An officer instructs him to “Step back.” Decedent leans forward and says, “Fuck you!” The officer once again tells Decedent to, “Step back,” and he once again leans forward and says, “Fuck you!” even louder. The officers do not respond, and Decedent does not step back.

Shortly thereafter, Decedent steps further to his (Decedent’s) left down the skirmish line in front of another group of officers. The BWC 1 sergeant discusses with an officer nearby that Decedent is looking for a confrontation.

Beginning at 38:51, some protesters can be heard yelling at others, “Do not throw shit!” multiple times. At 39:40 a protester is yelling at the officer that, “Y’all are cowards!” At 40:46, an officer makes an announcement over a public address system. The first part of the announcement is difficult to hear on the BWC video, but he says something about the protest and instructs the protesters to move down Las Vegas Boulevard. At 41:03, BWC 1 sergeant encourages the protesters to move on to the sidewalks and explains that they will be subject to arrest if they continue to occupy the street. BWC 1 sergeant explains that they (the officers) do not want to have to take people into custody.

Most of the protesters move to the sidewalks, but many protesters linger in the street. At 43:07, an officer makes another announcement on the public address system and

instructs protesters to walk south down Las Vegas Boulevard. The protesters remain as cars attempt to move north on Las Vegas Boulevard. Throughout the entire duration of the BWC videos at the intersection of Las Vegas Boulevard and Fremont Street, the crowd is chanting and/or yelling. By 44:32, there is once again a large crowd in the middle of Las Vegas Boulevard, just further south than they initially began.

At 45:26, an officer addresses the protesters once again from the public address system, asking them to move down Las Vegas Boulevard and explains that if they do not move the officers will deploy pepper balls. At 45:41, officers deployed pepper balls. The officers subsequently deploy additional pepper balls and tear gas and the crowd eventually moves south on Las Vegas Boulevard. No further interaction occurred with Decedent. Notably, BWC 1 sergeant is stationed mostly on the east side of Las Vegas Boulevard in the north bound lanes. This is the opposite side of the street from the power box where Decedent hid from officers.

At 1:07:18, gunfire is heard on the video and dispatch is heard on the radio saying, "Officer down!" The officers start looking for rifles as patrol vehicles start heading south on Las Vegas Boulevard with lights and sirens activated. For the remainder of the video after the gunfire, there are various conversations going on about two (2) separate shootings with two (2) officers down, one (1) LVMPD officer and one (1) federal agent. By 1:14:41, BWC 1 sergeant is instructing all officers to take cover. At 1:17:40, BWC 1 sergeant instructs another officer to go to NLVPD headquarters and get all the rifles.

BWC 2

BWC 2 begins at the intersection of Clark Avenue and 3rd Street in downtown Las Vegas. Protesters are walking northbound on 3rd Street towards Fremont Street yelling, "Fuck the police!" and various chants. The BWC 2 sergeant leaves the intersection and makes stops at various locations around downtown. BWC 2 sergeant eventually makes his way to the intersection of Fremont Street and Las Vegas Boulevard, arriving at 1:16:20. BWC 2 sergeant orders the officers present to form a skirmish line facing eastbound on Fremont Street. A crowd of protesters are headed westbound on Fremont Street approaching the intersection. At 1:17:45, a man - - later identified as Decedent - - is seen at the front of the group of protesters holding up a sign. BWC 2 sergeant warns others around him, "This guy has an AR, so stand by and watch him." BWC 2 sergeant illuminates Decedent with his flashlight to point him out to other officers.

The protesters move closer to the officers and, at 1:19:25, the officers walk the skirmish line backwards to allow the protesters through the intersection. The protesters turn left, headed southbound on Las Vegas Boulevard. As the protesters move, people who appeared to be organizers attempt to keep the protesters in a line and told them not to engage with the officers. A voice is telling the protesters to stay on the sidewalk, however, many remained on Las Vegas Boulevard. The officers shift the skirmish line to face south on Las Vegas Boulevard. The protesters gather in the middle of Las Vegas Boulevard, taking up both the north and southbound lanes, facing the officers. Part of BWC 2 sergeant's equipment partially blocks the BWC view.

Loud chanting and yelling, including “Fuck the police!”, continues while the protesters are gathered in Las Vegas Boulevard. At 1:32:02, the officers begin to discuss that they are going to give dispersal orders momentarily. At 1:32:35, BWC 2 sergeant is walking past Decedent, who is standing in front of all the other protesters. Decedent steps forward towards BWC 2 sergeant and says, “Nice little paint gun buddy”. BWC 2 sergeant tells Decedent to back up. Decedent responds, “Fuck you”. BWC 2 sergeant says, “You’re gonna go to jail”, while another officer nearby tells Decedent, “He told you to back up, back up”. There is some further muffled conversation between Decedent and/or the officers. BWC 2 sergeant’s BWC view is almost entirely obstructed by his equipment for the exchange. At 1:32:53 BWC 2 sergeant moves the equipment that is obstructing the BWC view and Decedent is back in line with the protesters. Decedent seems to be arguing with another protester who is holding a sign that says, “HERE for CHANGE NOT for RIOT”.

At 1:34:11, BWC 2 sergeant steps out of the skirmish line to talk to other officers. BWC 2 sergeant directs their attention to Decedent and points out Decedent is wearing a tactical vest while carrying an AR-15 and a pistol. BWC 2 sergeant reports that Decedent is antagonizing. At 1:35:33, BWC 2 sergeant directs additional officers’ attention to Decedent.

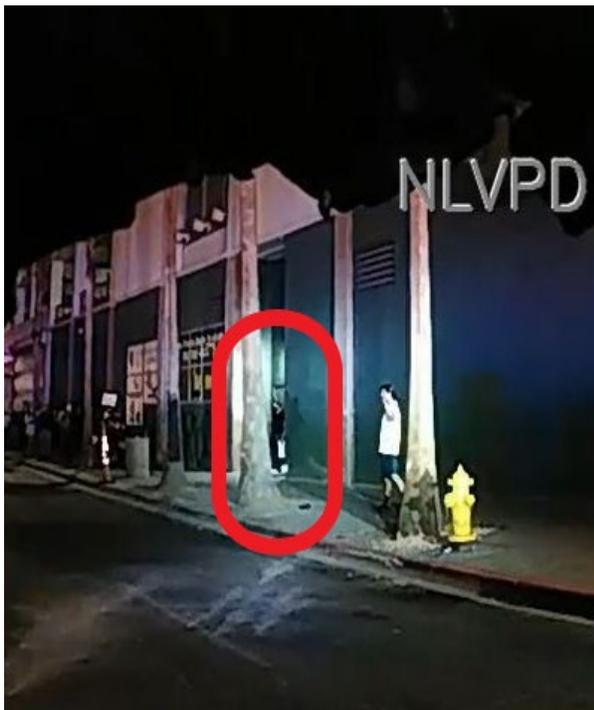
At 1:36:06, an officer makes an announcement over the public address system. The entirety of the announcement is difficult to hear on the BWC video because of the crowd, but the officer can be heard saying, “Please disburse!” BWC 2 sergeant is walking throughout the intersection to different groups of officers. Another officer approaches BWC 2 sergeant and says they are getting ready to deploy pepper balls to try to move the crowd. BWC 2 sergeant relays the message to other officers. At 1:40:46, an officer announces over the public address system that protesters need to move down Las Vegas Boulevard and if they do not the officers will deploy pepper balls. The officer repeats multiple times, “Please disburse.” The majority of protesters remain and officers deploy pepper balls. Most protesters move further south on Las Vegas Boulevard, but remain in the area, including across the middle Las Vegas Boulevard.

At 1:42:54, BWC 2 sergeant is standing in the middle of Las Vegas Boulevard, facing south. The BWC video shows Decedent ducking behind a power box on the west side of Las Vegas Boulevard. BWC 2 sergeant turns to face Decedent behind the power box. There is a line of officers between BWC 2 sergeant and the power box. The majority of officers’ attention is focused on the power box. At 1:43:28, BWC 2 sergeant yells, “See your hands! Hands!” At least one (1) officer along the line pulled his firearms and points it towards the power box.



NLVPD BWC 2

The view of BWC 2 does not capture Decedent initially stepping out from behind the power box. However, at 1:43:38 Decedent is seen shuffling backwards headed south on Las Vegas Boulevard facing officers. Decedent's right hand is at his hip. Officers are pointing flashlights in Decedent's direction and yelling, "413!" (code for gun). At 1:43:48, Decedent steps backwards into an alley on the west side of Las Vegas Boulevard, south of the power box, but still north of the crowd of protesters.



NLVPD BWC 2

Officers' flashlights illuminate the alley. At 1:43:57, BWC 2 sergeant points his firearm toward the alley and commands "Drop your gun! Drop your gun!". Decedent peeks out of the alley while other officers similarly command him to drop his gun. At 1:44:17, Decedent walks out of the alley and heads south on Las Vegas Boulevard with his hands up before joining the rest of the protesters.

At 1:45:52, officers deployed tear gas and additional pepper balls. The tear gas hinders visibility. BWC 2 sergeant moves behind the skirmish line to put on his gas mask. Once the smoke dissipates and the sergeant returns to the skirmish line, most of the protesters had cleared from the area. BWC 2 sergeant located a NLVPD lieutenant to get further directions. As the two talked,

BWC 2 sergeant informed the lieutenant they needed to take Decedent into custody. BWC 2 sergeant stated he observed Decedent behind the corner with his gun in his hand.

No further interaction occurred with Decedent. At 2:00:00, BWC 2 sergeant and his team, along with LVMPD officers, are at a different downtown intersection when they receive word via radio that there were shots fired and an officer down at Circus Circus. BWC 2 sergeant and the officers with him rush back to the intersection of Fremont Street and Las Vegas Boulevard. NLVPD officers are instructed to remain at that intersection while LVMPD officers leave the scene to head to Circus Circus. BWC 2 sergeant reports to others that the officer suffered a gunshot wound to the head. At 2:02:30, BWC 2 sergeant pulls out his phone which shows the time as 11:21p.m. At 2:02:41, as the officers attempt to organize in response to the report of an officer down, the sound of gunfire erupts, and officers look south.

NLVPD officers obtain preliminary information that NLVPD SWAT may have been involved in the shooting. BWC 2 sergeant gets into a vehicle and heads south on Las Vegas Boulevard to determine if NLVPD is involved. At 2:07:30, radio traffic states, "We have no idea where the shot came from". At 2:08:56, radio traffic discusses that there are potentially outstanding shooters. At 2:09:22, voices on radio traffic are giving instructions and mentions, "...need to catch these guys before they do another shooting."

At 2:10:40, BWC 2 sergeant returns to the intersection of Fremont Street and Las Vegas Boulevard and consults with the lieutenant. The lieutenant informs BWC 2 sergeant that there is a second officer down somewhere "down here". The officers discuss that there was a suspect shot downtown and the suspect possibly shot an officer. BWC 2 sergeant comments that the suspect was probably the man they encountered with a gun.

INVESTIGATION – DECEDENT

Next of Kin Notification – Jorge Gomez III

Clark County Office of the Coroner/Medical Examiner (CCOCME) Investigator Brown responded to UMC Trauma Center as well as the OIS scene and identified Jorge Gomez III as Decedent's father. Investigator Brown contacted Gomez III and notified him of Decedent's death. Brown relayed to detectives that Gomez III believed Decedent had become "radicalized" in the Black Lives Matter (BLM) movement and that is why he was protesting. Sergeant M.I. contacted Gomez III via telephone. The conversation was not recorded. Gomez III told Sergeant M.I. that he blamed BLM for Decedent's death, not LVMPD. He told Sergeant M.I. that Decedent was recruited by BLM while he was living in Oregon, and they were paying him to protest. Gomez III stated Decedent recently moved back to Las Vegas around the time of COVID lockdowns (possibly March 2020) and that Decedent was living with him at 5710 E. Tropicana Avenue, #2154, Las Vegas, NV 89122. Gomez III confirmed the weapons located at the OIS

scene were his, and he was unaware Decedent had taken them, but confirmed Decedent had access to them at the residence. Gomez III stated to Sergeant M.I. that Decedent dropped him off at work and then used his (Gomez III's) Chevrolet Avalanche truck to drive to the protests. Following the OIS, Gomez III was unaware of where his truck was located. With the vehicle outstanding, detectives sent an attempt to locate (ATL) to officers to locate the vehicle.

Prior to the OIS, a separate shooting occurred on Las Vegas Boulevard near the Circus Circus during which an LVMPD officer was shot. Considering information from Gomez III that Decedent was paid to protest, there was concern that Decedent could be part of a larger coordinated effort, possibly including a connection to the Circus Circus shooting and/or other co-conspirators looking to cause further unrest or violence. Ultimately, LVMPD did not recover any information corroborating Decedent's father's claim that BLM paid Decedent to protest. Similarly, LVMPD did not recover any information suggesting Decedent had any co-conspirators or connection to the Circus Circus shooting.

Social Media

Decedent's Facebook account was located. Detectives reviewed publicly available information and obtained additional records from Facebook.

The profile is under the name Jorge Gomez and the profile picture on the account appeared to be the same Jorge Gomez associated with the OIS. One of Decedent's liked pages was the group "Anonymous" which is known for having an anti-government ideology. In the few days prior to the incident, Decedent's posts were mostly about President Trump, the protests in the United States, and perceived grievances against law enforcement. Several were posts made by others which Decedent shared on his page.

Decedent's remarks on Facebook include the following posts, comments in response to posts, and/or comments to others' comments. Quotes are edited only to remove any reference to other users' accounts.

5/30/20¹⁹ – "You have no life experience. We strapped lil boi. I been protesting. I know what we have. I know thousands of armed citizens can end all these cops. And let it be known: we will."

5/30/20 – "You don't see them behind closed doors is all I'm saying. There are cops that literally pretend to help kids so they can rape them. Cops, more and more, are not trustworthy. Yes, there are good people, but once you align yourself against certain causes, you cannot claim any morality. I bet Germans believed they were good nazis too during WW2. But out of their context, these mfs were doing diabolical things AS A SYSTEM. A lot of our own police problems are systemic and cannot be changed

¹⁹ Time and date stamps in Facebook records are in UTC time, which at the time in question was seven (7) hours ahead of PST. The dates in this report have been converted from UTC time.

because higher ups control them. It is much MUCH MUCH MUCH easier to be changed by the system than to change it, and that 's why people need to riot."

5/30/20 – "When elections are rigged, nothing can be changed without violence."

5/30/20 – "If this escalates to war, I hope to see you in your klan gear in the streets. Then it'll be a personal attack and you wont have teeth at the end of it."

5/30/20 – "Stay strapped if you're going to protest against American police. Protect your community."

5/31/20 – "Peaceful protest will get more black people unjustly killed. We honor Floyd by trying to change the system that white people don't want changed. It hasn't changed in hundreds of years of peaceful protests. You think more peaceful protests will do it, but no. Google the Boston tea party and what they did to get freedom and tell me how it is different."

5/31/20 – "I have the right to defend my property and my life with gunfire. You dumb privileged bitch. Now would I kill someone over a phone? I don't believe so. But this guy is fucking awesome. Stop trying to control how people should express themselves when they are being oppressed. That's what the law is for. Dumb Karen ass pistol grip chin ass bitch. The movement about police doing illegal things to black people AND KILLING THEM FOR NOTHING was the motive behind him feeling the need to knock him out. And it is justified whether you know us history or not."

5/31/20 – "you havent felt the pain. Shutcho ass up dumb bitch. We will bring war if them don't bring change to the system. Keep your mouth closed."

5/31/20 – "Stay strapped. Gather ammo. Gather weapons. This will be war if they want war."

5/31/20 – "It's already a law that we can peacefully protest. But they destroy that. It's a law police shouldn't be fucking up black people in their patrol vehicle and then choking them to death with their knee. There are so many more things that are "illegal" that cops do but get away with against black people (especially in poor communities) since they only police the public and not themselves. The justice system is a money scheme. And if you cant afford a lawyer, and you're in a bad neighborhood, you lose in court in most cases. How many times do you exhaust yourself with peaceful protest before you extract the disease in the system?"

5/31/20 – "Bumpstocks win civil wars. Wonder why the govt tried to hard to ban them not long before this incident."

5/31/20 – "Walked up to the wall of cops with 3 guns on me. they did nothing violent to me because they know I can defend myself. Stay strapped out in these protests! They will not keep getting away with inciting violence against peaceful protests!"

6/1/20 – “It’s coming. We are amassing numbers by the second. Stand against black lives matter and you will be eaten alive.”

6/1/20 – “riots literally gave women the right to vote riots gave gay people their rights riots are the only thing they hear! You’re too whitewashed to understand. Learn our history before you spread dumb shit.”

6/1/20 – “This mf doesn’t understand that peacefully protesting gets you killed. Violent protests get you change. Think Boston tea party Think woman’s suffrage Think lgbtq rights If youre not willing to put your life on the line for change, you are never going to get any. It’s a test of”

6/1/20 – “that’s what the last guy I sent to the hospital thought too. Fighting helps us understand each other, so let’s keep what we head going. You meet me when you get back from Oregon.”

6/1/20 – “if you grow balls to fight against our movement, you will be devoured. Judgement day is coming for you.”

6/1/20 – “with my pistols and 47 army marching” “my bulletproof vest. You want to compare yourself to me. You will never measure up. Please stand against us. We are ready.”

6/1/20 – “HAHAHAHHAHHAHHAHHAHHAHHAHAA this is what I was put on the planet for. I’m collecting Nazi scalps when shit hits the fan. Hope to have yours too.”

6/1/20 – “on living stop and up grow you when” “mommy and daddy’s dick, you will experience what it means to actually know something. You want to tell me about what I hold in my hands every day? The bullet will be a sweet release for you and anyone who knows you.”

6/1/20 – “Join BLM and bring assault rifles. We ending white supremacy. Just need to gather more mfs that can fight.”

6/1/20 – “you gonna end up on tshirt for your family to remember. Keep playin online. I told you where to meet me mf. All this talk aint shit.”

6/1/20 – “never done time because I beat my cases. Doesn’t mean I wasn’t arrested and charged with felonies so they could fuck my life up. Lie on the police report so they can seem right. These cops dumb as fuck. And its mostly white ones using their power for evil. I know there are other races, but 99% of cops in these videos violating rights...theyre white. Plain and simple. The white pres is a pedophile. It’s a white system for white people made by white people to oppress people of color. It you cant accept that, it’s a lot more research to be done. I’d rather have a big mf like you on my side, but you want to make the movement seem like something its not.”

6/1/20 – “Be ready for war. Do not cower in the face of revolution.”

Cell Phone

Detectives searched Decedent’s cell phone and found various pieces of relevant information.

Texts With Gomez III

In a text to Decedent’s father on 5/29/20 at 10:31 p.m., Decedent acknowledges he has been on the Las Vegas Strip protesting.

In a text conversation between Decedent and his father on 5/30/20, Decedent tells his father that he (Decedent) punched a hole in his father’s door. Decedent explained, “You piss me off because you’re a racist who hates everyone and takes your family’s future away from them.” Decedent’s father responds that “just because I don’t agree with the way you’re approaching this doesn’t mean that I’m racist, don’t love you or don’t care. I agree with the whole protest and the government needs to be hold [sic] accountable but not with violence. Sorry I respect your opinion and views and I hope you can respect my opinion its [sic] just different.”

Text Conversation with “Jerry”

In a text conversation with “Jerry” on 5/30/20,²⁰ Decedent tells Jerry “if this becomes civil war and you decide to fight the good fight, lmk. I’m tryna fight alongside you.” The conversation suggests Decedent and Jerry have not spoken since high school, but Decedent believes Jerry has a “way of gathering people up for a cause.” Decedent also sends Jerry the below photo of numerous guns and magazines spread out in his apartment. Decedent encourages Jerry to “come through and protest” at Trump Towers and assures Jerry “me and my homies got your back”.

²⁰ Time/date stamps for the conversation with Jerry in the phone download are in UTC time. Date stamp in this report has been converted to PST from UTC.

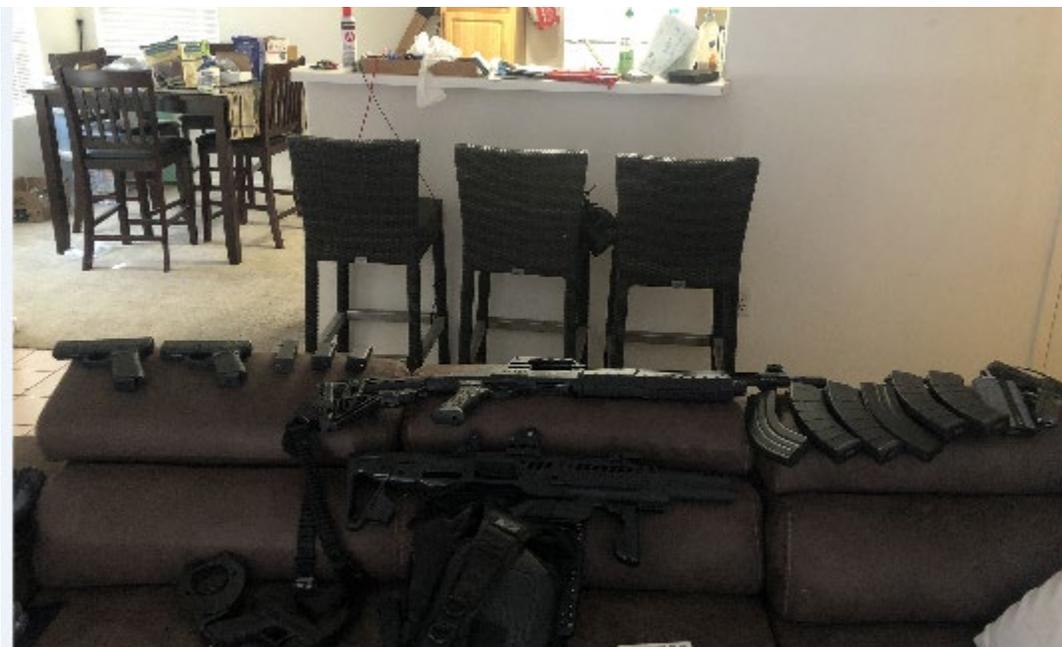


Photo Decedent Sent to Jerry

Text Conversation with Unknown Recipient

In a text conversation with an unknown recipient dated 5/30/20, Decedent tells recipient he went to protest and it was tiring because he had a rifle, two pistols, a backpack full of ammo, and his body armor. Decedent said he was almost arrested, but other protesters threw bottles at the police so he was able to flee. Decedent stated, “At some point this is going to turn into war if they don’t change shit up.”

What’s App Conversation with Grandmother

Decedent engages in a What’s App conversation with someone who identifies herself as his grandmother. The conversation is dated 5/31/20. Decedent tells the grandmother “there is a lot of pain in the world right now and I need to be with my people to make a change”. The grandmother responds in part “yes you need to be with your family.” To which Decedent clarifies “Not my family. I mean protesters.” Decedent then goes on, “White police are killing black people in the streets and getting away with it. Now we fight.”

Instagram Conversation with Sister

On 5/31/20, Decedent engages in an Instagram conversation with his sister. Decedent tells the sister he is trying to convince their dad to “stop licking the boots” and “join the movement.”²¹ Decedent says he believes the current situation may escalate to war “if the national guard and police keep firing on people”. Decedent points out that “finding

²¹ Time stamps on the Instagram conversation with the sister are in UTC time, which as of 5/31/21 was seven (7) hours ahead of PST. Dates contained in this report reflect conversion to PST.

unity and strategizing will be our only move after a while". The sister says she would join in a protest, but not in the looting. Decedent tells the sister that white supremacist groups are inciting the vandalism and looting. Decedent goes on that "there are a lot of variables at play, but all that I know...this is a LONG time coming. And it is NECESSARY for change". Decedent and his sister discuss how the problem is systemic because the cops will not report one another. Decedent concludes "revolution is great" and encourages the sister to come protest with him. Decedent tells her to bring body armor and that "these Vegas police are a different breed of jackass".

Instagram Conversation with User 1

On 6/1/20 Decedent engages in an Instagram conversation with another account, hereinafter referred to User 1. Decedent informs User 1 "this will be war" then mentions that "Anonymous exposed trump" as a pedophile with Jeffrey Epstein. Decedent tells User 1 it is "time to destroy them" and encourages User 1 to start getting in shape and "come fight the good fight". User 1 questions Decedent about getting in shape and Decedent responds that "running with an assault rifle is hard work lol. If you're tired you cant shoot as efficiently." Decedent concludes by telling User 1 that "if you known all the evil of white power, but you wont fight against it...that's lame!" but then says he understands because User 1 has a child. Decedent assures User 1 that "I'll fight for [the child] so he doesn't get his neck crushed by cops in the future."

Facebook Conversation with User 2

Decedent engages in a conversation with another Facebook user, hereinafter referred to as User 2, which is dated 6/1/20 and goes on for several hours. Decedent initiates the conversation asking where the protests will be that evening. User 2 responds that there is one at Trump Towers and one on Fremont and shares some Facebook events for three (3) different protests. Throughout the evening Decedent and User 2 discuss what is happening at various locations downtown, including Fremont, the courthouse, Container Park, and a few different intersections. The conversation ends with User 2 asking Decedent "Are you good?" and Decedent does not respond.

Facebook Message to User 3

Decedent sends a message to another Facebook user, hereinafter referred to as User 3, about protests. Decedent instructs User 3 to bring assault rifles, pistols, bullet proof armor, and a leaf blower. Decedent explains the leaf blower can be used to defend against tear gas. Decedent instructs that if User 3 encounters rubber bullets to "take cover! Head down! Eyes forward. Keep your arm on your forehead to protect your face and body". User 3 does not respond.

Internet Searches

Leading up to the shooting, Decedent's phone was used to make the following internet searches.

6/1/20 0235 – safari search: pinging a phone
6/1/20 1647 – safari search: 300 S. LVBLVD
6/1/20 1710 – safari search: putting a Glock in Roni G2
6/1/20 2122 – Apple Maps: DT Container Park
6/1/20 2124 – Apple Maps: LV Justice Court
6/1/20 2228 – Apple Maps: 5th St. School

Search Warrant – 5710 E. Tropicana #2154

On June 5, 2020, at approximately 4:28p.m., officers executed a search warrant at Decedent's residence located at 5710 E. Tropicana #2154. In the master bedroom, officers discovered a safe in Gomez III's bedroom containing four (4) rifles, two (2) handguns, and two (2) shotguns. Officers also recovered thirty-six (36) rifle magazines and eleven (11) handgun extended magazines from Decedent's bedroom

Suspect Vehicle – Chevy Avalanche

As discussed above, shortly after the shooting, Gomez III informed LVMPD that Decedent had driven his (Gomez III's) Chevy Avalanche to the protests on the night of the shooting. Gomez III told LVMPD that he did not know where the vehicle was located.



On June 6, 2020, at approximately 1:00 a.m., a patrol officer noticed the Avalanche in the parking lot of the Gonzalez & Flores law firm, located at 879 N. Eastern Avenue. The Gonzalez & Flores law firm had recently been retained to represent the Gomez family. Detectives executed a search warrant on the vehicle but did not find anything of evidentiary value.

Detectives obtained a search warrant for video surveillance from the Gonzalez & Flores law firm to determine how and when the suspect vehicle arrived in the parking lot. Prior to retrieving the video, attorney Rodolfo Gonzalez reported to detectives that he did not know how the vehicle came to be on his property.



The video surveillance from Gonzalez & Flores captures attorney Edgar Flores, Gomez III, and an unknown individual arriving at the law firm at 2:38 p.m. on June 5, 2020 in a grey Dodge crossover vehicle or SUV. Approximately two (2) minutes later at 2:40 p.m., the parties exit the Dodge and stand in the parking lot talking. The unknown individual goes inside the law office. At 2:41:51, a tow truck arrives with the Avalanche. Gomez III goes inside the law office while attorney Flores talks with the driver. Attorney Flores directs the driver to a certain area of the parking lot. Attorney Flores then goes inside and the tow driver leaves the Avalanche in the spot attorney Flores pointed out. At 2:46 p.m., Gomez III and the unknown male leave in the car they arrived in, leaving the Avalanche at the law office. An unknown employee signs paperwork for the tow driver.



At 4:25 p.m., attorney Flores and an unknown employee enter the Avalanche. They are both inside the truck for several minutes, then exit the truck, open the tailgate, and look into the bed of the truck, which is covered. One and a half minutes later they close the tailgate and both return to the inside of the vehicle. Flores and the employee appear to be looking around but are not seen removing anything from the vehicle.

At 4:32 p.m., Gomez III returns with several other people. Attorney Flores and the unknown employee are still in the Avalanche. Attorney Flores and Gomez III start talking and motioning towards the Avalanche. At 4:34 p.m., attorney Flores takes Gomez III to the tailgate, Gomez III removes a large black bag from the covered bed of the truck through the open tailgate, and takes the bag to the trunk of the vehicle he

arrived in. Based on Gomez III's body language while carrying the bag, the bag appears to be of significant weight.



At 4:37 p.m., Gomez III leaves in the car he arrived in along with the bag from the Avalanche. Attorney Flores, the unknown employee, and individuals who arrived with Gomez III all go inside the office. The Avalanche remained in place until patrol located it later that evening.

Detectives contacted the tow company. A representative from the tow company reported that someone from Gonzalez & Flores law office contacted them and requested they tow the vehicle from the area of 4th Street and Lewis Avenue to their parking lot.

FIREARM EXAMINATIONS

LVMPD Firearms Analyst R.W. examined seven (7) firearms in connection with the investigation – the four (4) firearms used by the shooting officers during the incident, as well as the three (3) firearms recovered from Decedent. Each firearm was examined, test fired, and found to be operational with no noted malfunctions.

Analyst R.W. removed Decedent's Glock .40 handgun from the carbine conversion frame and discovered the barrel measured only 4 1/16 inches, rendering the firearm an illegal short barreled rifle.

Analyst R.W. compared the firearms to two (2) bullets recovered from Decedent's right chest wall and one (1) bullet recovered from Decedent's spine. Analyst Wilcox determined that the bullets from Decedent's person came from two (2) of the four (4) shooting officers' firearms.

DNA ANALYSIS

LVMPD DNA analyst K.D. conducted DNA analysis on several items found at the scene. Decedent's DNA was recovered on: the Roni Glock firearm and the magazine contained therein; the Glock 17 firearm and the magazine contained therein; the Glock 19 firearm and the magazine contained therein; and two (2) additional Glock magazines recovered from the ground near Decedent's final position.

AUTOPSY

On June 3, 2020, Dr. Jennifer Corneal of the Clark County Coroner's Office performed an autopsy on Decedent.

Dr. Corneal examined eight gunshot wounds, described as follows –

1. Gunshot wound to the head – entrance gunshot wound to the back of the head, 2.5 inches below the top of the head and 4 inches right of midline. No soot or stippling present. The projectile travelled from back to front and right to left. Several projectile fragments were recovered from the head.
2. Gunshot wound to nose – entrance gunshot wound to left side of the nose with an exit wound on the right side of the nose. No soot or stippling present. The projectile travelled from left to right and upward.
3. Gunshot wound to left flank – entrance gunshot wound to the left flank, 30 inches below the top of the head and 9.5 inches left of midline. No soot or stippling present. The projectile travelled from left to right and downward. A projectile was recovered from the 5th lumbar vertebrae.
4. Gunshot wound to left hip – entrance gunshot wound to left hip, 31 inches below top of head and 5.25 inches left of midline. No soot or stippling present. The projectile travelled from front to back, left to right, and upward. A projectile was recovered from the right chest wall.
5. Gunshot wound to back – entrance gunshot wound on the mid lower back, 25.5 inches below the top of the head and .75 inches left of midline. The projectile travelled from back to front, left to right, and upward. A projectile was recovered from the right chest wall.
6. Gunshot wound to the right side – entrance gunshot wound on the right side, 26.5 inches below the top of the head and 8.75 inches right of midline. No soot or stippling. The projectile travelled right to left and downward.
7. Gunshot wound to left hand – entrance gunshot wound on medial aspect of left hand with an associated exit wound on the lateral aspect of the right hand. No soot or stippling. The projectile travelled right to left and downward.
8. Gunshot wound to left thigh – entrance wound on the lateral anterior thigh, 28 inches above the heel and 2.25 inches left of midline with an associated exit wound on the posterior medial left thigh, 29.5 inches above the heel and 3.5 inches right of midline (measured posteriorly). No soot or stippling. The projectile travelled front to back, left to right, and upward.

Three (3) projectiles were recovered from Decedent's person, two (2) from the chest and one (1) from the spine. Additional fragments were recovered from the head.

A toxicology report conducted in connection with the autopsy revealed Decedent had THC in his system.

Dr. Corneal concluded the cause of death was multiple gunshot wounds and manner of death was homicide. "Homicide" for the purposes of an autopsy refers to death at the hands of another. A conclusion that the manner of death is homicide is not analogous to criminal liability for the death.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any lethal use of force 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 incident.

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; NRS 171.1455 – Deadly force to effect arrest). The shooting of Decedent could be justifiable under one or both of two theories related to the concept of self-defense: (1) the killing of a human being in self-defense or defense of others; and (2) justifiable homicide by a public officer. Both theories will be discussed below.

A. The Use of Deadly Force in Defense of Self or Defense of Another

The authority to kill another in self-defense or 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 ... another person, against one who manifestly intends or endeavors to commit a crime of violence ..." against the person or other person.²² 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).

²² NRS 200.120(3)(a) defines a crime of violence:

"Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

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 self-defense [or 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 himself [or the other person] or cause himself [or the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in [self-defense or 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 [himself or the person(s) 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 self-defense [or 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 self-defense [or 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 he [or 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 himself [or 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 exists that a killing was in defense of self [or defense of another], the State must prove beyond a reasonable doubt that Decedent did not act in self-defense [or defense of another]. Id. at 1051-52.

Therefore, under Nevada law, if there is evidence that the killing was committed in self-defense or defense of another, the State at trial must prove beyond a reasonable doubt that the slayer was not acting in self-defense or defense of another.

The known facts and circumstances surrounding this incident indicate Decedent posed an imminent danger to officers and/or citizens, and a reasonable person in a similar situation would believe himself or another person to be in danger. Here, the atmosphere was tense and chaotic. June 1, 2020 was one of many consecutive nights of anti-law enforcement protests in Las Vegas and across the country. Many of these protests had escalated to

looting, arson, and violence. In the time leading up to the shooting protesters were throwing objects at officers and screaming profanities. Two (2) minutes prior to the shooting LVMPD dispatch reported via radio that an officer had been shot at Circus Circus, just a few miles south on Las Vegas Boulevard. Officers were receiving sporadic information about the Circus Circus shooting and heard there were potentially outstanding shooters.

The shooting officers were all headed southbound on Las Vegas Boulevard nearing the federal courthouse on their way to Circus Circus at the same time Decedent engaged with officers on the staircase at the courthouse. Decedent ignored officers' commands, and Detective J.S. believed Decedent was about to raise a bat at approaching officers. Detective J.S. therefore fired low lethal rounds at Decedent from the courthouse steps. Some witness officers from Las Vegas Boulevard described they did not know whether these shots they heard were gunshots or low lethal shots and did not know whether they came from an officer or suspect.

Decedent ran northbound with a rifle and a handgun in his hands. Decedent was just south and slightly east of where the shooting officers were located. There was a group of protesters on the eastern portion of the intersection of Las Vegas Boulevard and Bridger Avenue, just north of Decedent. Sergeant Fryman, Officer Ferguson, and Officer Emerton saw Decedent raise or point his firearm in their direction and/or in the direction of the protesters. Additional witness officers reported the same.

The evidence showing what the shooting officers would have known at the time of the shooting includes the following: the general atmosphere of the evening; the near simultaneous shooting of another officer; the video surveillance of Decedent's exchange at the courthouse steps; and witness officer accounts. The witness officer accounts include additional officer witnesses who described Decedent as presenting a lethal threat at the courthouse, at least four (4) other officers who described raising their firearms towards Decedent at the courthouse. Such evidence alone renders the officers' belief reasonable that Decedent posed an imminent danger.

Additional evidence, beyond the scope of what officers knew at the time of the shooting, supports the conclusion that Decedent actually did point or raise a firearm at officers and/or citizens, or at the very least he was acting in a manner that would lead one to reasonably believe he was pointing the firearm. Such evidence includes: video and witness statements as to Decedent's behavior less than thirty (30) minutes prior at Fremont Street; Decedent's property on his person, to include three (3) guns, body armor, multiple magazines, and additional ammunition; and Decedent's anti law enforcement, pro violent protest ideology.

Officer Locher reported Decedent was shooting at officers. While this turned out to be inaccurate, other witness officers reported the same confusion as to what was happening at the courthouse steps. Considering the same evidence as above, and that three (3) other officers believed Decedent was fleeing from an altercation involving gunfire, Officer Locher's belief was a reasonable mistake.

Here, the shooting officers reasonably acted in defense of themselves and/or others. Consequently, the shooting of Decedent is justifiable under this legal theory.

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 known evidence illustrates that the shooting officers had probable cause to believe that Decedent posed a threat of serious physical harm to themselves and/or fellow officers and/or citizens. Prior to firing their weapons, the shooting officers would have seen Decedent’s insubordinate actions with other officers, which led Detective J.S. to fire a low lethal firearm at Decedent, and Decedent continued to flee while carrying two (2) firearms. Multiple officers who observed Decedent running from the officers on the courthouse staircase described that he was raising or pointing the rifle in the direction of officers and/or citizens. Several officers also believed Decedent was fleeing an altercation involving gunfire. Decedent’s actions would not only raise concern that he was likely to harm someone, but also demonstrated that he was unwilling to comply with orders and unlikely to surrender.

Considering the foregoing, the shooting officers each had a reasonable belief that Decedent could cause serious physical harm to themselves, their fellow officers, and/or citizens. Thus, the use of deadly force by the shooting officers was legally justified and appropriate under NRS 200.140(2).

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, we conclude that the actions of all four (4) shooting officers were reasonable and/or 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.” See NRS 200.190.

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