

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Douglas Claiborne on July 27, 2021

INTRODUCTION

On July 27, 2021, 60-year-old Douglas Claiborne (hereinafter “Decedent”) struck Nevada Highway Patrol (NHP) Trooper Micah May while fleeing from readily identifiable law enforcement officers in a stolen vehicle. The collision caused Trooper May to be fatally injured, incapacitated, and trapped inside the stolen vehicle with Decedent, who continued to flee. Upon troopers forcing Decedent to stop the vehicle, Decedent was shot and killed by NHP Trooper Joseph DellaBella and Nevada Parole and Probation (P&P) Officers Garrett Dix, Derek Simmons and Luis Villanueva. The officer-involved shooting incident took place at approximately 12:22 p.m. at southbound Interstate 15 (I-15) south of Sahara Avenue in Las Vegas, Nevada.

This report explains why criminal charges will not be forthcoming against NHP Trooper Joseph DellaBella and P&P Officers Garrett Dix, Derek Simmons and Luis Villanueva. This report is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review which was held on May 2, 2022.

This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of NHP Trooper DellaBella and P&P Officers Dix, Simmons and Villanueva was not criminal. This decision, premised upon criminal-law standards, is not meant to limit any administrative action by any other entity or to suggest the existence or non-existence of civil actions by any person, where less stringent laws and burdens of proof apply.

In preparing this report, the Clark County District Attorney’s Office considered the facts known at the time, including but not limited to those contained in the investigative reports,

coroner's reports, audio recordings of a 9-1-1 calls and police radio traffic, video footage, and statements of involved persons and witnesses.

SYNOPSIS

On July 27, 2021, at approximately 11:05 a.m., J.K. contacted Las Vegas Metropolitan Police Department (LVMPD) dispatch reporting a white male adult with a large knife in one hand and a stick in the other as he wandered through the intersection located at West Sunset Road and Windy Road. J.K. described the male as approximately 50 to 60 years old, with a thin build and long hair, and possibly on drugs. Following this investigation, the male was determined to match the description of Decedent, who stood 6'0", weighed 150 pounds, and had long hair.

At 11:19 a.m., T.O., contacted LVMPD dispatch reporting that he was the victim of robbery with a deadly weapon, battery with a deadly weapon and grand larceny auto just north of the intersection of Sunset Road and Windy Road. T.O. stated the incident started when a co-worker notified him that a person was inside his vehicle, a black 2020 Hyundai Elantra bearing Nevada license plate PHJ0827.

T.O. stated he went to the front passenger side of the Elantra and found a white male adult (later identified as Decedent) in the rear passenger seat. When T.O. told Decedent to get out of the vehicle, Decedent pulled out a large-bladed knife and lunged at T.O. from the backseat. T.O. stated he then circled around to the driver's side and realized he left the keys to the vehicle in the center console. Decedent then crawled between the two front seats and got in the driver's seat with T.O.'s keys in his hand and started the vehicle. Decedent then placed the Elantra into reverse, struck the front bumper of a vehicle parked to the rear of the Elantra, then placed the Elantra into drive and fled at a high rate of speed. In the process of fleeing, Decedent struck T.O. with the vehicle on the lower left leg and ran over T.O.'s left foot.



Above: Aerial overview of robbery/carjacking location.

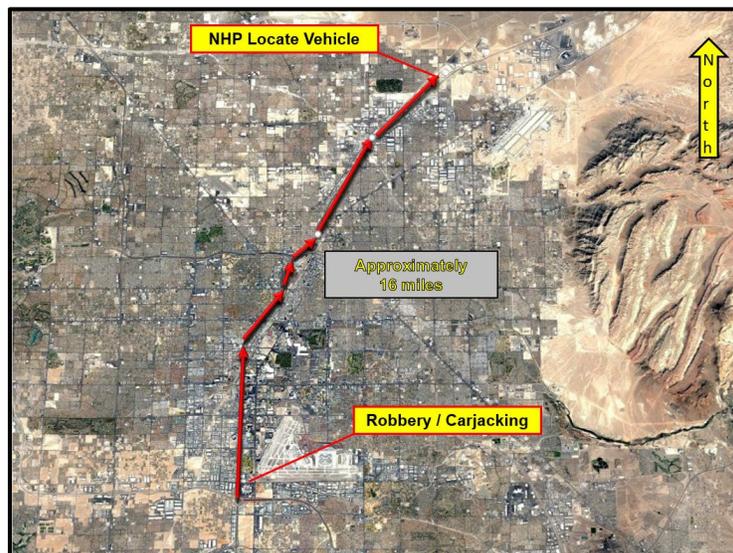
At approximately 11:20 a.m., LVMPD dispatch contacted NHP dispatch informing NHP that the black Hyundai Elantra was taken in a carjacking by a suspect using a knife.

At approximately 11:22 a.m., NHP dispatch broadcast the following attempt-to-locate (ATL) information to their troopers via radio: “Units copy ATL for a carjacking suspect, last seen about four ago in the area of Sunset and Las Vegas Boulevard, west of, it is a 2020 Hyundai Elantra unknown plate, the suspect was an unknown male adult who threatened the victim with a knife in the intersection...” Shortly thereafter, several related 911 calls were reported to LVMPD and NHP.

At approximately 11:23 a.m., NHP received a call from a citizen, N.P., reporting a white male adult with long hair, wearing no shirt and holding a large knife in his hand was driving erratically northbound on the I-15 near Tropicana Avenue. N.P. described the vehicle as a black Hyundai Elantra bearing Nevada license plate PHJ0827 driving with the windows down, slamming on the brakes and with hazards lights activated. N.P. reported they no longer had a visual of the vehicle. NHP dispatch updated their troopers of this information via radio.

At 11:26 a.m., LVMPD received a 911 call from a citizen, D.K., reporting the driver of a black sedan driving recklessly and holding a knife in their left hand in the area of I-15 northbound and Flamingo Road. D.K. described the driver as a white female, 30 to 40 years old, with a thin build and brown hair. D.K. further reported that the driver appeared to be crying and under the influence of alcohol or drugs.

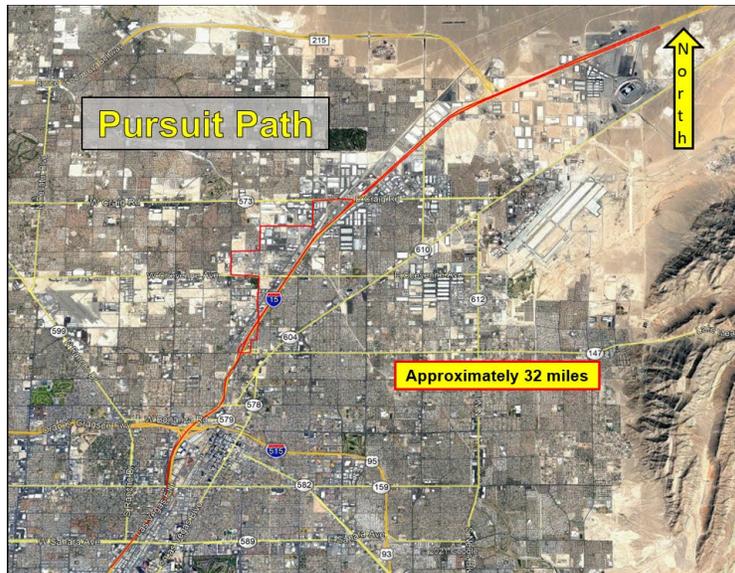
At approximately 11:40 a.m., NHP Trooper G.R. and his Field Training Officer (FTO), Trooper Joseph DellaBella, riding together, observed the black Hyundai Elantra with Nevada license plate PHJ0827 driving northbound on I-15 in the area of Craig Road. The troopers were aware the Elantra was taken in a robbery/carjacking and the driver was armed with a knife. Decedent was later identified as the driver of the Elantra.



Above: Aerial view of robbery / carjacking location to NHP locating vehicle.

While northbound on the I-15 approaching Lamb Boulevard, Trooper G.R. activated his lights and siren and Decedent failed to stop. The troopers initiated a pursuit and requested assistance from the North Las Vegas Police Department (NLVPD) and LVMPD.

The pursuit that followed lasted approximately 42 minutes. During the pursuit, law enforcement officers attempted to incapacitate the Elantra by deploying Stop Stick[®] tire-deflation devices at eight locations. The total distance driven by Decedent as he was pursued by NHP was approximately 32 miles. The path of the pursuit is depicted in the map below.



While traveling north on I-15, after passing the Las Vegas Motor Speedway (LVMS), Decedent used the center median to turn around and travel south on I-15, headed back toward the metropolitan area.

At approximately 11:47 a.m., P&P dispatch broadcast to their officers via radio that NHP troopers were in pursuit of a carjacking suspect on I-15 southbound from LVMS. Multiple P&P officers notified P&P dispatch that they were switching to the NHP radio channel and following the pursuit.

Attempts to incapacitate the Elantra were made using Stop Stick[®] devices on I-15 southbound at CR-215, Lamb Boulevard (two sets) and Cheyenne Avenue (two sets), but Decedent was able to avoid all the Stop Stick[®] deployments.

¹ A Stop Stick[®] is a brand of tire-deflation device, used in stopping and preventing vehicle pursuits. The Stop Stick[®] is three feet in length and made of hollow Teflon[®] coated hardened steel quills, assembled in three tubes located inside a reusable nylon bag. The Stop Stick[®] is designed to be thrown into the roadway in front of a vehicle. When the vehicle tires drive over the Stop Stick[®], it is designed to cause a controlled release of air from the vehicle's tires, usually within 20-30 seconds.

As the pursuit moved into North Las Vegas on I-15, NLVPD joined the pursuit. Decedent exited the I-15 at Lake Mead Boulevard and drove through residential and commercial areas of North Las Vegas.

The LVMPD Air Unit, a helicopter manned by a two-person team consisting of a pilot and a tactical flight officer (TFO), who controls the camera and provides ground units information via radio, joined the pursuit to monitor Decedent from the air.

During the pursuit in North Las Vegas, Decedent exhibited dangerous and erratic behavior; Decedent drove into oncoming travel lanes against traffic, on the shoulder of the road to pass stopped vehicles at intersections, and through red traffic light signals. At the intersection of Craig Road and Donovan Way, where traffic was backed up and at a stop, Decedent drove between the travel lanes and, the LVMPD Air Unit reported, struck stopped vehicles.

During that time, additional attempts were made to incapacitate the Elantra using Stop Stick® devices at North 5th Street and Gowan Road, Losee Road and Aerojet Way, Craig Road and Berg Street, and at Craig Road and the I-15, but Decedent was able to avoid all the Stop Stick® deployments.

Decedent reentered to the I-15 at Craig Road and headed south toward Las Vegas. NLVPD instructed their officers to discontinue their involvement with the pursuit. NHP continued to pursue Decedent as he drove south on the I-15 with the LVMPD Air Unit still monitoring from above. LVMPD authorized a marked LVMPD K9 unit to join the pursuit in order to assist with taking Decedent into custody if he ran from the vehicle. LVMPD instructed their other patrol units not to actively engage in the pursuit.

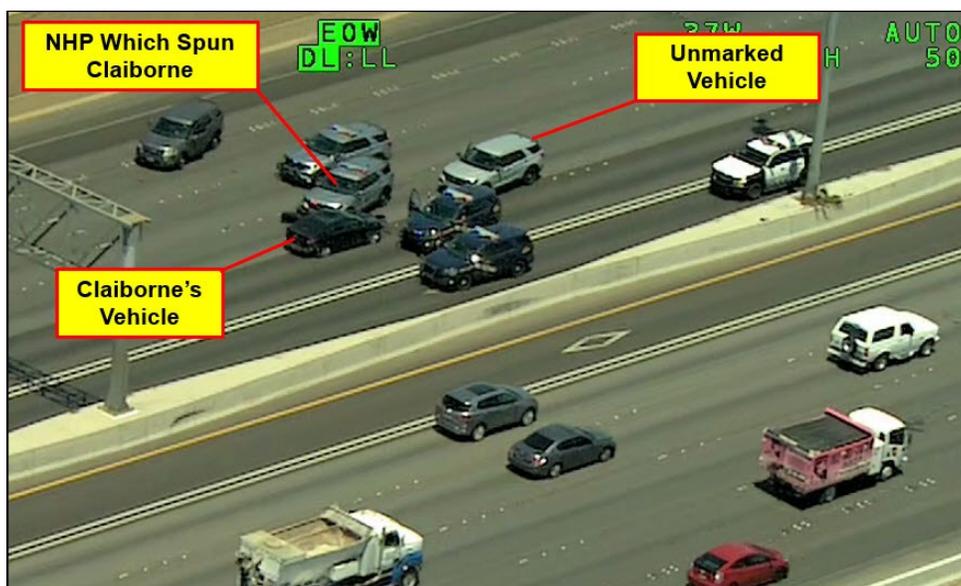
With the pursuit southbound on the I-15, Trooper May positioned himself ahead of the pursuit to deploy a Stop Stick®. Trooper May stopped his vehicle in the gore² between the Neon Gateway onramp lane and the high-occupancy vehicle (HOV) lane of southbound I-15. Trooper May stood behind the cement jersey wall which separated southbound I-15 from the onramp as he prepared to deploy a Stop Stick®. Decedent moved from the HOV lane toward the right side of the southbound lanes into the number three travel lane, away from Trooper May. Trooper May then ran into the highway travel lanes and threw the Stop Stick® which landed in the number two and three travel lanes. Decedent suddenly turned sharply toward the left, headed directly for Trooper May. Decedent struck Trooper May at 58 mph³. Trooper May's upper body went through the Elantra's windshield with his lower body extended over the hood of the vehicle. Decedent continued driving the vehicle at an angle, headed toward the east side of the highway and through the HOV and the gore, missing Trooper May's parked NHP vehicle. Decedent then straightened the vehicle out and drove south on the gore as troopers and the LVMPD Air Unit broadcast on their radios that a trooper had been struck by Decedent.

² The gore is the triangular area located between the lanes of a highway and either an entrance or exit ramp.

³ LVMPD Fatal Detail detectives determined the speed during the course of this investigation.

Decedent swerved the Elantra from right to left and appeared to be attempting to shake Trooper May from the vehicle. Trooper May's upper body remained stuck in the front windshield of the Elantra with his legs and feet across the hood of the vehicle. Troopers closed the distance that had been given to Decedent during the pursuit. A NHP vehicle moved up along the passenger side of the Elantra and swerved left, hitting the Elantra. The collision caused both vehicles to swerve, and the motion appeared to cause Trooper May to slide further into the Elantra. The NHP vehicle again pulled alongside the passenger side of the Elantra and turned into it, hitting it. Decedent was able to maintain control of the Elantra and continue southbound. During that time, Trooper May's body slid completely inside the Elantra.

Another marked NHP vehicle on the far-right side of the highway sped past other vehicles. Decedent quickly moved the Elantra to the left across the travel lanes. The NHP vehicle moved left across the travel lanes and used its driver side quarter panel to contact the passenger-side rear quarter panel of the Elantra. Decedent maintained control of the vehicle and continued southbound. The NHP vehicle sped up and again conducted the same maneuver, using the front driver-side quarter panel to hit the rear passenger quarter panel of the Elantra. The maneuver caused Decedent to swerve the Elantra into the number two travel lane. The NHP vehicle ended up just behind Decedent on the driver side of the Elantra. The NHP vehicle sped up and conducted the same maneuver, however, this time on Decedent's driver side. As the front passenger-side quarter panel of the NHP vehicle contacted the rear driver-side quarter panel of the Elantra, it caused the Elantra to spin counterclockwise. The Elantra stopped facing north in the number two travel lane of southbound I-15, south of Sahara Avenue. The NHP vehicle that caused the Elantra to spin stopped with its front driver-side quarter panel at the front driver-side quarter panel of the Elantra. A second marked NHP vehicle stopped just in front of and on the passenger side of the Elantra. An unmarked P&P vehicle stopped directly in front of the Elantra, between the two marked NHP vehicles. The LVMPD Air Unit broadcast a request for medical response over the radio.



Above: Screenshot from LVMPD Air Unit camera, as Decedent's vehicle came to a stop.

Trooper DellaBella was in the passenger seat of the patrol vehicle which was stopped at the front passenger-side quarter panel of the Elantra. He exited his vehicle and immediately positioned himself at the edge of the front passenger quarter panel and passenger door of the Elantra.

Officers Simmons and Dix were in the unmarked P&P vehicle which was stopped directly in front of the Elantra. They exited their vehicle and positioned themselves directly in front of the Elantra. Officer Dix stood in front of the driver side of the Elantra, and Officer Simmons stood in front of the passenger side.

Officer Villanueva parked his unmarked P&P vehicle to the far west side of the I-15. He exited and moved toward Decedent in the Elantra. Officer Villanueva positioned himself at the passenger side of the NHP vehicle that spun the Elantra, which was positioned at the front driver-side quarter panel of the Elantra.

The troopers and officers yelled for Decedent to exit from the Elantra. Officer Simmons had clear view into the vehicle through the broken front windshield. Officer Simmons believed Decedent was a female and observed Decedent seated in the driver seat. Trooper May's legs were draped across Decedent's lap and his upper body appeared to be on the passenger side floorboard. Officer Simmons stated in an interview "I could see that, uh, the suspect had both of their hands on the, uh, trooper's gun, which is still in the holster, and they're using their whole body to like violently trying to - what appeared to me, they were violently trying to jerk the gun and get the gun out of the holster. Um, during this time, I - I verbally announced that - I said, "She's reaching! She's reaching!"

Trooper DellaBella also observed what Officer Simmons observed and, in an interview, he stated, "I could see the driver jumping around inside the car, trying to get Micah's weapon from his duty belt and I told him, 'Do not move. Let me see your hands,' and 'Don't do it,' and he ignored all my commands. And at that moment, I knew that we were in imminent danger, myself, Micah and everyone around us".

Trooper DellaBella, Officer Dix, Officer Simmons and Officer Villanueva fired their weapons at Decedent. They fired a total of 26 rounds. The three P&P officers maintained their positions after shots were fired. Trooper DellaBella moved back behind a patrol vehicle as he fired. Troopers broadcast over their radio that shots had been fired and requested medical response.

As the troopers and officers maintained their positions, LVMPD K9 Officer J.C. moved up to the group and asked where Trooper May was. Officer J.C. was told that Trooper May was still inside the vehicle with Decedent. Officer J.C. assisted the group as they moved up to the vehicle to rescue Trooper May. The passenger door of the Elantra was locked. Officer J.C. used his expandable straight baton to break and remove the window. Officers and troopers found Trooper May inside, unresponsive with his head and lower body toward the floorboard of the passenger side and his legs and feet across the Decedent's body, which was still seated on the driver seat. As they attempted to pull Trooper May from the vehicle, Trooper May's body appeared stuck. Officer Dix climbed onto the hood

of the Elantra, reached in through the broken windshield, and dislodged Trooper May's duty belt from the center console.

The group pulled Trooper May from the vehicle and carried him to the far-left side (east side) of the I-15. They placed Trooper May on the ground in between the shoulder of the road and the HOV lane. The troopers and officers immediately began to remove Trooper May's clothing, check his injuries and provide him emergency medical treatment.

At the same time, other troopers were at the driver side of the Elantra. Decedent was seated in the driver's seat unresponsive, having sustained multiple gunshot wounds. Trooper M.W. removed a set of handcuffs from his belt and handed them to Trooper N.L. at the driver-side door. Trooper N.L. placed Decedent in handcuffs as they waited for medical to arrive.



Pictured Above: Screenshot taken from Trooper N.L.'s BWC when the driver's door to Decedent's vehicle was initially opened. Trooper May was positioned with his legs across the lap of Decedent and upper body/head toward the passenger floorboard. Decedent was seated in the driver's seat, with his left hand extended across his body toward Trooper May's waist, duty belt, and gun.

The troopers who were providing aid to Trooper May requested the LVMPD Air Unit land and transport Trooper May due to his critical condition. Though the LVMPD Air Unit's helicopter is designed for patrol functions, not person rescues, the pilot and TFO chose to land and assist. Officers and troopers carried Trooper May to the helicopter and loaded him in the back with the TFO. The LVMPD Air Unit then flew to UMC where they landed on the hospital's helipad and took Trooper May to medical staff.

Las Vegas Fire and Rescue (LVFR) emergency medical personnel responded to the officer-involved shooting (OIS) scene. LVFR personnel removed Decedent from the

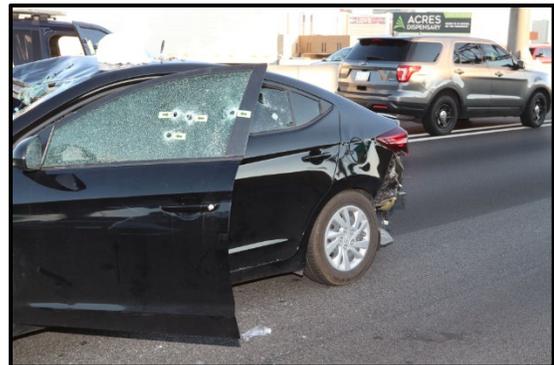
vehicle and had a law enforcement officer remove the handcuffs from Decedent. A LVFR paramedic pronounced Decedent deceased at 12:50 p.m.

Additional NHP and LVMPD personnel responded and secured the scene. The LVMPD Force Investigation Team (FIT) responded to the scene to conduct the investigation. Two days later, on July 29, 2021, Trooper May was pronounced deceased while at UMC Trauma Intensive Care Unit.

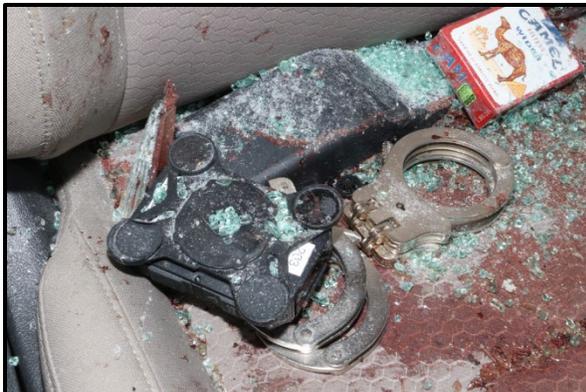
DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE

SCENE OF OFFICER-INVOLVED SHOOTING

LVMPD crime scene analysts responded to I-15 southbound, south of Sahara Avenue to photograph and document the OIS scene, and photograph and collect evidence, including documenting the involved officers and the officers' firearm countdowns.



Above left: Looking south on I-15, suspect vehicle, evidence markers showing cartridge cases on ground. Above right: Looking east on I-15 toward the driver side of the suspect vehicle showing bullet impacts.



Above left: Passenger seat of suspect vehicle showing Trooper May's body-worn camera and handcuffs. Above right: Looking northeast on I-15 showing suspect vehicle surrounded by DPS vehicles.



Above left: Looking north on I-15 toward suspect vehicle, showing vehicle damage and decedent on ground.
 Above right: Looking south on I-15 at suspect vehicle, Trooper May's impact point to front windshield.

LVMPD crime scene analysts further completed the following diagram of the OIS scene.

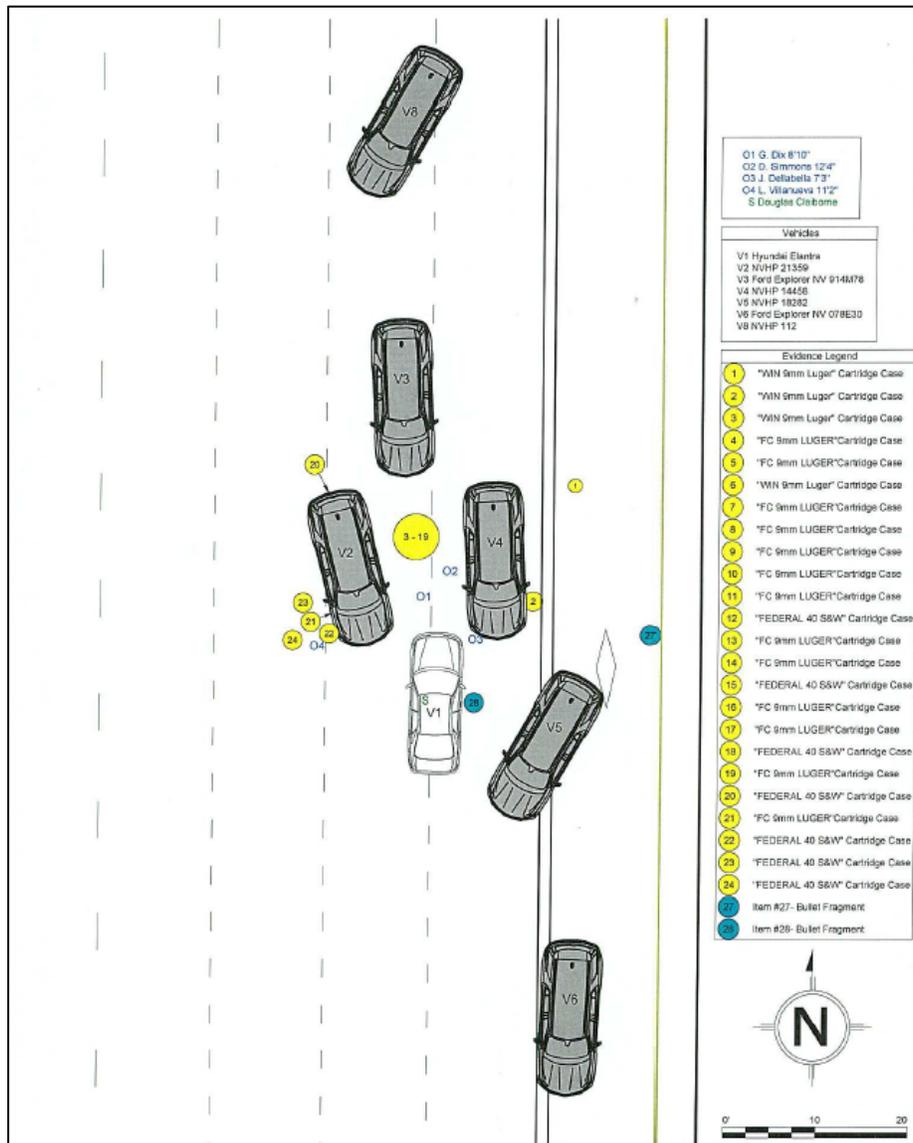
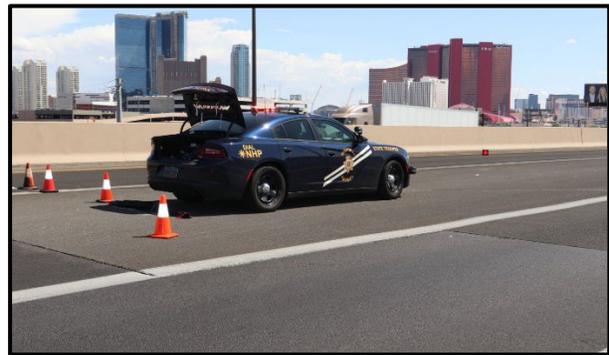


Diagram: Officer-involved shooting scene.

SCENE WHERE DECEDENT STRUCK TROOPER MAY

LVMPD crime scene analysts responded to I-15 southbound, south of Charleston Boulevard above West Oakey Boulevard to photograph and document the scene where Decedent struck Trooper May, and photograph and collect evidence from that scene. The following are photographs taken of the overall scene and items impounded as evidence.



Above left: Looking south on I-15, Trooper May's vehicle parked in the traffic gore.

Above right: Looking east on I-15 southbound lanes, Trooper May's vehicle parked in the traffic gore.

LVMPD crime scene analysts further completed the following diagram of the scene where Trooper May was struck.

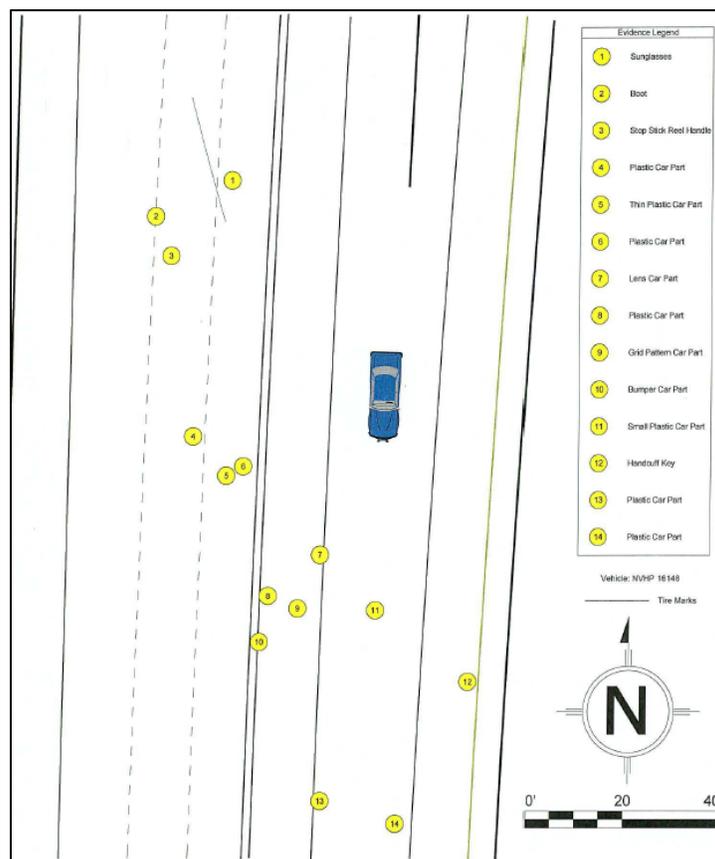


Diagram: Collision scene.

THE HYUNDAI ELANTRA

On July 28, 2021, crime scene analysts responded to the LVMPD Crime Scene Investigations (CSI) Garage to photograph and document the Hyundai Elantra, and photograph and collect evidence. The following are some of the photographs taken of the vehicle and items impounded as evidence.



Above left: Passenger side of the vehicle during crime scene processing at LVMPD Crime Lab.

Above right: Center/Top of suspect vehicle showing bullet impacts in the front windshield and roof during processing at LVMPD CSI Garage.



Above left: Driver side of the suspect vehicle during crime scene processing at the LVMPD CSI Garage.

Above right: Butcher Style knife recovered inside the vehicle during processing at LVMPD CSI Garage.

UNIVERSITY MEDICAL CENTER

On July 27, 2021, at approximately 1:15 p.m., crime scene analysts responded to UMC Trauma to photograph and document Trooper May as well as Trooper DellaBella's injuries, and photograph and collect evidence.

On July 29, 2021, at approximately 4:16 p.m., crime scene analysts responded to the UMC Intensive Care Unit to photograph and document the body of Trooper May, and photograph and collect evidence.

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FIREARM COUNTDOWNS AND EXAMINATIONS

On July 27, 2021, Officer Simmons, Officer Dix, Officer Villanueva, and Trooper DellaBella had their duty weapons counted down inside the LVMPD mobile command vehicle parked on southbound I-15 near Sahara Avenue. The countdown is a process used to determine the number of rounds each officer fired during the incident.

Officer Derek Simmons

Weapon
Make: Smith & Wesson
Model: M&P 2.0
Caliber: 9mm



At the completion of the countdown, it was determined Officer Simmons discharged his firearm 14 times during this incident.

Officer Garrett Dix

Weapon
Make: Smith & Wesson
Model: M&P
Caliber: .40c



At the completion of the countdown, it was determined Officer Dix discharged his firearm 3 times during this incident.

Officer Luis Villanueva

Weapon
Make: Smith & Wesson
Model: M&P
Caliber: .40c



At the completion of the countdown, it was determined Officer Villanueva discharged his firearm 4 times during this incident.

Trooper Joseph DellaBella

Weapon
Make: Glock
Model: 17
Caliber: 9mm



At the completion of the countdown, it was determined Trooper DellaBella discharged his firearm 5 times during this incident.

All four firearms were then sent to the LVMPD Forensic Laboratory for forensic examination. A forensic scientist examined, test fired, and found all four firearms to be operational with no noted malfunctions.

LVMPD AIR UNIT CAMERA FOOTAGE

The LVMPD Air Unit was equipped with a camera system, which was operated and controlled by the TFO. The Air Unit camera system has information displayed on the video screen to include the direction the camera is looking, altitude, what mode the camera system is in as well as longitude and latitude. The camera does not display date or time. As such, the times will be documented as they occurred on the video.

00:21: The Air Unit picked up the stolen black Hyundai Elantra (hereinafter referred to a "Decedent's vehicle" for purpose of the following summaries) exiting Lake Mead Boulevard, followed by marked patrol units from both NHP and NLVPD.

00:45: Decedent's vehicle exited through the offramp and proceeded eastbound on Lake Mead Boulevard.

01:00: Decedent's vehicle turned northbound (left turn) onto Yale Street.

01:33: Decedent's vehicle turned eastbound (right turn) onto Judson Avenue.

01:50: Decedent's vehicle turned north (left turn) onto 5th Street. At this section of 5th Street, the north and south lanes were separated by a large median with landscaping. When Decedent's vehicle turned north, it traveled in the southbound lanes of traffic, going against the flow of traffic.

02:11: When Decedent's vehicle reached Carey Avenue, it continued northbound. However, it veered to the right and went into the appropriate lanes for northbound travel.

02:30: LVMPD Air Unit broadcasted that NLVPD was the primary agency in the pursuit with NHP as secondary.

03:36: Decedent's vehicle drove onto the right shoulder of the road as it approached stopped traffic at Cheyenne Avenue.

03:42: Decedent's vehicle drove around stopped vehicles and made a westbound turn (left turn) onto Cheyenne Avenue, cutting off vehicles with the right of way as they proceeded to turn west.

03:56: Decedent's vehicle moved to the center median as it drove between east and westbound traffic.

04:12: Decedent's vehicle made a U-turn as it reached the west side of City View Park and drove back east on Cheyenne Avenue.

04:24: Decedent's vehicle passed approximately ten marked patrol vehicles that have been following as it made another U-turn and proceeded driving back westbound.

04:31: Decedent's vehicle weaved in and out of marked police vehicles that were in the process of turning around to follow him. Decedent's vehicle went westbound in the far left (eastbound travel lane) against the flow of traffic.

04:43: Decedent's vehicle moved back to the center lane as it drove westbound.

05:04: Decedent's vehicle turned north (right turn) onto Commerce Street.

05:45: Decedent's vehicle turned eastbound (right turn) onto Gowan Road.

06:27: Decedent's vehicle approached 5th Street, where a large semi-truck was stopped in the left turn lane for a northbound turn. An NHP trooper had positioned themselves in front of the semi-truck to deploy a Stop Stick©.

06:28: Decedent's vehicle drove into oncoming lanes of travel and passed the semitruck on the left-hand side. The trooper deployed the Stop Stick© but was unsuccessful with getting them in front of Decedent's vehicle. Decedent's vehicle turned north (left) onto 5th Street.

07:16: Decedent's vehicle turned right (East) onto Alexander Road. Due to cross traffic that was visible on the video it appeared Decedent's vehicle drove through the red light.

08:20: LVMPD Air Unit was informed over the radio Decedent's vehicle was occupied by a single, white female driver.

08:46: Decedent's vehicle made a southbound (right) turn onto Losee Road. The section of the road had a cement median that separated the left turn lane of Losee Road at the intersection of Alexander Road.

08:51: Decedent's vehicle passed the center median and made a U-turn to drive northbound on Losee Road.

09:26: As Decedent's vehicle drove north on Losee Road an officer deployed a Stop Stick© into the northbound travel lane at Aerojet Way. Decedent's vehicle avoided the Stop Stick© and continued north.

09:40: Decedent's vehicle made an eastbound (right) turn onto Craig Road into oncoming traffic. Craig Road is a six-lane road (not including turn lanes) that is divided by a cement median which separated east and westbound travel.

09:44: Decedent's vehicle weaved in and out of oncoming traffic as it proceeded eastbound on Craig Road.

09:48: Decedent's vehicle drove onto the center median as it positioned itself into the correct travel lanes.

10:03: As Decedent's vehicle approached Berg Street, a trooper had positioned himself in the far-left eastbound lanes. Decedent's vehicle approached stopped vehicles in the intersection in the far-right lane. The trooper ran into the one and two travel lanes and threw a Stop Stick© toward Decedent's vehicle. Decedent's vehicle was able to avoid the Stop Stick© and continued eastbound on Craig Road.

10:06: Decedent's vehicle passed the stopped vehicles on the right-hand side and entered the intersection against vehicles moving north and south. Decedent's vehicle continued eastbound on Craig Road.

10:24: As Decedent's vehicle drove eastbound onto the overpass (over the railroad tracks) it was in the number three (third from left eastbound lanes) travel lane. A trooper was stopped in the number one travel lane and deployed a Stop Stick© into the number two travel lane, which Decedent's vehicle was able to avoid.

10:29: Decedent's vehicle approached Donovan Way where traffic was backed up and at a stop. The number three and four travel lanes were backed up which made Decedent's vehicle to move into the number two lane.

10:35: The number one and two travel lanes had stopped traffic and Decedent's vehicle split the lanes and went in between the stopped vehicles. It was unclear on whether any of the stopped vehicles were hit by Decedent's vehicle.

10:47: Decedent's vehicle continued through the intersection and entered the southbound I-15 onramp.

11:07: A radio broadcast was heard, with direction for NLVPD to terminate the pursuit. NHP then continued the pursuit in the primary role.

11:30: Radio traffic could be heard as LVMPD K9 requested permission from the Watch Commander (WC) to follow the pursuit to assist if Decedent ran.

12:09: LVMPD Air Unit requested the dispatcher talk with NHP landline to arrange a mutual radio channel both could operate on together as they continued to monitor the pursuit.

12:57: While southbound, Decedent's vehicle changed lanes in order to go around marked NHP vehicles that were ahead of him and continued south.

14:25: LVMPD K9 broadcast on the radio to notify NHP, that if they suspect flees, not to give chase because he would deploy the K9.

14:41: The WC broadcasted over the radio that the plates on the fleeing vehicle were reported in a robbery / carjacking from SCAC.

16:03: The LVMPD Air Unit broadcast over the radio there was a marked LVMPD K9 following the pursuit. LVMPD K9 confirmed to the Air Unit that he had been given permission from the WC to follow.

16:48: LVMPD Air Unit requested the dispatcher to stay landline with NHP dispatch until a radio channel had been patched together for communication.

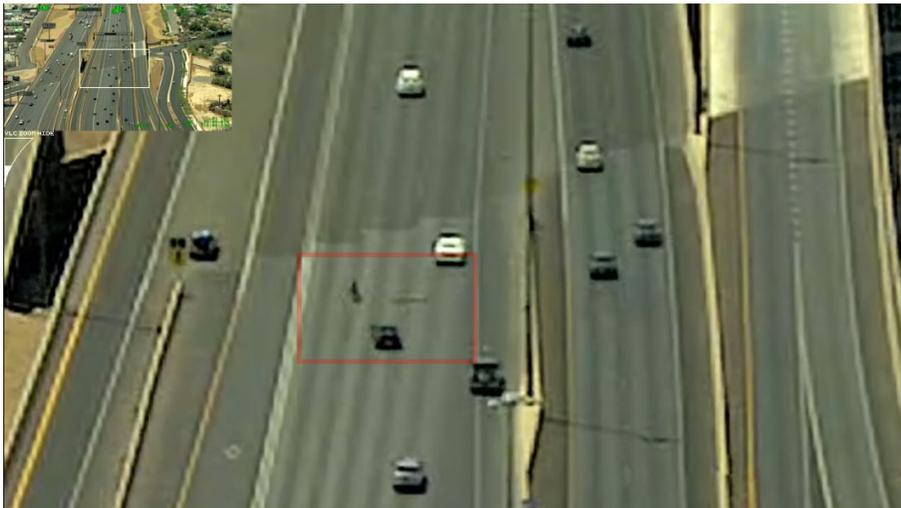
17:28: Decedent's vehicle continued south on the I-15 as it passed the Charleston Boulevard exit, which had a trooper stopped and blocking the exit. Decedent's vehicle straddled the High Occupancy Vehicle (HOV) lane and the number one (farthest left lane excluding HOV) travel lane at approximately 65 miles per hour.

18:06: A radio broadcast was heard, and the dispatcher advised that NHP had a Stop Stick© deployed near the Neon Gateway.

18:19: Trooper May came into camera view as a marked NHP vehicle was observed in the gore that separated the southbound HOV lane from the Neon Gateway HOV southbound onramp lanes. Decedent's vehicle changed lanes and moved to the right (west) as it crossed into the number three travel lane.

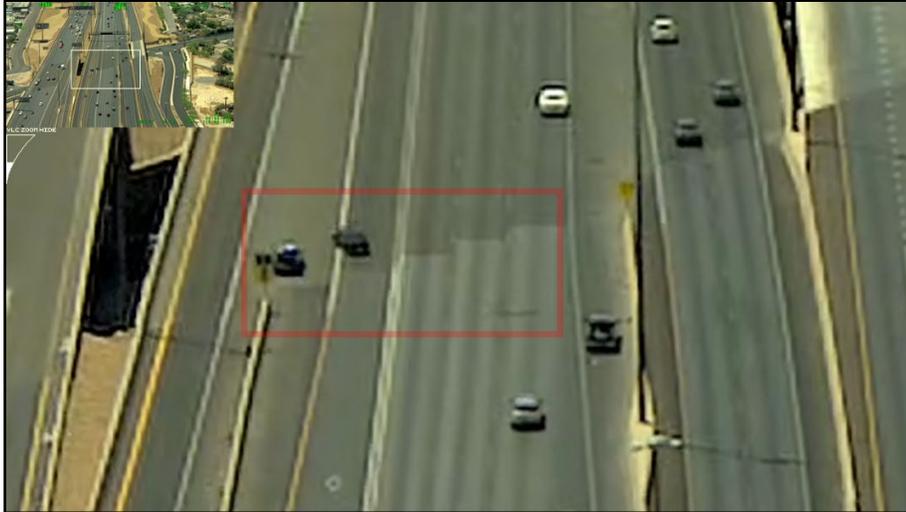
18:24: Trooper May ran from the east side of the highway into the travel lanes.

18:25: Trooper May deployed the Stop Stick© into what appeared to be the number two and three travel lanes. Decedent's vehicle turned sharply toward the left and headed directly for Trooper May. Decedent's vehicle missed the Stop Stick© and struck Trooper May.



Above: Interactive zoom; red box depicting Decedent turning vehicle left toward Trooper May.

18:26: Decedent's vehicle continued at an angle as it headed toward the east side of the highway and drove through the HOV and the gore and missed Trooper May's stopped vehicle.



Above: Interactive zoom; red box depicting Decedent driving into gore, Trooper May's vehicle to left, with Stop Stick© visible in lower right corner.

18:28: Decedent's vehicle straightened out and drove south into the gore as the LVMPD Air Unit broadcast over the radio that the NHP officer had been struck by Decedent's vehicle.

18:33: Decedent's vehicle continued south, and Trooper May's legs and feet could be seen across the hood of Decedent's vehicle as they hung off the driver side of the hood.

18:57: Decedent's vehicle swerved side to side (right to left) as it appeared to attempt to shake Trooper May from the vehicle.

19:13: A marked NHP vehicle moved in close behind Decedent's vehicle and appeared to attempt to hit the vehicle but did not make contact.

19:17: That same NHP vehicle attempted to move up and to the left of the vehicle, but Decedent's vehicle moved to the left and blocked it. As that occurred, a second marked NHP vehicle pulled up along the passenger side of Decedent's vehicle.

19:19: The NHP vehicle to the passenger side of Decedent's vehicle swerved into the vehicle's travel lane and the two collided. The passenger side of Decedent's vehicle contacted the driver side of the NHP vehicle as both continued south. Trooper May's legs were visible on the hood of the car, but his body appeared to be moving into Decedent's vehicle.

19:22: Trooper May was no longer visible on the hood of Decedent's vehicle as his entire body had slipped into the vehicle.

19:32: The marked NHP vehicle again pulled alongside the passenger side of Decedent's vehicle and used the driver side of his vehicle to turn into the Decedent's vehicle bumping it. The rear bumper of Decedent's vehicle appeared to have come off and dragged behind the driver side of Decedent's vehicle.

19:37: Decedent continued south and was once again bumped on the passenger side by the marked NHP vehicle.

19:40: Another marked NHP vehicle was observed as it sped past the other vehicles from the far-right side (number four and five travel lanes) of the southbound lanes. Decedent's vehicle moved quickly to the left (east) across the travel lanes.

19:46: As the NHP vehicle moved across the travel lanes it used its driver side quarter panel to contact the passenger side rear quarter panel of Decedent's vehicle. Decedent's vehicle-maintained control and continued south.

19:51: The NHP vehicle sped up and again conducted the same maneuver and used his front driver side quarter panel to hit the rear passenger quarter panel of Decedent's vehicle.

19:52: The maneuver caused Decedent's vehicle to swerve and end up in the number two travel lane. The NHP vehicle ended up just behind Decedent on the driver side of Decedent's vehicle.

19:53: The NHP vehicle sped up and conducted the same maneuver, however, this time on Decedent's driver side. As the front passenger side quarter panel of the NHP vehicle contacted the rear driver side quarter panel of Decedent's vehicle, it caused the vehicle to spin.

19:55: Decedent's vehicle spun counterclockwise as the rear of his vehicle faced south and the front of his vehicle faced north.

19:57: Decedent's vehicle stopped as it faced north in the number two travel lane of southbound I-15, south of Sahara Avenue. The NHP vehicle, which had caused it to spin, appeared to again make contact with Decedent's vehicle, with the front driver side quarter panel stopped at the front driver side quarter panel of Decedent's vehicle. A second marked NHP vehicle stopped just in front of and on the passenger side of Decedent's vehicle.

20:00: An unmarked vehicle stopped directly in front of Decedent's vehicle and faced head on with it. This vehicle was directly between the other two marked units on the driver and passenger side of Decedent's vehicle.

20:04: Uniformed and non-uniformed officers/troopers were observed as they exited their vehicles. Trooper DellaBella was observed at the passenger side of Decedent's vehicle and two non-uniformed officers, P&P Officers Simmons and Dix, were observed directly in front of Decedent's vehicle. A third non-uniformed officer, P&P Officer Villanueva, was observed on the passenger side of the NHP vehicle which was stopped against the driver side of Decedent's vehicle.

20:05: The Air Unit orbited the scene as it moved in a clockwise position east and across the highway. The TFO continued to keep the scene in camera view, but the angle continued to change.

20:07: The camera view of the Air Unit looked south to north, and it appeared shots were fired by officers/troopers. The positioning of Officers Villanueva, Dix and Simmons stayed the same. Trooper DellaBella moved backward away from the passenger side of Decedent's vehicle toward the east. Pictured below.



20:12: The Air Unit broadcast radio information to roll medical and zoomed out giving a larger field of view.

20:16: The officers/troopers maintained their positions.

20:23: K9 Officer J.C. approached the troopers who stood on the shoulder of the highway (east side) next to the HOV lanes.

20:26: The troopers with K9 Officer J.C. could be seen as they pointed toward Decedent's vehicle.

20:33: A trooper and Officer J.C. could be seen as they moved toward the passenger side of Decedent's vehicle. Officers Simmons and Dix also moved from their position up toward the vehicle.

20:41: The Air Unit camera zoomed in giving a closer view of troopers/officers as they approached Decedent's vehicle. Officer J.C. used his expandable straight baton (ESB) and hit the passenger side window of Decedent's window to remove it.

20:47: As Officer J.C. removed the window from the passenger side, troopers on the driver side were able to open Decedent's door.

20:53: The passenger door of Decedent's vehicle was opened, and Officer Simmons reached inside.

20:59: The Air Unit continued to orbit, and the view was now looking north to south of the scene. Officers Simmons, Dix and J.C. were all attempting to reach Trooper May from the passenger side of Decedent's vehicle.

21:06: Officer Dix climbed up on the hood of Decedent's vehicle and reached through the large hole in the front windshield as Officers Simmons and J.C. continued to work in the passenger door.

21:10: Officers Simmons and J.C. removed Trooper May from the passenger side of the vehicle and carried him east toward the HOV lanes.

21:22: Several troopers and officers surrounded Trooper May as they laid him on the yellow line which separated the shoulder (east side) of the road from the HOV lane. The troopers and officers began to provide medical attention to Trooper May.

21:37: The Air Unit continued to orbit, with the view now being from east to west. Troopers could be seen in the driver side door of Decedent's vehicle. Other troopers and officers continued to give aid to Trooper May.

23:11: Dispatch advised the LVMPD Air Unit that NHP was requesting they land and transport Trooper May.

23:40: LVMPD Air Unit talked with K9 Officer J.C. about the status of Trooper May as they determined if they should land. K9 Officer J.C. indicated that Trooper May was still breathing.

24:20: LVMPD Air Unit advised dispatch they were landing on southbound I-15.

24:41: LVMPD Air Unit landed on southbound I-15, just south of the OIS scene.

25:34: Troopers and officers carried Trooper May toward the LVMPD Air Unit.

26:45: The LVMPD Air Unit lifted off from the I-15.

*Once airborne the Air Unit camera was no longer operated by the TFO. It continued to record but rotated on its gimbal.

26:49: A radio broadcast could be heard where dispatch advised that Decedent was possibly deceased.

27:34: LVMPD Air Unit advised dispatch they were on final approach to UMC.

29:15: LVMPD Air Unit landed on the helipad at UMC.

29:16: The LVMPD Air Unit camera shut off.

BODY-WORN CAMERA AND DASHCAM FOOTAGE

Eleven (11) NHP troopers were equipped with body-worn cameras (“BWC”) that were activated during the pursuit, when Trooper May was struck, and/or at the time of the shooting. Eight (8) NHP vehicles were equipped with in-car dashcams that were activated during the pursuit, when Trooper May was struck, and/or at the time of the shooting. One (1) LVMPD officer was equipped with BWC that was activated during the pursuit, when Trooper May was struck and at the time of the shooting. Seventeen (17) NLVPD officers were equipped with BWC that were activated at the time of their involvement in the pursuit. The P&P officers were not equipped with BWC. The footage captured on the BWCs and dashcams, and reviewed by the District Attorney’s Office, was consistent with the witness officers’ and troopers’ statements and the statements of Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella.

The following are summaries of BWC footage from the subject trooper, Trooper DellaBella, and witness troopers, Troopers G.R. and N.L., who were on scene at the time of the OIS. Included thereafter is a summary of BWC footage from victim trooper, Trooper May.

TROOPER DELLABELLA’S BODY-WORN CAMERA FOOTAGE

Trooper DellaBella was wearing a BWC at the time of the incident and the camera was not activated. The camera was collected by NHP and with assistance from Axon, the manufacturer of the BWC device, video footage captured by the camera was able to be extracted. However, due to the BWC not being activated by Trooper DellaBella, no audio was able to be extracted.

Trooper DellaBella’s camera footage displayed the date of July 27, 2021, and the recording began at 12:18:30 p.m.⁴ The footage started with a view from the interior passenger side of a patrol vehicle, at dashboard/glove box height. Over the following roughly three minutes, Trooper DellaBella was pointing and waving his hand toward the front of the vehicle, apparently agitated at 12:20:10. Trooper DellaBella held the radio microphone in his hand appearing to broadcast radio traffic and point toward the front of the vehicle.

At 12:21:20, the BWC footage shook, and the vehicle computer moved side to side. At 12:21:39, Trooper DellaBella opened the passenger-side door and exited the vehicle. Trooper DellaBella immediately moved toward the front of his vehicle and Decedent’s

⁴ The NHP Axon BWC time stamps BWC footage in pacific standard time (PST), which was the actual time in Las Vegas, Nevada.

vehicle came into view. The front of the Elantra faced Trooper DellaBella. The windshield of the Elantra was shattered and had a large hole in the center.

At 12:21:42, Trooper DellaBella drew his firearm and pointed it toward Decedent's vehicle as he moved toward it, then quickly moving to the front passenger side quarter panel of the Elantra as his firearm was pointed toward the driver side of the vehicle. Trooper DellaBella then used his left hand to brace himself against the passenger side "A" pillar as he pushed his firearm with his right hand toward the hole in the front windshield. The persons/objects inside of the vehicle could not be clearly seen on BWC. Trooper DellaBella moved backward away from the vehicle and took a two-handed grip on his firearm.

At 12:21:46, Trooper DellaBella's arms appeared to rock indicating that he possibly fired his weapon. Two apparent bullet holes appeared in the passenger side window of Decedent's vehicle as Trooper DellaBella continued to back away. Officers Simmons and Dix were in view on Trooper DellaBella's right hand side, standing directly in front of Decedent's vehicle. Directly across from Trooper DellaBella, Officer Villanueva in view positioned behind a marked NHP patrol vehicle. A trooper was also in BWC view directly behind Decedent's vehicle. Trooper DellaBella continued to move backward and took a position behind a marked NHP patrol vehicle which had parked to the east of the Elantra. Trooper DellaBella appeared to take a one-handed right shooting stance as he moved behind the patrol vehicle. Trooper DellaBella stayed behind the patrol vehicle. Decedent's vehicle was out of view. Trooper G.R. approached Trooper DellaBella's location.

At 12:22:02, Additional troopers joined Trooper DellaBella, who appeared to use his handheld radio. K9 Officer J.C. approached the group. Trooper G.R. pointed toward Decedent's vehicle. At 12:22:22, Officer J.C. approached the passenger side of Decedent's vehicle and used his expandable straight baton to break and remove the passenger side front window. At 12:22:35, Officers Dix, Simmons and J.C. opened the passenger side door of Decedent's vehicle and began to extract Trooper May. Officers Dix, Simmons and J.C. brought Trooper May back to Trooper DellaBella's location near the jersey wall and HOV lane of southbound I-15. Trooper DellaBella was handed gauze and began to administer aid to Trooper May.

At 12:27:07, Trooper DellaBella assisted with lifting Trooper May as the officers and troopers carried Trooper May toward the LVMPD Air Unit, which had landed on the southbound lanes of I-15. At 12:27:52, Trooper May was placed in the back of the LVMPD Air Unit. Trooper DellaBella ran back toward the OIS scene. Thereafter, Trooper DellaBella's BWC continued to record as the crime scene was secured, additional emergency personnel responded, and Trooper DellaBella received treatment from medical personnel. Trooper DellaBella's BWC footage ended at 12:33:21.

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WITNESS NHP TROOPERS' BODY-WORN CAMERA FOOTAGE

Trooper G.R.

Trooper G.R., who was riding with Trooper DellaBella, was wearing a BWC at the time of the incident and the camera was activated. Trooper G.R.'s camera footage displayed the date of July 27, 2021. Trooper G.R.'s BWC activated at 11:39:36, showing the center of the steering wheel and front windshield of Trooper G.R.'s patrol vehicle. At 11:40:07, BWC audio engaged; the patrol vehicle's siren could be heard as well as radio traffic. From 11:40:07 to 12:20:04, Trooper G.R. was in pursuit of Decedent. Radio traffic and conversations could be heard, the view of the BWC was of the steering wheel and front windshield.

Beginning at 12:20:04, Trooper G.R. jerked his hands from the steering wheel of the video and "Oh Fuck!" was yelled, as both Trooper G.R. and Trooper DellaBella in the passenger seat yelled. "Oh my God, where is he?" was heard as a deeper voice yelled "Go after her." Trooper DellaBella is heard giving radio traffic that Trooper May had been hit. At 12:20:22, Trooper G.R. pointed and exclaimed "He's on the car." As Trooper G.R. did this, the vehicle engine could be heard accelerating. Troopers G.R. and DellaBella began communicating that Decedent's vehicle needed to be blocked in.

At 12:21:37, Trooper G.R.'s vehicle stopped and Trooper G.R. exited, immediately drawing his firearm. Trooper G.R. then moved toward the front drive-side quarter panel of the NHP vehicle and Trooper DellaBella could be seen near the passenger door of Decedent's vehicle. At 12:21:43, Trooper DellaBella moved in front of the vehicle when a gunshot was heard. Trooper DellaBella immediately moved backward toward Trooper G.R. Off to the right and in front of Trooper G.R., Officers Simmons and Dix could be seen, in front of Decedent's vehicle with their guns drawn and pointed toward Decedent. At 12:21:48, Trooper G.R. moved back away from Decedent's vehicle and behind the NHP vehicle after multiple gunshots were heard. At 12:21:54, Trooper DellaBella stood next to Trooper G.R. and broadcast "Shots Fired" over the radio.

Thereafter, from 12:22:03 to 12:28:04, Trooper G.R.'s BWC captured the officers and troopers rescuing Trooper May from the Decedent's vehicle, providing Trooper May medical aid, coordinating the landing of the LVMPD Air Unit, and carrying Trooper May to the Air Unit.

From 12:28:04 to 12:36:38, Trooper G.R.'s BWC continued to record as the scene was secured and emergency personnel were directed. Trooper G.R. shut off his BWC at 12:36:39.

Trooper N.L.

Trooper N.L. was wearing a BWC at the time of the incident and the camera was activated. Trooper N.L.'s camera footage displayed the date of July 27, 2021. Trooper N.L.'s BWC activated at 11:47:45 and viewed the center of the steering wheel and front

windshield of Trooper N.L.'s patrol vehicle. At 11:48:16, BWC audio engaged; radio traffic of a pursuit and Trooper N.L.'s siren could be heard.

Beginning at 11:54:42, Trooper N.L. stopped and exited his vehicle on I-15 southbound just south of the Lake Mead exit and retrieved a Stop Stick® from the trunk of his vehicle. Trooper N.L.'s BWC detached from his uniform as he retrieved the Stop Stick® and the camera view faced upside down toward the open trunk of the vehicle. Trooper N.L. closed the trunk while holding the Stop Stick®, the BWC remained in the trunk at 11:55:01. The trooper's vehicle can be heard driving and then stopping twice, until 12:06:47, when the trunk of the vehicle opened and Trooper N.L. retrieved his BWC, placing it back on. The view of the BWC was once again the center of the steering wheel and front windshield of Trooper N.L.'s patrol vehicle.

At 12:11:31, Trooper N.L. stopped his vehicle, exited, and retrieved the Stop Stick® from the backseat. At 12:11:59, Trooper N.L. deployed the Stop Stick® across the number two and three lanes (unknown location of a four-lane road) ahead of Decedent's vehicle. Trooper N.L. moved back from the deployed location behind his vehicle as Decedent passed his location. Decedent was in the number three lane but was able to miss driving over the deployed Stop Stick®. Trooper N.L. then retrieved the Stop Stick® and placed it in the back seat of his vehicle before entering his vehicle and rejoining the pursuit.

At 12:15:33, Trooper N.L. stopped, exited his vehicle, and retrieved the Stop Stick® from the back seat. He then prepared to deploy the Stop Stick® on the Lake Mead offramp from the I-15. At 12:16:40, Trooper N.L. returned the Stop Stick® to the backseat of his patrol vehicle. He then rejoined the pursuit on the I-15 southbound.

At 12:20:10, a radio broadcast could be heard stating that Decedent hit a trooper. The sound of additional radio broadcasts stating, "I don't know where he is ... he is on the fucking pursuing car," "box her in," "start medical this way," "he is in the car," "ram that vehicle," and "stop that car" can be heard.

Beginning at 12:21:25, the BWC appeared to shake, and a bumping sound could be heard as it appeared Trooper N.L. intentionally made contact with Decedent's vehicle. The BWC continued to shake, and tires could be heard squealing as it appeared Trooper N.L. again made an intentional contact with Decedent's vehicle. Trooper N.L. then abruptly turned his steering wheel to the left as a collision could be heard along with screeching tires.

At 12:21:38, Trooper N.L. stopped and exited his vehicle, the front of his vehicle was positioned against the front driver-side quarter panel of Decedent's vehicle. Decedent's vehicle faced north in the southbound lanes of I-15, and Trooper N.L. stood directly in front of the vehicle. Decedent's vehicle's front bumper was hanging off and the front windshield had a large hole in the center of it.

At 12:21:43, verbal commands were being issued for Decedent to get out of the vehicle. Trooper N.L. moved to his left (east) across the front of Decedent's vehicle with his firearm

drawn. Trooper DellaBella was in front of Trooper N.L. and moved up to Decedent's vehicle. Trooper DellaBella's firearm was drawn and placed inside the broken windshield.

At 12:21:44, Trooper N.L. moved behind Trooper DellaBella toward the passenger side of Decedent's vehicle. As Trooper N.L. moved, gunshots could be heard. He continued to move and reached the rear of Decedent's vehicle as the gunfire continued.

Beginning at 12:21:47, Trooper N.L. backed away from the vehicle southbound as he looked toward the OIS which occurred. Trooper N.L. moved toward the east, joining other troopers who had moved away from Decedent's vehicle. The troopers were pointing to Decedent's vehicle and stating Trooper May was still inside. LVMPD K9 Officer J.C. approached the troopers and directed them to Decedent's vehicle to get Trooper May. At 12:22:15, Trooper N.L. ran to the passenger side of Decedent's vehicle and found the door locked. He attempted to reach in through the broken front windshield as he called out to Trooper May. K9 Officer J.C. used a tool to break and remove the passenger side window. Trooper N.L. then moved around to the driver side of Decedent's vehicle as Officer Villanueva opened the door. Decedent was inside of the vehicle in the driver seat. Trooper May's lower body (legs) were across Decedent's lap and his upper body toward the passenger side of the vehicle. Decedent's left hand was across Trooper May's body towards his waist and his right hand resting on top of his left. Officer Simmons began reaching into the vehicle from the passenger side of the vehicle as he grabbed at Trooper May. Officer Dix then climbed onto the hood of Decedent's vehicle and reached through the broken front windshield to assist with pulling Trooper May from the vehicle. At 12:22:50, officers on the passenger side of the vehicle were able to pull Trooper May out of the vehicle.

At 12:23:02, Trooper N.L. was handed a pair of handcuffs. Trooper N.L. placed the handcuffs on the exposed left wrist of Decedent, then leaned Decedent forward. He was able to pull Decedent's right arm around his back and placed the second cuff on the Decedent's right wrist. Decedent did not show any signs of life. Trooper N.L. then closed the driver side door of the vehicle and walked away from the vehicle. Trooper N.L. moved to the officers who were triaging Trooper May.

At 12:27:13, officers and troopers carried Trooper May to the LVMPD Air Unit which was landing on southbound I-15.

From 12:27:34 to 12:36:14: Trooper N.L.'s BWC continued to record as the crime scene was secured, additional resources responded. Trooper N.L. shut off his BWC at 12:36:14.

VICTIM TROOPER MAY'S BODY-WORN CAMERA FOOTAGE

Trooper May was wearing a BWC at the time of the incident and the camera was not activated. The camera was collected by NHP and with assistance from Axon, they used an Axon computer program, Axon Video XL and Manual Download, to extract video footage (no audio) captured by the camera.

Trooper May's camera footage displayed the date of July 27, 2021, and depicted the following:

12:18:26: BWC started and viewed the open trunk of an NHP patrol vehicle. The BWC and patrol vehicle faced southbound on I-15. Due to the BWC not being activated by Trooper May, no audio was able to be extracted, only video.

12:28:30: Trooper May retrieved the Stop Stick© from the trunk of the patrol vehicle.

12:18:33: Trooper May walked north on the far east side shoulder of the highway. Trooper May was in the gore between the southbound HOV lanes of I-15 and the southbound HOV Neon Gateway on ramp.

12:18:49: Trooper May reached the cement jersey wall which separated the southbound lanes of I-15 from the southbound on-ramp lanes of the Neon Gateway and stopped.

12:19:15: Trooper May positioned himself on the outside of the cement jersey wall and separated himself from southbound I-15 traffic.

12:19:34: Trooper May dropped the Stop Stick© on the ground and appeared to prepare them for deployment.

12:19:38: Trooper May moved toward the shoulder of the road with the Stop Stick© in hand. BWC faced to the west, perpendicular to traffic flow.

12:19:43: Trooper May held the handle of the Stop Stick© in his right hand and appeared as though he prepared to throw the Stop Stick© with his left hand. He moved into the southbound HOV lane (far left lane).

12:19:44: Trooper May used his left hand to throw the Stop Stick© with his left hand as he moved into the number one travel lane (first lane to the right of the HOV lane).

12:19:45: Trooper May deployed the Stop Stick© which extended across the number two and three travel lanes of southbound I-15 Trooper May faced north as the Stop Stick© was deployed. Decedent's vehicle was seen swerving from the number three lane into the number two lane and drove directly toward Trooper May. Trooper May began to move to his right (east) as Decedent's vehicle continued on a sharp angle and moved from the number two lane toward the number one lane directly toward Trooper May.

12:19:46: Trooper May was struck by Decedent's vehicle near the edge of the number two and number one travel lane. The impact was at the front passenger side of Decedent's vehicle. Trooper May reached forward toward the front windshield of the vehicle with his left arm. Breaking glass was visible, and the interior of Decedent's vehicle was observed on BWC. An outline of Decedent in the driver seat could be seen (frame by frame view) as the BWC and Trooper May tumbled. The BWC faced upward from the passenger side floorboard of the vehicle and the empty passenger seat could be seen.

12:19:47: The BWC had an obstructed view with black across the screen.

12:19:49: The BWC view was obstructed but appeared to have abrupt and thrashing movement.

12:20:05 – 12:21:06: The BWC screen was black with sporadic bursts of light, which appeared as if the BWC was jostled.

12:21:07: The BWC had light visible with no shapes or outlines discernable. Possible blood, which appeared to be red in color appeared across the lens. The BWC appeared to have movement.

12:21:25 – 12:39:53: The screen appeared to stay the same and appeared to be stationary.

12:39:54: The BWC appeared to move, light was visible on the screen.

12:39:55: The BWC had an object cover it.

12:48:26: The BWC was stopped.

SUBJECT OFFICERS' STATEMENTS AND SCENE WALK-THROUGHS

A subject officer is a peace officer or supervisor who participated in, directed, or influenced the application of the use of force. Here, P&P Officer Simmons, P&P Officer Dix, P&P Officer Villanueva and NHP Trooper DellaBella are the subject officers.

Very shortly after an OIS, a law enforcement supervisor will obtain a public safety statement (PSS) from the subject officers. The PSS consists of a series of questions, which are asked to determine if the officer or trooper fired their weapon, how many times they believe they fired, where they were located when they fired, if anyone is injured, whether any other officers fired, whether a suspect fired, and whether any witnesses have been identified. Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella each provided a PSS to a supervisor.

Thereafter, during the initial phase of the investigation, subject officers conduct a scene walk-through with FIT investigators and CSI personnel. 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.

Following the scene walk-through, subject officers may provide a recorded or written statement to FIT investigators; however, since the statement is voluntary, subject officers have the right to decline providing a statement to FIT investigators. If a statement, verbal or written, is provided to FIT investigators, it should be obtained from the subject officers at least 48 hours after the incident, however, the 48-hour waiting period may be waived

by the subject officer. Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella each provided FIT investigators a recorded voluntary statement.

OFFICER SIMMONS

Officer Simmons' Public Safety Statement

On July 27, 2021, at approximately 1:16 p.m., Lieutenant J.A. obtained a PSS from Officer Simmons. Lieutenant J.A. recounted that PSS to a FIT detective, which is quoted below:

First question I asked him is, "Did you discharge your firearm?" to which he stated, "Yes."

I asked, "What direction did you discharge your firearm?" He stated, "Southbound." Uh, I asked him, "Approximately where were you located when you fired?" He stated, "In front of the suspect's vehicle facing the driver."

I asked him, "How many shots do you, do you think you fired?" He stated, "Eight to ten shots."

Second set of questions I asked him: "Is any..." uh, "Is anyone injured?" He stated, "The suspect and the trooper."

"Are there any outstanding suspects?" He stated, "No."

I then asked him, "Is it possible the suspect fired rounds at you?" He stated, "No."

Uh, then I asked him, "Do you know if any other officers discharged their firearms?" He stated, "Yes." He stated, uh, "Officer Dix and Villanueva discharged their firearms."

Disk...the Officer Dix was to his right of him and Villanueva was to the right of Dix. Uh, I asked him, um, "Are there any weapons that need to be secured or protected?" He stated, "No."

"Are you aware of any witnesses?" He stated, "Troopers that were all on scene."

Officer Simmons' Scene Walk-Through

On July 27, 2021, at approximately 6:59 p.m., Officer Simmons provided a walk-through of the scene. During the walk-through, Officer Simmons placed a cone at the location he believed he was located at the time he fired his weapon. Officer Simmons stated the suspect was in the driver's seat of the vehicle when he fired. Officer Simmons stated he fired due to fearing for his life, his partner and observed the suspect reaching for the trooper's weapon inside the vehicle.

Officer Simmons' Recorded Voluntary Statement

On July 29, 2021, at approximately 1:51 p.m., FIT detectives conducted an audio recorded interview with Officer Simmons. Below is a summary of the interview.

While performing their normal duties as parole and probation officers, Officers Simmons and Dix heard dispatch broadcast that troopers were involved in a pursuit with a carjacking suspect (Decedent). Officer Simmons switched the radio to the trooper channel and drove toward the area to assist.

Parole and probation vehicles are not equipped with emergency equipment, so Officer Simmons monitored from a distance with the intention of helping to apprehend Decedent if he were to run from the vehicle.

The pursuit traveled throughout North Las Vegas and when Officer Simmons heard the pursuit heading south on Interstate 15 from U.S. 95, he decided to trail the vehicles. Officer Simmons heard a trooper broadcast that another trooper (Trooper May) had been hit on southbound Interstate 15 and was on the hood of the vehicle. Officer Simmons increased his speed to catch up to the pursuit, to help Trooper May. Troopers broadcast that Trooper May was stuck in Decedent's windshield and advised they were going to ram Decedent's vehicle.

There were approximately four NHP vehicles in front of Officer Simmons when he observed them cause Decedent's vehicle to spin out and stop. Officer Simmons observed a trooper stopped on both the right and left of Decedent's vehicle. Officer Simmons stopped his vehicle directly in front of Decedent's vehicle (nose to nose).

Officer Simmons exited his vehicle, drew his gun and walked toward Decedent's vehicle. Officer Simmons observed Decedent's vehicle had no windshield giving him a clear view of Decedent, who was sitting in the driver's seat. Officer Simmons also observed Trooper May's legs draped across Decedent's lap. Officer Simmons was not able to see Trooper May's torso on the passenger floorboard but could see Trooper May's duty belt still affixed to Trooper May.

Officer Simmons observed Decedent using both hands trying to pull Trooper May's gun from his holster. Officer Simmons heard the troopers yelling for Decedent to stop. Decedent continued his actions when Officer Simmons, fearing for Trooper May's life as well as his own and the surrounding troopers, fired his gun multiple times at Decedent.

Officer Simmons observed Decedent had stopped moving and along with troopers approached the passenger side of Decedent's vehicle. A baton was used to break out the window and Officer Simmons reached in and opened the door.

Trooper May was face down on the passenger floorboard with his legs still across Decedent's lap. Officer Simmons grabbed Trooper May by his duty belt and pulled him out of the vehicle.

The Metro Air Unit landed on the freeway as Officer Simmons and troopers carried Trooper May to the helicopter.

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OFFICER DIX

Officer Dix's Public Safety Statement

On July 27, 2021, at approximately 1:10 p.m., Lieutenant J.A. obtained a PSS from Officer Dix. Lieutenant J.A. recounted that PSS to a FIT detective, which is quoted below:

The first question I asked him was, "Did you," uh, "discharge your firearm?" He stated, "Yes."

Uh, I asked him, "What direction?" and he stated, "South."

I asked him, "Approximately where were you located when you fired?" Uh, he stated, "In front of the vehicle." He said he had a trooper to his right and Officer Simmons to his left.

I asked him, uh, how many shots did he think he fired? He stated, "One."

Next set of questions I asked him if anybody was injured. He stated, "The suspect and the trooper." Uh, he also identified that the suspect was sitting in the driver's seat and the trooper was sitting on the front passenger's, uh, uh, of the vehicle in the floor area, so front right passenger's floor area.

Next question: "Are there any outstanding suspects?" He stated not to his knowledge.

Um, I asked him if it was possible the suspect fired rounds at you. He stated, "No."

Uh, I asked him, "Do you know if any other officers discharged their firearms?" He stated, "Officer Simmons and Officer Villanueva."

Um, "Are there any..." I asked him if there were any other weapons that needed to be secured or protected. He stated, "No." He stated he didn't know.

Um, I asked him if he was aware of any witnesses. He stated there was, uh, several troopers on scene.

Officer Dix's Scene Walk-Through

On July 27, 2021, at approximately 6:48 p.m., Officer Dix provided a walk-through of the scene. During the walk-through, Officer Dix placed a cone at the location he believed he was located at the time he fired his weapon. Officer Dix stated the suspect was in the driver's seat of the vehicle when he fired. Officer Dix stated he fired due to fearing for his life, public safety and the trooper inside the vehicle.

Officer Dix's Recorded Voluntary Statement

On July 29, 2021, at approximately 1:53 p.m., FIT detectives conducted an audio recorded interview with Officer Dix. Below is a summary of the interview.

Officers Simmons and Dix were conducting surveillance in the area of Pecos Road and Las Vegas Boulevard partnered in the same vehicle. Officer Simmons was driving the vehicle and Officer Dix was in the front passenger seat. They heard over the radio of a vehicle pursuit involving a carjacking suspect. Officer Simmons and Dix heard the suspect

(Decedent) exited the highway and was in the area of North 5th Street. Decedent re-entered the highway at I-15 and Craig Road, southbound. Officers Simmons and Dix were able to locate the pursuit on I-15 and followed NHP. Officer Dix heard over the radio that Decedent was waving an unknown object in the car and laughing. Officer Dix was also aware NHP attempted to deploy stop sticks multiple times, which were unsuccessful.

Officer Dix heard over the radio that a trooper deployed stop sticks at the Neon Gateway and the trooper was hit. Officer Dix also heard on the radio that the injured trooper was in the car and an order was given to stop Decedent's vehicle at all costs. Officer Dix observed NHP conduct a PIT Maneuver⁵ on Decedent's vehicle. When Decedent's vehicle stopped, it stopped in front of Officers Simmons and Dix's vehicle and was still running.

When Officer Dix exited his vehicle and drew his firearm, he was anticipating a felony stop. Officer Dix gave Decedent two verbal commands and did not see any movement from Decedent. Officer Dix was aware Decedent was armed with an unknown object that was seen being waived by Decedent earlier. Because Decedent's engine was still running, the trooper was still in Decedent's vehicle, and Officer Dix being positioned directly in front of the vehicle, he discharged his firearm at Decedent in fear of his life and the trooper's life. Because Decedent already struck a trooper, Officer Dix was concerned Decedent could still drive and strike another officer with the vehicle.

Officer Dix assisted with removing Trooper May from the vehicle and cutting off his clothing. Officer Dix and the other officers carried Trooper May to the helicopter so he could be transported to the hospital.

OFFICER VILLANUEVA

Officer Villanueva's Public Safety Statement

On July 27, 2021, at approximately 1:02 p.m., Lieutenant J.A. obtained a PSS from Officer Villanueva. Lieutenant J.A. recounted that PSS to a FIT detective, which is quoted below:

The first question I asked was, "Did you discharge your firearm?" Uh, Officer Villanueva stated, "Yes."

I asked him, "What direction?" Uh, showed him the area of what was the direction of south and he stated, "To the southwest."

I asked him, "Approximately where were you located when you fired," uh, "fired?" He stated, "At the front left above the suspect vehicle, standing in front of the vehicle looking at the driver."

"How many shots..." I asked him, "How many shots," uh, "did they fire..." or "did he fire?" He stated he fired four shots.

⁵ The PIT maneuver (pursuit intervention technique) is a pursuit tactic by which a pursuing police vehicle can force a fleeing vehicle to turn sideways abruptly, causing the vehicle to stop

The next question I asked him was if anybody was injured. Uh, he stated, "Yes, the suspect and the trooper." Uh, he stated that the suspect was in the driver part and the trooper was inside the vehicle, but he didn't specify the location.

Uh, I asked him, "Are there any outstanding suspects?" uh, to which he stated, "No."

I then asked him if it was possible the suspect fired rounds at you and he stated, "No." Uh, he did make a verbal statement out on scene that the, the...it looked like he was trying to go for the weapon or belt, uh, of the trooper that was in the car with him.

Uh, I then asked him, uh, "Do you know if any off...other officers discharged their firearms?" to which he stated, "Yes."

He stated, "P&P Officer Simmons fired, and P&P Officer Dix fired."

Um, I asked him, "Approximately where were the officers," uh, "located when they fired?" and he just stated, "In front of the vehicle. In front of the suspect vehicle."

Um, I asked him if there are any other weapon...any weapons that need to be secured or protected. He stated, "No."

"Are you aware of any witnesses?" He stated there was multiple troopers in the area, but he did not know who they were.

Officer Villanueva's Scene Walk-Through

On July 27, 2021, at approximately 6:40 p.m., Officer Villanueva provided a walk-through of the scene. During the walk-through, Officer Villanueva placed a cone at the location he believed he was located at the time he fired his weapon. Officer Villanueva stated the suspect was in the driver's seat of the vehicle when he fired.

Officer Villanueva's Recorded Voluntary Statement

On July 29, 2021, at approximately 12:53 p.m., FIT detectives conducted an audio recorded interview with Officer Villanueva. Below is a summary of the interview.

At the start of Officer Villanueva's shift, he heard over the radio there was a pursuit with a carjacking suspect. As he got closer to the pursuit, he pulled over and put on his rifle plates. As he got onto the I-15, the pursuit passed him. He notified dispatch that he was behind the troopers in pursuit to offer support when the vehicle stopped.

The troopers in pursuit described the driver as white female. The suspect (Decedent), drove the vehicle erratically by accelerating and decelerating, almost striking other vehicles, and going against traffic approximately three times. Multiple troopers attempted to deploy stop sticks, but Decedent avoided the stop sticks.

As the pursuit approached downtown, Officer Villanueva heard a trooper was set up at the Neon Gateway on-ramp. Officer Villanueva saw Trooper May deploy stop sticks towards Decedent's vehicle. Decedent's vehicle turned towards Trooper May and struck him. Officer Villanueva's initial reaction was to stop and render aid to Trooper May. Officer Villanueva slowed down and was unable to find Trooper May. Officer Villanueva heard Trooper DellaBella announce that Trooper May was still in Decedent's vehicle.

NHP command staff announced on the radio the vehicle needed to be taken out of commission. Officer Villanueva believed it was Trooper DellaBella who initiated the PIT on the vehicle and got the vehicle to stop. Officer Villanueva parked his vehicle and approached Decedent's vehicle with his weapon drawn. He initially issued verbal commands but stopped his commands because other officers were issuing commands and Officer Villanueva did not want to cause confusion.

Officer Villanueva saw Decedent start to reach towards Trooper May, so Officer Villanueva discharged his gun at Decedent. Officer Villanueva explained that Decedent was a carjacking suspect that struck Trooper May with a vehicle and continued driving as Trooper May was stuck in the vehicle. Being that Trooper May was stuck within six inches of Decedent, Officer Villanueva did not want Decedent to cause any more harm to Trooper May or the other troopers. Officer Villanueva was fearful Decedent was still armed with the knife from the carjacking or could access Trooper May's firearm. Officer Villanueva described Trooper May as "lifeless" and did not believe Trooper May was in any condition to defend himself. Officer Villanueva also added that as officers gave Decedent commands and direction, Decedent gave no indication of following the commands.

TROOPER DELLABELLA

Trooper DellaBella's Public Safety Statement

On July 27, 2021, at approximately 1:30 p.m., Sergeant D.M. obtained a PSS from Trooper DellaBella. Sergeant D.M. recounted that PSS to a FIT detective, which is quoted below:

"Did you discharge the firearm?" The answer was, "I believe so."

"If so, what direction?" Uh, "Not a hundred percent sure," was the answer.

Uh, "Approximately where were you located when you fired?" "Front of car," was the answer.

"How many shots do you think you fired?" Answer was, "I don't know. I kept hearing it. I'm not sure."

Uh, I asked if anyone was injured, and if so where were they located. He said, "Yes," to himself. He was at UMC. Also, Trooper Micah May at UMC, and then the, um, dr...uh, driver of the vehicle and he's not sure where that person was located.

Um, I asked if there was any outstanding suspects. He said, "I don't know."

"Is it possible the suspect(s) fired rounds at you?" The answer was, "I don't know."

Uh, "Do you know if any other officers discharged their firearms?" The answer was, "I don't know."

"Are there any weapons or evidence that needs to be secured or protected?"

"Everything is secured," was the answer.

"Are you aware of any witnesses?" And his answer was, "I don't know."

Trooper DellaBella's Scene Walk-Through

On July 27, 2021, at approximately 4:31 p.m., Trooper DellaBella provided a walk-through of the scene. During the walk-through, Trooper DellaBella placed a cone at the location he believed he was located at the time he fired his weapon. Trooper DellaBella stated he fired due to fearing for Trooper May's life as well as his own.

Trooper DellaBella's Recorded Voluntary Statement

On August 2, 2021, at approximately 9:08 a.m., a FIT detective conducted an audio recorded interview with Trooper DellaBella. Below is a summary of the interview.

Trooper DellaBella was on patrol with his trainee, Trooper G.R. He was the passenger in Trooper G.R.'s patrol vehicle. NHP dispatch broadcast information about a carjacking suspect vehicle and provided information about the vehicle, license plate, and that the suspect (Decedent) had a knife. NHP dispatch also broadcast additional information about a vehicle driving erratically northbound on I-15 that possibly matched the carjacking vehicle. Trooper G.R. pulled to the side of the road and waited to see if the stolen vehicle was going to pass them.

While waiting, Trooper G.R. stated a black vehicle was approaching. When the vehicle passed, Troopers DellaBella and G.R. saw the license plate matched and they attempted a vehicle stop. The stolen vehicle, driven by Decedent, refused to pull over and a pursuit was initiated. Trooper DellaBella stated he used the vehicle Public Address (PA) system to give Decedent several verbal commands to pull over. Decedent ignored all commands.

During the vehicle pursuit, which involved several marked patrol units from NHP and NLVPD with lights and sirens activated, Decedent drove recklessly. Decedent ran red lights, drove over medians, into oncoming traffic and put the lives of officers and civilians at risk. The pursuit was on the freeway and surface streets throughout North Las Vegas. When Decedent got back on the I-15 southbound, he had avoided several Stop Stick© attempts.

As the pursuit continued southbound on the I-15, Trooper May had set up Stop Sticks© near the Neon Gateway. Decedent was in the number three or four travel lane when Trooper May stepped out into the roadway from the number one travel lane. Decedent suddenly turned his vehicle directly toward Trooper May and struck him. Trooper DellaBella stated Decedent had other directions he could have turned instead of directly at Trooper May.

After hitting Trooper May, Trooper DellaBella stated he could not see where Trooper May went. He then saw that Trooper May was stuck in the windshield of Decedent's vehicle. As Decedent continued to drive, Trooper DellaBella told Trooper G.R. to ram Decedent's vehicle. There was also radio traffic from NHP supervisors monitoring the pursuit advising troopers to ram the vehicle.

After several attempts, Decedent's vehicle was stopped and surrounded. Trooper DellaBella exited his vehicle, drew his firearm, and started to give Decedent verbal commands. Decedent was "jumping around" inside of the car and Trooper DellaBella saw Decedent grabbing for Trooper May's firearm. Trooper May was incapacitated and unable to defend himself and Trooper DellaBella stated he and other officers were in imminent danger. Trooper DellaBella discharged his firearm. He also heard other gunshots and was not sure if the gunfire was coming from inside or outside of Decedent's vehicle.

After the gunfire stopped, Trooper May was removed from the vehicle and placed on the ground. Trooper May's face was unrecognizable, so Trooper DellaBella looked at the nametag on Trooper May's uniform shirt and saw that it was him. Trooper May was given first aid until the helicopter landed and Trooper May was taken to the hospital.

SUMMARY OF RELEVANT WITNESS STATEMENTS

Witness Officers

A witness officer is an officer, trooper or supervisor who did not participate in or directly influence the application of the use of force. Witness officers shall provide a recorded statement to FIT detectives. Witness officer statements will be taken at a date, time and location determined by FIT detectives. Nine (9) witness officers provided audio recorded statements to FIT detectives. All the witness officers' statements were consistent. The following summaries depict the relevant portions of those witness officers' observations.

LVMPD Sergeant S.B.

On August 3, 2021, at approximately 1:35 p.m., a FIT detective conducted an audio recorded interview with Sergeant S.B. Below is a summary of the interview.

Sergeant S.B. was the Tactical Flight Officer onboard the LVMPD Air Unit (hereinafter referred to by radio callsign "AIR2"), and LVMPD Officer T.C. was the pilot. They were on a call in Southcentral Area Command when LVMPD Dispatch advised them of a call where a person with a knife was driving a black sedan northbound on the I-15. AIR2 remained on their original call and upon clearing, went to Air Support to refuel. During that time, LVMPD Dispatch advised that NHP was in pursuit of a robbery carjacking vehicle and Stop Sticks© were being deployed. AIR2 responded to the area of the pursuit to assist.

They located the pursuit in the area of Lake Mead Boulevard and I-15. Sergeant S.B. saw NLVPD patrol units were also involved in the pursuit. During the pursuit on surface streets, NHP and NLVPD changed leads several times and multiple Stop Stick© deployments were seen, however they were ineffective. Sergeant S.B. switched radio channels to a NLVPD radio channel, so he was able to communicate directly with NLVPD officers and call the pursuit. When the pursuit got back on the I-15, NLVPD officers were called off the pursuit. AIR2 did not have direct radio communication with NHP, so AIR2 switched to LVMPD Northeast Area Command radio channel.

During the pursuit, the driver of the stolen vehicle, Decedent, was seen driving erratically, made several unsafe U-turns, did not stop for red lights, drove into oncoming traffic, and avoided Stop Stick® deployments. At one point during the pursuit, Sergeant S.B. saw approximately 12 marked patrol units, and Decedent was weaving in between the patrol units who all had their emergency equipment activated.

As the pursuit continued southbound on the I-15, AIR2 attempted to have NHP troopers switch to a common radio channel, however, no one ever came up on that channel. Decedent drove at speeds varying between 30-70 MPH and drove all over the road. Sergeant S.B. advised the LVMPD Watch Commander that a LVMPD K9 vehicle was in the pursuit which had been authorized. LVMPD Dispatch stated NHP had a Stop Stick® set up southbound on the I-15 at Neon Gateway. As the pursuit approached that area, Sergeant S.B. saw a NHP trooper (Trooper May) run from east to west and throw Stop Sticks®. Decedent made a quick left turn and struck Trooper May. Sergeant S.B. stated Decedent had room to turn in a different direction but drove directly at Trooper May.

Sergeant S.B. observed Trooper May get struck and that he was stuck in Decedent's windshield. He radioed the "444" (radio code for Officer Needs Help - Emergency) and asked the LVMPD Watch Commander for authorization for LVMPD officers to pursue and to advise on deadly force. As Decedent continued to drive southbound on the I-15, NHP made several attempts to PIT and stop Decedent. During those attempts, Trooper May went through the windshield and into the passenger compartment of Decedent's vehicle. When NHP successfully spun-out Decedent's vehicle, several officers exited their vehicles and an OIS occurred. Sergeant S.B. wasn't exactly sure if an OIS occurred, due to only being able to look out from the helicopter and it was hard to see. LVMPD Dispatch then confirmed from NHP Dispatch that an OIS occurred.

AIR2 continued to orbit and requested LVMPD patrol officers to respond from Spring Valley Area Command. While orbiting, Sergeant S.B. saw LVMPD K9 Officer J.C. break the passenger window of Decedent's vehicle. K9 Officer J.C. and two Parole and Probation Officers then pulled Trooper May from the vehicle. Sergeant S.B. could see Trooper May had serious injuries and provided updates over the radio.

NHP and K9 Officer J.C. asked AIR2 to land and transport Trooper May to the hospital. Sergeant S.B. asked for signs of life and was told Trooper May was still breathing. No medical personnel had arrived on the scene yet, and Sergeant S.B. did not see any ambulances or fire trucks in the area. A decision was made to land on I-15 and transport Trooper May. Upon landing, Trooper May was placed in the back of AIR2, and Sergeant S.B. sat with him. AIR2 transported Trooper May to UMC Trauma, where upon landing, no medical personnel were on the roof. With the assistance of a UMC security guard, Sergeant S.B. and Officer T.C. moved Trooper May from the helicopter onto a gurney that was found outside. After getting Trooper May onto the gurney, Sergeant S.B., Officer T.C. and the UMC security guard took Trooper May into the elevator and into the UMC Trauma Bay to receive medical care.

NHP Sergeant D.V.

On July 27, 2021, at approximately 7:41 p.m., a FIT detective conducted an audio recorded interview with NHP Sergeant D.V. Below is a summary of the interview.

NHP Sergeant D.V. was at the Southern Command when she heard radio traffic in reference to NHP troopers in pursuit of a black suspect vehicle. Sergeant D.V. drove to the area and joined the pursuit. Sergeant D.V. described the suspect (Decedent) vehicle to be a black, 4-door sedan. As they passed the US-95 freeway at the Spaghetti Bowl, southbound near the Neon Gateway on-ramp, she noticed Trooper May in front of his vehicle with Stop Sticks © out.

Sergeant D.V. added that Trooper May deployed the Stop Sticks©, and she believed that Decedent drove over the Stop Sticks©. Sergeant D.V. stated that she believed Decedent swerved at least two lanes and struck Trooper May intentionally. Sergeant D.V. observed debris flying around after the impact. She then heard on her police radio that Trooper May was still in Decedent's vehicle. Sergeant D.V. along with Lieutenant L.P. then blocked all traffic lanes behind them (southbound) and secured the crime scene.

Sergeant D.V. never observed any portion of the officer involved shooting as she and Lieutenant L.P. remained in the area where Decedent's vehicle struck Trooper May.

NHP Lieutenant L.P.

On July 27, 2021, at approximately 3:26 p.m., a FIT detective conducted an audio recorded interview with Lieutenant L.P. Below is a summary of the interview.

Lieutenant L.P. was with Sergeant D.V. and was aware of a pursuit that NHP was involved with regarding a carjacking suspect. Sergeant D.V. stated she needed to respond to the pursuit, so Lieutenant L.P. stated she would go with her.

Lieutenant L.P. rode with Sergeant D.V. and they went to the area of either Craig or Cheyenne (she was unsure during her interview) and met with Trooper T.D. They placed two Stop Sticks© across the I-15. Decedent was able to avoid both Stop Sticks© and continued south on the I-15.

Lieutenant L.P. observed Trooper May in the middle of the road near the Neon Gateway, as he put the Stop Stick© into the road. Decedent swerved and hit Trooper May, which Lieutenant L.P. believed was intentional. She stated she saw Trooper May fly up in the air but did not see him again. They stopped their vehicle to preserve the crime scene as she searched for Trooper May.

NHP Trooper K.W.

On July 27, 2021, at approximately 3:36 p.m., a Nevada Department of Public Safety – Investigation Division (NDI) detective conducted an audio recorded interview with Trooper K.W. Below is a summary of the interview.

A call was received about a reckless driver, in reference to a carjacking in the area of Las Vegas Boulevard and Sunset Road. The reckless call came out in the areas of I-15 and Tropicana, and I-15 and Flamingo. Trooper K.W. was on US-95, listening to the call. Other troopers located the vehicle and were traveling northbound near Lamb.

Trooper K.W. left the scene she was on and headed in that direction from US-95 and Tropicana. Troopers attempted to “spike her” (suspect vehicle), between Lamb and Craig. Trooper K.W. got off the I-15 at Craig believing the Decedent was going to go off the road and exit. Decedent did not exit at Craig. Trooper K.W. got back on the I-15 behind the other units. Trooper K.W. passed all the vehicles and shut down the exit at Lake Mead. Trooper K.W. stated the suspect proceeded to dodge the Stop Sticks®. The pursuit continued through side streets and the I-15.

The pursuit got back on southbound I-15 at Craig. Trooper K.W. stayed behind the pursuit, conducting slack pursuit (a procedure in which the distance between the violator and the pursuing trooper is intentionally increased in an attempt to slow or stop the pursuit), attempting to keep the traffic back. Trooper K.W. heard on the radio that at Neon Gateway, Trooper May was hit, and he was on or in the car. Trooper K.W. witnessed Unit 579 attempt to “ram” Decedent twice. Decedent kept spinning out of the ramming. Trooper K.W. was not sure who the second trooper was that “hit her (Decedent) a third time”. Decedent’s vehicle stopped moving and as Trooper K.W. exited the patrol vehicle and heard shots fired. Trooper K.W. was unsure of how many shots were fired and the only person Trooper K.W. could identify shooting was Trooper DellaBella. Several others got Trooper May out of the car and rendered first aid.

Trooper K.W. did not hear anything from Decedent and did not see any movement from him. Trooper K.W. put an emergency blanket on Decedent after being told he was deceased.

NHP Trooper N.L.

On July 27, 2021, at approximately 6:03 p.m. hours, FIT and NDI detectives conducted an audio recorded interview with Trooper N.L. Below is a summary of the interview.

Trooper N.L. was in the area of US-95 and Decatur Boulevard when he was notified of a possible carjacking suspect. Trooper N.L. heard over the radio that another trooper located the suspect (Decedent) near I-15 and Craig Road. When Trooper N.L. heard Decedent’s vehicle was not stopping and was headed south, Trooper N.L. responded. Trooper N.L. deployed Stop Sticks® in the area of I-15 and Craig Road, but Decedent’s vehicle avoided the strips.

Trooper N.L. passed the vehicle and attempted to position himself at I-15 and Lake Mead Boulevard on the off ramp, but Decedent's vehicle continued southbound on I-15. Trooper N.L. heard over the radio that another trooper was setting up Stop Sticks© at the Neon Gateway.

Trooper DellaBella then screamed on the radio that 203 (Trooper May) was hit or was on top of Decedent's vehicle. As Trooper N.L. passed Trooper May's patrol vehicle, Trooper N.L. did not see Trooper May by the vehicle. Trooper N.L. got behind Decedent's vehicle and saw Decedent's rear bumper was hanging from the vehicle. Trooper N.L. conducted a PIT maneuver which spun Decedent's vehicle.

As Trooper N.L. got out of the vehicle to give verbal commands, he saw Decedent's windshield was caved in with a huge hole. Trooper DellaBella approached Decedent's vehicle with his firearm drawn. Trooper N.L. moved behind Trooper DellaBella towards the rear of Decedent's vehicle. Decedent was still in the vehicle and acting erratic. Trooper N.L. was not sure what caused multiple officers to fire.

The passenger window was broken so Trooper May could be removed from the vehicle. Trooper N.L. went to the driver's door of Decedent's vehicle to remove and handcuff Decedent. After Decedent was secured, Trooper N.L. went to Trooper May and saw he was seriously injured. LVMPD landed the helicopter and Trooper May was brought to the helicopter.

Trooper N.L. did not believe that Trooper May had any way to defend himself while stuck inside Decedent's vehicle.

NHP Trooper T.D.

On July 27, 2021, at approximately 5:50 p.m., a FIT detective conducted an audio recorded interview with Trooper T.D. Below is a summary of the interview.

Trooper T.D. was dispatched to an unknown trouble call where the driver of a black vehicle was seen waving a knife in the area of I-15 northbound near Flamingo Road. NHP dispatch stated the vehicle was possibly involved with a carjacking. Trooper T.D. attempted to locate the vehicle.

Trooper G.R. and his Field Training Officer (FTO), Trooper DellaBella located the vehicle and initiated a vehicle pursuit driving northbound on I-15. The vehicle pursuit continued north to the area of the Las Vegas Motor Speedway where Decedent made a U-turn and drove southbound on the I-15. During the pursuit, several attempts were made to deploy Stop Sticks© in order to deflate Decedent's tires, however, they were all unsuccessful.

During the pursuit, Decedent exited the freeway and drove into the NLVPD jurisdiction. During this time, NLVPD marked patrol units took over primary positions in the pursuit

and NHP units followed. When Decedent drove back into I-15 southbound, NLVPD units discontinued the pursuit and NHP again took over the primary role in the pursuit.

As the pursuit continued southbound, Trooper May attempted to deploy Stop Sticks in the area of I-15 and Charleston Boulevard. Decedent struck Trooper May with his vehicle and Trooper T.D. saw Trooper May fly into the air and his boots were thrown off. Trooper DellaBella broadcast over the radio that Trooper May was still in Decedent's vehicle. Troopers then attempted to PIT Decedent's vehicle, and it was finally stopped.

Trooper T.D. started to exit her vehicle when she heard several gunshots. She did not witness the actual officer-involved shooting. After the gunfire stopped, she saw Trooper May as he was pulled from Decedent's vehicle. The LVMPD Air Unit then landed and transported Trooper May to the hospital. Trooper T.D. then took possession of Trooper DellaBella's BWC, firearm and uniform shirt and secured it in her vehicle after Trooper DellaBella was transported to the hospital.

LVMPD K9 Officer J.C.

On July 27, 2021, at approximately 3:33 p.m., a FIT detective conducted an audio recorded interview with Officer J.C. Below is a summary of the interview.

Officer J.C. heard a radio broadcast that NHP was involved in a pursuit on I-15. It was also broadcast that the vehicle was taken in a carjacking and the suspect (Decedent) was armed with a knife. Officer J.C. assigned himself to the call so he could assist with his patrol dog in case of a foot pursuit. The pursuit headed south on I-15 from Craig Road and Officer J.C. staged on the on ramp for I-15 at Cheyenne Boulevard.

As the pursuit passed Cheyenne Avenue, Officer J.C. merged onto the freeway behind the NHP vehicles. The driver was driving extremely erratically by swerving, speeding up and slowing down. NHP attempted to deploy Stop Sticks© several times, but Decedent was able to avoid hitting the deflation devices.

At I-15 and Neon Gateway, Officer J.C. observed the vehicle swerve dramatically and strike a NHP trooper who was attempting to deploy Stop Sticks©. Officer J.C. stated the trooper struck the windshield of the vehicle and he observed several items of the trooper's uniform fly in the air. Officer J.C. did not observe the trooper after he was struck and believed he was still somehow attached to the vehicle.

Decedent's vehicle continued southbound on I-15 with several NHP vehicles following it. After passing Sahara Boulevard, NHP vehicles made several attempts to forcibly stop Decedent's vehicle and were finally successful north of Spring Mountain Road.

Officer J.C. exited his vehicle with his patrol dog and immediately heard gunshots. Officer J.C. put the dog back into his patrol vehicle and asked troopers if they knew the location of the trooper who was struck. Officer J.C. was told the trooper was still inside Decedent's

vehicle. Officer J.C. assembled a team, approached Decedent's vehicle, broke out the passenger window and extracted Trooper May from the vehicle.

Officer J.C. stated he knew Trooper May was in critical condition by looking at his injuries and asked the Air Unit to land and transport him to the hospital. When the Air Unit landed, Trooper May was loaded into the helicopter, and they flew him to UMC Hospital.

NHP Trooper G.R.

On July 27, 2021, at approximately 5:32 p.m., FIT and NDI detectives conducted an audio recorded interview with Trooper G.R. Below is a summary of the interview.

Trooper G.R. was on his way to a trouble call at I-15 and Lamb Boulevard to assist the Clark County Fire Department. While he was on his way to the call, dispatched advised him that a carjacking suspect was driving towards the area of Trooper G.R.'s location. The description of the carjacking suspect was a white female, armed with a knife in her hand, driving a black sedan. Two separate callers reported the suspect as a female armed with a knife and driving with her hazard lights on.

Trooper G.R. and his FTO, Trooper DellaBella, staged and looked for the vehicle. Trooper G.R. saw the vehicle in his left sideview mirror approach and advised dispatch they located the vehicle.

Trooper G.R. activated his lights and sirens to stop the vehicle. The vehicle initially appeared as though it was going to stop at I-15 and Lamb Boulevard, however the vehicle continued to drive away. The vehicle proceeded northbound on the I-15 to the Speedway Boulevard offramp where the driver turned southbound on I-15. At I-15 and Lake Mead Boulevard, the driver drove through the dirt median and proceeded eastbound on Lake Mead Boulevard. The driver also drove into a residential neighborhood and through a school a zone. Trooper G.R. noticed that NLVPD joined the pursuit.

The driver drove back to I-15 and proceeded southbound. Multiple attempts were made by various officers to deploy Stop Sticks©, but the driver avoided them all. As they approached Sahara, Trooper G.R. was advised Stop Sticks© would be attempted again. As Trooper G.R. went over the bridge, he saw a trooper (Trooper May) in the HOV lane prepared to deploy Stop Sticks©. The trooper deployed the Stop Sticks© and as the trooper pulled the Stop Sticks© back, the driver collided with the trooper. Trooper G.R. saw the trooper's shoes fly off when he was struck by the car. Trooper G.R. did not see the body and advised dispatch he did not know where the trooper was. Trooper G.R. noticed the trooper was still in the vehicle.

A captain advised the troopers to stop Decedent vehicle. Trooper G.R. accelerated and approached Decedent's vehicle from the right side. He made contact with his vehicle and Decedent's vehicle on Decedent's vehicle right side. Trooper G.R.'s intention was to push Decedent's vehicle into the wall to stop the vehicle, but Decedent was able to maintain

control of the vehicle. Trooper G.R. made a second attempt to strike the right side of Decedent's vehicle and Decedent's vehicle turned around.

Another trooper stopped in front of Decedent's vehicle and Trooper G.R. exited his vehicle and drew his firearm while giving the driver commands. Trooper G.R. noticed two other Troopers, DellaBella and N.L., were in front of him, so Trooper G.R. transitioned his firearm to an extended ready position that keeps the gun pointed in a safe direction. While the troopers were in front of him, Trooper G.R. heard several shots fired.

After shots were fired, a LVMPD officer approached, and officers attempted to remove the trooper from Decedent's vehicle. When the trooper was removed, he was brought to the HOV lane. Trooper G.R. observed a heavy amount of blood from the trooper's head and the trooper has very shallow breathing. As they rendered aid to the trooper, the metro helicopter landed to transport Trooper May. Trooper G.R. assisted with carrying Trooper May to the helicopter.

Trooper G.R. clarified, he was driving his patrol vehicle and Trooper DellaBella was in the passenger seat. Trooper G.R. felt Trooper May's life was in jeopardy while he was stuck inside Decedent's vehicle.

LVMPD Officer T.C.

On August 3, 2021, at approximately 8:52 a.m., a FIT detective conducted an audio recorded interview with Officer T.C. Below is a summary of the interview.

Officer T.C. was the pilot for AIR2, and Sergeant S.B. was the Tactical Flight Officer. They were on a barricade call when LVMPD dispatch advised them of a vehicle involved with a robbery carjacking and the suspect (Decedent) had a knife. The Air Unit was unable to respond to search for the vehicle due to being on the barricade event. After clearing from the barricade, the Air Unit flew to Air Support to refuel.

Around that time, they were advised that NHP had located the vehicle, were in pursuit, and requested assistance. AIR2 responded and located the pursuit in the area of I-15 and Lake Mead Boulevard. Officer T.C. stated his job as the pilot was to keep the helicopter in the best position for Sergeant S.B. to view the pursuit. During the pursuit, Officer T.C. stated he did at times look over and saw the vehicle, driven by Decedent, driving erratically. Officer T.C. saw that Decedent drove the wrong way, passed vehicles on the right shoulder, made several unsafe U-turns, and disregarded all law enforcement attempts to stop him during the pursuit.

Eventually the pursuit made its way back to southbound I-15, where Officer T.C. heard Sergeant S.B. state the trooper (Trooper May) was hit and called out a "444" (Officer Needs Help - Emergency). Officer T.C. looked over on the helicopter's computer monitor and saw that Trooper May's legs were dangling on the front of Decedent's vehicle. Officer T.C. switched radio channels to let LVMPD area command units closer to the incident

know what had occurred and to respond and assist. NHP was eventually able to stop Decedent's vehicle and an OIS occurred. Officer T.C. did not witness the actual OIS however he was told over the radio that NHP was reporting it.

After the OIS, Trooper May was pulled from the vehicle and NHP requested the Air Unit to land and transport. LVMPD K9 Officer J.C. was on scene and gave an update that Trooper May was still breathing. Officer T.C. and Sergeant S.B. did not see any medical personnel arrive on scene or near the area. A decision was made to land the Air Unit and transport Trooper May to UMC Trauma.

Upon arrival to UMC Trauma, they landed on the roof helipad and did not see any medical personnel waiting. Officer T.C. shut down the helicopter and went through a gate towards a set of elevators but stopped when he realized the gate would lock behind him and he would not be able to get back to the helicopter. A short time later, a UMC security guard approached and held the gate while Officer T.C. retrieved a hospital gurney that was outside. Officer T.C. and Sergeant S.B. then moved Trooper May onto the gurney while the security guard held the gurney in place. They then rolled the gurney onto the elevator and went down to the trauma bay area. When the elevator doors opened, they wheeled the gurney around the corner where they saw medical personnel putting on their gowns. Medical personnel then took over Trooper May's medical care.

Civilian Witnesses

Two (2) civilian witnesses who reported Decedent to NHP and LVMPD dispatch prior to the pursuit were interviewed. Below are summaries of their interviews.

N.P.

On July 27, 2021, at approximately 3:52 p.m., a FIT detective conducted an audio recorded interview with N.P. Below is a summary of the interview.

N.P. was driving a tractor for United Parcel Service (UPS) near Gillespie Street and Las Vegas Boulevard when he was cut off by a newer black Hyundai Elantra bearing PHJ0827/NV license plates.

N.P. was subsequently traveling behind the Elantra when the driver appeared to "brake-check" him, so N.P. increased his following distance. The driver continued to "brake-check" N.P. two more times, that's when N.P. believed something was "off." The driver of the Elantra continued driving erratic, swerving to the right and left as if he wanted to hit somebody.

As they merged onto I-15, N.P. passed the Elantra on the righthand side and noticed that both of the Elantra's windows were down. N.P. observed the driver's torso through the passenger window but could not see his face, since N.P. was driving in the elevated position of the UPS tractor. The driver of the Elantra appeared to be a white male with no shirt. He was holding a large 12-inch kitchen knife in his right hand and his left hand was

on the steering wheel. The Elantra continued driving slowly for the freeway (approximately 45 mph), while swerving right and left and “brake-checking” whoever was behind him including a Budget truck. N.P. also noticed the Elantra’s hazard lights were on.

N.P. called *NHP and described the situation to the dispatcher. He observed the license plate on the Elantra was a Nevada physically handicap (PH) plate J0827. N.P. felt the need to call authorities because it appeared that the driver of the Elantra was trying to get into an accident. N.P. continued watching the Elantra in his driver’s side mirror and last saw the vehicle northbound on I-15 near Spring Mountain Road.

After the recorded interview N.P. clarified that the location where he was initially cut off was at Hidden Well Road and Las Vegas Boulevard near the onramp to the freeway.

D.K.

On July 27, 2021, at approximately 5:00 p.m., a FIT detective conducted an audio recorded interview with D.K. Below is a summary of the interview.

D.K. was driving northbound on the I-15 after picking up her son, from the airport when she observed a black four door vehicle that was swerving back and forth with its hazard lights on, and the driver was holding a “gigantic” knife. The knife appeared to be 12-inches long and she was holding onto it with the steering wheel while she was driving.

D.K. thought that the driver of the car looked crazy and that someone needed to help her because something was wrong. The driver appeared to be a female in her 30’s or early 40’s with dirty, stringy, sandy brown hair, a sunken in face, and no front teeth. D.K. believed that the driver was on something and suspected drug abuse because she did not look old enough to be missing her teeth. D.K. believed she was wearing a pink or peach colored shirt but was not sure because she was so focused on the large knife. D.K. did not see the make, model, or license plate of the vehicle because there was big white box truck behind it.

D.K. drove to the left and accelerated to get away from the vehicle and called 911. D.K. described the situation to the 911 operator and advised that they had just passed Flamingo Road. She told the operator that there was a lady in a black car with a huge knife that looked crazy, and someone needed to go get her. The driver was driving slowly (45 mph), not maintaining her lane, and would switch from her hazard lights to using her left blinker. D.K. was afraid that she was going to hit them, and she looked like she was out for trouble. After calling 911, D.K. thought they should follow the car, but the driver started swerving bad and she became too scared to continue to follow. D.K. last saw the vehicle northbound on I-15 near Flamingo Road.

AUTOPSY

Trooper Micah May

On August 1, 2021, an autopsy was performed on the body of Trooper Micah May by Doctor Ben Murie of the Clark County Office of the Coroner and Medical Examiner (CCOCME).

Doctor Murie found that Trooper May suffered the following injuries: Blunt trauma of head, torso and extremities. Radiography evidence of injury showed that Trooper May suffered skull fractures, a right femoral fracture, multiple rib fractures, a left tibial/fibular fracture, right tibial/fibular fracture, and a left radial fracture.

After a thorough review of facts and circumstances and a complete autopsy, Doctor Murie opined Micah May died as a result of blunt trauma. Doctor Murie determined Trooper May's manner of death was homicide.

Decedent

On July 28, 2021, an autopsy was performed on the body of Decedent by Doctor Timothy Dutra of the CCOCME.

The following items of evidence were impounded:

- 1) One gray tank top
- 2) One pair of blue shorts
- 3) One pair of "Adidas" shoes
- 4) One blue and brown fabric fanny pack
- 5) \$304.25 in US Currency from right pocket
- 6) \$0.01 in US Currency from fanny pack
- 7) One bullet – upper lumbar back
- 8) One bullet – right posterior shoulder
- 9) One bullet – Ilium
- 10) One bullet – Foramen Magnum
- 11) One bullet – Right Occipital
- 12) One bullet – left base of neck
- 13) One bullet – Right base of neck

Doctor Dutra noted the following wounds/injuries on Decedent:

- 1) Gunshot wound of the head - nose
- 2) Gunshot wound of the head – left retroauricular sulcus
- 3) Gunshot wound of the head – left anterior cheek (backward)
- 4) Gunshot wound of the head – left anterior cheek (upward)
- 5) Gunshot wound of the head – left lateral cheek
- 6) Gunshot wound of the head – margin of right chin

- 7) Gunshot wound of the head – left paramedian anterior neck (backward upward)
- 8) Gunshot wound of the head – left paramedian anterior neck (backward downward)
- 9) Gunshot wound of the chest – right mid clavicular region
- 10) Gunshot wound of the chest – right anterior apical shoulder
- 11) Gunshot wound of the chest – right anterior shoulder
- 12) Gunshot wound of the chest – left superior anterior chest
- 13) Gunshot wound of the left upper extremity (left lateral upper arm)
- 14) Gunshot wound of the left upper extremity – left posterolateral upper arm)
- 15) Gunshot wound of the chest – right anterolateral chest
- 16) Gunshot wound of the chest - right inferior anterior chest
- 17) Gunshot wound of the right upper extremity – right ulnar forearm
- 18) Gunshot wound of the right upper extremity – right ulnar wrist

Toxicology testing revealed Decedent had in his blood 9000 ng/ml of methamphetamine, 270 ng/ml of amphetamine, a blood alcohol concentration (BAC) of 0.011, and 11 ng/ml of ethanol.

The level of methamphetamine in Decedent's blood was extremely high. Methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behavior, and irrational reactions. Methamphetamine is an abused substance because of its stimulatory effects and is also addictive. A peak blood concentration of methamphetamine of 20 ng/ml was reported at 2.5 hours after an oral dosage of 12.5 mg of the drug. Blood levels of 200 to 600 ng/ml have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse, and convulsions. The amphetamine level in Decedent's blood was also high, which is likely a result of amphetamine being a metabolite of methamphetamine.

After a thorough review of facts and circumstances and a complete autopsy, Doctor Dutra opined Decedent died as a result of gunshot wounds of the head and torso. Doctor Dutra determined Decedent's manner of death was homicide.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of peace 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). 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.⁶ 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.

See NRS 200.160(1).

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

The killing of [a] person in 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,

⁶ 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.

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 person killing 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 that Decedent posed an apparent imminent danger to NHP Trooper Micah May, P&P Officers Simmons, Dix and Villanueva, NHP Trooper DellaBella, and other officers and troopers in the immediate area around Decedent's vehicle. Prior to the OIS, Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella received information regarding Decedent being armed with a knife and/or weapon. Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella also either directly observed or received information that Decedent struck NHP Trooper May with his vehicle. Immediately prior to the OIS, Officer Simmons, Officer Dix, Officer Villanueva, and Trooper DellaBella all reasonably believed, knew and/or observed Trooper May to be critically injured, unable to defend himself and stuck inside the vehicle with Decedent. Officer Simmons, Officer Dix, Officer Villanueva, and Trooper DellaBella all observed Decedent to be refusing to follow commands to exit the vehicle. Officer Simmons and Trooper DellaBella both observed Decedent attempting to draw Trooper May's gun from his holster. Officer Dix knew Decedent was armed and Trooper May was stuck inside the vehicle with him, as well as that engine of the Elantra was still running with Officer Dix and Officer Simmons being positioned directly in front of the vehicle, which Decedent had already used as a weapon. Officer Villanueva believed Decedent was still armed and saw Decedent reaching toward Trooper May, who Officer Villanueva observed to be unable to defend himself. Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella believed that Trooper May, themselves and/or other officers/troopers around Decedent's vehicle were at risk of great bodily harm or death by Decedent either using a weapon in the vehicle (i.e., Decedent's knife and/or Trooper May's firearm) or again using the vehicle as a weapon. It was in that moment that Officer Simmons, Officer Dix, Officer Villanueva, and Trooper DellaBella fired their weapons at and struck Decedent.

The totality of the evidence, to include LVMPD Air Unit, BWC and dashcam video footage, visible evidence on scene, and subject officer and witness statements, illustrate that Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella were reasonable in believing that Decedent would cause great bodily harm or death to Trooper May or other officers and troopers around Decedent's vehicle. Officer Simmons, Officer Dix,

Officer Villanueva and Trooper DellaBella were confronted with the appearance of imminent danger to their fellow officers and had an honest belief and fear that their fellow officer(s) were about to be killed or suffer great bodily injury at the hands of the Decedent. The evidence further illustrates that Officer Simmons, Officer Dix, Officer Villanueva, and Trooper DellaBella acted reasonably in reacting to the apparent danger posed by the Decedent. Here, Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella reasonably acted in defense of others. Consequently, the shooting of Decedent is justifiable under this legal theory.

Furthermore, Officers Simmons and Dix faced imminent danger of suffering death or great bodily harm due to their positions located directly in front of Decedent's vehicle, which Decedent had already used as a weapon. Both officers indicated they feared Decedent could harm them in that location. Officer Simmons, Officer Villanueva and Trooper DellaBella faced imminent danger of suffering death or great bodily harm were Decedent to accomplish his attempt to draw Trooper May's firearm from the holster. All three indicated they saw Decedent reaching for Trooper May's firearm and/or trying to draw Trooper May's firearm out of the holster. As such, Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella were confronted with the appearance of imminent danger to themselves and had an honest belief and fear that they were about to be killed or suffer great bodily injury at the hands of the Decedent. Thus, Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella reasonably acted in self-defense at the time they used deadly force against the Decedent. Consequently, the shooting of Decedent is also 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 person. See 1985 Nev. Op. Att'y Gen. 47 (1985).

In this case, the known evidence illustrates that Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella had probable cause to believe that Decedent posed a threat of serious physical harm to themselves and their fellow officers, including Trooper May. All four public officers knew Decedent struck Trooper May and continued to drive with Trooper May stuck in the windshield of the vehicle and inside the vehicle, only stopping when forced to do so by pursuing troopers. All four public officers also knew Trooper May was critically injured and trapped defenseless inside the vehicle with Decedent, who was armed with one or more weapons. At that point, Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella had a reasonable belief that Decedent could cause serious physical harm or death to themselves and their fellow officers. Thus, the use of deadly force by Officer Simmons, Officer Dix, Officer Villanueva

and Trooper DellaBella was legally justified and appropriate under NRS 200.140(2). Therefore, Decedent's homicide, whether it be occasioned by Officer Simmons, Officer Dix, Officer Villanueva or Trooper DellaBella, was justified.

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 Officer Simmons, Officer Dix, Officer Villanueva and Trooper DellaBella were reasonable and legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. See 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 Officer Derek Simmons, Officer Garrett Dix, Officer Luis Villanueva or Trooper Joseph DellaBella.