

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Javier Flores on December 31, 2023

INTRODUCTION

On December 31, 2023, Javier Flores (hereinafter “Decedent”) was shot and killed by North Las Vegas Police Department (“NLVPD”) Officers Jesus Cruz, Ty Tolar, and Forrest Walker as Decedent reached into his waistband, produced a Ruger 9mm pistol, and pointed the firearm at Officer Cruz.

The District Attorney’s Office has completed its review of the December 31, 2023, death of Decedent. It has been determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of NLVPD Officers Cruz, Tolar, and Walker were not criminal in nature.

This report explains why criminal charges will not be forthcoming against the officers involved. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on November 10, 2025. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the shooting officer was not criminal.

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

SYNOPSIS OF INCIDENT AND INVESTIGATION

On the evening of December 31, 2023, at about 1853 hours, Decedent arrived at a residence located at 1304 Putnam Avenue with his nine-year-old son, A.F. Numerous witnesses at the residence described Decedent as highly intoxicated upon his arrival. According to the witnesses and video surveillance, Decedent was armed with two handguns. There were nine victims at 1304 Putnam Avenue who Decedent pointed a firearm at, including his son, A.F. Decedent demanded to see his

other son, M.F. He made statements indicating that he intended to kill the family. Eventually, people inside the residence were able to de-escalate the situation, and Decedent left the residence. L.C. and M.A.C.-J. made separate calls to 9-1-1.

After leaving 1304 Putnam, Decedent drove to another residence located at 2836 Taylor Avenue where his sister was having a New Year's Eve party. Witnesses there also advised that Decedent was clearly intoxicated and armed with two firearms. Decedent was told to leave, and upon leaving he proceeded to drive his truck into two vehicles parked at the New Year's Eve party. When confronted about paying for the damage to the vehicles, Decedent became angry and fought with one of the vehicle owners and another individual. During the fight, Decedent pulled out a firearm and pointed it at both males. Decedent pulled the trigger, but the gun did not fire. He then pistol-whipped one of the males before leaving in his truck.

While officers were investigating the incident at 1304 Putnam, they heard the call for service at 2836 Taylor and traveled to that location. At about 2002 hours, Officers Cruz, Tolar, and Walker, along with Captain Walker arrived at 2836 Taylor. They learned general facts about the additional threats made by Decedent at 2836 Taylor. Decedent's sister gave Officer Walker a Glock 42 .380 caliber pistol, which she stated came from Decedent. Officers knew the suspect still had at least one more firearm.

As Officer Walker and Captain Sean Walker were securing the Glock 42 in their patrol vehicle, Decedent returned in his primer-gray 1997 Chevrolet pickup truck. A.F. was in the passenger seat. Decedent drove the truck eastbound, on the wrong side of the roadway, in front of 2836 Taylor.

The officers recognized the vehicle and the people present at 2836 Taylor confirmed it was Decedent. Officers Cruz and Tolar moved toward the vehicle and gave the driver clear and audible commands to stop the car and show his hands. Officer Tolar advised over the radio that Decedent had returned. Officer Walker and Captain Walker began walking westbound on Taylor, towards the scene.

Decedent disregarded the officers' commands and drove the truck past 2836 Taylor, stopped, and then backed the truck up to where he parked in front of 2836 Taylor. Decedent exited the vehicle and immediately reached into his waistband and produced a Ruger 9mm pistol. As he raised the pistol, he appeared to rack the slide.

At this point, Decedent was standing directly in front of Officer Cruz, who was standing on the sidewalk, pistol drawn, giving Decedent verbal commands in English and Spanish. As the suspect raised his weapon at Officer Cruz, Officer Cruz discharged his firearm. At the same time, Officer Tolar was standing to the east of Officer Cruz and saw the suspect raise the firearm at Officer Cruz. Perceiving that his partner was in danger, Officer Tolar discharged his firearm at Decedent. Officer Walker, who had been moving westbound in the street on foot, had a direct view of the suspect exiting the truck. He saw Decedent draw a firearm and point it in the direction of Officers Cruz and Tolar. Officer Walker felt that his partners were in immediate danger and discharged his firearm.

Decedent dropped to the ground on the opposite side of a blue Honda Accord. Officer Tolar moved around the front of the car so he could see the suspect. Officer Tolar saw the suspect raise his right hand and point the gun in his direction. Officer Walker also saw Decedent raise the gun after falling to the ground. Both officers fired a second volley of shots until they believed the threat was over. Decedent was transported to UMC Trauma, where he succumbed to his injuries.

All three officers consented to an investigative interview with detectives and articulated Decedent's ability and opportunity to inflict death or substantial bodily injury upon themselves, their fellow officers, and/or the innocent bystanders at 2836 Taylor.

During the subsequent investigation, Decedent's sister, M.I.F.-A., relayed that Decedent was depressed following a break-up. Additionally, Decedent told her he considered taking his own life. Decedent further told her that if he were to be involved in a confrontation with police, he was going to have a shootout with them, and the police would have to kill him. M.C.S., Decedent's brother-in-law, also told police that Decedent told him that he wanted to kill himself, and that if Decedent were to have any confrontation with police, it would result in a shootout.

CALLS FOR SERVICE

1ST Call for Service - 1304 Putnam

At approximately 1857 hours, L.C. called 9-1-1 and requested police assistance. The address he provided was 1304 Putnam Avenue. L.C. stated he was on his way to a New Year's Eve party at the address, and upon arriving, his mother's ex-boyfriend, Decedent, pointed a gun at his grandpa. L.C. indicated the incident occurred approximately five minutes prior to the call. L.C. indicated that they left 1304 Putnam and travelled to La Bonita Supermarket at 2203 Civic Center Drive, where they would await police.

NLVPD Dispatch received an additional call from 1304 Putnam. The caller was identified as M.A.C.-J. M.A.C.-J. stated her ex-husband was armed and had been at the house. She identified the ex-husband as Decedent.

Officer Forrest Walker #2574 and Captain Sean Walker #1523 responded to La Bonita. They contacted C.L.-M., a friend of Decedent's ex-wife (M.A.C.-J.) who explained what had occurred at 1304 Putnam. She advised officers that she was going to 1304 Putnam Avenue that evening for a New Year's Eve party. When she arrived, she was about to park her vehicle when she observed a male, who she identified as Decedent, pointing a handgun at her from the front of the residence, just outside the gates. She panicked and felt terrified, especially since she had her two children (P.M. and N.M.) and three of her friends' children (L.C., X.O.-C., and D.H.) in the vehicle with her. When she saw the gun, she chose not to stop and drove away. She went to La Bonita Supermarket and waited for the police.

Officers Steicy Castillo, William Harder, and Caitlyn Ebert responded to 1304 Putnam Avenue. Decedent was no longer present. They spoke with M.A.C.-J. M.A.C.-J. and Decedent have a five-year-old son in common, M.F. She and her family were at the residence getting ready to start their New Year's Eve celebration when Decedent arrived at the residence. M.A.C.-J. did not go outside since she had problems with Decedent in the past. Instead, her father and brother, L.C.-T. and L.C.-J., went outside and spoke with Decedent. When they did so, they reported that Decedent had a gun and was demanding to see M.F. To appease Decedent, they allowed him to see M.F. M.A.C.-J. described Decedent's vehicle as a single-cab Chevrolet pickup truck bearing Nevada license plate "ELJAVY."

Officer Castillo conducted a records check on the truck, which showed Decedent was the registered owner, and that it was a 1997 Chevrolet. Officer Castillo then spoke with M.A.C.-J.'s father, L.C.-T. L.C.-T. advised that Decedent arrived in his Chevrolet pickup with Decedent's nine-year-old son,

A.F. Decedent appeared intoxicated. L.C.-T. and his son, L.C.-J., went outside and spoke with Decedent. Decedent demanded to see M.F. L.C.-T. refused. Decedent produced two silver handguns and pointed them at L.C.-T. and L.C.-J. Fearing for their lives, L.C.-T. agreed to ask M.A.C.-J. to let Decedent see M.F. L.C.-T. and L.C.-J. went back into the house to retrieve M.F. and brought M.F. out to Decedent. Decedent ensured his son was ok, hugged him, and let M.F. go back inside with L.C.-T. Decedent then left the residence.

M.A.C.-J's current boyfriend, identified as C.H., was also present when Decedent arrived at the residence. C.H. told Officer Castillo he was outside when Decedent arrived with a firearm. Decedent demanded to see M.F. C.H. went inside the house because he knew Decedent did not like him. Once inside the house, he saw L.C.-T. and L.C.-J. take M.F. out to see Decedent.

Officer Castillo obtained video surveillance footage from a home surveillance system at 1304 Putnam. The video was motion-activated; therefore, it did not capture a continuous video of the events. Investigators saved a series of eight short clips. A review of each clip showed the following:

1 - 12-31-2023 at 1853 - Decedent's Chevrolet pickup arrived and parked in front of the driveway at 1304 Putnam Avenue. Decedent exited the vehicle and walked toward the gate before the video clip ended.

2 - 12-31-2023 at 1854 - Decedent attempted to open the gate, with A.F. standing beside him.

3 - 12-31-2023 at 1855 - Decedent and A.F. stood at the gate while L.C.-J. walked back toward the house.

4 - 12-31-2023 at 185528 - Decedent clearly had a handgun in his right hand. L.C.-T. appeared to be speaking to Decedent when a vehicle approached from the east (driven by C.L.-M.). Decedent raised the gun and pointed it at the vehicle. The vehicle quickly made a U-turn and drove away. L.C.-T. walked back toward the house before the video ended.

5 - 12-31-2023 at 185644 - L.C.-T. walked M.F. out of the house. Decedent picked M.F. up and appeared to stumble around before the video ended.

6 - 12-31-2023 at 1857 - L.C.-T. and L.C.-J. walked back toward the residence while Decedent still held M.F. At one point, it appeared Decedent almost fell backward while holding M.F. The driveway gate prevented Decedent and M.F. from falling.

7 - 12-31-2023 at 1900 - Decedent was on the sidewalk with his two sons. Toward the end, he sat down on the sidewalk and appeared to be intoxicated.

8 - 12-31-2023 at 1906 - Decedent's truck made a U-turn to go east on Putnam.

After taking the report and speaking with the citizens at 1304 Putnam Avenue, it was determined there was probable cause to charge Decedent with eight counts of assault with use of a deadly weapon and one count of child endangerment (M.F.).

2nd Call for Service - 2836 Taylor Avenue

On December 31, 2023, at about 19:49 hours, M.I.F.-A. called 911 from 2836 Taylor Avenue. M.I.F.-A., primarily spoke Spanish. M.I.F.-A. identified herself as the sister of Decedent. She stated Decedent arrived at her house and was outside with her husband. Decedent was armed with a firearm and was pointing it in the air. She stated Decedent was in an older model Chevrolet with his nine-year-old son and eventually left in an unknown direction. She believed Decedent was intoxicated.

INTERVIEW SUMMARIES

INVOLVED OFFICERS

Officer Forrest Walker

On January 3, 2024, at approximately 1400 hours, Detective Forsberg and Detective Wells conducted a recorded interview with Officer Forrest Walker.

At the time of the incident, Officer Walker was working as a Patrol Officer and was wearing a standard NLVPD uniform. He was partnered with Captain Walker. He and Captain Walker responded to La Bonita at Civic Center where they met with the people who reported the incident at 1304 Putnam. They learned that the persons reporting were going to 1304 Putnam to celebrate New Year's Eve with friends and family. When they pulled up to the house to park, they saw an individual (Decedent) holding a firearm. As they got closer to the house, Decedent pointed the firearm at them. There were six people in the car. They drove away and called the police. The individual who Officer Walker spoke with was able to identify Decedent's truck, as well as the license plate (ELJAVY).

Officer Walker, along with other officers, ultimately responded to 1304 Putnam. Once there, he spoke with M.A.C.-J. Officer Walker learned that Decedent was the ex-boyfriend of M.A.C.-J. Decedent arrived at the house unexpectedly. Decedent had his nine-year-old son, A.F., with him. He demanded to see his five-year-old son, M.F. M.F. lived with M.A.C.-J. Decedent was described as being highly intoxicated and possibly under the influence of narcotics. According to M.A.C.-J., Decedent was extremely agitated and pulled out "more than one" firearm. At some point, Decedent had a firearm in each hand. Decedent made threats that if he did not see his son he would "cut people's heads off."

While Officer Walker was getting the details from the residents at 1304 Putnam, another call was dispatched over the radio. The details of the call pertained to 2836 Taylor. According to the person reporting at 2836 Taylor, Decedent was driving a silver truck with the license plate "ELJAVY" and was threatening people with a firearm. Given the description was identical to the suspect he was currently investigating, Officer Walker and Captain Walker left 1304 Putnam and drove to 2836 Taylor.

When they arrived, Officers Cruz and Tolar arrived around the same time. Decedent was no longer present. They approached the residence, and Officer Cruz spoke with Decedent's sister, M.I.F.-A. M.I.F.-A. explained that Decedent showed up at the address and was threatening people with multiple guns. Somehow, M.I.F.-A. was able to get one of the guns away from Decedent. She handed it to the officers. Officer Walker took the pistol, and he and Captain Walker walked it back

to their patrol vehicle. While they were at their vehicle, Officer Walker heard radio traffic indicating that Decedent had returned. Officer Walker began to return, walking westbound on Taylor. He saw a truck matching the description of Decedent's truck, facing eastbound on Taylor. A Hispanic male (Decedent) exited the driver's side of the vehicle.

Officer Walker approached from east to west. There was a vehicle between the suspect and Officers Cruz and Tolar (referring to the blue Honda Accord). Officer Walker believed that the vehicle obstructed their view of the suspect's waistband. Officers Cruz and Tolar issued verbal commands, but he could not remember specifically what was said. As Decedent exited the vehicle, Decedent was "shrinking down" to make himself smaller and to conceal himself behind the vehicle. At the same time, he was reaching toward his waist. At this point, given the information that he had at the time, Officer Walker recognized the actions as a "red flag" and "danger indicator". More specifically, he believed that Decedent was likely pulling out a firearm. Very quickly, Decedent came up with a firearm and pointed it at Officers Cruz and Tolar. At that moment, Officer Walker was fearful for the lives of his fellow officers and the lives of the people in the house. Officer Walker felt that he had no choice other than to discharge his firearm. Officer Walker did so and saw Decedent fall to the ground. Once Decedent fell to the ground, he was still holding the firearm. Decedent was "situating himself" and it appeared that Decedent was attempting to reach over the hood of the blue Honda Accord to fire blindly over the hood. Upon seeing Decedent's actions, Officer Walker discharged his weapon again. After the second volley, Decedent stopped moving and no longer appeared to be a threat.

Once he felt that there was no longer a danger to public safety, Officer Walker focused his attention on the 9-year-old in the truck. While the other officers were maintaining cover on Decedent, Officer Walker retrieved the 9-year-old from the truck, removed him from the scene, and handed him to other officers who were arriving at Taylor and Statz. Officer Walker checked the 9-year-old to make sure he was not injured. Officer Walker was ultimately relieved and transported to the South Area Command for a countdown.

Officer Jesus Cruz

On January 3, 2024, at approximately 1456 hours, Detective Forsberg and Detective Wells conducted a recorded interview with Officer Jesus Cruz. At the time of the interview, Officer Cruz had not viewed the body-worn camera footage from the night of the shooting.

Officer Cruz had been employed with the North Las Vegas Police Department for about one year and three months. On the night of the incident Officer Cruz was working as a swing shift patrol officer. He was partnered with Officer Ty Tolar and wearing a standard patrol uniform.

He was dispatched to 2836 Taylor and learned that it was related to a prior call for service. Officer Cruz stated that he arrived at the address on Taylor and spoke with M.I.F.-A., who he referred to as the "sister" or "mother" of Decedent. M.I.F.-A. told him that there were at least three people at whom Decedent pointed his firearm. M.I.F.-A. produced one of the firearms. Officer Walker took the firearm and walked to his patrol vehicle to secure it. Meanwhile, Officer Cruz attempted to gather more information from M.I.F.-A. While he was doing so, someone advised that Decedent had returned to the house. Officer Cruz turned and saw Decedent's truck and noted that there was a child inside.

Officer Cruz remembered giving Decedent commands. He stated that the truck stopped and backed up. Decedent exited the truck, reached back with his left hand, produced a firearm, and pointed it at Officer Cruz. At no point did Decedent acknowledge the commands. Decedent was about ten feet

from Officer Cruz, on the other side of a blue Honda. Officer Cruz feared for his life and discharged his firearm at the suspect. Decedent fell to the ground, and Officer Cruz stopped shooting. Officer Cruz remembered Officer Tolar moving towards Decedent and moving Decedent's pistol away with his foot.

Officer Ty Tolar

On January 6, 2024, at approximately 1000 hours, Detectives Forsberg and Wells conducted a recorded interview with Officer Ty Tolar. At the time of the interview, Officer Tolar had not viewed the body-worn camera footage from the night of the shooting.

Officer Tolar had been employed as a police officer with the North Las Vegas Police Department for twenty years. Officer Tolar was part of the Traffic Bureau, but on the night of December 31, 2023, he was working overtime, assigned to patrol. He was Officer Cruz's partner that night. Officers Tolar and Cruz were at the NLVPD South Area Command, working on reports when they were dispatched to 2836 Taylor.

Officer Cruz was driving and traveled northbound on Statz and parked just north of Taylor. The officers approached the residence on foot. Since Officer Cruz spoke Spanish, he went to the front door and spoke with M.I.F.-A. Officer Walker and Captain Walker arrived soon after. Officer Walker went to the door with Officer Cruz. Meanwhile, Officer Tolar was standing in the driveway. About five people exited the side gate. Officer Tolar saw that a firearm was provided to Officer Walker. Officer Walker and Captain Walker took the gun and walked eastbound, toward Statz.

While this was happening, Officer Tolar was making small talk with the Hispanic males who exited the side gate. As Officer Tolar was speaking with them, a truck drove by, and one of the Hispanic males said, "That's him." Officer Tolar advised, over the radio, that Decedent's vehicle was traveling eastbound, in the direction of Officer Walker and Captain Walker. The truck stopped suddenly, about one house east of 2836 Taylor. Officer Tolar believed it was at this point that he drew his firearm. He also had his flashlight out. Decedent reversed the truck, and Officer Tolar shined his flashlight into the car. He could see Decedent inside and a child in the passenger seat. At this point, Officer Tolar moved to the sidewalk. The truck stopped again, then drove in Officer Tolar's direction. Officer Tolar gave multiple commands.

Decedent stopped the truck and exited the vehicle. Officer Tolar described Decedent as having a "thousand-yard stare." Decedent looked directly at Officer Tolar but seemed to "look right through" him. Decedent then turned his gaze to Officer Cruz. Officer Tolar saw Decedent's left elbow flare and his arm reach back. Looking through the windows of the Honda that separated him and Decedent, Officer Tolar could see the gun come up in Decedent's hand. Officer Tolar discharged his weapon; however, he did not know whether he fired first, or whether Officer Cruz or Decedent fired first. Officer Tolar believed that they all fired their weapons.

Decedent went down behind the car, but Officer Tolar did not know if he was hiding or shot. Officer Tolar could still hear gunfire. At that point, Officer Tolar moved to his right and in front of Officer Cruz. Officer Tolar rounded the front of the Honda Accord and could see Decedent on the ground. He did not see a gun. Officer Tolar issued commands to Decedent to show his hands. Decedent then raised his hand and came up with a gun in his hand, again. Decedent was pointing the weapon at him. Officer Tolar fired again and ceased firing when he saw Decedent's hand fall. Officer Tolar believed he could approach Decedent and kick the gun away. He moved up to Decedent, who still

had the gun in his hand. Officer Tolar kicked the gun out of Decedent's hand with his left boot, then moved Decedent into the "recovery position."¹ Another officer arrived and assisted Officer Tolar with Decedent. Once enough officers arrived to help with Decedent, Officer Tolar was relieved. His body-worn camera was collected by Sergeant Salkoff.

When asked if he believed Decedent shot at Officer Cruz, Officer Tolar said that he was sure the suspect was shooting at Officer Cruz.

CIVILIAN WITNESSES AT 1304 PUTNAM AVE.

On January 1, 2024, Detectives Freeman and Palmer conducted recorded interviews with the individuals at 1304 Putnam Ave. Summaries of the relevant interviews are set forth below.

M.A.C.-J.

During the interview with M.A.C.-J, she explained that she was involved in a long-term relationship with Decedent previously. M.A.C.-J. dated Decedent from 2014–2020, during which time she and Decedent had a child together. M.A.C.-J. identified their son together as M.F. (5 years old). When the two broke up, she obtained an extended protection order against Decedent. Decedent abided by the conditions of the order. Within the last year, Decedent asked M.A.C.-J. for opportunities to visit with M.F, which M.A.C.-J. allowed.

On December 31, 2023, she was hosting a New Year's Eve party at her residence (1304 Putnam). Her father and brother traveled from California to attend. She also had several friends and her new boyfriend in attendance. While she was inside her home, her boyfriend, C.H., and her brother, L.C.-J., entered her home and advised her that Decedent had just pulled up in front of the home. They told her that Decedent was armed with a gun and he was demanding to see M.F. M.A.C.-J.'s father, L.C.-T., told M.A.C.-J. that he would take M.F. out to see Decedent. M.A.C.-J. stayed inside the home with C.H.

M.A.C.-J. said she received a phone call from her sixteen-year-old son, L.A.C.-J. L.A.C.-J. told M.A.C.-J. that he had just pulled up to the house in a car and Decedent pointed a gun at them. Shortly thereafter, Decedent left the area without any further incident. L.C.-T. walked back into M.A.C.-J.'s home with M.F. and told her about the interaction with Decedent.

M.A.C.-J. confirmed that the incident was captured on her video surveillance. She provided the surveillance video to Officer Castillo.

L.C.-T.

L.C.-T. identified himself as M.A.C.-J.'s father. He and his son, L.C.-J., traveled to M.A.C.-J.'s home for the New Year's Eve Celebration. While L.C.-T. was inside the home, L.C.-J. came inside and told him that Decedent was outside and wanted to see M.F. L.C.-T. went outside to talk with Decedent. When L.C.-T. approached Decedent, he saw that he was holding a handgun. Decedent pointed the handgun at L.C.-T. and said, "I want to see my son." L.C.-T. quickly assessed the situation and saw A.F. standing next to Decedent. L.C.-T. remained calm and told Decedent, "You

¹ Officer Tolar stated that the recovery position meant that Decedent was on his side, not on his back, with an unobstructed airway.

got a son. Cool down. Like, we are family, man.” L.C.-T. then asked A.F. about his Christmas. L.C.-T. explained how A.F. looked “scared.” A.F. did not respond to the inquiry.

Decedent then began to say things that did not make sense to L.C.-T. Decedent was saying things like “I want to save my son. I want to kill.” Again, L.C.-T. attempted to de-escalate the situation. He told Decedent to “cool down.” He then reassured him that his son was okay. At this time, Decedent drew another handgun, which had been concealed on his person. Decedent pointed both guns at L.C.-T. Then he pointed one of the guns at A.F. Decedent appeared erratic.

At that time, L.C.-T. told Decedent that he could see M.F. L.C.-T. went into the house and got M.F. and walked outside with him. He showed M.F. to Decedent and assured him that his son was alright. Decedent put the guns away and asked to hold M.F. L.C.-T. handed M.F. to Decedent and stepped back. Decedent spent a couple of minutes talking with M.F. Then, Decedent handed M.F. back to L.C.-T. and drew one of his guns. Decedent pointed the gun at L.C.-J. He then drew the second gun. An unknown vehicle was traveling on Putnam. Decedent pointed a gun at the vehicle. L.C.-T. was worried that the police would respond and it would be very bad because Decedent was acting so erratically.

Decedent kept pointing the guns at him, A.F., and L.C.-J. Decedent told him that he had planned to kill everyone but changed his mind. Decedent left without any further incident.

L.C.-J.

L.C.-J. explained that he was hanging out in front of the Putnam residence. He watched as Decedent parked his Chevrolet truck in front of the residence. When Decedent exited the vehicle, he was holding a gun. L.C.-J. greeted Decedent, at which point Decedent demanded to see M.F. L.C.-J. went inside and told his father and M.A.C.-J. L.C.-T. told Decedent that he could see M.F., but he needed to get a coat on.

L.C.-T. then retrieved M.F. and allowed Decedent to see him. After Decedent saw M.F., he grabbed L.C.-J. L.C.-J. quickly realized that Decedent was clumsily pointing the guns at everyone. L.C.-J. told Decedent to be careful, because he was pointing one of the guns at A.F. Decedent let go of L.C.-J.

L.C.-J. heard Decedent talk about killing his family. Shortly thereafter, Decedent left without any further incident.

C.L.-M.

C.L.-M. identified herself as a family friend of M.A.C.-J. She was attending the New Year’s Eve party at M.A.C.-J.’s home. She decided to go back to her home to get ready for the evening. C.L.-M. took her two children and several other children with her.

When she returned, she had D.H. (C.H.’s daughter), L.A.C.-J. (M.A.C.-J.’s son), X.O. (M.A.C.-J.’s daughter), N.M. (C.L.-M.’s daughter), and P.M. (C.L.-M.’s son), in her vehicle.

As she approached the residence (westbound on Putnam), she saw a man (Decedent) and child standing on the sidewalk in front of the residence. C.L.-M. did not recognize the man. However, she did recognize the child as a boy for whom M.A.C.-J. used to provide care. The man appeared angry.

He then pointed a gun at her vehicle. C.L.-M. took evasive maneuvers and completed a fast U-turn. C.L.-M. was worried that Decedent was shooting at them. She drove to La Bonita Market and called 9-1-1.

P.M., N.M., and L.A.C.-J.

P.M., N.M., and L.A.C.-J. all confirmed C.L.-M.'s account of a man (Decedent) pointing a gun at the occupants of the vehicle. P.M. confirmed that he called 9-1-1. P.M. and N.M. were unfamiliar with the man and could not identify him; however, L.A.C.-J., (who was familiar with Decedent because his mother dated him for so long) identified Decedent as the person who pointed a gun at them while they were inside C.L.-M.'s vehicle.

CIVILIAN WITNESSES AT 2836 TAYLOR

On January 1, 2024, Detectives Favila-Leon, Forsberg, and Wells conducted recorded interviews with members of the Flores family and friends who were at 2836 Taylor at the time of the incident.

M.I.F.-A.

M.I.F.-A. was the homeowner of 2836 Taylor and Decedent's sister. M.I.F.-A. said that Decedent's son, A.F., used to live with her and she had parental rights for about 11 months before A.F. was returned to Decedent. Because of this, there was a falling out between M.I.F.-A. and Decedent. Recently, Decedent had begun texting her and attempting to repair their relationship. A few months prior, Decedent showed up at her house drunk. There was no incident, but M.I.F.-A. was keeping her distance. In October, Decedent again came to the house drunk and was told to leave. After leaving 2836 Taylor, Decedent went to 1304 Putnam and discharged a firearm.

On the night of December 31, 2023, Decedent showed up at her residence at about 8 p.m. M.I.F.-A. was having visitors for New Year's Eve. Decedent was drunk and said he came to see M.I.F.-A. M.I.F.-A. told Decedent that she did not want him at her house when he was drunk. Decedent then pulled out a gun. He did not threaten her, but said he was "doing real bad right now." M.I.F.-A. told him to leave.

Decedent finally walked away and got into his truck. When he backed his truck up, he collided with a blue Honda Accord which had been parked in the street in front of 2836 Taylor. The Honda Accord belonged to J.A.T.-B., a friend of the family. J.A.T.-B. came outside and asked Defendant what they were going to do about his car having been struck. M.I.F.-A. went inside the house for a short time. When she came back outside, she saw J.A.T.-B. and Decedent in a fistfight. During the fight, Decedent pulled out a gun.

While Decedent and J.A.T.-B. were fighting, M.I.F.-A.'s husband, M.C.S, and a few other males came outside. Decedent waved the gun at all the males at some point during the fight. Meanwhile, another gun fell out of Decedent's waistband. M.I.F.-A. picked up the gun, took it inside, and called the police. Decedent got into his truck and drove away.

When asked about the officer-involved shooting, M.I.F.-A. stated that she was outside near her front door when the shooting occurred. She saw Decedent arrive in his truck while she was speaking with the police. She told the police that it was Decedent. The police turned around and began giving the Decedent commands. She heard the police give Decedent commands to stop the truck and get out

of the truck. M.I.F.-A. saw Decedent get out of the truck, reach toward his hip, and attempt to pull something out. She could not see what Decedent was trying to get. M.I.F.-A. heard gunshots and then saw an officer run around the truck and remove A.F.

M.I.F.-A. explained that Decedent had been depressed since his breakup with M.A.C.-J. He had thought about taking his own life. Decedent told M.I.F.-A. that if he were to get into a confrontation with the police, he was going to have a shootout with them and the police would have to kill him.

J.A.T.-B.

J.A.T.-B. was invited to spend New Year's Eve at the house by M.C.S., who is J.A.T.-B.'s cousin. J.A.T.-B. stated that he was hanging out in the backyard when he heard a crash. He went outside and saw that Decedent had hit his vehicle, which was the blue Honda Accord. J.A.T.-B. asked what Decedent was going to do about it. Decedent got upset and denied the collision. At this time, J.R.G.-G., another cousin who was there celebrating, came outside. J.R.G.-G. assisted J.A.T.-B. by taking pictures of Decedent's truck and license plate. While this was happening, Decedent took out a gun and pointed it at J.A.T.-B. Decedent said something like, "I'm gonna kill you. Do you know who you're messing with? You need to delete all of those pictures. I'm gonna pay your money." J.A.T.-B. backed up and told Decedent to stop pointing the gun at him. While he was backing up, Decedent kicked J.A.T.-B.'s leg, which caused him to fall straight back. J.A.T.-B. hit his head on the ground and was dazed. He looked up and saw Decedent pointing the gun at him and yelling that he was going to kill him. J.A.T.-B. could not remember if Decedent pulled the trigger, or tried to pull the trigger, but J.A.T.-B. moved his body to avoid being shot. J.A.T.-B. believed he may have lost consciousness from hitting his head.

J.A.T.-B. stood back up, dazed and confused. He saw Decedent begin tussling with J.R.G.-G. During the tussling, J.R.G.-G.'s phone broke. J.A.T.-B. witnessed Decedent pistol-whip J.R.G.-G. on the head several times, in addition to kicking and punching J.R.G.-G. while he was on the ground. J.A.T.-B. also noticed that Decedent had two guns. He was holding one and the other was in his waistband. While Decedent was tussling with J.R.G.-G., the other gun fell out. He did not know if the gun was kicked, but it somehow slid away. He did not see that gun again until M.I.F.-A. produced it for the officers at the front door.

J.A.T.-B. confirmed he was one of the males who exited the side yard and was in the driveway speaking with Officer Tolar when Decedent returned to the house. He pointed out Decedent to the officers, however, he did not directly witness the shooting because he returned to the side yard once officers made contact with Decedent.

J.R.G.-G.

Like the others, J.R.G.-G. was visiting the residence to celebrate the New Year. J.R.G.-G. had no relation to Decedent and never met him prior to that night. According to J.R.G.-G., he allowed J.A.T.-B. to use his phone to take pictures of the accident. J.R.G.-G.'s phone fell to the ground. Decedent picked up the phone and smashed it. Decedent attacked J.A.T.-B., who ended up on the ground. While J.A.T.-B. was on the ground, Decedent stood over him and pointed the gun at J.A.T.-B. That is when J.R.G.-G. came over and tried to pull Decedent back and told him to stop. Decedent then turned his attention to J.R.G.-G. J.R.G.-G. tried to stop Decedent, but Decedent pistol-whipped him

on the top of his head.² After being pistol-whipped, Decedent threw him to the ground. Decedent came over to J.R.G-G., kicked him in the head, and then racked the slide of the gun and pointed it at J.R.G-G. Then, Decedent got into his truck and drove away.

Ramon did not witness the officer-involved shooting as he went inside the home after the fight.

M.C.S.

M.C.S. lived at 2836 Taylor with M.I.F.-A., his wife. He was in the backyard when he heard someone say that Decedent had arrived. M.C.S. walked in and saw M.I.F.-A. talking to Decedent. She told Decedent he needed to leave because he was drunk. M.I.F.-A. then asked M.C.S. to tell Decedent to leave. M.C.S. went and talked to Decedent. He told Decedent he could not be at the house. Decedent then showed M.C.S. a gun. He did not brandish the weapon, but said something like, "Come on man, let's hang out, let's go do drugs together." M.C.S. declined and Decedent got into his truck and rammed into two vehicles. One of the vehicles was M.C.S.'s brother's car, the gold 2007 Toyota Highlander, which had been parked in the driveway. The other was J.A.T.-B.'s blue Honda Accord.

After colliding with the two vehicles, Decedent got out of the truck and started behaving aggressively. J.A.T.-B. and C.C.G. came outside. J.A.T.-B. told Decedent that he needed to pay for the damage and told him that if he paid \$200, they could call it even. During this argument, M.C.S. saw Decedent pull out a gun, get close to J.A.T.-B., and point it at J.A.T.-B. Next, Decedent "dropped" J.A.T.-B. to the floor. At some point, while Decedent was going after J.A.T.-B., M.C.S. saw another gun in Decedent's waistband. M.C.S. smacked the gun out of Decedent's waistband. He then kicked it away. M.I.F.-A. picked up the gun and put it inside the house. Meanwhile, J.R.G.-G. tried to stop Decedent from pointing the gun at J.A.T.-B. and Decedent pushed J.R.G.-G. to the ground. M.C.S. stated that Decedent racked the gun back, pointed it toward J.R.G.-G., and pulled the trigger. M.C.S. heard a click and nothing happened. Decedent pistol-whipped J.R.G.-G. and then left in his truck.

M.C.S. was one of the males who came out and was speaking with Officer Tolar. They saw the truck returning and indicated to police that it was Decedent. M.C.S. witnessed Decedent exit the truck and point a gun at the police. M.C.S. stated he believed Decedent shot at the police and was then shot. The last thing M.C.S. saw was an officer grabbing A.F. and taking him eastbound away from the scene.

M.C.S. advised that Decedent had told him, on multiple occasions, that if he had any type of confrontation with the police, he would shoot it out with the police. Decedent has also told M.C.S. that he wanted to kill himself.

C.C.G.

C.C.G. is the half-brother of M.C.S. According to C.C.G., Decedent was already parked in the driveway when C.C.G. pulled his Toyota Highlander into the driveway (to the west of Decedent). While C.C.G. was in the driver's seat, he saw Decedent's truck recklessly back out and back into J.A.T.-B.'s dark blue sedan. Then, Decedent pulled forward and rammed into C.C.G.'s Toyota. C.C.G. had tried to honk his horn, but Decedent still struck his passenger door. After this, Decedent pulled back up into the driveway and then successfully backed out on the third try. Decedent then

² Ramon's head had a large bump on it, which was observed by Detective Wells.

got out of the truck, and J.A.T.-B. exited the home and began taking pictures. Decedent got upset. The two began arguing over payment for the damage to J.A.T.-B.'s car. During the argument, Decedent pushed J.A.T.-B. to the ground and pointed a gun at him. C.C.G. claimed Decedent pulled the trigger and nothing happened. He racked the gun and tried again, but nothing happened. J.R.G.-G. approached and tried to pull Decedent away from J.A.T.-B. Decedent then turned on J.R.G.-G. and pushed him to the ground. Then, Decedent pistol-whipped J.R.G.-G. and kicked him several times. Decedent held J.R.G.-G. at gunpoint and then got back into his truck and drove away. C.C.G. then went inside and was not outside at the time of the officer-involved-shooting.

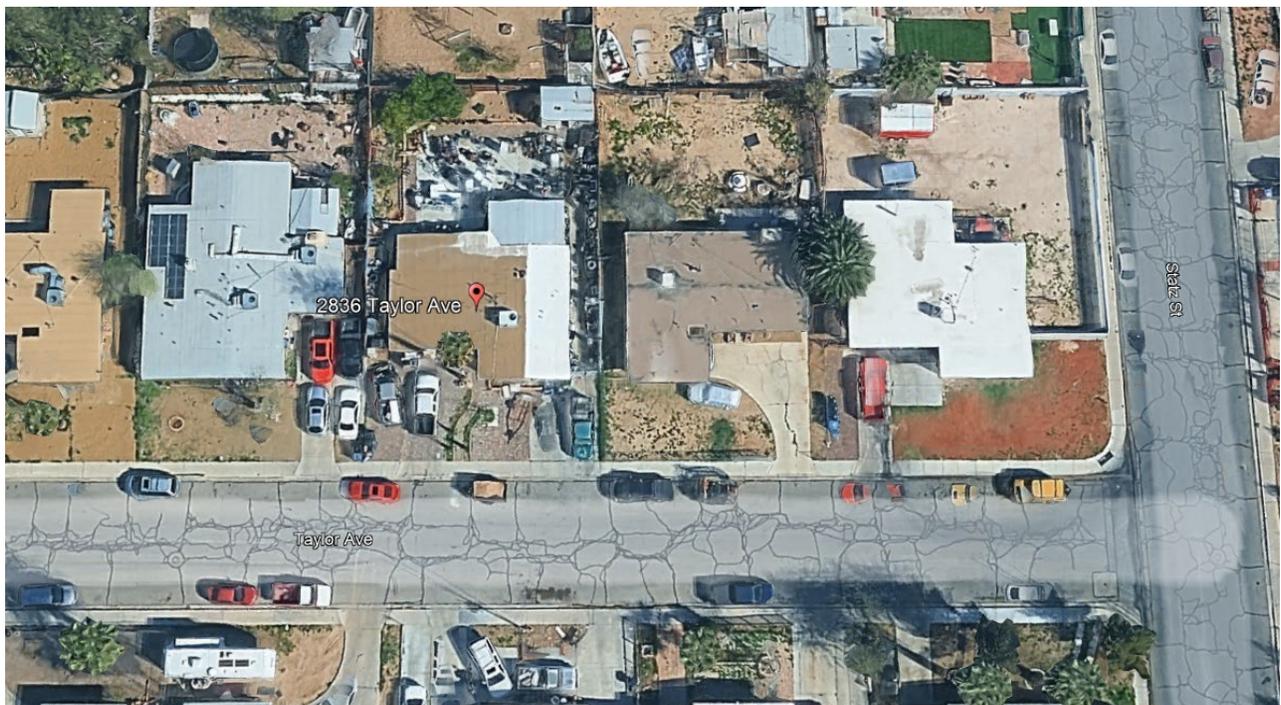
V.H.

V.H. was visiting for the New Year's celebrations and was friends with one of M.C.S.'s nieces. V.H. arrived just after 8 p.m. and saw J.A.T.-B. and Decedent arguing as he walked up to the house. V.H. proceeded to go inside the house and say hello. He came back outside and saw Decedent pointing a gun at J.R.G.-G., who was on the ground. J.A.T.-B. was standing at this point. Decedent soon got into his truck and sped away.

V.H. was one of the males who was outside when Decedent came back to the house and advised the officers. V.H. saw Decedent get out of his truck, remove a handgun from his waistband, and "rack" his gun. Decedent raised the gun, and the police shot him.

SCENE AND PHYSICAL EVIDENCE

Scene Overview



Aerial Image of 2836 Taylor Avenue (Statz Street is visible to the East)

Description of the Scene and Visible Evidence

The scene was mostly confined to the south-facing yard and adjacent roadway south of 2836 Taylor Avenue. However, the entire scene included the involved officers' patrol vehicles (located on Statz) to the east, the residence and multiple vehicles in the driveway of 2836 Taylor Avenue to the north, and the residence of 2831 Taylor Avenue to the south. This included two vehicles that were parked in front of 2831 Taylor Avenue that were struck by gunfire.

Decedent's single-cab primer gray pickup truck, a 1997 Chevrolet C1500 bearing Nevada license plate "ELJAVY" was parked facing east/northeast in front of 2836 Taylor. The vehicle's engine was running, the headlights and taillights were on, and the driver-side front door was ajar. There was one penetrating bullet defect located within the exterior of the truck's open door. There was exterior body damage present on the vehicle's front bumper (on each side) as well as its hood. There was one empty bottle of "Buchanan's Deluxe" whiskey (750 ml) present on the passenger-side front floorboard.

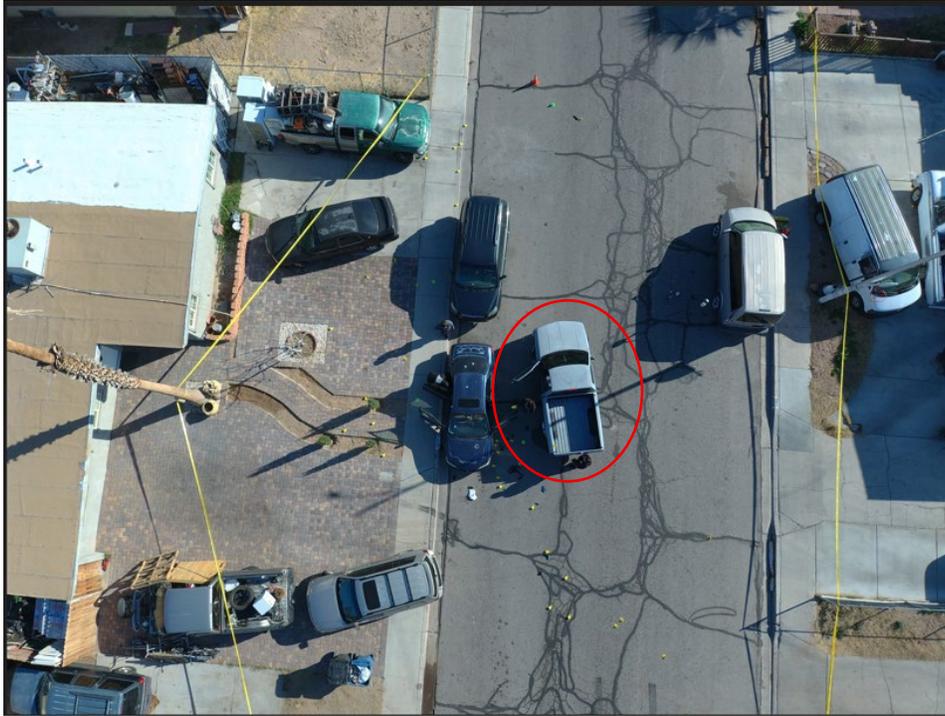
The blue Honda Accord four-door sedan was legally parked facing west in the street south of 2836 Taylor Avenue. This vehicle was parked between Decedent's truck and the front yard/driveway of 2836 Taylor Ave. There was exterior body damage present on the vehicle's passenger-side and driver-side front quarter panels. There were several bullet defects located on/in the car.

In the west driveway of 2836 Taylor was a gold 2007 Toyota Highlander. There was exterior body damage present on the vehicle's passenger-side front door and passenger-side rear bumper.

A total of ten (10) 9mm cartridge cases bearing headstamp "WCC+P+19" were recovered from the scene. Additionally, ten (10) .45 caliber cartridge cases bearing headstamp "WIN 45 AUTO +P" were also recovered. Four (4) 9mm cartridge cases bearing headstamp "WMA +P+ 19" were also covered. One (1) live 9mm cartridge bearing headstamp "FC 9MM Luger" was also recovered at the scene. Additionally, the Ruger Model P95DC, 9mm handgun in possession of Decedent at the time of the shooting was recovered from the roadway. The magazine associated with that firearm contained seven (7) live cartridges (one (1) "RP 9mm Luger", two (2) "FC 9mm Luger", and four (4) "Blazer 9mm Luger" headstamps).³

The Glock 42 provided to Officers by Decedent's sister was also collected. It was a .380 caliber handgun, and it was loaded with live ammunition, including one cartridge in the chamber and ten in the magazine.

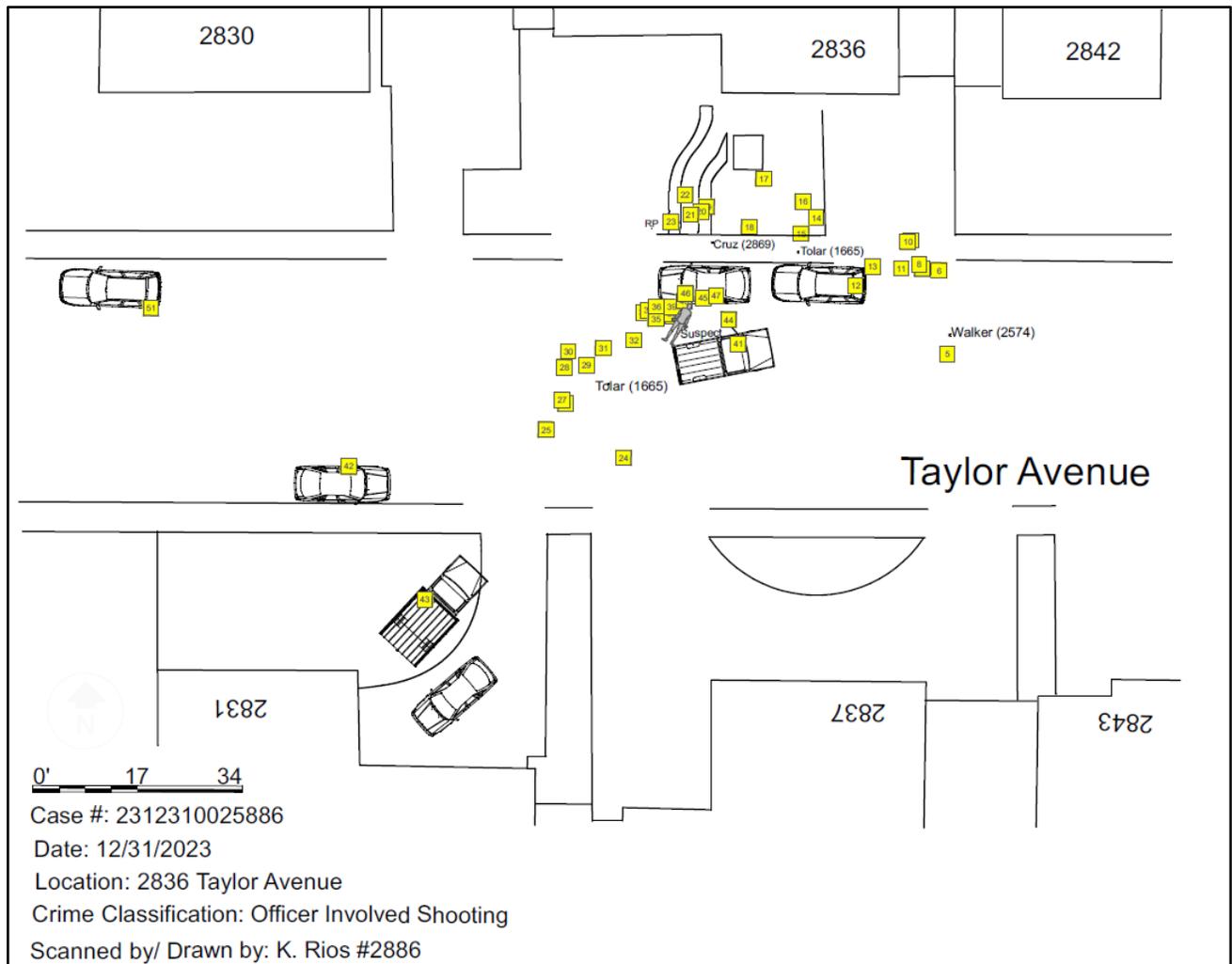
³ The fact that the live cartridge recovered from the scene bore the same headstamp as ammunition from the magazine of Decedent's firearm is consistent with the manipulation of the firearm observed by officers. If Decedent pulled the slide of the firearm back, a round would have ejected from the chamber. The round also could have fallen out of the magazine when the magazine separated from the firearm upon being kicked away from Decedent by Officer Tolar.



Above: Aerial drone view of 2836 Taylor Avenue with Decedent's truck circled in red



Decedent's truck on scene, with the Blue Honda Accord and Gold Toyota Highlander
Decedent's Ruger firearm is circled



Crime Scene Diagram showing location of vehicles involved and evidence

INVOLVED OFFICER WEAPON COUNTDOWNS

Officers Cruz, Walker, and Tolar had their duty weapons counted down at the NLVPD South Area Command to determine the number of rounds each fired during the incident.

OFFICER CRUZ WEAPON COUNTDOWN

Officer Cruz's duty weapon was a Glock 17 Gen5 9mm handgun. Prior to the countdown, Officer Cruz stated that he normally loaded his magazines with 17 cartridges and added an extra cartridge to the primary magazine after loading the firearm chamber, for a total of 18 cartridges. During the countdown, it was determined that he had one (1) round in the chamber and 11 cartridges in the magazine. At the completion of the countdown, it was determined Officer Cruz fired six cartridges at the scene. This was consistent with evidence recovered from the scene.

OFFICER WALKER WEAPON COUNTDOWN

Officer Walker's duty weapon was a Glock 17 Gen4, 9mm handgun. Prior to the countdown Officer Walker stated that he normally loaded his magazines with 17 cartridges and added an extra cartridge to the primary magazine after loading the firearm chamber, for a total of 18 cartridges. According to Officer Walker, he conducted a tactical reload. This means that he expelled the magazine present during the shooting and replaced it with a magazine loaded to capacity. The magazine that was expelled from the firearm was found to have nine cartridges. Therefore, there were a total of 10 cartridges left after the shooting (before the tactical reload). This is consistent with the number of cartridges expected, given that Officer Walker fired eight times during the incident. The remaining two magazines both had 17 cartridges.

OFFICER TOLAR WEAPON COUNTDOWN

Officer Tolar's duty weapon was a Glock 21 .45 caliber handgun. Prior to the countdown, Officer Tolar stated that he normally loaded his magazines with 13 cartridges and did not add an extra cartridge to the primary magazine after loading the firearm chamber. Upon completion of the countdown, it was determined that there were two remaining cartridges in his magazine and one in the chamber of the firearm. This was consistent with Officer Tolar having fired 10 rounds.

FORENSIC LABORATORY TESTING

Biology/DNA Examination

CSA Harder swabbed the trigger and the grip/slide of the Glock 42 that was taken from Decedent by his sister, M.I.F.-A. CSA Harder also swabbed the trigger and grip/slide of the Ruger P95D that was possessed by Decedent at the time of the shooting. The swabs were sent to the LVMPD Forensic Lab, along with a buccal swab kit from Decedent for comparison purposes.

As to the Ruger, there was one contributor to the DNA profile obtained from the swabbing of the grip/slide. There was support for inclusion of Decedent as the contributor to that profile. The probability of observing that DNA profile is 1.33 octillion times more likely if it originated from Decedent than an unknown random contributor. As to the swabbing from the trigger of the Ruger, it was a mixture profile with at least two contributors. There was also support for inclusion of Decedent as a contributor to that mixture profile. The probability of observing this mixture DNA profile is approximately 1.83 billion times more likely if it originated from Decedent and one unknown random contributor than if it originated from two unknown random contributors.

Concerning the swabbing from the trigger of the Glock, a mixture profile of at least two contributors was developed. There was support for inclusion of Decedent in that mixture profile. The probability of observing the mixture DNA profile is approximately 24.7 quintillion times more likely if it originated from Decedent and one unknown random contributor than if it originated from two unknown random contributors. As to the grip/slide swabbing from the Glock, it also resulted in a mixture profile with at least three contributors. There was support for inclusion of Decedent. The probability of observing this mixture DNA profile is approximately 464 septillion times more likely if it originated from Decedent and two unknown random contributors than if it originated from three unknown random contributors.

VIDEO EVIDENCE

BODY-WORN CAMERA FOOTAGE FROM NLVPD

The following are summaries of BWC footage from the subject and witness officers who were on scene at the time of the Officer Involved Shooting. It should be noted that Captain Walker, who did not fire his weapon, was not wearing a body-worn camera.

Officer Cruz

Officer Cruz parked his patrol vehicle on Statz, just north of Taylor. Officer Tolar was in the passenger seat. Once parked, Officer Cruz exited the patrol vehicle and walked toward 2836 Taylor. He approached the front door, knocked, and contacted M.I.F.-A. He spoke with M.I.F.-A. in Spanish. She told Officer Cruz that she took one of Decedent's guns from him. M.I.F.-A. provided him the Glock 42. Officer Walker arrived at the door. The officers continued to speak with M.I.F.-A., who told them that Decedent arrived at the house with two guns and that Decedent pointed a firearm at three individuals at the house.

Officer Walker walked back to his vehicle to secure the firearm. Officer Cruz continued to speak with M.I.F.-A. Officer Tolar was in front of the house, chatting with other members of the family who were at the house for the New Year's Eve party. Decedent's gray truck drove eastbound on Taylor and passed 2836 Taylor. Officer Tolar saw the vehicle and began moving toward the sidewalk, while Officer Cruz asked M.I.F.-A., "Is this him?" M.I.F.-A. confirmed it was. Officer Cruz relayed that information to Officer Tolar and moved to the sidewalk.

The gray Chevrolet truck, driven by Decedent, reversed and drove backward westbound on Taylor, on the left side of the road. Officer Cruz was standing on the sidewalk facing south, pointing toward Decedent and his truck. There was a blue Honda Accord between Officer Cruz and the suspect vehicle. Officer Cruz drew his firearm and pointed it at the truck. Decedent continued to reverse westbound on Taylor. Officer Cruz yelled, "Hey stop the car! Stop the car!" and said, "Watch out for the kid." The truck then pulled forward and stopped next to the blue Honda Accord. The driver-side door opened and Decedent exited.

Officer Cruz immediately yelled, "Let me see your hands!" Officer Tolar could be heard yelling, "Manos arriba!" Officer Cruz repeated, "Manos arriba!" Decedent moved west and looked as though he was going to walk around the front of the blue Honda. At the same time, Decedent reached with his left hand toward his waistband. He pulled out a pistol. As he did so, Decedent looked directly at Officer Cruz. Decedent transferred the pistol from his left hand to his right hand, and he manipulated the gun as if he were pulling the slide back. Decedent continued to raise the pistol with his right hand. Officer Cruz yelled, "Manos arriba!" one more time before firing his weapon. Ultimately, Officer Cruz fired his pistol six times.

At the time he fired his weapon, Officer Cruz was on the sidewalk, near the front passenger door of the blue Honda. Decedent was on the opposite side of the blue Honda, near the driver's door. During the shooting, Decedent dropped to the ground and was no longer visible on Officer Cruz's body-worn camera. After firing six rounds, Officer Cruz ceased fire and moved to his left. At the same time, Officer Tolar crossed in front of Officer Cruz and moved around the front of the blue Honda. Gunfire from Officers Tolar and Walker could be heard.

Officer Cruz notified dispatch of “shots fired.” Captain Walker moved up to Officer Cruz. Officer Tolar moved up to Decedent and kicked the gun away from his right hand. The gun was later determined to be a Ruger model P95DC 9mm.

After the shooting, Officer Walker removed A.F. from the truck and took him away from the scene. Officer Cruz maintained cover on the suspect until he and Officer Tolar approached Decedent and placed him in handcuffs. Officer Tolar asked Officer Cruz, “You’re not hit, are you? He fired right at you.”



Still image from Officer Cruz's BWC showing Decedent holding a gun (circled in red) after exiting his truck.

Officer Tolar

Officer Tolar was in the passenger seat of the patrol unit when they arrived and parked on Statz, north of Taylor. Officer Tolar exited the patrol vehicle and approached the residence, along with Officer Cruz. As Officer Cruz went to the front door, Officer Tolar took up a position in the driveway, to the west of the front door. Captain Walker approached Officer Tolar while Officer Walker joined Officer Cruz at the front door.

Four Hispanic males entered the driveway from the side gate, located on the west side of 2836 Taylor. They were later identified as J.A.T.-B., M.C.S., C.C.G., and V.H. Although there was a

language barrier, Officer Tolar, Captain Walker, and the four Hispanic males continued to chat while Officers Cruz and Walker were at the front door speaking with M.I.F.-A.

Officer Walker and Captain Walker then left the house and walked east on Taylor toward their patrol vehicle to secure the pistol. Decedent's truck then drove eastbound on Taylor. At this point, the four Hispanic males were still in the driveway with Officer Tolar. Officer Cruz was at the front door with M.I.F.-A. One of the Hispanic males advised Officer Tolar that it was Decedent. Officer Tolar relayed over the radio that Decedent's truck arrived and that he was, "pulling over to you guys." This radio traffic was directed at Officer Walker and Captain Walker. Officer Tolar walked in a southwest direction, toward the sidewalk. At the same time, the truck stopped and then began to reverse back westbound on Taylor.

Officer Tolar drew his duty pistol, pointed it at the truck, and yelled, "Stop! Stop! Stop! Stop!" The truck continued to drive in reverse westbound on Taylor as it passed Officer Tolar. At this point, Officer Tolar was on the sidewalk, east of Officer Cruz, pointing in a southwest direction. Officer Tolar tracked the truck with his pistol. Officer Cruz yelled, "Stop the truck!" Officer Cruz's voice was clearly audible on Officer Tolar's body-worn camera as he yelled "Stop the truck" and "Watch out for the kid!" Officer Tolar moved to the rear of the blue Honda Accord. At the same time, the truck stopped and then pulled forward, directly in the direction of Officer Tolar. Officer Tolar moved backward, behind the cover of the Honda Accord and another vehicle, which was parked directly behind the Honda. The truck stopped and the driver's door opened. Officer Walker could be heard on Officer Tolar's radio, "Be careful, he may have a 9-year-old in there." Officer Tolar replied, "Yep, we see him."

As the door of the truck opened, Officer Tolar yelled, "Hands! Manos, Manos arriba!" Decedent exited the truck. It appeared that Decedent was walking straight toward Officer Cruz. Decedent reached back with his left arm. The arm movement was consistent with reaching to access his waistband. Decedent's arm then came forward and it appeared that he brought his hands together in front of his person. At this point, the Honda was between Officer Tolar and Decedent. Decedent's hands were not visible to the body-worn camera; however, they would be visible to Officer Tolar since he could see over the Honda (Officer Tolar's head was higher than the body-worn camera which was mounted on his chest). Officer Cruz was visible standing on the opposite side of the hood of the Honda Accord, facing Decedent. Officer Cruz had his handgun drawn and was pointing it at Decedent. Officer Cruz' full police uniform was visible.

It appeared that Decedent and Officer Cruz were pointing handguns at each other. Officer Cruz discharged his weapon in the direction of Decedent. Within the same second, Officer Tolar discharged his firearm in the direction of Decedent. Officer Tolar discharged his firearm four times. During the gunfire, Decedent went down to the ground next to the Honda Accord's driver-side front tire. Officer Tolar moved to his right, passed in front of Officer Cruz, and around the front of the Honda Accord. While he was moving, gunfire could be heard coming from his left. As Officer Tolar rounded the front of the Honda Accord, he pointed his firearm in the direction of the front driver's side tire of the Honda Accord. Officer Tolar fired six additional rounds in that direction as he moved in a southern direction into the street. At this point in the body-worn camera footage, Decedent was not visible due to the lighting conditions and rapid movement of Officer Tolar's camera.

Officer Tolar continued south and then moved east, using the rear of Decedent's truck as cover. At this point, Officer Tolar was standing to the south of Decedent. The bed of Decedent's truck was between Officer Tolar and Decedent. Officer Tolar stepped back to the west so he could see Decedent. Officer Tolar illuminated Decedent with the flashlight in his left hand and continued to

point his pistol at Decedent. Decedent was lying supine on the street with his feet facing southwest and his head northeast, near the driver's door of the blue Honda Accord. Decedent's right hand rested on his chest and his left arm was extended to his left, lying on the ground. Officer Tolar gave the command, "Hands! Hands!" Decedent did not respond and did not move. Officer Tolar moved up to Decedent, continuing to illuminate Decedent and cover him with his pistol. As he moved toward Decedent, Captain Walker, who had joined Officer Cruz on the sidewalk, instructed Officer Tolar to go around and "get the 9-year-old." Officer Tolar did not react to Captain Walker's statement and continued to focus on Decedent. Officer Tolar walked toward Decedent. Officer Tolar's flashlight beam illuminated a silver and black pistol, which was on the ground next to Decedent, on his right side. Officer Tolar said, "Gun, gun." As Officer Tolar moved even nearer to Decedent, Decedent's right hand began to slowly rise. Officer Tolar stepped over Decedent and kicked the gun away from Decedent.

Officer Tolar began to put on gloves. At the same time, Officer Cruz and Captain Walker approached the suspect. Officer Cruz, who also wore gloves, checked the suspect for any additional weapons. At this point, Decedent was breathing heavily and moaning.

Officer Tolar said, "Is everyone safe in the house? He was firing in our direction." Meanwhile, Officer Cruz placed handcuffs on Decedent. Officer Tolar said, "Recovery position" as they moved Decedent back to his side. Officer Tolar asked Officer Cruz, "Are you ok buddy?" Officer Tolar stayed with the suspect as other officers began to arrive. Officer Carrillo was the first officer to join the involved officers at Decedent's location. Officer Carrillo advised dispatch that it was clear for medical to come into the scene. Officer Tolar told Decedent, "Keep breathing. Keep breathing." He then told another officer that he saw Decedent pull the gun out from his back waistband and that there had been another gun in the house. He flashed his flashlight on the weapon he had kicked away, to show the officers where Decedent's firearm was. As he did so, a pistol magazine was also visible on the ground, in the direction where Officer Tolar had kicked Decedent's gun.

Officer Carrillo asked Officer Tolar where Decedent was shot. Officer Tolar indicated that he thought he hit Decedent multiple times and said, "When I was over here, he was drawing up again when he was laying against the car." Officer Tolar stood up and walked away from Decedent. He walked into the street, approached Officer Cruz and asked, "You're not hit, are you? Because he fired right at you." Officer Cruz told Officer Tolar, "No, I'm good." Officer Tolar stood nearby as other officers attended to Decedent and waited for paramedics to arrive. North Las Vegas Fire Department paramedics entered the scene. They placed Decedent on a gurney and transported him.

Officer Tolar walked eastbound and out of the scene. Sgt. Salkoff approached Officer Tolar and had him shut off his body-worn camera.

Officer Walker

On December 31, 2023 at 20:01, Officer Walker parked his patrol vehicle on Statz, behind Officer Cruz. Captain Walker was in the passenger seat. Officer Walker and Captain Walker approached 2836 Taylor. Officer Walker arrived at the front door of the residence shortly after Officer Cruz. Meanwhile, Captain Walker stood with Officer Tolar in the driveway.

Officer Walker learned about how Decedent arrived at the house and threatened members of the household with a gun. The people at the home were able to get one of his guns (the Glock 42) away from him. Officer Walker asked where Decedent had gone, but M.I.F.-A. did not know. Officer

Walker confirmed Decedent had an eight-year-old with him when he was at the house. Officer Walker confirmed that Decedent pointed a firearm at three people at the house before leaving. Officer Walker asked Officer Cruz to identify the three victims and gain further information about how M.I.F.-A. came to possess Decedent's Glock 42. Officer Walker told Officer Cruz that he was going to secure the weapon in his patrol vehicle.

Officer Walker began to walk eastbound on Taylor toward Statz, where his patrol vehicle was parked. Captain Walker accompanied him. They stopped at the patrol vehicles. It appeared they heard the radio traffic from Officer Tolar that Decedent's truck arrived at the house. Officer Walker quickly secured the Glock 42 in the front seat of Officer Cruz's patrol vehicle. He began moving westbound on Taylor. Captain Walker ran westbound on the sidewalk. Officer Walker said on the radio, "Hey, be mindful, he may have a 9-year-old in the car." Officer Walker walked westbound on Taylor in the street, while Captain Walker was on the sidewalk, to Officer Walker's right.

Officer Walker had a direct line of sight west, toward Decedent's truck. He was holding his flashlight in his left hand. The headlights of Decedent's truck, which were pointing east, created a glare. Because of this, Decedent was not visible to the body-worn camera. Officer Tolar and Officer Cruz began yelling commands to Decedent. As Officer Walker was quickly walking westbound toward Decedent's truck, gunfire could be heard. Officer Walker withdrew his pistol and dropped the flashlight. He pointed his pistol west and began firing. He was adjacent to the east driveway of 2836 Taylor. Officer Walker fired four shots as he moved west. He yelled, "Drop it!" while doing so. Officer Walker stopped at the left rear corner of a 2007 Toyota Highlander SUV, just behind the previously mentioned blue Honda Accord.

Once posted at the corner of the Highlander, Officer Walker fired four more shots, while commanding, "Drop it! Drop it!" Due to the glare of the truck headlights, Decedent was not visible during this portion of the video. Officer Tolar was visible moving from right to left across Officer Walker's line of sight, just west of where Decedent had been located. Officer Walker immediately pointed his pistol at the ground and moved to his right, on the sidewalk. Officer Walker said, "Crossfire, crossfire." He instructed Officer Tolar to move to his right, but Officer Tolar did not respond and continued to deal with Decedent.

Officer Walker moved up to Decedent. Officer Tolar told Officer Walker, "Get the kid." Officer Walker re-holstered his firearm. Officer Walker retrieved A.F. and carried him away from the scene. Officer Walker carried A.F. east to the corner of Taylor and Statz, where he handed A.F. to Officer Mamola. Officer Walker was approached by Sgt. Salkoff and his body-worn camera was turned off.

AUTOPSY

On January 1, 2024, Doctor Stacey A. Simons of the Clark County Office of the Coroner/Medical Examiner conducted an autopsy on Decedent.

Doctor Simons opined Decedent died as a result of multiple gunshot wounds. She also determined that the manner of death was homicide.

A toxicology screening done as part of the autopsy revealed that Decedent's blood alcohol concentration was .189.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any lethal use of force which occurred during the course of their duties. That assessment includes determining whether any criminality on the part of the officers existed at the time of the incident.

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide; NRS 171.1455 – Deadly force to effect arrest).

The shooting of Decedent could be justifiable under several theories related to the concept of self-defense: (1) the killing of a human being in self-defense or defense of others; (2) justifiable homicide by a public officer; and/or (3) use of deadly force to effect arrest. All 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. Pursuant to NRS 200.120 –

“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 or against any person who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle, of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein ...” against the person or other person.⁴ NRS 200.120(1). Homicide is also lawful when committed:

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

NRS 200.160(1).

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

The killing of [a] person in 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;

⁴ 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.

for the purpose of avoiding death or great bodily injury to [himself or the person(s) being defended].

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

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

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he [or the other person] is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and,
3. A reasonable person in a similar situation would believe himself [or the other person] to be in like danger.

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

If evidence exists that a killing was in defense of self [or defense of another], the State must prove beyond a reasonable doubt that Decedent did not act in self-defense [or defense of another]. Id. at 1051-52.

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

B. Justifiable Homicide by a Public Officer

“Homicide is justifiable when committed by a public officer ... [w]hen necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.” NRS 200.140(2). This statutory provision has been interpreted as limiting a police officer’s use of deadly force to situations when the officer has probable cause to believe that the suspect poses a threat of serious physical harm to either the officer or another. See 1985 Nev. Op. Att’y Gen. 47 (1985).

C. Use of Deadly Force to Effect Arrest

Pursuant to NRS 171.1455 – a peace officer may, after giving a warning, if feasible, use deadly force to effect arrest of a person only if there is probable cause to believe that the person: has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or poses an imminent threat of serious bodily harm or death to the peace officer or to others.

D. The Officers' Actions Were Legally Proper Under Any of the Above Justifications

The known facts and circumstances surrounding this incident indicate Decedent posed an imminent danger to law enforcement officers on scene, all of the people inside the residence on Taylor, and/or nearby citizens, and a reasonable person in a similar situation would believe those various people to be in imminent danger. The circumstances surrounding the officer-involved-shooting render the killing justifiable under NRS 200.120 and NRS 200.160. Further, there was probable cause to believe Decedent posed a threat of serious bodily harm to law enforcement, all of the people inside the residence on Taylor, and/or other civilians nearby, also making the killing justified under NRS 200.140 and/or NRS 171.1455.

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, the District Attorney's office concludes that the actions of Officers Walker, Tolar, and Cruz, were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. (NRS 200.190). A homicide which is determined to be justifiable shall be "fully acquitted and discharged." See NRS 200.190.

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