

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of James Pease, Jr. on May 7, 2020

INTRODUCTION

On May 7, 2020, 51-year-old James Pease, Jr. (hereinafter “Decedent”) was shot and killed by Nevada Highway Patrol (“NHP”) Troopers Sean Dobbins and Jared Ramm. The incident took place at approximately 5:56 p.m. in the parking lot of 22680 South Las Vegas Boulevard, Jean, Nevada.

SYNOPSIS

On May 7, 2020, at approximately 2:00 p.m., Decedent arrived at his friend, R.T.’s, workshop in Sandy Valley, NV. Upon his arrival, Decedent was intoxicated. They hung out together until approximately 4:00-4:30 p.m. While at R.T.’s, Decedent consumed one beer. Then, R.T. told Decedent to go home and sleep it off. Decedent drove away in his Ford F-150 pick-up truck.

At approximately 5:49 p.m., Las Vegas Metropolitan Police Department (“LVMPD”) Dispatch received a 9-1-1 call from M.H. who reported that the driver of a black Ford F-150 had pulled a gun on him. The driver was later identified as Decedent. M.H. reported that he was ½ mile west of the gas station at the Jean exit (SR 161) and Decedent had blocked the road with his truck. M.H. stated Decedent was yelling at him for following him.

During this timeframe, LVMPD Dispatch received a second 9-1-1 call from D.T. who reported that a drunk driver was westbound on SR 161 from I-15. D.T. described the vehicle as a black or dark blue Ford F-150 and indicated that the driver was swerving on and off the road and almost hit D.T.’s vehicle.

As M.H. remained on the phone with dispatch, another unknown vehicle driven by a female stopped and distracted Decedent. M.H. was able to turn around and he drove back to the

Chevron gas station in Jean, NV. As he fled the area, M.H. provided additional information that Decedent had removed the gun from a holster then pointed it at M.H. He also stated Decedent was now chasing him and M.H. was afraid to stop.

Upon arrival at the gas station, M.H. stated that Decedent also drove into the parking lot and was now chasing his friend who was driving a black Dodge Ram (J.V.). Decedent and J.V. then exited the parking lot and drove eastbound on State Route ("SR") 161. While driving, M.H. stated Decedent rammed J.V.'s truck.

As this was happening, Troopers Dobbins and Ramm were at the NHP Jean Substation located at the corner of SR 161 and South Las Vegas Blvd. Trooper Dobbins was standing outside on the east side of the substation talking on his phone. Trooper Ramm had just exited the south doors of the substation and was walking toward his patrol vehicle after being dispatched to a motorist assist call. The troopers were unaware of the road rage incident involving a firearm between M.H., J.V. and Decedent due to the 9-1-1 call being routed to LVMPD Dispatch and not NHP Dispatch.

Trooper Ramm observed J.V. as he drove into the exit lane of the substation and stopped. Decedent drove into the parking lot of the substation, past the marked patrol vehicles and Trooper Ramm, and stopped his vehicle near J.V.'s truck. Trooper Ramm drew his firearm as it appeared to him that the situation between J.V. and Decedent was volatile and potentially dangerous. Decedent then exited the driver's door of his truck and drew a handgun with his left hand. Decedent then walked around his opened driver's door and aimed his handgun at J.V. who was still seated in his own truck.

Troopers Dobbins and Ramm ordered Decedent to drop his gun, but he refused. Both troopers were afraid for J.V.'s safety as Decedent continued to aim his handgun at him and refused to comply with verbal commands. Troopers Dobbins and Ramm discharged their firearms at Decedent to stop the threat. Decedent was struck by the troopers' gunfire and fell to the ground. Decedent was later pronounced deceased on scene.

Due to the officer-involved shooting ("OIS") aspect of the incident, detectives from the LVMPD's Force Investigation Team ("FIT") were requested and responded to the scene to conduct the investigation.

This report explains why criminal charges will not be forthcoming against NHP Troopers Dobbins and Ramm. It 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 March 18, 2021.

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

DESCRIPTION OF THE SCENE

The scene was located at the NHP Southern Command Substation in Jean, Nevada. The Substation is located at 22680 South Las Vegas Blvd., on the east side of the street at the northeast corner of Las Vegas Blvd. and Main St. There were parking lots on the east and west sides of the building with a driveway on the south side of the building, connecting both. There were also entrances on the east and west sides of the driveway.



NHP Vehicle 14-320 (V5) was parked adjacent to the building in the south driveway, facing west. NHP Vehicle 14-322 (V4) was parked to the rear of V5, also facing west.

The Ford F-350 (V2) was parked facing east on the south side of Main St. All of the doors and windows were closed and there was paint transfer on the front driver side bumper.

The Dodge Ram (V3), which belonged to J.V., was parked facing east on the north side of Main St. adjacent to the east entrance of the south driveway. The front door was open, and the front driver's window was down.

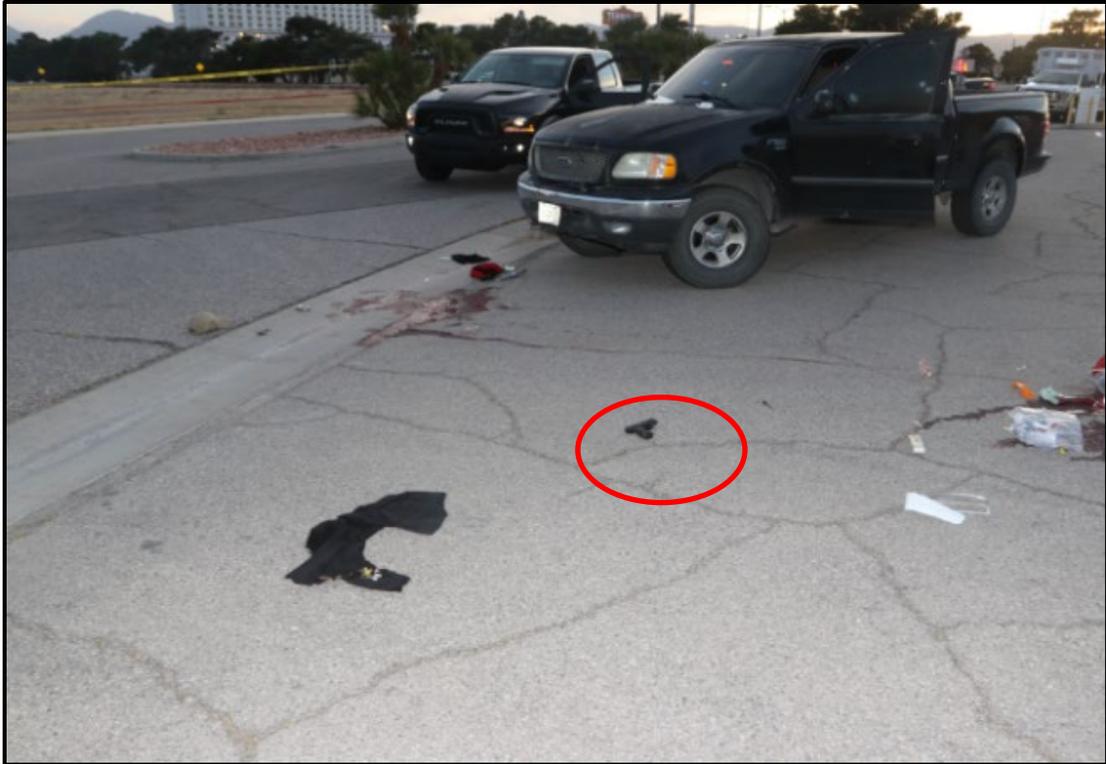
The Ford F-150 (V1), which belonged to Decedent, was parked facing southeast of the driveway at the east entrance. There was damage to the front passenger bumper.

Seven (7) cartridge cases with the headstamp "WIN 9MM LUGER" were on the sidewalk and pavement on the north side of V4. One (1) cartridge case with headstamp "WIN 9MM LUGER" was on the ground between V5 and V4. Five (5) cartridge cases bearing headstamp "SPEER 9MM LUGER 18" were on the south side of the south driveway. A bullet fragment was located adjacent to the rear driver side tire of V1.

The Decedent's black HK VP40 semiautomatic .40 caliber handgun bearing Serial Number 222-01625, with one round in the chamber and ten (10) rounds in its magazine was also located in the east parking lot.



Drone view of scene with evidence placards.



Scene photograph showing Decedent's firearm.



Trooper Dobbins' cartridge casings.



Trooper Ramm's cartridge casings.

SCENE WALK-THROUGH

Trooper Jared Ramm

On May 7, 2020, at approximately 10:25 p.m., Trooper Ramm provided a walk-through of the scene. During the walk-through, Trooper Ramm relayed the following information:

Trooper Ramm indicated his location at the time of the officer-involved shooting and placed a cone on the ground. He then indicated the suspect's location at time of shots fired and a cone was placed at that location.

There was no other information provided during the walk-through.

Trooper Sean Dobbins

On May 7, 2020, at approximately 10:30 p.m., Trooper Dobbins provided a walk-through of the scene. During the walk-through, Trooper Dobbins relayed the following information:

Trooper Dobbins indicated his location at the time of the officer-involved shooting and placed a cone on the ground. He then indicated the suspect's location at time of shots fired and a cone was placed at that location.

There was no other information provided during the walk-through.

OFFICER PUBLIC SAFETY STATEMENTS

Trooper Sean Dobbins

On May 7, 2020, at approximately 8:45 p.m., Detective Scott Mendoza interviewed Sergeant Roger Fickel in reference to the Public Safety Statement (PSS) he obtained from Trooper Dobbins.

Note: Detective Mendoza is designated by (SM) and Sergeant Fickel is designated by (RF).

SM: ...All right, uh, Sergeant Fickel, can you tell me who you conducted th...the public Statement with and the time it was conducted?

RF: Uh, it was Trooper Dobbins, and the time was 1818.

SM: Okay. And can you go into the details of the Public Safety Statement?

RF: Again, I read it off the Las Vegas Metro Police Department Public Safety, uh, Statement card, uh, which consists of question 1: "Did you discharge your firearm?" which he stated, "Yes."

Uh, "If so, what direction?" He stated, "East."

Um, "Approximately where were you located when you fired?" Um, he stated he was at the passenger side of his vehicle, uh, between the sub and the patrol cars, uh, which were again located on the south side of the sub.

Uh, "How many shots," uh, "do you think you fired?" He stated, "Five or six."

Uh, question 2: "Is anyone injured?" He said, "Yes, the subject," and, uh, stated he was, uh, to the, uh, east of the substation.

Uh, 3: "Are there any outstanding suspects?" Uh, he sta...he stated, "No," so A through E are non-applicable.

Uh, question #4: "Is it possible the suspect fir...suspect fired rounds at you?" uh, to which he stated, "No," so A through E are non-applicable.

Uh, 5: Uh, "Do you know if any other officers discharged their firearms?" uh, which he stated, "Yes."

Uh, "If so, where are they?" Um, he'd of been on the south side of the vehicles.

"Approximately..." or, I'm sorry. Where's...were...so, uh, I need to back up.

A: "If so, who are they?" It would of been Trooper, uh, Ramm.

Um, and then qu...uh, B is, "Approximately where was oo...the officer located when they fired?" He'd of been on the south side of the vehicles kinda between...somewhere in between the, uh, front and rear of each vehicle there.

Uh, 6: "Are there any weapons or evidence that need to be ss...secured or..." oh, I missed that one on the other one. How'd I miss that? Um, "Are there any weapons or evidence that need to be secured and protected?" He says, "Um, yes, the suspect's" uh, "weapon which is laying on the ground over there." Uh, and I'd like to show where it is located, where they were.

Um, "Are you aware of any witnesses?" which he stated, "Yes," um, "they were..."

"Where are they located?" "They're located in the," uh, uh, "parking lot."

Uh, I did skip 6, question 6 for Ramm.

SM: That's okay. All right. And were tho...the cc...were those the, uh, conclusion of the questions?

RF: Yes, it was.

SM: Okay. All right, that's gonna be end of the, uh, Public Safety Statement interview. Um, same persons present. Time of 2048 hours.

RF: Thanks.

Trooper Jared Ramm

On May 7, 2020, at approximately 8:42 p.m., Detective Mendoza interviewed Sergeant Roger Fickel in reference to the PSS he obtained from Trooper Ramm.

Note: Detective Mendoza is designated by (SM) and Sergeant Fickel is designated by (RF).

SM: ...All right, Sergeant Fickel, can you, uh, tell me who you conducted the PS...the Public Safety Statement with, uh, and the time it was conducted?

RF: Uh, it was Trooper Ramm, uh, and it was at 1814.

SM: Okay. And if you can go into the details of the, uh, Public Safety Statement for me.

RF: Um, I just used the, uh, Las Vegas Metro, uh, Public Statement...uh, Safety Statement card, uh, and ran through the, uh, seven questions that are on it.

SM: Okay.

RF: Uh, do you want me to read 'em or...

SM: Yes.

RF: All right.

SM: And th...and then the answers that he gave you.

RF: Okay. Uh, the first one is, "Did you discharge your firearm?" uh, which, uh, Ramm responded, "Yes."

Um, then I asked, "If so, what direction?" Uh, he said, "Eastward."

Uh, "Approximately where were you located when you fired?" He was in the parking lot, uh, ju...just south of the substation, and he was between, uh, uh, two patrol cars on the driver's side. Um, the veh...both vehicles were facing west, so it would be on the south side of the vehicles.

Um, and then I asked, "How many shots do you think you fired?" and he stated, uh, "Three."

Uh, 2: Uh, "Is anyone injured?" He said, uh, "Yes."

"If so, where are they located?" He said it was the suspect and he was, uh, to the east of the substation.

Uh, then I asked him #3: "Are there any outstanding suspects?" He said, "No," so A through E, uh, were non-applicable.

I went to 4: "Is it possible the suspect fired rounds at you?" um, which he stated, "No," and then A, B, and C would be non-applicable.

Uh, 5: "Do you know if any other officers discharged their firearms?" and he stated, "Yes."

Um, "If so, who are they?" Um, he said it was, uh, um, Trooper Doggin...Dobbins, sorry.

Uh, "Approximately where was the officer located when he ff...they fired?" Uh, he was, um, between the sub and the passenger sides of the vehic...hh...his vehicle, which is the vehicle that was furthest east.

Um, and then, "Are you aware of any witnesses?" which he stated, "Yes," and that they were located in the...out in the parking lot to the south of the substation.

SM: Okay. And were those the conclusion of the questions that you asked?

RF: That was it, yes.

SM: Okay. All right, that's gonna be end of the Public Safety Statement interview. Uh, same persons present. Time of 2044 hours.

SUMMARY OF RELEVANT WITNESS STATEMENTS

Trooper Sean Dobbins

On May 9, 2020, at approximately 1:01 p.m., FIT Detective Blake Penny conducted an audio recorded interview with Trooper Dobbins at LVMPD Headquarters in the FIT office.

Trooper Dobbins was at the substation and was standing outside on the east side of the building talking on his phone. Trooper Ramm was also at the substation. Trooper Dobbins heard Trooper Ramm yell, "Hey!" or "Yo!" as a Dodge truck pulled up. The driver of the Dodge truck was frantically pointing at a Ford truck that had followed him into the lot.

The driver of the Ford truck (Decedent) got out of the truck and pulled out a handgun with his left hand. Trooper Ramm gave commands to Decedent, and Trooper Dobbins yelled twice, "Drop the gun!" Decedent did not comply and pointed his gun at the Ram truck. Trooper Dobbins was afraid Decedent was going to shoot the driver of the Ram truck or point the gun at Trooper Ramm or himself. Trooper Dobbins then discharged his firearm and stopped shooting when Decedent fell, and the threat was over.

Trooper Dobbins could see Decedent's gun was away from him and the other two citizens were being compliant with Trooper Ramm. After Trooper Ramm took care of the two citizens, he joined up with Trooper Dobbins and they approached Decedent. Trooper Ramm cleared

Decedent's truck, then they both approached Decedent. Trooper Dobbins put on gloves and handcuffed Decedent.

Trooper Dobbins saw Decedent had a neck wound and he retrieved a first aid kit and began to render medical aid. A Metro officer arrived on scene and Trooper Dobbins continued to render medical aid until fire department personnel arrived.

Trooper Dobbins was not aware of the road rage incident and had no information about Decedent being armed prior to the officer-involved shooting.

Trooper Jared Ramm

On May 9, 2020, at approximately 2:00 p.m., Detective Penny conducted an audio recorded interview with Trooper Dobbins at LVMPD Headquarters in the FIT office.

Trooper Ramm was at the substation along with Trooper Dobbins who was outside on his phone. Trooper Ramm was dispatched to a motorist assist call and was walking out to his patrol car when he saw two trucks approaching the substation at a high rate of speed. Trooper Ramm did not know what was going on but believed tensions were high between the trucks.

The first truck that approached (Dodge Ram) stopped in the exit lane of the substation. The second truck (F-150 driven by Decedent) drove into the substation parking lot and cut in front of the Dodge. Trooper Ramm drew his firearm and had it at a low ready position as he tried to get the attention of the drivers.

Decedent exited his truck and drew a firearm from his left side. Trooper Ramm yelled, "Gun!" and gave commands to drop the gun. Decedent then came around his open driver's door toward the hood and aimed his firearm at the driver of the Dodge. Decedent had his arm fully extended and was ignoring commands to drop the gun. Trooper Ramm discharged his firearm to stop the threat and save the life of the citizen.

Trooper Ramm did not see Decedent go down and lost sight of him. He expected Decedent to emerge on the passenger side of his truck, but he never did. By this time, a third truck had pulled up and Trooper Ramm gave commands to the two drivers to get down and they complied. Trooper Ramm then moved to where Trooper Dobbins was and saw Decedent was on the ground and his gun was away from him.

Troopers Ramm and Dobbins came up with a plan to approach Decedent and moved towards him. Trooper Ramm cleared Decedent's truck first then both troopers moved to Decedent to render aid. Trooper Dobbins handcuffed Decedent and both troopers started medical aid. Trooper Ramm put gauze on Decedent's neck wound and later started CPR when a pulse could not be found. Fire Department personnel arrived and took over medical care.

Trooper Ramm was not aware of the road rage incident and had no information about Decedent being armed prior to the officer-involved shooting.

M.H.

On May 7, 2020, at approximately 8:26 p.m., Detective Trevor Alsup conducted an audio recorded interview with M.H. at 22680 South Las Vegas Boulevard.

M.H. and his friend, J.V., stopped at the White Castle located at the Jean exit off I-15 on their way home in Goodsprings. After eating, both left the White Castle and headed west on SR 161 towards Goodsprings. M.H. was driving his 2003 Ford F-350 and J.V. was driving his Dodge truck.

As he was driving, M.H. observed a dark colored F-150 in front of him driving on the right shoulder of the road. J.V. was in front of M.H. and passed the F-150. M.H. slowed down and as he attempted to pass the F-150, the driver (Decedent) turned to the left and cut M.H. off. M.H. slammed on his brakes and came to a stop. M.H. then passed the F-150 and continued west.

M.H. looked in the rear-view mirror and observed the F-150 approaching him at a high rate of speed. The F-150 pulled to the left of M.H. and then swerved to the right striking M.H.'s vehicle. The F-150 then stopped and blocked M.H. Decedent exited his vehicle and asked M.H. why he was following him. Decedent pulled out a black firearm and pointed it toward M.H. causing M.H. to be afraid for his life.

J.V. returned toward M.H., driving east, and M.H. yelled for him to keep driving. M.H. reversed his truck until he was far enough to make a U-Turn. J.V. continued driving east and M.H. followed him. M.H. looked in his rear-view mirror and again observed the F-150 behind him. M.H. believed that the F-150 struck his vehicle again at which time he accelerated and passed J.V.

M.H. pulled into the Terrible Herbst at SR 161 and I-15 followed by J.V. and the F-150. M.H. drove to the rear of the parking lot and watched as J.V. and the F-150 went through the parking lot and turned east on SR 160. M.H. exited the parking lot and followed the other vehicles.

M.H. saw J.V. and the F-150 pull up to the NHP substation in Jean, Nevada. As M.H. pulled up to the substation, it appeared the F-150 struck J.V.'s truck. As M.H. approached, he observed an NHP Trooper discharging his firearm at Decedent.

J.V.

On May 7, 2020, at approximately 8:33 p.m., Detective Marc Colon conducted an audio recorded interview with J.V. at 22680 South Las Vegas Boulevard.

J.V. and his friend, M.H., ate at the White Castle restaurant inside of Terrible's Roadhouse located at 1 Goodsprings Road. They left the restaurant, and both drove separate vehicles

on their way to a friend's house in Goodsprings. J.V. drove a Dodge Ram and M.H. drove a Ford F-350.

While driving west on SR 161, J.V., who was the lead vehicle, observed a Ford F-150 (Decedent) in front of him driving erratically. Decedent was weaving in and out of his lane and driving on the opposite side of the road. J.V. slowed down to create space from Decedent.

As J.V. drove over a slight incline, he observed Decedent stopped on the right shoulder of the road. J.V. drove past Decedent. J.V. checked his rear-view mirror and realized M.H.'s vehicle appeared to have been hit by Decedent's vehicle.

J.V. turned around and drove back toward M.H. J.V. pulled over to the side of the road and discovered Decedent's vehicle was now in front of M.H.'s vehicle. J.V. observed an unknown white female, approximately fifty years of age standing by Decedent's vehicle. The female's vehicle, which J.V. believed may have been blue in color, was parked in front of Decedent. J.V. does not speak English, but it appeared she was insulting M.H. who was still inside of his vehicle.

M.H. yelled to J.V. to leave the area because Decedent had a gun. J.V. and M.H. drove east on SR 161 while being chased by Decedent. J.V. and M.H. pulled into the parking lot of Terrible's Roadhouse and circled the lot while still being chased by Decedent.

J.V. remembered there was a police station close by. J.V. drove east on SR 161 to the NHP Substation at 22680 South Las Vegas Boulevard. J.V. pulled over on the north side of the road in front of the station. J.V. observed a state trooper and honked his horn numerous times to get his attention. Soon after, Decedent drove into the substation parking lot, proceeded west and stopped at an angle slightly in front of J.V.'s vehicle. Decedent exited his vehicle and ran around the front of it toward J.V.

J.V. heard the state troopers telling Decedent to stop. J.V. then heard two gunshots. J.V., who was still in his vehicle, heard the state troopers yelling at him. J.V. put his hands in the air, exited his vehicle and got onto the ground.

C.C.

On May 13, 2020, at approximately 3:45 p.m., Detective Mendoza conducted a non-recorded telephone interview with C.C. Below is a summary of the telephone conversation.

C.C. was at the intersection of SR 161 and South Las Vegas Blvd. when he saw the two black trucks run the stop sign and stop near the NHP substation. C.C. could not see what was going on due to his view being blocked by trees, but he knew there was activity.

As C.C. turned westbound on SR 161, he saw the troopers had their firearms drawn so he turned around and stopped on the side of the road. C.C. then pulled out his cellular phone and started to record the incident.

C.C. did not witness the officer-involved shooting and at the time he began to record the incident, a Metro officer was already on scene.

G.R.

On May 7, 2020, at approximately 08:40 p.m., Detective Jason Leavitt conducted an audio recorded interview with G.R. at the Terrible's Gas Station, 1 Main Street.

G.R. was working as a uniformed security officer for Terrible Herbst in Jean, Nevada on May 7, 2020. While going from the several properties owned by Terrible's, G.R. observed two dark colored pickup trucks driving erratically on Highway 161. The vehicles approached G.R. from the rear and forced him off the road as they passed him "bouncing" all over the road. G.R. believed the two trucks were trying to hit one another.

The trucks went to the NHP office (Highway 161 and Las Vegas Boulevard) when G.R. observed a male exit the first truck as two NHP officers exited their office. G.R. observed the NHP officers crouch behind their vehicles, then heard "pop, pop, pop" several times. G.R. believed the popping sound was gunfire based on the actions of the NHP officers with their guns drawn. A third truck arrived and pulled up to the NHP office. The driver yelled something toward the NHP officers; a Metro officer arrived and dealt with him.

R.S.

On May 9, 2020, at approximately 3:37 p.m., Detective Penny conducted a non-recorded telephone interview with R.S. Below is a summary of the telephone conversation.

R.S. is an Orange County, Florida Sheriff's Deputy and a friend of Trooper Dobbins. R.S. had called Trooper Dobbins on his cell phone. As they were having a conversation, Trooper Dobbins stated, "I gotta go." R.S. then heard Trooper Dobbins say, "Drop the gun" three times and then four to five gunshots. After the gunfire, R.S. heard Trooper Dobbins state, "Shots fired" twice and then "Suspect down." He also heard Trooper Dobbins say the gun was away from him and he told Trooper Ramm to turn on his camera since his was inside.

After hearing this, realizing there was an officer-involved shooting and the troopers were okay, R.S. disconnected the telephone call.

R.T.

On May 9, 2020, at approximately 12:15 p.m., Detective Penny conducted a non-recorded telephone interview with R.T. Below is a summary of the telephone conversation.

R.T. stated he was friends with Decedent. On the day of the shooting, Decedent had arrived at his workshop around 2:00 p.m. Decedent was already intoxicated when he showed up. Decedent seemed angry about current events which included the lockdown due to COVID-19 and not working.

Decedent drank one beer while at R.T.'s shop and was carrying his firearm. R.T. stated Decedent always carried a firearm with him. Between 4:00 p.m. and 4:30 p.m., R.T. told Decedent his wife was on her way home and he was going to close the shop. R.T. told Decedent he needed to go home and sleep it off. Decedent then left the shop and drove away.

R.T. did not witness the officer-involved shooting and was not aware of the incident until the following day.

D.T.

On May 19, 2020 at approximately 3:30 p.m., Detective Leavitt conducted a non-recorded telephone interview with D.T. Below is a summary of the telephone conversation.

D.T. was driving westbound on SR 161 and was about a half mile west of the Chevron when he saw a black F-150. The F-150 was partially on the shoulder and swerving as it drove westbound as well. As D.T. got closer, the F-150 drove completely on the shoulder and D.T. believed the truck was having mechanical issues.

D.T. began to pass the F-150 when the driver suddenly accelerated and swerved toward D.T. D.T. was able to avoid the collision and accelerated away from the F-150. As D.T. continued westbound to create distance from the F-150, he saw a group of motorcycles driving eastbound. Out of concern for other motorists, D.T. called 9-1-1 to report the possible drunk driver.

BODY-WORN CAMERAS

The Body Worn Camera (BWC) time stamps videos in Greenwich Mean Time (GMT), which is the world time based on a 24-hour clock. There was a seven-hour negative difference between the event time and displayed time. BWCs also have a "time drift" where the camera's internal clock drifts from actual time based on when the cameras are synced and when the camera is docked. A BWC can display a different time other than what it was, based on a time drift.

Trooper Sean Dobbins

Trooper Dobbins was not wearing BWC at the time of the incident. The camera was located on a desk inside of the NHP substation. Trooper Dobbins stated he was in the process of trading out his BWC at the station when he stepped outside to take a phone call. At the time of the incident, Trooper Dobbins' BWC's were inside of the substation.

Trooper Jared Ramm

Trooper Ramm was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Detective Penny and secured. Trooper Ramm's camera footage was 15 minutes and 16 seconds in length and depicted the following:

The video footage began at time stamp "2020-05-08 T00:54:40Z" (actual time 5:54:40 p.m.).

Trooper Ramm was on the sidewalk between two marked NHP patrol vehicles and the NHP Jean Substation. A black Dodge Ram truck (J.V.) was seen, closely followed by a black Ford F-150 (Decedent). As J.V. drove eastbound in the exit lane, Decedent entered the NHP parking lot, striking the curb with his right rear tire before continuing eastbound. Both trucks came to a stop and J.V. could be seen waving his arm out of his window.

Decedent exited his driver's door and looked back in the direction of Trooper Ramm. Trooper Ramm was pointing his firearm in the direction of Decedent. Decedent reached under his shirt and drew a handgun with his left hand. Decedent then walked around his open driver's door towards the hood and aimed his firearm directly at J.V. The barrel of the handgun could be seen protruding on the opposite side of the door. Trooper Ramm discharged his firearm. However, due to the position of his BWC, Trooper Ramm's firearm is off camera. Decedent disappeared from camera view as Trooper Ramm moved to the right and further behind Decedent's truck.



BWC photo of Decedent drawing his handgun.



BWC photo of Decedent aiming his handgun at J.V.
The barrel of Decedent's gun is circled.

J.V. opened his driver's door and raised both hands into the air. It was at this time Trooper Ramm activated his BWC and the audio began. Trooper Ramm could be heard telling J.V. and M.H. to get on the ground. J.V. exited his truck and laid on the ground. Trooper Ramm then moved between the NHP patrol vehicles and joined Trooper Dobbins who

was standing on the east side of the substation. Decedent could be seen laying on the ground near the front of his truck. Decedent's handgun was seen on the ground to the left of his feet.

Trooper Dobbins stated they needed to move up and render aid. As both troopers moved toward Decedent and his truck, Trooper Ramm opened the driver's rear door and looked for additional subjects. After clearing the truck, Trooper Dobbins stated he was going to put gloves on. Trooper Ramm then moved to the left side of Decedent who was lying face down in front of his truck. Apparent blood was visible on the ground and Decedent's handgun was clearly visible near him. Trooper Dobbins then moved toward Decedent and placed him in handcuffs.

After Decedent was secured, Trooper Dobbins ran back to their patrol vehicles as Trooper Ramm put on gloves. Trooper Dobbins returned with a first aid kit and both troopers began to render medical aid to Decedent. As the troopers rolled Decedent over, a holster could be seen inside of the left waistband of his jeans. As they rendered first aid, Trooper Ramm retrieved another first aid kit from his patrol vehicle and the troopers continued to render aid. When Trooper Dobbins could no longer feel a pulse, Trooper Ramm began CPR chest compressions on Decedent.

Clark County Fire Department personnel arrived on scene and requested Decedent be taken out of handcuffs so he could be moved. Trooper Ramm removed the handcuffs and medical personnel took over medical care. Additional troopers arrived on the scene and took over securing the scene. Troopers Dobbins and Ramm then entered the substation and Trooper Ramm deactivated his BWC.

THIRD PARTY VIDEO AND PHOTOGRAPHIC EVIDENCE

Cellular Phone Video – C.C.

C.C. provided a 13-second-long cellular phone video that he took after the officer-involved shooting. The video showed C.C. parked on SR 161 west of South Las Vegas Blvd. on the south side of the street. The video only showed parked vehicles and no people were seen on camera.

Terrible Herbst

Terrible Herbst Corporate Investigator K.W. provided a disk containing 12 videos from the two Terrible Herbst gas stations and the Terrible Herbst casino located in Jean, NV. The one video from "701" is from the Terrible Herbst Truck Plaza. The ten videos from "703" is from the Terrible Herbst Convenience Store (Chevron). The one video labeled "Casino" is from the Terrible Herbst Hotel and Casino.

The videos showed M.H. in his Ford F-350 and J.V. in his Dodge Ram as they drove eastbound on SR 161 towards the Chevron. M.H. entered the first driveway and J.V.

entered the second driveway of the business. Decedent could be seen following the trucks in his Ford F-150.

Decedent followed J.V. and chased him through the parking lot of the Chevron at a high rate of speed. J.V. and Decedent drove along the east side of the convenience store, around gas pumps, through the south parking lot before they eventually drove north and exited the parking lot onto SR 161. After J.V. and Decedent exited the parking lot, they drove eastbound on SR 161. M.H. then exited the parking lot and followed J.V. and Decedent.

After leaving the Chevron parking lot, all three trucks drove eastbound on SR 161 towards South Las Vegas Blvd. The trucks were captured on video from the Terrible Herbst Truck Plaza and Terrible Herbst Hotel and Casino from a distance. All three trucks left camera view when they entered the parking lot of the NHP Jean Substation.

No video cameras from the Terrible Herbst locations captured the officer-involved shooting.

AUTOPSY

On May 8, 2020, at approximately 7:15 a.m., under Clark County Office of the Coroner/Medical Examiner ("CCOCME") case 20-02541, an autopsy was performed on the body of Decedent at the CCOCME by Doctor Jennifer Corneal.

The following wounds/injuries were noted on the autopsy report of Decedent:

- 1) Penetrating gunshot wound of right upper chest/neck.
- 2) Perforating gunshot wound of left upper arm and back.
- 3) Graze wound of left buttock.

Upon the completion of toxicology testing, the following results were noted:

Positive Findings:

<u>Compound</u>	<u>Result</u>	<u>Units</u>	<u>Matrix Source</u>
Ethanol	205	mg/dL	001 - Peripheral Blood
Blood Alcohol Concentration (BAC)	0.205	g/100 mL	001 - Peripheral Blood

After a complete autopsy, Doctor Corneal opined Decedent died as a result of multiple gunshot wounds. The manner of death was Homicide.

OFFICER WEAPON COUNTDOWNS

On May 7, 2020, Troopers Dobbins and Ramm had their duty weapons counted down at the NHP Jean Substation. The subject troopers were photographed by CSI personnel for appearance purposes and their weapons were photographed for identification purposes.

Trooper Sean Dobbins

Trooper Dobbins firearm was a Glock 17, 9mm with a mounted light. His firearm was loaded with "WIN 9mm Luger" cartridges. During the countdown, it was determined that his firearm contained one round in the chamber, and 9 rounds in his magazine.

Prior to countdown Trooper Dobbins stated he carried 17 cartridges in the magazine loaded in his firearm and one cartridge in the chamber (17+1, 18 total).

At the completion of the countdown, it was determined Trooper Dobbins discharged his firearm eight times during this incident. That was consistent with the evidence at the scene. Trooper Dobbins' firearm, magazines, and cartridges were photographed and impounded by CSA Megan Madonna.

Trooper Jared Ramm

Trooper Ramm's firearm was a Sig Sauer P320, 9mm caliber firearm. It was loaded with "Speer 9mm Luger" cartridges. During the countdown it was determined that there was 1 round in the chamber and there were 12 rounds in the magazine.

Prior to countdown Trooper Ramm stated he carried 17 cartridges in the magazine loaded in his firearm and one cartridge in the chamber (17+1, 18 total).

At the completion of the countdown, it was determined Trooper Ramm discharged his firearm five times during this incident. That was consistent with the evidence at the scene. Trooper Ramm's firearm, magazines, and cartridges were photographed and impounded by CSA Madonna.

FIREARM EXAMINATIONS

Forensic Scientist Roy Wilcox conducted an examination of Decedent's firearm. Per his report dated June 16, 2020, Decedent's Heckler and Koch Pistol was examined, test fired, and found to be operational with no noted malfunctions.

Roy Wilcox also examined one "WIN 9mm Luger" cartridge case and determined that it was fired by the Trooper Dobbins' Glock pistol.

Additionally, he examined one "Speer 18 9mm Luger" cartridge case and determined it was fired by Trooper Ram's Sig Sauer pistol.

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). 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.¹ 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, 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

¹ 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.

sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

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

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

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

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

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

The known facts and circumstances surrounding this incident indicate that Decedent posed an imminent danger to J.V. as well as Troopers Dobbins and Ramm. At the time the Troopers discharged their weapons, Decedent had a firearm pointed at J.V. Despite the fact that Decedent was given commands to drop his weapon, he continued to point the firearm at J.V.

The totality of the evidence, to include BWC video and witness statements, illustrates that both Trooper Dobbins and Trooper Ramm had a reasonable belief that Decedent would cause great bodily harm or death to J.V. or themselves. The troopers were confronted with the appearance of imminent danger and acted out of a reasonable belief that someone was about to be shot by Decedent. The troopers reasonably acted in defense of others and themselves. Consequently, the shooting of Decedent is justifiable under this legal theory.

B. Justifiable Homicide by a Public Officer

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

In this case, evidence indicates that Troopers Dobbins and Ramm had probable cause to believe that Decedent posed a threat of serious physical harm to J.V. as well as themselves. Immediately preceding the shooting, Decedent refused to comply with their lawful orders to drop the gun. Decedent ran around his truck to get closer to J.V. and continued to aim his firearm at J.V. Additionally, both troopers were in close proximity to Decedent. J.V. or Troopers Dobbins and Ramm could have been injured or killed. At the point that they fired their weapons at Decedent, Troopers Dobbins and Ramm had a reasonable belief that Decedent could cause serious physical harm to J.V. or themselves. Thus, the use of deadly force by Troopers Dobbins and Ramm was legally justified and appropriate under NRS 200.140(2).

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, we conclude that the actions of Trooper Dobbins and Trooper Ramm 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 Trooper Dobbins or Trooper Ramm.