

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Efren Trujillo-Soriano on April 11, 2016

INTRODUCTION

On April 11, 2016, at 10:00 pm, Las Vegas Metropolitan Police Department (hereinafter "LVMPD") Dispatch received several 911 calls in reference to a shooting that occurred at the intersection of Las Vegas Boulevard and St. Louis Avenue. Callers reported that they observed a male adult, later identified as Efren Trujillo-Soriano (hereinafter "Decedent"), walk up behind another male adult and fire a handgun several times. After being shot, the male (hereinafter "R.J.") fell to the ground on the southeast corner of the aforementioned intersection. Decedent then left on foot eastbound and was observed going into the Siegel Suites complex located at 2000 Paradise Road. Several officers were immediately dispatched to the area. Two of those officers were Officer Loy and Officer Ferris who arrived and went to the southeast corner of the Siegel Suites to take a perimeter location.

One of the witnesses, C.L., saw the shooting, called 911, and continued to watch as officers responded. Though Decedent had originally fled the scene after he shot the victim, he later returned and began watching and videotaping officers as they attempted to render aid to the victim. C.L. stayed on the line with dispatch and relayed the fact that Decedent had returned to the scene and was near the officers. This information was then broadcast over the radio, and one of the officers on scene attempted to make contact with Decedent. At that point, Decedent pulled his firearm out and ran towards the Siegel Suites. Officers broadcast that Decedent was armed and a foot pursuit began. Decedent rounded the corner of Siegel Suites and ran towards Officers Loy and Ferris at the perimeter location. Decedent began to fire at the officers as he approached them. Officers Loy and Ferris returned fire, striking Decedent, who fell to the ground on the sidewalk. Surrounding officers immediately moved forward and took Decedent into custody. Medical units were requested and responded. Decedent was transported to the University Medical Center where he succumbed to his injuries.

The Clark County District Attorney's Office has completed its review of the April 11, 2016, 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 Officer Loy and Officer Ferris were not criminal in nature. This review is based upon all the evidence currently available.

This report explains why criminal charges will not be forthcoming against Officer Loy and Officer Ferris. 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 November 22, 2016.

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

INFORMATION REGARDING DECEDENT EFREN TRUJILLO-SORIANO



Decedent Efren Trujillo-Soriano was a 22 year-old male who lived in Buckeye, Arizona. Decedent entered the Army in 2012 where he held an Infantry position. Decedent deployed to Afghanistan from 2013-2014 where he engaged in active combat. While on duty, Decedent was disciplined for a Driving Under the Influence incident in 2014, and he was reprimanded for the incident. Decedent was placed on probation, but probation was revoked and he went to prison for four months. Decedent left the Army in 2014 with an honorable discharge. He was screened for Post-Traumatic Stress Disorder before leaving, and his results were negative.

According to family members, when Decedent returned from Afghanistan he told them he had seen things he never imagined he would. Decedent battled anxiety and depression, but it is not clear if this was a result of his military duties. It should be noted that, per the family, there were no known mental illnesses or issues before his entry into the military. Decedent came from a very supportive family; they were aware he had a problem with alcohol and were trying to help him work through it. Decedent had recently moved to Las Vegas because he was trying to do better, and he believed he needed to prove to his family and himself that he could do things on his own. Recently, he had gotten in touch with a Veteran support agency and they had set him up with a job and a place to live in Las Vegas.

Decedent was not married and did not have any children.

DECEDENT'S CRIMINAL HISTORY

On April 17, 2015, Decedent was arrested for Driving Under the Influence in Arizona. Decedent's blood alcohol level was a .15 - .20. This case was ultimately dismissed by the court.

On November 11, 2015, Decedent was arrested for burglary in the second degree and assault. Decedent went into warrant status on March 30, 2016. The facts of that case allege Defendant entered an open garage and stole a bicycle. Several neighbors got involved, and he struck one of them in the face. This was an open case at the time of Decedent's death, and he was in bench warrant status.

On April 2, 2016, Decedent was stopped by LVMPD officers due to Decedent sipping an alcoholic beverage in a prohibited public location. Decedent was cooperative and cordial with officers. During contact, Decedent consented to a search of his person but would not allow officers to search his backpack. He was given a warning citation; no further action was taken.

ST. LOUIS SQUARE AND SURROUNDING BUSINESSES



OVERVIEW OF SURROUNDING FACTS

INFORMATION RECEIVED BY CITIZENS

E.H. and M.V.

E.H. and M.V. were interviewed separately on April 12, 2016. Both interviews were recorded and a transcript of each was provided.

Previous to the officer-involved-shooting, E.H. and M.V. were cleaning several of the offices located within the St. Louis Square Shopping Center. E.H. and M.V. were cleaning outside the buildings around 2200 hours when they saw three males standing in front of the culinary section of the building. Both E.H. and M.V. saw two of the males engage in a struggle and saw a third male near the subjects, but the third male was just sitting on a bench.

E.H. believed the initial aggressor was a white male (later identified as R.J.) who she described to be approximately 5'7", weighed over 200 pounds, and was wearing a gray shirt and dark pants. E.H. described the second subject as a black male (later identified as Decedent), wearing a black

hat, a black and white coat, and black pants. E.H. believed Decedent was approximately 5'1" to 5'2" and weighed approximately 130 pounds. E.H. also stated that Decedent was wearing a black backpack. E.H. was unable to describe the third subject who was sitting on the bench.

E.H. and M.V. watched as Decedent and R.J. began fighting; they then saw Decedent remove his backpack and begin to open it. At this point, both E.H. and M.V. became scared and locked themselves in a janitorial room. A few seconds later, E.H. heard a gunshot. Approximately one minute later, E.H. heard an additional five gunshots. Both E.H. and M.V. dropped to the floor in fear for their lives. A few minutes after they heard the gunshots, they called the on-site security guards. Security arrived within minutes but all three subjects, who were previously in the courtyard, were gone. E.H. and M.V. observed several pieces of paper on the ground in the courtyard but left them in place. E.H. stated that she could identify both suspects that she had seen fighting; however, she never observed anybody with a firearm.

E.H. and M.V. then left the courtyard area and walked southbound on Las Vegas Boulevard with both security guards. As they approached the intersection of Las Vegas Boulevard and St. Louis Avenue, they observed police officers rendering aid to R.J. E.H. stated that R.J. was one of the individuals she had seen fighting earlier. E.H. and M.V. also stated that they observed Decedent, who they also recognized as being involved in the fight, standing behind the officers. E.H. and M.V. both saw that Decedent was holding his cell phone and believed him to be video recording or taking pictures of the officers as they rendered aid. E.H. then saw Decedent turn and begin to walk away from the scene. Officers then approached Decedent and he began to run. Officers ran after Decedent and E.H. lost visual of all involved in the foot pursuit. She then heard several gunshots.

C.H.

C.H. was interviewed on April 11, 2016. This interview was recorded and a transcript was provided.

C.H. was an employee for the Stratosphere Casino, Hotel and Tower. C.H. was working on the twenty-fifth floor when he heard a gunshot. C.H. looked over the glass railing, which faced east across the aforementioned intersection. C.H. observed Decedent and R.J. standing on the southeast corner of the intersection near Carl's Jr. when Decedent walked up to R.J. and shot him approximately six (6) times at close range. R.J. fell to the ground and Decedent walked on St. Louis Ave, towards the Siegel Suites complex. C.H. called 911 and reported the shooting. As C.H. observed Decedent walk into the Siegel Suites complex, C.H. updated his observations to the dispatcher. C.H. described Decedent as wearing light colored clothing, a baseball hat, and noted he was carrying a backpack.

C.H. saw several officers arrive in the area and render aid to R.J. While officers were rendering aid, C.H. saw Decedent return to the scene wearing the same clothing and backpack. C.H. observed Decedent taking pictures on his cell phone of the officers. C.H. focused on Decedent and observed officers trying to "shoo" Decedent away from the area. C.H. advised dispatch that Decedent had again returned to the scene and was taking pictures with his cell phone. C.H. believed that dispatch relayed this information to officers because he then saw several officers chase after Decedent. C.H. saw Decedent walk into the Siegel Suites parking lot and then begin running from officers. C.H. then heard approximately ten (10) to fifteen (15) gunshots.

J.B.

J.B. was interviewed on April 11, 2016. This interview was recorded and a transcript was provided. J.B. was in a vehicle with her husband and two daughters. The four were stopped at the intersection of Las Vegas Boulevard and St. Louis Avenue to go eastbound. J.B. heard a gunshot followed a few seconds later by several more gunshots. When J.B. looked toward the direction she heard the gunshots coming from, she observed a tall, skinny, male wearing a gray, long sleeve shirt and dark jeans carrying a dark colored backpack. The individual (Decedent) walked through the parking lot in front of Carl's Jr. restaurant and dropped an item. J.B. then watched as Decedent picked up the item which she observed to be a colored semi-automatic firearm. J.B. called 911 and informed the dispatcher as to what she had heard and observed.

J.B. watched as Decedent fled eastbound on St. Louis Ave towards Paradise Road. J.B. and her family followed Decedent towards the Siegel Suites but lost sight of Decedent once he entered the complex. When they were unable to locate Decedent, they went back to the Carl's Jr. to see if anybody was injured. J.B. observed police officers rendering aid to a subject that was on the ground in front of the Carl's Jr. The individual appeared to be injured and was laying in the area where she initially saw Decedent. J.B. then saw that Decedent had returned to the scene and appeared to be videotaping. As officers noticed Decedent, he ran towards the Siegel Suites again and officers chased after him. J.B. did not see a firearm in Decedent's hand, but he was still carrying his backpack. After Decedent and police officers ran into the Siegel Suites complex, J.B. heard several gunshots. J.B. stayed inside of her vehicle and informed officers that she was a witness to both aspects of the incident.

B.B.

B.B. was interviewed on April 12, 2016. That interview was recorded and a transcript was provided.

B.B. was staying in a hotel room at the Siegel Suites. While inside her room with her door open, B.B. heard a gunshot come from the direction of the Carl's Jr. She heard one gunshot and then fifteen seconds later heard several more.

B.B. came out of her room and stood on the walkway outside her apartment where she spoke with several neighbors about the gunshots. While standing on the balcony, B.B. heard multiple gunshots come from Paradise Road directly east of her location. B.B. heard bullets striking her building and ducked. She then saw several officers on the sidewalk and observed an officer limping in between the buildings. Another officer yelled at the residents to get back inside their rooms. B.B. went back into her room and climbed onto her desk to look out her window.

B.B. watched a group of officers slowly approach Decedent, who was lying on the ground. They nudged him, flipped him over, and placed him in handcuffs. One officer checked Decedent for a pulse and another started to perform chest compressions. B.B. did not see if Decedent had a firearm.

R.J.

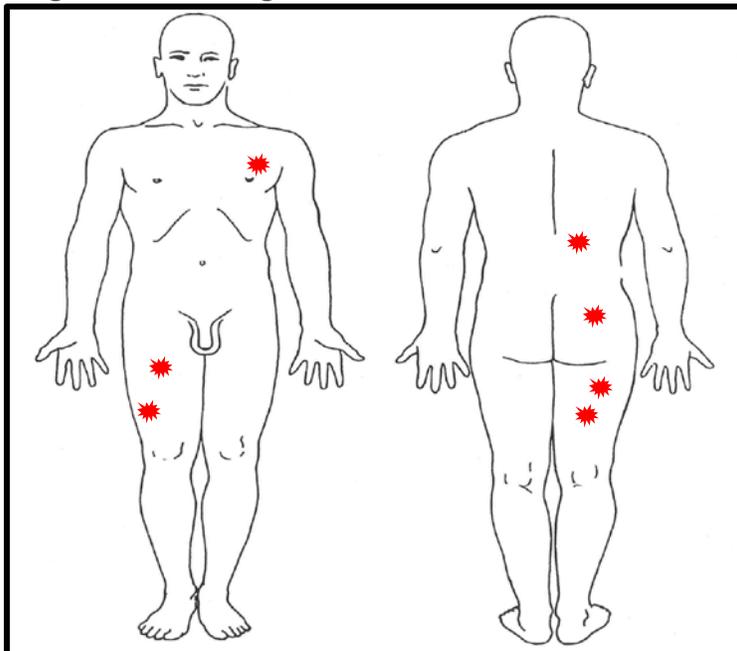
R.J., the individual who was shot by Decedent, was transported to University Medical Center where he underwent surgery. R.J. had injuries to his abdomen, back, and two injuries to his upper left leg. Due to R.J. being intubated and unconscious, police were not able to interview him right away.

R.J. was interviewed on May 26, 2016. That interview was recorded and a transcript was provided.

At the time of the interview, R.J. was still in the trauma unit at University Medical Center. R.J. initially stated that he was on the bus headed from downtown to the "Strip" when a Hispanic male began to mess with him. R.J. stated that he was a little drunk and did not want to fight with the Hispanic male so he got off of the bus, but noticed that the Hispanic male got off as well. R.J. stated that he and the male began to horse around and R.J. pushed him. The Hispanic male then produced a gun and R.J. only remembered laying on the ground calling for help. R.J. stated he had never seen the Hispanic male before and it was just the two of them.

R.J. was shown a copy of video surveillance from the St. Louis Square complex and asked if that helped aid his memory of the events from April 11, 2016. R.J. stated that he was intoxicated the night of the incident and did not really remember anything further except that the other male in the video looked like a person he had met earlier who went by the name Steve-O.

Diagram illustrating R.J.'s bullet entrance wounds



INFORMATION RECEIVED FROM OFFICERS

OFFICER LOY

Officer Loy was interviewed on April 13, 2016. The interview was recorded and a copy of the transcript was provided.

Officer Loy responded to a battery with a gun call in the area of Las Vegas Boulevard and St. Louis Avenue. As Officer Loy was arriving, he heard over the radio that a civilian had been shot and the shooter may have run into the nearby Siegel Suites.

Officer Loy arrived in the area and observed officers setting up a perimeter at the northwest end of the Siegel Suites at St. Louis Avenue and Paradise Road. Officer Loy drove to the south end of the Siegel Suites and parked in the driveway. Officer Ferris also arrived and parked next to Officer Loy. Both officers exited their vehicles and took a position on the southeast corner of the building.

While posted, Officer Loy heard someone in foot pursuit to the north, going eastbound toward their location. Officers Loy and Ferris moved northbound along the wall of the building. Officer Loy then moved out away from the building and was walking on the sidewalk. Officer Ferris was behind Officer Loy.

To the north, Officer Loy observed the shadow of a subject running in a full sprint to the east. He did not know if other officers were chasing the subject. A few seconds later, he observed Decedent, who was just a "shadow" to him, run from behind a large Siegel Suites sign next to the building and run directly at him. At this point, Decedent was in a full sprint. Though Decedent was only backlit, Officer Loy could see he was wearing a hoodie and a backpack.

Officer Loy observed Decedent make a movement with his arm as if he was drawing a firearm. Officer Loy immediately saw two muzzle flashes and heard two gunshots. Decedent continued at a full sprint towards Officers Loy and Ferris and continued to fire. Officer Loy moved to his left and positioned himself against the building. Officer Loy had his handgun already drawn and pointed it at Decedent as he backed up. Officer Loy knew he had no cover. Before Officer Loy could return fire, he backed up, tripped over a large landscape rock and fell to his back. Once on his back, Officer Loy returned fire at Decedent as Decedent ran down the sidewalk toward Officer Loy.

Officer Loy continued to fire until his handgun ran out of ammunition. During his interview, Officer Loy stated that as he was on his back firing, he wondered to himself what it was going to feel like when he got shot in the face.¹ Decedent continued past Officer Loy and fell onto the sidewalk behind Officer Loy. Officer Loy got to his feet and moved out into the street where he performed a speed reload. Decedent was not moving. Officer Loy made contact with Officer Ferris and confirmed he was not injured. An arrest team arrived and put Decedent into handcuffs.

From the time Officer Loy observed Decedent running at him, to the time Decedent fell to the ground after shots had been fired, approximately four (4) or five (5) seconds elapsed.

OFFICER KIBBLE

Officer Kibble was interviewed on April 12, 2016. The interview was recorded and a copy of the transcript was provided.

Officer Kibble was dispatched to the incident and arrived at the Carl's Jr. Upon arrival, he was directed to the west side of the building and found a subject, R.J., lying in the rocks. Officer Kibble ran up to R.J., who told Officer Kibble he had been shot several times by a subject he did not know, but had seen in the area previously. R.J. stated the subject tried to rob him and then shot him.

¹ Several bullet strikes were notated five to six inches from where Officer Loy's head was located during the officer-involved-shooting.

Officer Kibble requested medical units to respond and for an officer to retrieve a trauma kit from his vehicle. Medical personnel arrived and began to render aid to R.J. Officer Kibble observed an individual standing nearby, holding a cell phone, and filming the incident. At that point in time, Officer Kibble had no idea that the individual holding his cell phone was the same person that had just shot R.J. Officer Kibble asked Decedent what he was doing, told him to put the phone away and to leave the area. Decedent backed away and left the scene.

Officer Kibble turned his attention back to R.J. A few moments later, he heard a barrage of gunfire east of him near the Siegel Suites. Officer Kibble ran toward the complex, met up with the other officers and formed an arrest team. Officer Kibble saw Decedent on the sidewalk south of their position and directed officers that were south of the arrest team to move away so they could approach from the north. The arrest team moved up to Decedent and saw he was holding a gun in his right hand. Officers gave Decedent verbal commands to drop the handgun, but there was no response from him.

Officers approached Decedent. Officer Kibble stated another officer from the arrest team, Officer Pollock, put his foot on the firearm then slid it out of the way. Officers rolled Decedent, who was unresponsive, to his back and observed a gunshot wound to his face. Medical units were requested and another individual working as part of the arrest team, Officer Rude, began chest compressions on Decedent. Officer Rude continued to render aid to Decedent until medical personnel arrived.

OFFICER POLLOCK

Officer Pollock was interviewed on April 12, 2016. The interview was recorded and a copy of the transcript was provided.

Officer Pollock responded to the incident after dispatch alerted officers in the area that an individual had been shot at the Carl's Jr. on Las Vegas Boulevard. Officer Pollock arrived at the Carl's Jr. and observed Officer Kibble with an individual laying on the ground (R.J.). Officer Pollock remained with Officer Kibble and contained the crime scene to ensure no one entered.

As Officer Pollock was maintaining the integrity of the crime scene, he observed a Hispanic or Middle Eastern male (Decedent) standing near the crime scene filming Officer Kibble and R.J. Officer Pollock requested that Decedent leave the area. Officer Pollock's attention was then drawn to something else; however, when he turned back around, Decedent had returned and was located within approximately ten (10) feet of Officer Kibble. At that point in time, Officer Kibble also requested that Decedent leave. When Decedent did not leave, Officer Pollock again told Decedent that he needed to leave the scene. Decedent then walked east, stopped, and continued to videotape the scene. Officer Pollock walked toward Decedent and yelled at him to leave. Decedent turned and walked eastbound on the sidewalk.

As Decedent walked away, a citizen walked up to Officer Pollock and stated that Decedent looked like the guy who had shot R.J. Officer Pollock observed a black adult male at the bus stop and believed him to be the individual to whom the citizen was referring. Officer Pollock and Officer Mikalonis made contact with the black adult male. The citizen returned to the officers and told them it was not the black adult male, but the subject that had just walked away from the area.

Officer Pollock ran toward the direction Decedent had gone and met up with Officers Rude and Mikalonis; however, the officers had lost sight of Decedent at the Siegel Suites. Officer Pollock

then heard several gunshots coming from the south end of the complex. Officer Pollock and the other officers made their way between the buildings and saw officers to the south. Officer Pollock and other officers formed an arrest team since Decedent was down and laying on the sidewalk. As officers approached, they observed a gun in Decedent's hand but he did not appear to be moving. Officer Pollock put his foot on Decedent's wrist and then kicked the gun out of reach. Another officer, Officer Rude, rendered aid to Decedent while medics were en route. After Decedent was transported, Officer Pollock and other officers remained on scene to secure the scene so an investigation could be done.

OFFICER MIKALONIS

Officer Mikalonis was interviewed on April 12, 2016. The interview was recorded and a copy of the transcript was provided.

Officers Mikalonis and Peshlakai responded to the incident after hearing over the radio that a person had been shot at the intersection of Las Vegas Boulevard and St. Louis Avenue. They arrived at the Carl's Jr. parking lot and observed Officer Kibble with R.J., the victim of the shooting. Officer Mikalonis observed Decedent videotaping with his cell phone and standing near Officer Kibble. Officer Mikalonis directed Decedent to move away from the scene, but Decedent did not listen and refused to move. Officer Mikalonis' attention was then directed to assisting other officers with crowd control around the scene.

While Officer Mikalonis was maintaining the scene, a citizen came up to him and pointed out a black adult male wearing a backpack. The citizen advised Officer Mikalonis the individual was involved in the shooting. Officer Mikalonis then approached the male with Officer Pollock. As Officer Mikalonis was speaking with the black adult male, the citizen made contact again advising that Officer Mikalonis was speaking to the wrong subject. The citizen then pointed out Decedent. Decedent immediately walked away from the officers. Officer Mikalonis broadcasted over the radio the information on Decedent, who was walking into the Siegel Suites complex.

Officers Mikalonis and Pollock made their way toward the Siegel Suites and observed Officer Rude engaged in a foot pursuit eastbound after Decedent into the complex. Officer Mikalonis observed Decedent pull a handgun and broadcasted the information over the radio. Decedent ran between two buildings and around another building. Officer Mikalonis watched as the officers involved in the foot pursuit slowed down so they could make sure the corners of the building were clear. Officer Mikalonis then heard several gunshots from the other side of the buildings. Officers Mikalonis and Pollock were unable to determine from where the shots were coming and did not want to put themselves in a crossfire situation.

After gunfire ceased, Officer Mikalonis approached Decedent and saw that he had been shot.

OFFICER RUDE

Officer Rude was interviewed on April 12, 2016. The interview was recorded and a copy of the transcript was provided.

Officer Rude was in his patrol car when he heard over the radio that there had been a shooting on the corner of Las Vegas Boulevard and St. Louis Avenue. He immediately begin travelling westbound on St. Louis Avenue from Eastern Avenue. While en route, he heard a broadcast that Decedent had entered into the Siegel Suites complex. Officer Rude arrived, parked in the Siegel

Suites parking lot on the west side of the buildings, and exited his vehicle. He deployed with his lethal shotgun and looked for someone matching the suspect's description.

Officer Rude observed Decedent walk through the desert area between Carl's Jr. and the Siegel Suites. Officer Rude observed as Decedent looked at him, immediately turned away from him, and walked in the opposite direction. Officer Rude followed Decedent and broadcasted over the radio that he was about to be in a foot pursuit.

Immediately before he started to run, Officer Rude observed Decedent pull a firearm from his waistband with his right hand. Officer Rude stopped his pursuit because he believed Decedent was going to engage him with his firearm. Officer Rude raised his shotgun and took aim, but Decedent ran east towards the Siegel Suites without looking at Officer Rude. Officer Rude then chased after Decedent as two other officers joined the foot pursuit. Decedent ran between two buildings and turned south on Paradise Road.

As the officers approached the corner of the building where Officer Rude saw Decedent turn south, Officer Rude heard several gunshots. The officers stayed behind the cover provided by the building until the gunfire ceased. Officer Rude estimated there were five to ten seconds of consistent gunfire. Officer Rude looked around the corner of the building and observed another officer standing approximately sixty yards south of his location. A sign for the Siegel Suites obscured Officer Rude's field of vision and he could not see Decedent's location.

Officer Rude and other officers in the area communicated in regards to whether or not there were enough officers to serve as an arrest team. After enough officers were present, an arrest team was formed, and the team moved south where Decedent was lying on the sidewalk. As they approached, they recognized that another officer, Officer Loy, was limping north of Decedent's location. Officer Loy was checked for injuries and another officer assisted him. Officer Rude and the arrest team continued toward Decedent.

Decedent had a firearm in his right hand and the slide of the firearm was locked back. Officer Pollock placed his foot on Decedent's wrist to prevent him from moving the firearm. Officer Kibble placed handcuffs on Decedent while Officer Rude maintained cover. Officer Rude performed chest compressions on Decedent until medical units arrived.

TIMELINE

| Time | Description of Event / Action | Source |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 10:09 pm | LVMPD Dispatch received a call of a subject that had been shot at the intersection of Las Vegas Boulevard and St. Louis Avenue. The suspect (Decedent) was described as an unknown race male with a thin build, and was running from the scene. Several other citizens called and gave descriptions of Decedent, and reported hearing approximately six gunshots fired. | Computer Aided Dispatch (CAD) |
| 10:11 pm | C.H. called 911 from the pool area of the twenty-fifth floor of the Stratosphere. He witnessed the shooting and described Decedent leave the scene and run into the Siegel Suites complex. | CAD |

| Time | Description of Event / Action | Source |
|-------------|------------------------------------------------------------------------------------------------------------------------------|---------------|
| 10:15 pm | C.H. described Decedent return to the scene and stand next to officers. | CAD |
| 10:16 pm | Officers told Decedent to leave the area after seeing him take pictures with his cell phone, not knowing he was the suspect. | CAD |
| 10:17 pm | Officers went in foot pursuit of Decedent toward the Siegel Suites. Decedent had a gun in his hand. | CAD |
| 10:18 pm | "Shots fired, suspect down" was broadcasted. | CAD |

SCENE WALK-THROUGHS

OFFICER LOY

On April 12, 2016, Officer Loy provided a walk-through of the scene. During the walk-through, Officer Loy relayed the following information:

Officer Loy stated he arrived at the same time as Officer Ferris, and they both parked at the southeast entrance of the Siegel Suites. Officer Loy exited his vehicle and walked north on the sidewalk. As he walked north, Officer Loy observed a shadow by a large Siegel Suites sign north of his location.

Before Officer Loy could determine what the shadow was, he saw two muzzle flashes and realized someone was shooting at him. Officer Loy, who was then standing next to the building, observed a male sprint towards him while continuing to fire at him.

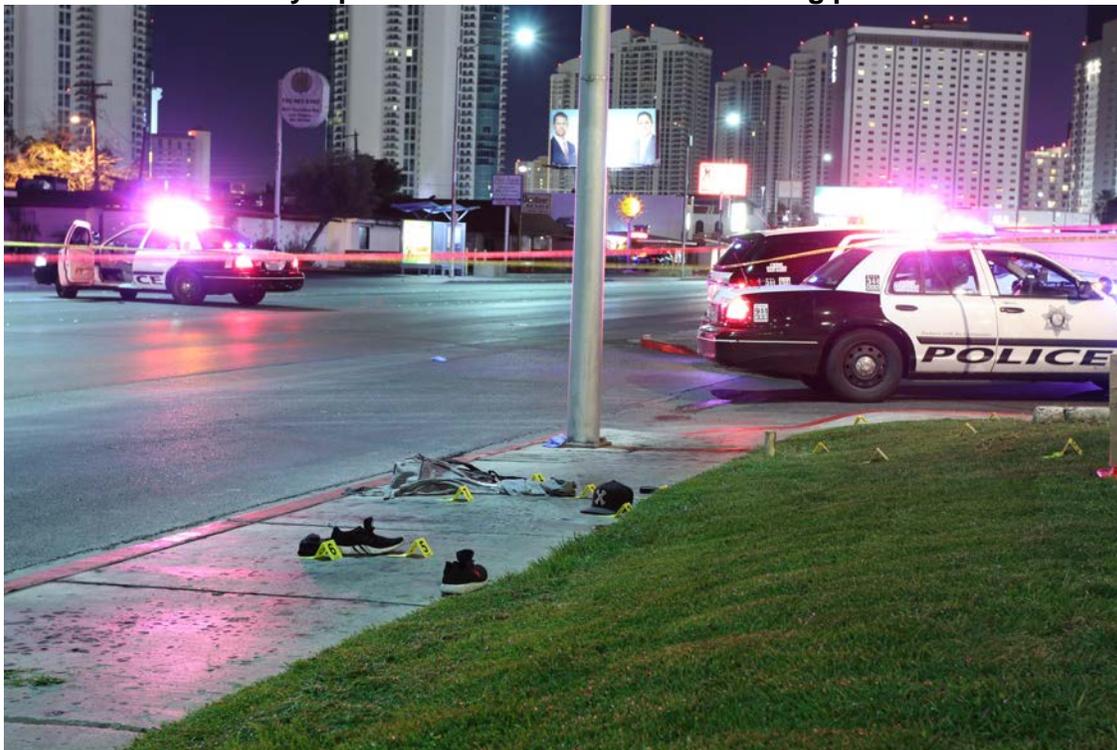
Officer Loy stepped backward, tripped over a large boulder, and fell to his back. While down on the ground, Officer Loy began to fire at Decedent. Officer Loy believed he fired all eighteen of his rounds. After Decedent fell to the ground, Officer Loy moved to the middle of Paradise Road and conducted a speed reload. Several officers arrived and took Decedent into custody.

Crime Scene Analyst Director McLaughlin marked Officer Loy's reported locations of where he fired from, as well as Decedent's locations, with orange cones. The locations were photographed and entered into a crime scene diagram.

View from Officer Loy's position as Decedent approached running. Distance = 87 ft. 7 in.



View from Officer Loy's position to Decedent's final resting point. Distance = 8 ft. 6 in.



OFFICER FERRIS

On April 12, 2016, Officer Ferris provided a walk-through of the scene. During the walk-through, Officer Ferris relayed the following information:

Officer Ferris arrived with Officer Loy. Officer Ferris exited his vehicle and walked toward a curb that separated the grass from the parking lot. Officer Loy was walking just ahead of Officer Ferris when Officer Loy stated, "What is that?"

Officer Ferris looked up and saw a male fire a gun at Officer Loy. The male then sprinted toward Officer Loy as he (the male) continued to fire. Officer Ferris moved to the corner of a building and returned fire at Decedent, who continued to run toward Officer Ferris and Officer Loy.

Decedent was on the sidewalk approximately eight (8) feet from Officer Ferris when Officer Ferris fired his last round. Decedent fell to the ground and Officer Ferris conducted a speed reload. Several officers arrived and Decedent was taken into custody.

Crime Scene Analyst Director McLaughlin marked Officer Ferris' reported locations of where he fired from as well as Decedent's locations with orange cones. The locations were photographed and entered into a crime scene diagram.

View from Officer Ferris' position as Decedent initially approached running. Distance = 109 ft. 4 in.



Distance from Officer Ferris' position to Decedent's final resting place. Distance = 10 ft. 8 in.



BODY WORN CAMERA

Officer Ferris was wearing a body camera during the incident; however, because Officers Loy and Ferris were responding to the call and merely setting up a perimeter they did not have their body worn cameras activated. Officer Ferris turned the camera on after the shooting had taken place. There is no live footage from when shots were fired.

PUBLIC SAFETY STATEMENT

OFFICER LOY

On April 11, 2016 Officer Loy gave a public safety statement to Sergeant Beza. Below are the questions asked by Sergeant Beza, with the answers provided by Officer Loy in bold italics.

- 1) Did you discharge your firearm?
Yes.
 - a) If so, in what direction?
North-northeast.
 - b) Approximately where were you located when you fired?
West side of Paradise.
 - c) How many shots do you think you fired?
Approximately eighteen (18).

- 2) Is anyone injured?
The suspect.
- a) If so, what is their description?
Pants, hoodie, he appeared to be a dark shadow, unknown race, possibly had a backpack.
- 3) Are there any outstanding suspects?
No.
- a) If so, what is their description?
Question not applicable / not asked.
- b) What direction and mode of travel?
Question not applicable / not asked.
- c) How long have they been gone?
Question not applicable / not asked.
- d) What crime(s) have they committed?
Question not applicable / not asked.
- e) What type of weapon do they have?
Question not applicable / not asked.
- 4) Is it possible the suspect fired rounds at you?
Yes.
- a) If so, what direction were the rounds fired from?
Southbound on Paradise.
- b) How many shots do you think the suspect fired?
Six (6) to seven (7) approximate.
- c) Approximately where was the suspect located when they fired?
On Paradise, southbound, by the Siegel Suites sign.
- 5) Do you know if any other officer(s) discharged their firearms?
No.
- a) If so, who are they?
Question not applicable / not asked.
- b) Approximately where was the officer(s) located when they fired?
Question not applicable / not asked.
- 6) Are there any weapons or evidence that needs to be secured / protected?
Suspect's.
- a) If so, where are they located?
Where the suspect was.
- 7) Are you aware of witnesses?
No.
- a) If so, what is their location?
Question not applicable / not asked.

OFFICER FERRIS

On April 11, 2016, Officer Ferris gave a public safety statement to Sergeant Beza. Below are the questions asked by Sergeant Beza, with the answers provided by Officer Ferris in bold italics.

- 1) Did you discharge your firearm?
I did.
 - a) If so, in what direction?
North and east.
 - b) Approximately where were you located when you fired?
Paradise, south of the suspect.
 - c) How many shots do you think you fired?
Fifteen (15).

- 2) Is anyone injured?
3Baker2, in the ankle.
 - a) If so, what is their description?
Officer Loy.

- 3) Are there any outstanding suspects?
No.
 - a) If so, what is their description?
Question not applicable / not asked.
 - b) What direction and mode of travel?
Question not applicable / not asked.
 - c) How long have they been gone?
Question not applicable / not asked.
 - d) What crime(s) have they committed?
Question not applicable / not asked.
 - e) What type of weapon do they have?
Question not applicable / not asked.

- 4) Is it possible the suspect fired rounds at you?
Yes.
 - a) If so, what direction were the rounds fired from?
North.
 - b) How many shots do you think the suspect fired?
Ten (10).
 - c) Approximately where was the suspect located when they fired?
North of me, by the last building.

- 5) Do you know if any other officer(s) discharged their firearms?
Yes.
 - a) If so, who are they?
Loy.
 - b) Approximately where was the officer(s) located when they fired?
A few feet away from me.

- 6) Are there any weapons or evidence that needs to be secured / protected?
Yes.

- a) If so, where are they located?
Where the suspect fell, and my magazine is by the building.

- 7) Are you aware of witnesses?
Yes, the PR.
 - a) If so, what is their location?
At the Carl's Jr.

WEAPONS COUNTDOWN

On April 12, 2016, Officers Ferris and Loy had their duty weapons counted down at Las Vegas Metropolitan Police Department headquarters. Crime scene analyst personnel photographed both officers for appearance purposes, and their weapons were also photographed for identification purposes.

OFFICER LOY

Officer Loy was dressed in a standard LVMPD long sleeve uniform. He wore LVMPD patches on each shoulder and an LVMPD badge over his left breast. Officer Loy wore a black duty belt with attached tools and equipment as part of his position in patrol. Officer Loy's handgun was carried on the right side of his body and secured in a holster.

Prior to countdown, Officer Loy stated he carried seventeen cartridges in the magazine loaded in his firearm and one cartridge in the chamber (17+1, 18 total). Officer Loy ejected a magazine and reloaded on scene during the incident. The ejected magazine remained on scene. Officer Loy stated one of his spare magazines was two rounds short resulting in fifteen rounds in a seventeen round magazine. This magazine was not used during the incident.

At the completion of the countdown, it was determined Officer Loy discharged his firearm eighteen times during this incident. This finding was consistent with what Officer Loy previously stated; and it was also consistent with evidence recovered at the scene. Officer Loy's firearm, magazines, and cartridges were photographed and impounded by Senior Crime Scene Analyst King.

OFFICER FERRIS

Officer Ferris was dressed in a standard LVMPD long sleeve uniform. He wore LVMPD patches on each shoulder and an LVMPD badge over his left breast. Officer Ferris wore a black duty belt with attached tools and equipment as part of his position in Patrol. Officer Ferris' handgun was carried on the right side of his body and secured in a holster.

Prior to countdown, Officer Ferris stated he carried fifteen cartridges in the magazine loaded in his firearm and one cartridge in the chamber (15+1, 16 total). Officer Ferris ejected a magazine and reloaded on scene during the incident. The ejected magazine remained on scene.

At the completion of the countdown, it was determined Officer Ferris discharged his firearm sixteen times during this incident. This finding was consistent with what Officer Ferris stated; and it was also consistent with evidence recovered at the scene. Officer Ferris' firearm, magazines, and cartridges were photographed and impounded by Senior Crime Scene Analyst King.

DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE

The scene associated with this officer-involved-shooting was rather large and covered several different parts of property located on Las Vegas Boulevard, St. Louis Avenue, and Paradise.

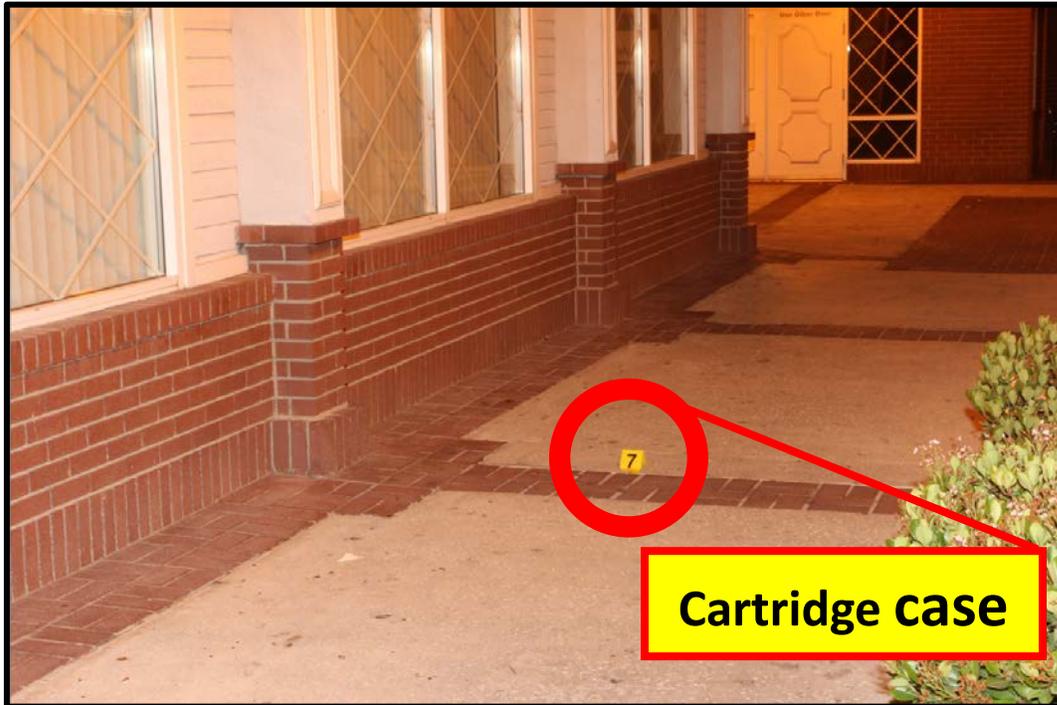
LAS VEGAS BOULEVARD

1900 Block of S. Las Vegas Boulevard

This is a business complex consisting of multiple businesses, each with an individual address. This is the initial location where Decedent and R.J. were first captured on video at St. Louis Square. There were miscellaneous business cards, papers, etc. located on the ground of the courtyard and the north end of the north entrance. Several of these papers were in the name of Decedent. One of the pieces of paper appeared to be a self-written prescription for Naltrexone. Naltrexone is a medication that reverses the effects of opioids and is used primarily in the management of alcohol dependence and opioid dependence.



Also in this area was a cartridge case (bearing headstamp “NFCR 9MM LUGER”) (**item 7**). This cartridge case was located on the ground of the courtyard, northwest of the entrance to 1945 Las Vegas Boulevard as well as miscellaneous coins located on the ground in front of the entrance to the same location.



2001 S. Las Vegas Boulevard

There was a Carl's Jr. restaurant located at the above listed address, at the southeast corner of Las Vegas Boulevard and St. Louis Ave. There was a rock landscaped area at the northwest corner of the Carl's Jr parking lot, adjacent to the sidewalk at the southeast corner of the intersection of Las Vegas Boulevard and St. Louis Avenue. There was apparent blood on the rocks as well as an apparent partial footwear pattern in blood on top of the curb of the rock landscaped area.

In total, there were six cartridge cases (bearing headstamps “NFCR 9MM LUGER”) on the ground and sidewalk area that ran along the south side of St. Louis Ave, east of Las Vegas Boulevard. A bullet was located on the ground of the Carl's Jr. parking lot, adjacent to the northwest corner of the Carl's Jr. restaurant building.

This evidence was consistent with information that lay witnesses gave in regards to where Decedent had shot R.J.

ST. LOUIS AVENUE

525 St. Louis Avenue

“Siegel Suites St. Louis” is located at the northeast corner of St. Louis Avenue and Paradise Road. This apartment complex had a sign bearing “Siegel Suites St. Louis” on the west face

of the south most building which had a bullet hole adjacent to the "U" in the word "Suites."

512 St. Louis Avenue

This location is a single floor dental office, with the front entry facing east, located north of 1995 Paradise Rd. There were three bullets found at this location with corresponding defects.

PARADISE ROAD

2000 Paradise Rd

2000 Paradise Road, Building 5 is a three-story building located in the southeast corner of the complex with Building 4 located to the north. A boulder is located on the grass yard along the east wall of building 5. This is the specific area where officers were located when the officer-involved-shooting took place.

A fifteen (15) capacity Glock pistol magazine was located on the rock planter area south of Building 5. Eight cartridge cases bearing headstamp "SPEER 9MM LUGER+P" were located on the parking lot south of Building 5.

Twenty five (25) cartridge cases bearing head stamp "SPEER 9MM LUGER+P" and five (5) cartridge cases bearing headstamp "FC 9MM LUGER NR" were on the grass yard along the east side of Building 5. A cartridge case bearing head stamp "SPEER 9MM LUGER+P" was in the street east of Building 5.

One (1) black and grey Ruger SR9 semi-automatic 9mm pistol with serial #335-78022 was on the sidewalk east of Building 5. The slide was open and a seventeen capacity Ruger SR9 9x19 pistol magazine was seated in the magazine well. Also on the sidewalk east of Building #5 were the following items: a black "Verizon Droid" cell phone, a black and white "Adidas" ball cap with a crossbones logo; a cut black and grey "Levi's" long sleeved shirt with fabric defects and apparent bloodstains; a plaid "Jansport" backpack with fabric defects and apparent bloodstains, containing miscellaneous papers, documents, personal property, and a set of brass knuckles; a pair of black and white "Adidas" shoes; a pair of black socks, and a bullet.

A damaged, seventeen capacity Glock pistol magazine and a cartridge case bearing headstamp "SPEER 9MM LUGER+P" were on the street of Paradise Road, east of Building 5.

Three cartridge cases bearing "FC 9MM LUGER NR" were on the sidewalk east of Building 4. A cartridge case bearing headstamp "FC 9MM LUGER NR" was on the grass east of Building 4.

Bullet Defect Documentation located along 2000 Paradise Road

This diagram illustrates bullet holes, impacts, and bullets found along the east side of Paradise



Follow-up: SLS LAS VEGAS HOTEL, RESORT, AND CASINO

On April 15, 2016, Detectives from LVMPD were contacted by employees of the SLS Hotel reference a possible bullet strike as a result of the officer-involved shooting. Contact was made with SLS investigator M.H. who escorted detectives to room #31417.

Investigator M.H. stated Housekeeping Attendant D.M. came into the room to clean it after the patrons had left the property. After opening the blinds to the window, it was discovered the window was broken. Housekeeping notified Security Officer V.C., who responded to the room and determined the break was caused by a possible bullet strike. Photographs were taken of the broken window and the damage to the window sill.

Upon arrival of detectives, it was determined the impact to the window sill was a bullet strike. The location of the impact was consistent to the location of the officer-involved-shooting. CSA

Petersen took photographs of the room. Maintenance was requested and the window was removed and photographs were taken of the bullet impact on the window sill.



A search of the area was conducted directly below the window and a bullet fragment was located. The fragment was photographed and impounded.

Investigator M.H. provided the information of the last tenant to stay in the room. Detectives made contact with that individual. The hotel patron confirmed that she did stay in the room from April 11 through April 13 but she was not aware that the window had been broken.

ST. LOUIS SQUARE VIDEO



St. Louis Square is a shopping center comprised of five individually addressed buildings. Buildings 1901, 1945, 1951 and 1961 have addresses located on Las Vegas Boulevard. The fifth building, 515, is addressed on St. Louis Avenue. Video cameras attached to 1945 and 1901 Las Vegas Boulevard, along with a camera attached to 515 St. Louis Avenue, captured various events in reference to the incident.

The below information was learned from viewing surveillance video which was captured by a camera mounted to the west wall of the building located at 1945 S. Las Vegas Boulevard. The camera was directed to the southwest and partially captured the courtyard between the buildings and the intersection of Las Vegas Boulevard and St. Louis Avenue.

10:00 PM: Decedent, R.J., and an unknown male crossed St. Louis Avenue from south to north. The men walked into the courtyard between buildings 1945, 1951, and 1961. R.J. was walking with his left arm around the neck and shoulders of Decedent. The third male, who wore a blue shirt and dark shorts, walked behind R.J. and Decedent. The men appeared to be engaged in conversation for several minutes.

10:05 PM: R.J. grabbed the right shoulder strap of Decedent's backpack with his left hand and struck Decedent in the face with his right elbow. R.J. then pinned Decedent against a wall and appeared to take something from him.

10:07 PM: Decedent broke free from R.J. and ran northbound through the courtyard. R.J. followed him. Both Decedent and R.J. were out of camera view until 10:07:41 when R.J. returned into view and walked southbound. At 10:08 PM, R.J. and the unknown male crossed St. Louis Avenue out of camera view.

10:08 PM: Decedent walked south through the courtyard with a dark object in his right hand. He ran southbound and followed the path R.J. had taken. At 10:08:32 hours, Decedent left the view of this camera.

The below information was learned from viewing surveillance video which was captured by a camera mounted to the south wall of the building located at 1901 S. Las Vegas Boulevard. The camera was directed to the south and partially captured the courtyard between buildings 1945 and 1951.

10:07 PM: Decedent appeared in view of the camera. Decedent appeared to drop his backpack and bend over to pick something up off the ground.

10:08 PM: Decedent picked up his backpack, slung it over his shoulders, and began to walk to the south.

The below information was learned from viewing surveillance video which was captured by a camera mounted to the south wall of the building located at 515 E. St. Louis Avenue. The camera was directed to the southwest towards the intersection of Las Vegas Boulevard and St. Louis Avenue. The view of this camera was partially obstructed by a large tree.

10:09 PM: People appeared to run through the parking lot of the Carl's Jr. restaurant located at 2001 S. Las Vegas Boulevard. A person was observed running east on St.

Louis Avenue; however, due to distance and lighting, the subject was washed out on the video and was unidentifiable.

10:14:26 PM: The first patrol vehicle arrived in the area followed shortly thereafter by several more vehicles.

10:16:54 PM: A person, almost completely washed out, was observed walking east on St. Louis Avenue.

10:17:19 PM: Two patrol officers walked and then ran east on St. Louis Avenue.

FORENSICS RESULTS

Firearm Examination

On May 25, 2016, a forensic examination was completed on the firearms of Officers Ferris and Loy, as well as Decedent's. The purpose of the testing was to assess the function of each weapon as well as do a ballistic comparison to evidence found at the scene.



The Ruger pistol (Decedent's weapon)² was examined, test fired, and found to be in normal operating condition with no noted malfunctions. Along with the submitted magazine, the maximum capacity of this pistol is eighteen cartridges.



The Glock pistol (Officer Loy's weapon) was examined, test fired, and found to be in normal operating condition with no noted malfunctions. Along with the submitted magazine, the maximum capacity for this pistol is eighteen cartridges.



The Glock pistol (Officer Ferris') was examined, test fired, and found to be in normal operating condition with no noted malfunctions. Along with the submitted magazine, the maximum capacity for this pistol is sixteen cartridges.

² Decedent's weapon was purchased by Decedent but not registered.

Cartridge Cases

The evidence and test cartridge cases were microscopically examined in conjunction with one another. Based on these comparative examinations, the following was determined in regards to the cartridge cases that were located on Paradise Road where the officer-involved-shooting took place:

- Fifteen of the cartridge cases impounded were determined to have been fired by the Ruger pistol, Decedent's weapon.
- Three of the cartridge cases impounded were determined to have been fired by the Glock pistol, Officer Loy's weapon.
- Three of the cartridge cases impounded were determined to have been fired by the Glock pistol, Officer Ferris' weapon.
- The remaining twenty-eight "SPEER" cartridge cases were only screened at this time to determine that no other firearms are represented by these items.

Computer Forensics Reports of Decedent's Cell Phone

A forensic analysis was done on Decedent's phone. There were three total pictures found on Decedent's phone that illustrated he had taken photos while officers were rendering aid to R.J.



Pictures recovered during forensic analysis on Decedent's phone

AUTOPSY

On April 12, 2015, an autopsy was performed on the body of Efren Trujillo-Soriano at the Clark County Office of the Coroner / Medical Examiner by Doctor Alane Olson under Case 16-6728.

The following wounds / injuries were noted on Trujillo-Soriano:

- 1) Grazing gunshot wound of the right cheek
- 2) Gunshot wound of the right lateral neck
- 3) Gunshot wound of the right arm and chest
- 4) Gunshot wound of the right upper back

After a complete autopsy, Decedent's blood alcohol concentration was determined to be 0.214 g/100mL. Dr. Olson opined Trujillo-Soriano died as a result of multiple gunshot wounds.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any 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 Trujillo-Soriano 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/defense of others; and (2) justifiable homicide by a public officer. Both of these theories will be discussed below.

A. The Use of Deadly Force in Defense of Another

The authority to kill another in 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 ... person, against one who manifestly intends or endeavors to commit a crime of violence ..." against the other person.³ 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

³ 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.

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

Therefore, in Nevada, the law is that if there is evidence of self-defense, in order to prosecute, the State must prove, beyond a reasonable doubt, that an individual did not act in self-defense.

In this case, Decedent posed an imminent danger to Officers Ferris, Loy, and officers involved in the foot pursuit. Decedent also posed imminent danger to patrons of the surrounding businesses on St. Louis Ave. and Paradise Road. The facts illustrate that both officers who deployed their weapons were faced with a suspect who had just shot R.J. multiple times. Officers also knew Decedent had his firearm out

and was in an active foot pursuit with other officers. When Decedent rounded the corner and saw Officers Ferris and Loy, he began shooting at them. Evidence collected at the scene, as well as statements given by multiple witnesses, confirmed this set of facts. Decedent had a weapon, fired it many times just minutes beforehand, and was in possession of that firearm as he was running towards the officers. Lastly, Decedent's distance ranged from 109 feet to ultimately being only 8 feet away from the officers. Thus, Decedent posed an objectively reasonable imminent danger to all officers and civilians in the area; therefore, Officers Loy and Ferris acted in reasonable fear of a threat to their lives and the lives of others at the time each officer fired.

B. Justifiable Homicide by a Public Officer

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

In this case, the facts illustrate that Officers Loy and Ferris were reasonable in their belief that Decedent posed a serious threat to the safety of all officers involved, as well as the surrounding patrons. As aforementioned, both officers were well aware that Decedent had just shot a civilian multiple times. Once Decedent rounded the corner of St. Louis Avenue onto Paradise Road, he saw the officers and started firing his weapon. At that point in time, Officers Loy and Ferris knew that they were in danger, the officers involved in the foot pursuit were in danger, and patrons in the area were in danger. It was glaringly obvious that Decedent was carrying a weapon, firing it, and action had to be taken. These circumstances created probable cause in the minds of Officers Loy and Ferris that Decedent posed a threat of serious physical harm either to them and/or other officers and civilians in the area. The officers overcame that threat by firing their weapons into Decedent's body.

In light of all the evidence reviewed to date, the actions of Officer Loy and Officer Ferris were justified and appropriate “in the discharge of a legal duty.”

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, the State concludes that the actions of the Officers were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. (NRS §200.190). A homicide which is determined to be justifiable shall be “fully acquitted and discharged.” (NRS §200.190).

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