



# News Release

Steven B. Wolfson, District Attorney

Christopher Lalli, Assistant District Attorney  
Robert Daskas, Assistant District Attorney  
Mary-Ann Miller, County Counsel  
Jeffrey Witthun, Director DA Family Support

District Attorney's Office • (702) 671-2700 • FAX (702) 868-2415 • [www.ClarkCountyNV.gov](http://www.ClarkCountyNV.gov)

Contact: Audrie Locke  
Clark County District Attorney's Office

Phone: (702) 671-2500  
Fax: (702) 868-2415  
E-mail: [Media@ClarkCountyDA.com](mailto:Media@ClarkCountyDA.com)

For Immediate Release

November 9, 2015

## DA's Office Releases Report on Death of Francis Spivey

The Clark County District Attorney's Office has completed its review of the February 25, 2015, death of Francis Spivey, and determined that the actions of Las Vegas Metropolitan Police Department (Metro) officers were legally justified.

The report released today outlines the series of events that led to Mr. Spivey's death. Just after midnight on February 25, 2015, Mr. Spivey called 911 and told the dispatcher that he was going to commit suicide. He then hung up the phone. Several Metro officers were assigned to the call and drove to the Eagle Trace apartments, where the call originated. Before arriving at the apartment complex, the officers learned that Mr. Spivey had a .45 caliber handgun registered to him and also had prior military service.

A sergeant and two officers arrived at the scene and positioned themselves at the bottom of the stairs leading to Mr. Spivey's apartment. The sergeant called Mr. Spivey several times, but each time Mr. Spivey hung up on him. Mr. Spivey then exited his apartment, holding a rifle. Officers on scene were ordered to take cover, and told not to approach Mr. Spivey's apartment. Occupants near Mr. Spivey's apartment were evacuated. During the evacuation, one of the officers asked Mr. Spivey to put down his rifle and come down the stairs. Mr. Spivey ignored the officer's instructions, continued to walk out of his apartment, and then fired several shots. Officers retreated to safer locations and SWAT was contacted. The officer continued to talk to Mr. Spivey, but he did not want to talk, he only wanted to have his former girlfriend contacted. He continued to randomly fire more shots throughout the conversations with the officer.

SWAT arrived and took positions in the area of Mr. Spivey's apartment. Mr. Spivey continued to yell at the officer who had been speaking with him, and then fired his rifle again. One of the SWAT snipers could see Mr. Spivey's right arm and the rifle he had been firing. The sniper saw him step away from his doorway, shoot his rifle again toward the officers on scene and also toward adjacent apartments. The SWAT officer fired one shot at Mr. Spivey, who instantly moved from the officer's view. A second officer saw the round strike Mr. Spivey in the center of his chest and then saw him turn around and go back into his apartment. Officers continued to watch Mr. Spivey's apartment and saw no movement. A robot, equipped with a camera, was sent in to Mr. Spivey's apartment to assess the situation. The images broadcast by the robot showed Mr. Spivey unresponsive on the floor, with his rifle next to him. SWAT officers entered and cleared the apartment. They confirmed that Mr. Spivey had been struck and killed.

An autopsy report confirmed that Mr. Spivey died from a single gunshot wound to his chest. Toxicology results revealed that Mr. Spivey's blood alcohol level was .195 and he had a "high therapeutic amount" of the anti-depressant Zoloft in his system.

"We are very fortunate that no innocent bystanders or police officers were injured or killed during this incident," said District Attorney Steve Wolfson. "The investigation clearly showed that the officers on-scene made many attempts to get Mr. Spivey to surrender peacefully, even as he was making threats and firing his weapon at them."

## DA's Office Releases Report on Death of Francis Spivey (cont.)

A Police Fatality Public Fact-Finding Review was held on October 12, 2015. The determination that the officers acted lawfully in this situation is based upon the evidence available at this time. The case could be reexamined if new information comes to light.

The full report is available on the District Attorney's [Web page](#).

###