

REPORT ON USE OF FORCE

Legal Analysis Surrounding the Death of William Fuller on August 8, 2018

INTRODUCTION

On August 8, 2018, at approximately 9:06 p.m., LVMPD Dispatch received multiple 911 calls reporting a stabbing at 5350 E. Tropicana Avenue, building 8, apartment 52. The callers stated a woman was inside of her apartment and was being stabbed by a male with a large butcher knife. The updated details reported that the female had run from the apartment being chased by the male, and he had her on the ground, was on top of her, and he had something against her neck. Several officers, including Sergeant Daniella Cino, P# 9796, were dispatched to the event. Sergeant Cino was the first uniformed officer to arrive at the complex.

As Sergeant Cino arrived at the rear of the complex, she observed a male, later identified as William Fuller (hereinafter "Decedent"), leaning over a woman (hereinafter "Victim"). Decedent was wearing a white shirt, which appeared to be covered in blood, and was stabbing Victim. Sergeant Cino immediately exited her vehicle, drew her handgun, and issued verbal commands to Decedent. Decedent stood, with the butcher knife clenched in his right hand, and walked toward Sergeant Cino. Sergeant Cino immediately backed away from Decedent and continued to give him commands to drop the knife. Decedent did not comply with the commands and continued to close the distance that separated him from Sergeant Cino, who continued to back away from Decedent. Sergeant Cino fired her handgun two times, striking Decedent, who then fell to the ground.

Sergeant Cino waited for additional officers to arrive before approaching Decedent. Officers moved the knife from Decedent's hands and placed it behind them as they took Decedent into custody. Decedent was transported to Sunrise Hospital & Medical Center Trauma Center where he was pronounced deceased.

Victim was transported to Sunrise Trauma for treatment of her injuries and was later released. Sergeant Cino did not sustain any injuries.

The Clark County District Attorney's Office has completed its review of the August 8, 2018, 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 Sergeant Cino 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 Sergeant Cino. 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 July 12, 2019.

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

INVESTIGATION

BODY WORN CAMERA EVIDENCE

Sergeant Cino was wearing a body worn camera ("BWC") at the time of the incident and the camera was activated. The camera was collected by Force Investigation Team ("FIT") Sergeant Jerry MacDonald and secured. Sergeant Cino's camera footage depicted her arrival to the north side of the complex. As she arrived and exited her vehicle, she was heard yelling, "Get off! Get off!" Simultaneously, she ran toward Victim and Decedent. As Sergeant Cino ran, the camera was not in complete focus. As Sergeant Cino slowed and drew her firearm, the camera view came back into focus. Decedent was seen crouched over Victim on a small landing in front of an apartment door. Decedent wore a white t-shirt, covered in what appeared to be blood. Victim was on the ground, lying on her right side. Sergeant Cino aimed her firearm at Decedent and ordered him to, "Drop the knife!"

Decedent stood clutching a knife in his right hand and walked toward Sergeant Cino, who walked backwards and away from him. Sergeant Cino continued to issue commands to Decedent to "drop the knife" which he ignored as he continued moving toward her. Decedent held his arms up and out to his side with the knife visible as he moved toward Sergeant Cino, who continued to back away from Decedent. Decedent crossed over a speed bump in the road and, as he did, his body lunged forward in what appeared to be a running stance.

Sergeant Cino then fired her handgun. Decedent fell facedown to the ground with his arms above his head and the knife still clutched in his right hand. Sergeant Cino broadcast over the radio, "Shots fired," and continued to cover down on Decedent with her firearm as she waited for additional units. Once additional units arrived, Decedent was placed in handcuffs and medical personnel were summoned.



PUBLIC SAFETY STATEMENT

On August 8, 2018, at approximately 23:27 hours, FIT Detective Blake Penny interviewed Sergeant Sean Miller in reference to the Public Safety Statement (PSS) he obtained from Sergeant Cino.

Note: Detective Penny is designated by (BP) and Sergeant Miller is designated by (SM).

BP: Operator, this is Detective B as in Baker, last name Penny, P-E-N-N-Y, P# 6042, with the Force Investigation Team, conducting a Public Safety Statement interview with Sergeant Sean, S-E-A-N, last name Miller, M-I-L-L-E-R, P# 9142. He's currently

assigned to Southeast Area Command, squad SE...tw...32. Shift 1630 to 0230. RDOs Sunday, Monday, Tuesday. This evening he was driving vehicle SE18002. This will be in reference to an officer-involved shooting under LVMPD Event# 180808-4138, which occurred at 5350 E. Tropicana Avenue. Time of the OIS is 2115 hours. Also present for the interview is PMSA Sergeant M as in Mary, last name Jotz, J-O-T-Z, P# 4964. This interview is taking place inside LVMPD vehicle 4095, in the, uh, west parking lot of 5500 Boulder Highway. Um, current time is gonna be 2327 hours. Uh, PSS was taken from Sergeant Cino, C-I-N-O, at approximately 2135 hours. Uh, Sergeant Miller, can you go over the PSS for me, please?

SM: Okay. First question: "Did you discharge your firearm?" Answer was, "Yes."
"If so, in what direction?" "Westbound."

1b: "Approximately where were you located when you fired?" Answer: "North end of complex, in parking lot."

1c: "How many shots dd...do you think you fired?" Answer: "Two."

Question #2: "Is anyone injured?" Answer: "Suspect."

2a: "If so, where are they located?" Answer: "Hospital. They were in the parking lot."

Question 3: "Are there any outstanding suspects?" That question is, uh, unapplicable [sic].

Questions A through D are also inapplicable.

Question 4: "Is it possible the suspect(s) fired rounds at you?" Answer: "No."

Question 4a and 4b are unapplicable.

Question 5: "Do you know if any other officers discharged their firearms?" Answer: "No other off...officers discharged firearms."

Question 5a and 5b are unapplicable.

Question #6: "Are there any weapons or evidence that needs to be secured or protected?" Answer: "Mine," which was on her, referring to her firearm, "and the suspect had a knife which was left in the street."

Uh, it also answers 6a: "If so, where are they located?" The firearm was located on her, and the knife was located in the street.

Question #7: "Are you aware of any witnesses?" "Yes."

7a: "If so, where...what is their location?" "Several witnesses are with the officers."

BP: All right. Thank you very much. This will be the end of the interview. Time is gonna be 2329 hours.

SCENE WALK-THROUGH

On August 8, 2018, at approximately 11:50 p.m., Sergeant Cino provided a walk-through of the scene and relayed the following information:

When Sergeant Cino arrived, she observed Decedent stab Victim. Sergeant Cino gave Decedent verbal commands. When Decedent stood up she saw he was covered in blood. Decedent moved toward Sergeant Cino as she backed away from him. Sergeant Cino continued to give Decedent commands to stop as she continued to back away from him. Decedent had a knife in his hand as he continued toward Sergeant Cino, and she fired her handgun.

INFORMATION FROM WITNESSES

Victim

On August 10, 2018, at approximately 1:35 p.m., FIT Detective Jason Leavitt conducted an audio recorded interview with Victim at Sunrise Trauma. Also present for the interview was Detective Penny and Sara Evans with Child Protective Services (CPS).

Detectives met with Victim at Sunrise Trauma where she was being treated for injuries sustained during the physical altercation with Decedent. Sara Evans from CPS joined detectives because she also had questions for Victim to assist CPS with decisions regarding Victim's and Decedent's children.

Victim stated that on the evening of August 8, 2018, she had returned home from work and Decedent wanted to talk. Victim stated she had been unhappy for a couple of months in her relationship with Decedent and had considered leaving him. Victim admitted that she had a friend she would speak with and confide in about her feelings. Victim believed Decedent had been texting with other women, and she wanted to end their relationship. Decedent became mad when Victim informed him she was going to leave. Victim went upstairs to get dressed and returned downstairs to get her keys to leave, but they had been moved. When she located the keys, Decedent blocked the front door.

Victim was attempting to leave when Decedent pushed her toward the couch and caused her to break the TV. Decedent was upset and made comments such as, "Oh, you can't leave because we have a family together." When she realized she couldn't exit the front door,

Victim went to the rear sliding glass door, but knew she could not exit because the back fence was too high. Decedent, who was in the kitchen area near the sliding door, grabbed a pair of scissors and told Victim to kill him because he couldn't live without her. Victim attempted to go up the stairs, at which time Decedent stabbed her with the scissors in the chest and face area.

Victim screamed and told her son, "Call 911, call your granny!" Decedent pulled Victim down the stairs and broke the scissors as he stabbed her. He then attempted to choke her. Victim was lying on the ground while Decedent went to the kitchen and retrieved a knife, which he used to continue stabbing Victim. Victim, who feared she was dying, begged Decedent to check on the children. When Decedent went up the stairs to check on the children, Victim ran out the front door. Decedent followed Victim and threw her to the ground in front of the apartment, leaned over her, and continued to stab her. Decedent put a knife in Victim's hands and begged her to kill him. Victim stated she attempted to stab him with the knife but did not have enough physical strength.¹

Victim stated she heard the police (Sergeant Cino) arrive and issue commands to Decedent. She also heard the gunshots, but she never saw any of the interaction between Decedent and Sergeant Cino.

Witness #1

On August 8, 2018, at approximately 11:19 p.m., FIT Detective Andrew Ubbens conducted an audio recorded interview with Witness #1 at 5350 E. Tropicana Avenue.

Witness #1 was in his apartment when his girlfriend told him a neighbor was stabbing his wife. At that point, Witness #1 went outside to the neighbor's apartment. While outside the neighbor's apartment, Witness #1 looked through the windows into the apartment and observed a male (Decedent) holding a female (Victim) down while stabbing her. Victim was able to make her way out of the apartment, but it appeared she fell and was held down by Decedent, who was holding a large kitchen knife.

Witness #1 saw an officer (Sergeant Cino) arrive and instruct Decedent to get off Victim. Decedent got off Victim and started approaching Sergeant Cino. Sergeant Cino gave Decedent several commands to drop the knife, but he did not comply and continued to approach her. As Decedent walked with the knife in his hand towards Sergeant Cino, Sergeant Cino shot Decedent two times.

¹ Away from the scene, on a curb near the east end of the parking lot, was a small steak knife that was bent. It is believed that this knife was taken from Victim prior to her transport to the hospital and placed on the curb by medical personnel.

Witness #1 did not know Decedent very well, but said Decedent and Victim seemed to be a normal couple. Witness #1 had known Decedent and Victim to argue in the past but had never witnessed any physical violence between them.

Witness #2

On August 8, 2018, at approximately 11:21 p.m., FIT Detective Trevor Alsup conducted an audio recorded interview with Witness #2 at 5350 E. Tropicana Avenue.

Witness #2 was outside, standing on the stairs to her apartment, when she heard a female (Victim) screaming for someone to call 911. A friend of Witness #2 walked by and heard Victim screaming as well. They climbed the stairs, which gave them a view into another apartment, and observed a male (Decedent) inside the apartment with Victim, stabbing her with a kitchen knife.

Witness #2 called 911 and reported the stabbing. Victim was able to run outside of the apartment but was followed by Decedent. Decedent grabbed Victim, threw her to the ground, and continued stabbing her.

A short time later, a female police officer (Sergeant Cino) pulled into the complex and exited her marked patrol vehicle. Sergeant Cino told Decedent to get away from Victim. Decedent stood up, and with the knife in his hand, walked towards Sergeant Cino. Sergeant Cino continued to tell Decedent to put the knife down, but he did not comply. Sergeant Cino backed up approximately 15 feet, and simultaneously gave Decedent verbal commands to drop the knife. Decedent did not comply, and Sergeant Cino discharged her firearm two times.

Witness #3

On August 8, 2018, at approximately 11:29 p.m., Detective Paul Quinteros conducted a recorded interview with Witness #3 at 5500 E. Tropicana Avenue.

Witness #3 stated she was inside her apartment and learned of the stabbing from her roommate. Her roommate had contacted the police to report the incident but was hysterical. Witness #3 took control of the phone and attempted to provide additional details to the dispatcher.

While the dispatcher asked her questions, Witness #3 walked to building 8 and peeked around the corner. She observed a male (Decedent) on top of a woman (Victim). Victim was

on her back and Decedent had half his body on top of hers. In addition, Decedent had one arm wrapped around Victim's neck while he held a knife with his other hand. Decedent's shirt was white in color and had a vast amount of blood on it. Witness #3 described Decedent as a black male adult, medium build, short hair, wearing a white t-shirt, and black or blue pants.

Witness #3 then observed Decedent stab Victim using the large knife. Approximately two to three minutes later, an officer in a police vehicle (Sergeant Cino) arrived. Sergeant Cino exited the vehicle, approached Decedent, and issued orders for him to get off Victim. Decedent stood up, and with the knife in hand, walked two steps towards Sergeant Cino. Sergeant Cino began to walk backward; however, Decedent ran toward Sergeant Cino and she fired two shots towards him.

Witness #4

On August 8, 2018, at approximately 11:37 p.m., Detective Alsup conducted an audio recorded interview with Witness #4 at 5350 E. Tropicana Avenue.

Witness #4 left her apartment to go to a neighbor's apartment. As she walked towards the rear of the complex, she heard a female (Victim) in apartment #52 yell for help. Witness #4 looked into the window of the apartment and observed a male (Decedent) as he ran into the kitchen and grabbed a knife. Decedent then ran back to Victim and stabbed her repeatedly. Witness #4 stated that Decedent stabbed Victim approximately 10 to 15 times.

Victim ran outside and was followed by Decedent, who grabbed Victim and slammed her onto the ground. Witness #4 began hearing sirens and ran to the front of the complex to flag down officers. Witness #4 did not observe the interaction between Decedent and police.

Witness #5

On August 9, 2018, at approximately 12:58 a.m., Detective Ubbens conducted an audio recorded interview with Witness #5 in the west parking lot of 5500 Boulder Highway.

Witness #5 was in his apartment when his neighbor, Witness #1, knocked on his door. Witness #1 brought Witness #5 to the back of the building. Once there, Witness #5 saw a male (Decedent) attacking a female (Victim) inside an apartment, and observed blood throughout the apartment and on Decedent and Victim. Witness #5 did not call police because other neighbors were already on the phone with police. Witness #5 watched the incident while waiting for police to arrive.

Witness #5 observed an officer (Sergeant Cino) arrive and order Decedent off Victim. Decedent got off Victim and charged towards Sergeant Cino, which caused Sergeant Cino to shoot Decedent. Witness #5 heard Sergeant Cino give Decedent verbal commands to get off Victim, and to put down the knife. He also heard Sergeant Cino tell Decedent to stop moving.

Witness #5 did not know Decedent or Victim other than saying "hi" to them in passing, and he said they were typically quiet and kept to themselves.

Decedent's and Victim's Children

On August 9, 2018, at approximately 02:33 p.m., Detective Leavitt responded to 701 N. Pecos Road, the CPS building, to meet with Sara Evans. Evans was the case agent for CPS in the care and placement of Decedent's children. Evans arranged for a forensic interview to be conducted with the children. A specialist was also requested to assist in conducting the interviews. Forensic Interviewer Elizabeth Espinoza conducted an audio and video recorded interview with the children, which was observed in person by both Evans and Detective Leavitt.

Espinoza interviewed six-year-old Child #1. Child #1 stated that her father (Decedent) went downstairs because her mother (Victim) was going to leave. She stated that her mother was going to leave the family. When her mother attempted to leave, her father blocked the door. Child #1 heard her mother and father fighting and banging on the walls. She observed her father with scissors and her mother on the floor with her eyes closed but stated she did not want to go downstairs due to being scared. Her father said, "I'm sorry, Mom," while the two were fighting, and he "put the scissors in Mommy."

Child #1 heard the police (Sergeant Cino) tell her father to "put it down," although she was unaware of what he had in his hands.

Espinoza interviewed eight-year-old Child #2. Child #2 stated there was an argument between his father (Decedent) and mother (Victim), when his mother wanted to leave. She wanted to leave because they would argue every day, and during the arguments they would use "bad cuss words." Child #2 stated that during the argument his father kept telling him to go to his room. During the interview, Child #2 stated that, "My dad hurt my mom," and indicated he saw him (Decedent) with scissors. Child #2 observed "red stuff" on the floor of the living room which came from his mother, and it was all over his father's shirt. Child #3 also knew the police (Sergeant Cino) had shot his father.

OFFICER WEAPON COUNTDOWN

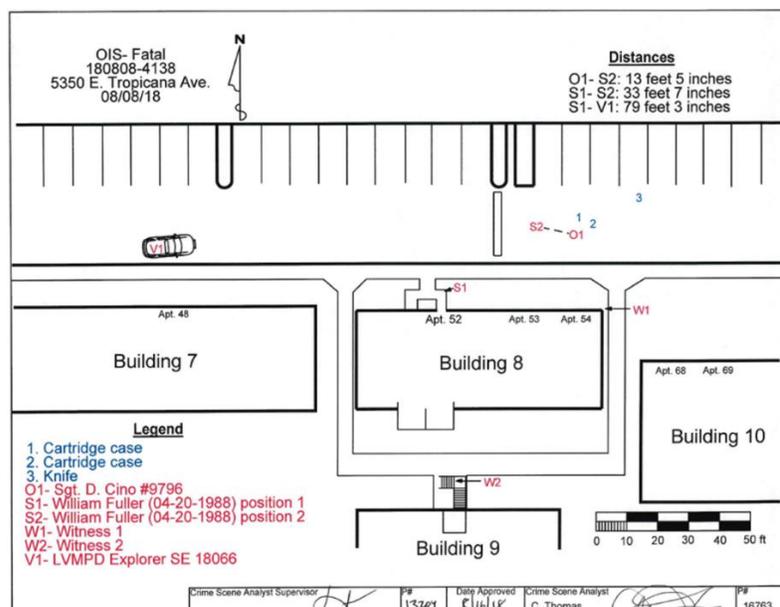
On August 9, 2018, at approximately 12:50 a.m., Sergeant Cino had her duty weapon counted down at Southeast Area Command (SEAC). Sergeant Cino was photographed by CSI personnel for appearance purposes and her weapon was photographed for identification purposes.

Sergeant Cino was dressed in a standard LVMPD green utility uniform. She wore LVMPD patches on each shoulder and an LVMPD badge over her left breast. Sergeant Cino wore a black duty belt with attached tools and equipment as part of her position working on an Enforcement squad out of SEAC. Sergeant Cino's handgun was carried on the right side of her body and secured in a holster.

Prior to the countdown, Sergeant Cino stated she carried 17 cartridges in the magazine loaded in her firearm and one cartridge in the chamber (17+1, 18 total). At the completion of the countdown, it was determined Sergeant Cino discharged her firearm two times during this incident. When compared to evidence at the scene, detectives concluded Sergeant Cino discharged her firearm two times.

DESCRIPTION AND EVIDENCE FROM THE SCENE

On August 8, 2018, at approximately 10:30 p.m., Senior Crime Scene Analyst ("SCSA") Olivia Minello responded to 5350 E. Tropicana Avenue, building 8, apartment 52 to photograph and document the scene, and photograph and collect evidence.



Above: Crime scene diagram completed by CSA Christie Thomas

The main crime scene consisted of the front walkway near the front door to apartment 52 and the parking lot in front of building 8. On the walkway (near S1 on the above diagram) was a large area of apparent blood consistent with Victim and Decedent being injured before Sergeant Cino's arrival. The parking lot had Sergeant Cino's expended casings and the large knife which Decedent held in his hand at the time of the shooting.



Above: Overall scene photograph with evidence markers



Above: The recovered knife used by Decedent

A secondary scene was found inside of apartment 52. The interior of the residence had areas of apparent blood as well as a broken pair of scissors. Both handles had been broken from the scissors and the blades bore apparent blood. As noted previously, a small steak knife was found on a curb of the parking lot east of the crime scene diagram.

AUTOPSY

On August 9, 2018, at approximately 7:10 a.m., under Clark County Office of the Coroner/Medical Examiner (CCOCME) case 18-8178, an autopsy was performed on the body of Decedent at the CCOCME by Doctor Christina Di Loreto.

The following wounds/injuries were noted on Decedent:

- 1) Gunshot wound of the abdomen. Front-to-back and slightly right-to-left. No exit wound with partially jacketed projectile recovered from L5 vertebral body.
- 2) Gunshot wound of the left thigh. Front-to-back, upward, and slightly right-to-left. No projectile recovered.
- 3) Stab wound of neck, right, 7/8" penetration.
- 4) Abrasions to upper and lower extremities.

Toxicology reported the only intoxicant in his system was Ethanol (96 mg/dL; BAC 0.096 g/100 mL).

After a complete autopsy, Doctor Di Loreto opined Decedent died as a result of gunshot wound of the abdomen. The manner of death was homicide.

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 officer 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/defense of others; and (2) justifiable homicide by a public officer. Both of these theories will be discussed below.

I. THE USE OF DEADLY FORCE IN SELF DEFENSE/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 ... person, against one who manifestly intends or endeavors to commit a crime of violence ..." against the other person.² 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

² 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.

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 [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 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 convict, the State must prove beyond a reasonable doubt that an individual did not act in self-defense.

In this case, Decedent was reasonably perceived to pose an imminent danger to Victim upon Sergeant Cino's arrival on scene. While Sergeant Cino would have been justified in shooting at Decedent upon arrival, she gave him verbal commands to step away from Victim and drop the knife. As Decedent stepped away from Victim, he maintained possession of an extremely deadly weapon, the large knife. Decedent began approaching Sergeant Cino. Sergeant Cino gave repeated commands for Decedent not to approach and to drop the knife. When Decedent raised the knife and appeared to begin to charge Sergeant Cino, she was more than justified in discharging her weapon to end the threat posed by Decedent. Based on the close proximity of Decedent and the manner in which he used the knife, Sergeant Cino had no choice but to fire her weapon in order to protect her own life. Therefore, Sergeant Cino's actions are justified under Nevada self-defense law.

II. 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, at the time Sergeant Cino fired her weapon, the facts demonstrate that she had probable cause to believe that Decedent posed an immediate threat of serious physical harm to both herself and Victim. Decedent was armed with a large knife and was charging directly at Sergeant Cino with the knife. Sergeant Cino attempted to keep distance between herself and Decedent; however, Decedent was closing that distance to a point where Sergeant Cino had no choice but to fire her weapon. The circumstances demonstrate Sergeant Cino fired her weapon with a reasonable belief that Decedent was a threat to the safety of herself and others. In light of this evidence, Sergeant Cino's actions were legally 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 Sergeant Cino

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, unless new circumstances come to light which contradict the factual foundation upon which this decision is made, no charges will be forthcoming.