



REPORT ON USE OF FORCE: Legal Analysis Surrounding the Death of Rex Wilson on October 12, 2016

I. INTRODUCTION

On October 12, 2016, Las Vegas Metropolitan Police Department (“LVMPD”) officers attempted to make a felony car stop on a Nissan Rogue taken during a residential robbery. Earlier that day, officers were briefed on the residential robbery and shown video of Rex Wilson (“Decedent”) taking the Nissan Rogue while armed with an apparent firearm. When a patrol vehicle approached the Nissan Rogue, Decedent briefly stopped the vehicle on Oakey Boulevard before immediately speeding away. Multiple officers pursued Decedent as he travelled at high rates of speed through red traffic lights from Oakey Boulevard, to Charleston Boulevard, to Decatur Boulevard, onto the US 95 northbound, eastbound on CC 215, exiting on North 5th Street only to get back onto CC 215 heading westbound. After over twenty minutes of pursuit, officers were ultimately able to stop Decedent by utilizing the Precision Intervention Technique (“PIT”).

After the PIT maneuver, to prevent Decedent from fleeing again, officers used three (3) patrol vehicles to block the Nissan Rogue. As officers exited their patrol vehicles, Decedent raised what appeared to be a firearm. Upon seeing Decedent raise the apparent firearm and point at an officer, four (4) officers simultaneously shot at Decedent. Decedent suffered multiple gunshot wounds and was pronounced dead at the scene. Upon approaching the vehicle, officers observed what appeared to be a firearm in Decedent’s right hand. Officers further observed “sorry” written in apparent blood on the center display of the vehicle.

The Clark County District Attorney’s Office has completed its review of the October 12, 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 Officers Squeo, Gowens, Lindberg, and/or Swartz 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 Officers Squeo, Gowens, Lindberg, and/or Swartz. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review which was held on March 27, 2017.

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 LVMPD or to suggest the existence or non-existence of civil actions by any person, where less stringent laws and burdens of proof apply.

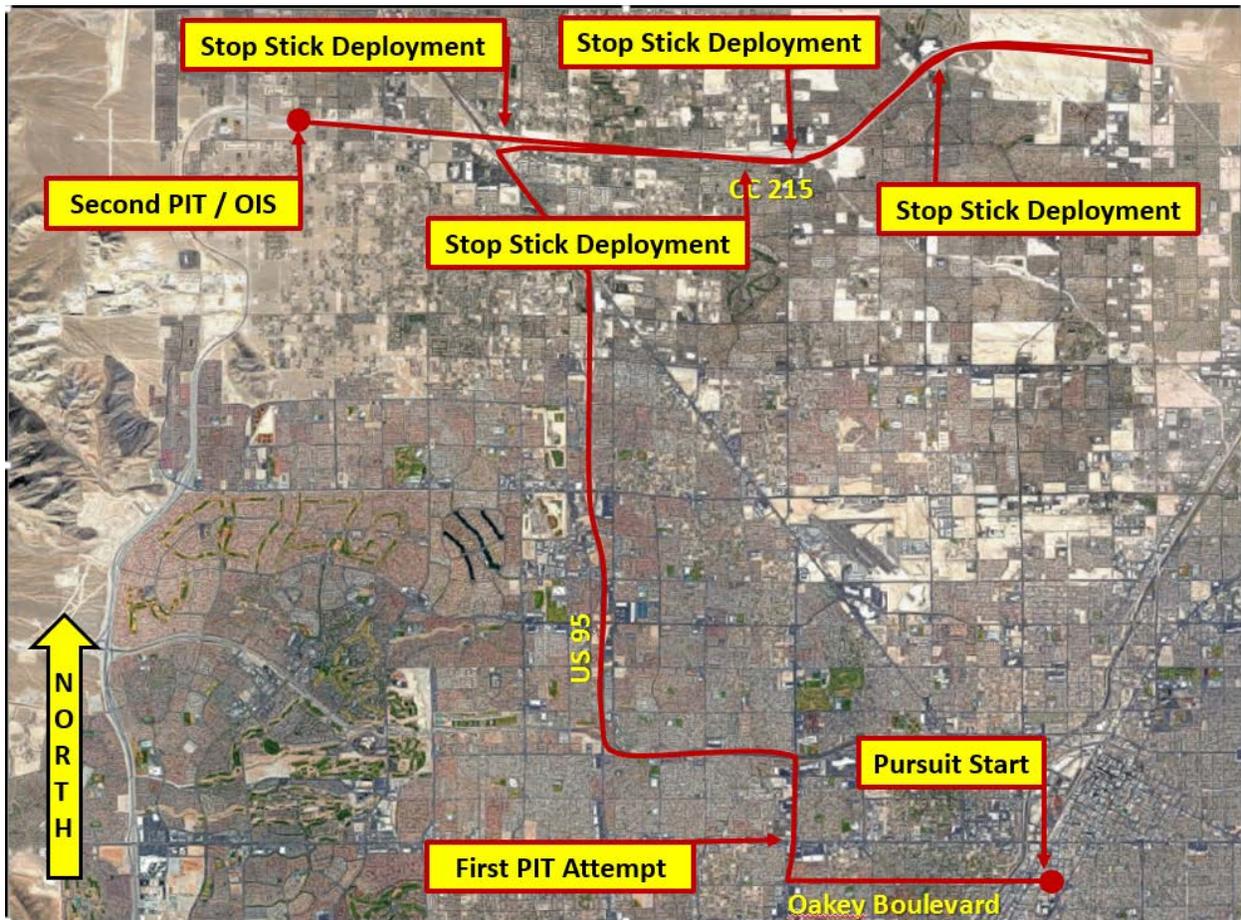
II. INCIDENT DETAIL REPORT

On October 12, 2016, Downtown Area Command (DTAC) officers were given information about a vehicle taken during a residential robbery in Henderson, Nevada.¹ Officers were told the vehicle was a grey Nissan Rogue with Nevada license plate 773YVV. Officers also watched the video surveillance from the residence which showed the robbery suspect, later identified as Decedent, committing the robbery with what appeared to be a firearm. Officers were told that Decedent was possibly the same suspect who recently committed multiple armed robberies in Clark County.

At approximately 2315 hours the same day, Officers Steven Williams and Scott Tompkins were in the area of Fairfield Avenue and St. Louis Avenue and observed a parked grey Nissan Rogue. Officer Tompkins observed the numbers 73 on the license plate and believed it could be the Nissan Rogue taken in the Henderson residential robbery. The officers drove down the street and made a U-turn, but when they returned to where the Nissan Rogue was parked, the vehicle was gone. Officers then broadcast the information over the radio and asked for other officers to attempt to locate the Nissan Rogue.

Seven (7) minutes later, at approximately 2322 hours, Officer Jennifer Smith located the vehicle in the area of Wyoming Avenue and Commerce Street. Officer Smith initiated a vehicle stop, but, after stopping briefly, the Decedent fled in the vehicle westbound on Oakey Boulevard. Due to the severity of the crime associated with the vehicle, a vehicle pursuit was initiated.

¹ Officers Squeo, Gowens, Lindberg and Swartz are all assigned to the Downtown Area Command.



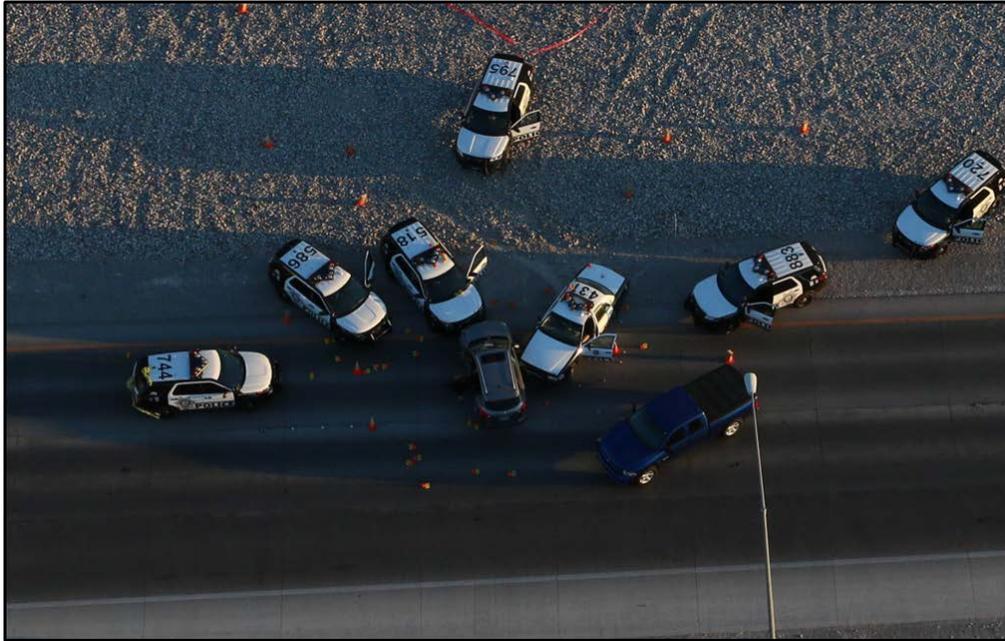
(map of pursuit)

The pursuit travelled westbound on Oakey Boulevard to northbound Decatur Boulevard. Decedent then turned onto eastbound Charleston Boulevard, quickly made a U-turn, and travelled westbound on Charleston Boulevard. Officers attempted to conclude the pursuit by utilizing the PIT maneuver; however, the PIT maneuver was unsuccessful. Decedent then turned northbound on Decatur Boulevard. During this portion of the pursuit, Decedent ran several red traffic lights. Relying in part on air support, officers were able to continue the pursuit as Decedent travelled onto northbound US 95 and continued to eastbound CC 215. Decedent travelled eastbound on CC 215, exited on North 5th Street, proceeded northbound on North 5th Street, and merged back on CC 215, this time travelling westbound. During the pursuit, it was broadcast that the fleeing vehicle was taken during a residential robbery.

As Decedent was heading westbound on CC 215, officers attempted to end the pursuit several times utilizing STOP STICK devices. Unsuccessful deployments were made at Aliante Boulevard, Decatur Boulevard, and Bradley Road. Eventually, at CC 215 and Sky Point Drive, a STOP STICK was successfully deployed, striking the front right tire of the Nissan Rogue.

Despite the flat tire, Decedent continued travelling westbound on CC 215. Decedent briefly stopped on CC 215 near Hualapai Way but then continued westbound on CC 215. At this point Officer Squeo conducted a PIT maneuver. As a result of this PIT maneuver, the Nissan Rogue travelled across the center median and came to a stop on the eastbound side of CC 215. To

prevent Decedent from fleeing again, Officers John Squeo, Erik Lindberg, and Travis Swartz pinched the vehicle on three (3) sides.²



(aerial photo of scene)

Officer Squeo's patrol vehicle - with Officer Christopher Gowens in the passenger seat - made contact with the driver's door of the Rogue.³ Officer Swartz's patrol vehicle made contact with the passenger door of the Rogue. Officer Lindberg's patrol vehicle made contact with the front of the Rogue.



² Stationary Vehicle Immobilization Technique, also known as “pinching,” is a containment tactic that employs extremely low-speed intentional vehicle contact with a subject vehicle. The purpose is to render a vehicle immobile by blocking it in place with police vehicles so that subjects can be taken into custody.

³ The front of Officer Squeo’s and Gowens’ and patrol vehicle was in contact with Nissan Rogue’s driver’s side door at the time of the officer involved shooting but was subsequently moved back prior to investigators arriving on the scene.

(Officer Lindberg's Body Worn Camera showing Decedent pointing apparent firearm at Officer Squeo)

As all four (4) officers were exiting their patrol vehicles, Decedent raised and pointed what appeared to be a firearm at Officer Squeo. Seeing this, Officers Squeo, Gowens, Lindberg, and Swartz all discharged their firearms. Not knowing if Decedent was injured, or if he still posed an imminent threat to officers, officers decided to wait for a ballistic shield before approaching the Rogue.

Shortly thereafter, Sergeant Joshua Bitsko arrived at the scene with a ballistic shield. Sergeants Bitsko, Christopher Halbert, and Ryan Anderson, among others, approached the Nissan Rogue. Upon approach, they observed that Decedent appeared to have a significant head wound and was bleeding. They further observed that Decedent was still holding what appeared to be a black firearm in his right hand. The word "sorry" was written in apparent blood on the center console.

Sergeant Halbert removed the apparent handgun from Decedent's hand. It was later determined that the item in Decedent's hand was not a firearm but rather a black spray nozzle with black duct tape wrapped around the nozzle head in a manner that mimicked the look of a handgun. Medical personnel attended to Decedent on scene and determined that he was deceased. Investigative personnel were then requested.



("Sorry" written in apparent blood on the center console of the Nissan Rogue) (Item found in Decedent's hand)

Later, when the vehicle was searched, among the items recovered from it were the black spray nozzle wrapped with duct tape and a cash drawer taken from a cash register.

III. DECEDENT



Decedent, Rex Wilson, was a 50-year-old male who lived in Las Vegas, Nevada. According to his wife, she and Decedent separated in February of 2016. On

October 8, 2016, Decedent sent his spouse a text message saying "Goodbye [P.W.]. You and the kids were the best things that ever happened to me. I will always love you." Decedent's wife understood the text message to mean that Decedent was suicidal. Decedent's wife then filed a Missing Person Report.

Decedent was the primary suspect in a sixteen (16) event robbery series that spanned from October 3, 2016, through October 12, 2016. The Nissan Rogue that Decedent fled in was taken during a residential robbery on October 10, 2016. In video surveillance from the home, it appears that Decedent was armed with a handgun.

Decedent is the primary suspect in the following robberies:

1. October 3, 2016: This robbery occurred at Green Valley Grocery located at 7311 South Eastern at approximately 0057 hours (LVMPD Event 161003-0183).
2. October 6, 2016: This robbery occurred at Fills Gas Station located at 8816 South Eastern at approximately 0536 hours (LVMPD Event 161006-0542).
3. October 6, 2016: This robbery occurred at US Bank located at 9851 West Charleston at approximately 1509 hours. A media release was created and sent to media outlets. The series was established and named "Rogaine" series. ANSEC created crime analysis reports and keep them updated as each of the remaining events occurred (LVMPD Event 161006-2395).
4. October 7, 2016: This robbery occurred at Walgreens located at 1701 North Green Valley Parkway at approximately 0631 hours (Henderson Police Department ("HPD") Event 16-18067).
5. October 7, 2016: This robbery occurred at Sweet Addictions located at 2291 North Green Valley Parkway at approximately 1210 hours (HPD Event 16-18077).
6. October 8, 2016: This robbery occurred at Dairy Queen located at 1660 West Warm Springs at approximately 1746 hours (HPD Event 16-18142).
7. October 9, 2016: This robbery occurred at Hampton Inn located at 6575 South Eastern at approximately 1904 hours (LVMPD Event 161009-2963).
8. October 10, 2016: This robbery occurred at Speedee Mart located at 804 East Flamingo at approximately 1010 hours (LVMPD Event 161010-0764).
9. October 10, 2016: This robbery occurred at Sally's Beauty Supply located at 4039 South Maryland Parkway at approximately 1058 hours (LVMPD Event 161010-1707).



(Video surveillance from 1920 Spode Avenue depicting carjacking)

10. October 10, 2016: This robbery occurred in front of the home located at 1920 Spode Avenue at approximately 1934 hours. The vehicle stolen was a grey 2012 Nissan Rogue with Nevada plate 773YVV. The suspect was identified as the same from the previously listed events. The victim stated that a gun was pointed at her and that the Decedent stated, "Do you value your life?" before instructing her to get out of the vehicle. Decedent then drove away in the Nissan Rogue (HPD Event 16-18301).
11. October 11, 2016: This robbery occurred at Roberto's Taco located at 907 South Rainbow at approximately 1059 hours. A grey Nissan SUV was involved in this robbery (LVMPD Event 161011-1692).
12. October 11, 2016: This robbery occurred at Dairy Queen located at 2607 South Windmill Parkway at approximately 1340 hours. A grey Nissan SUV was involved in this robbery (HPD Event 16-18345).
13. October 11, 2016: This robbery occurred at Stay Suites of America located at 5201 Dean Martin Drive at approximately 2109 hours (LVMPD Event 161011-3938).
14. October 12, 2016: This robbery occurred at Subway located at 4503 Paradise Road at approximately 0433 hours (LVMPD Event 161012-0528).
15. October 12, 2016: This robbery occurred at Carl's Jr. located at 1180 East Desert Inn Road at approximately 1007 hours. (LVMPD Event 161012-1445).

16. October 12, 2016: This robbery occurred at Arby's located at 160 North Pecos Road at approximately 2144 hours. Shortly after this robbery LVMPD Patrol Officers located the 2012 Nissan Rogue in downtown Las Vegas (HPD Event 16-18461).

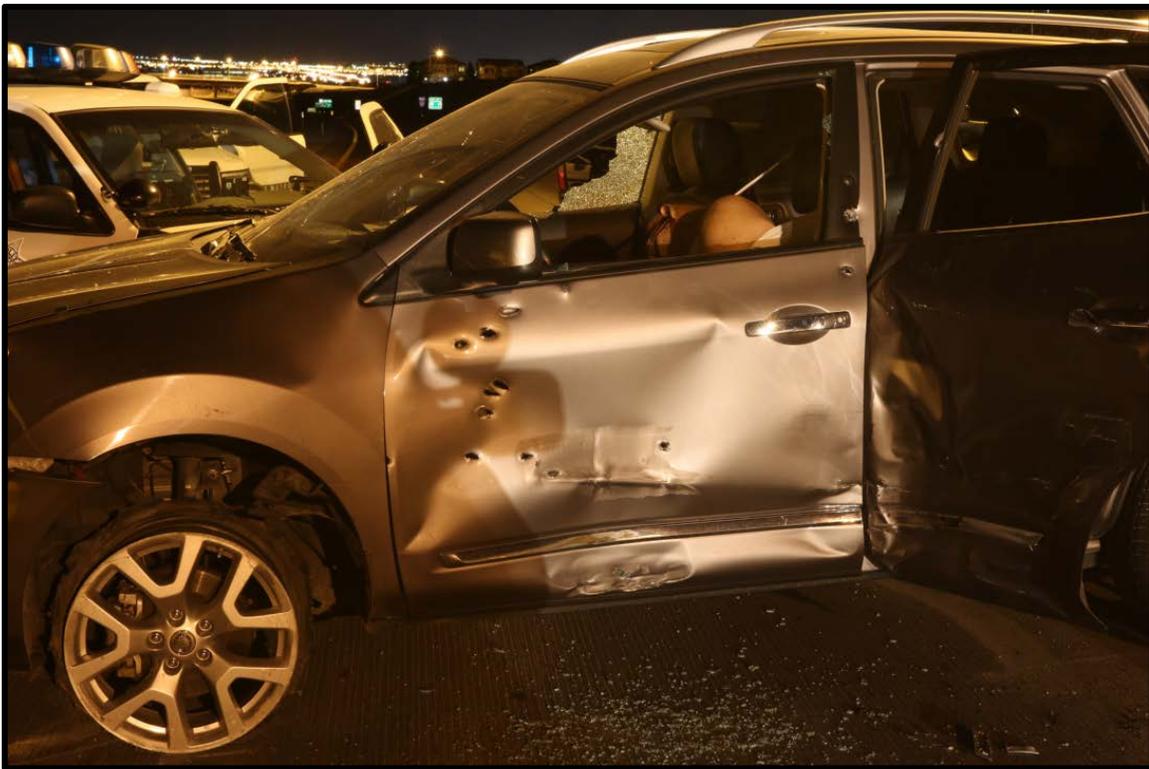
IV. INVESTIGATION

A. SCENE WALK-THROUGHS

1. Officer Squeo

On October 13, 2016, at approximately 0406 hours, Officer Squeo provided a walk-through of the scene. During the walk-through, Officer Squeo relayed the following information:

Officer Squeo was driving a patrol vehicle and stated he was the fifth patrol vehicle in the pursuit. At the end of the pursuit, Officer Squeo put his patrol vehicle approximately one (1) foot from the suspect vehicle's driver's side. Officer Squeo exited the vehicle and observed Decedent holding a handgun. Officer Squeo stated he fired approximately ten rounds at Decedent. Officer Squeo placed a traffic cone with a bag with his name written on it in the position he believed he was when he fired his handgun.

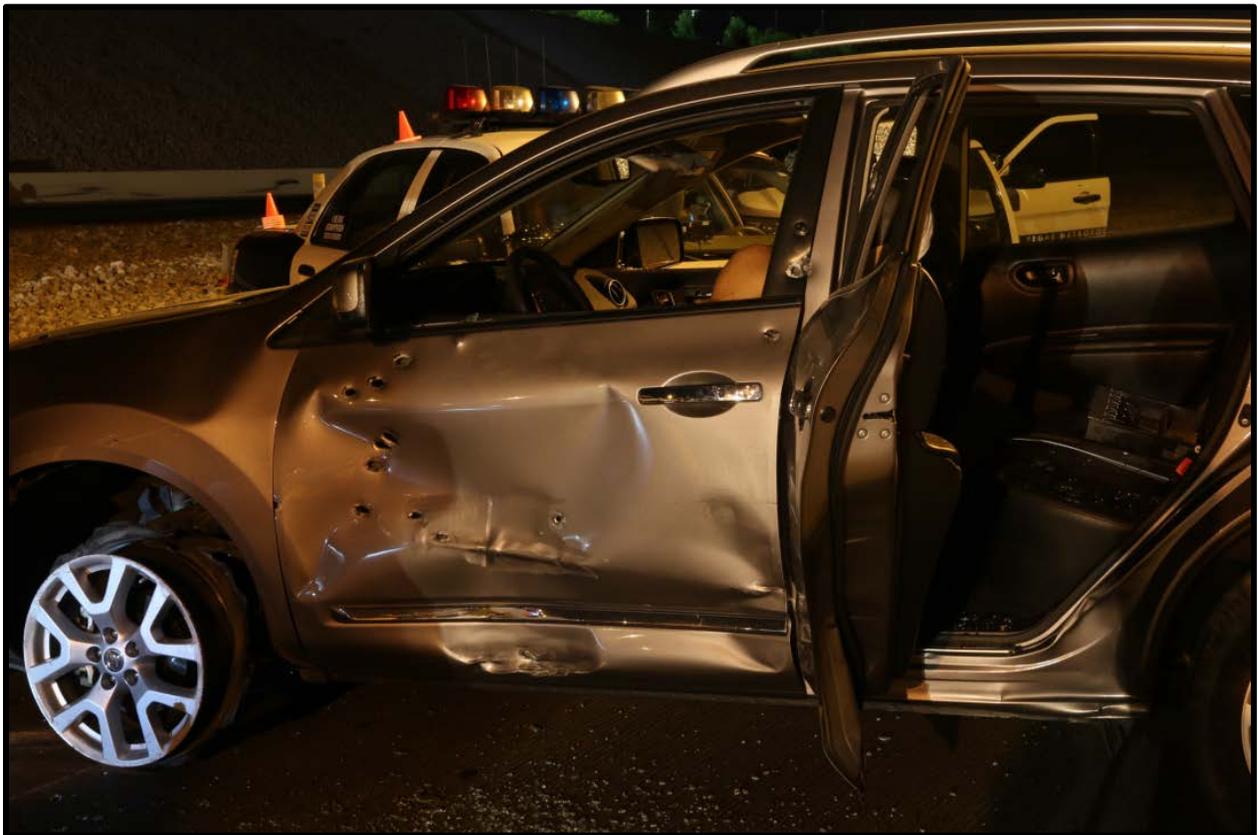


(Officer Squeo's perspective)

2. Officer Gowens

On October 13, 2016, at approximately 0420 hours, Officer Gowens provided a walk-through of the scene. During the walk-through, Officer Gowens relayed the following information:

Officer Gowens stated he was partnered with Officer Squeo and was the passenger in the patrol vehicle. Officer Gowens stated that their patrol vehicle was next to the suspect vehicle at the time of the shooting but was moved afterwards. Officer Gowens stated he exited the patrol vehicle and moved to his right and forward toward the driver's door of the suspect vehicle. Officer Gowens stated he observed the suspect [Decedent] holding a handgun. Officer Gowens stated he fired approximately eight (8) rounds at Decedent. Officer Gowens placed a traffic cone with a bag with his name written on it in the position he believed he was when he fired his handgun.



(Officer Gowens' perspective)

3. Officer Lindberg

On October 13, 2016, at approximately 0433 hours, Officer Lindberg provided a walk-through of the scene. During the walk-through, Officer Lindberg relayed the following information:

Officer Lindberg stopped his patrol vehicle against the front of the suspect vehicle, exited, and drew his handgun. He observed Decedent holding a handgun and pointing it out the driver's side of the suspect vehicle at the other officers. Officer Lindberg stated he fired seven (7) to eight (8) times at Decedent then moved to the rear of his patrol vehicle. Officer Lindberg placed a traffic cone with a bag with his name written on it in the position he believed he was when he fired his handgun.



(Officer Lindberg's perspective)

4. Officer Swartz

On October 13, 2016, at approximately 0426 hours, Officer Swartz provided a walk-through of the scene. During the walk-through, Officer Swartz relayed the following information:

Officer Swartz stopped his patrol vehicle at the passenger door of the suspect vehicle and stood between the open door and the patrol vehicle. Officer Swartz observed the suspect [Decedent] point a handgun at the officers that were on the opposite side of the suspect vehicle. Officer Swartz stated he fired three (3) to four (4) times at Decedent then moved to the back of his patrol vehicle. Officer Swartz placed a traffic cone with a bag with his name written on it in the position he believed he was when he fired his handgun.



(Officer Swartz's perspective)

B. PUBLIC SAFETY STATEMENTS

1. Officer Squeo

On October 13, 2016, at approximately 0307 hours, Detective Patton interviewed Sergeant Nunez in reference to the Public Safety Statement he obtained from Officer Squeo. Below are the questions asked by Sergeant Nunez, with the answers provided by Officer Squeo in *italics*.

1) Did you discharge your firearm?

Yes.

a) If so, in what direction?

East.

b) Approximately where were you located when you fired?

Driver's side door/window.

c) How many shots do you think you fired?

Approximately ten.

2) Is anyone injured?

Suspect.

a) If so, where are they located?

In the vehicle.

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?

Question was not asked.

b) How many shots do you think the suspect fired?

One.

c) Approximately where was the suspect located when they fired?

Driver's seat.

- 5) **Do you know if any other officer(s) discharged their firearms?**
Yes.
a) If so, who are they?
Gowens.
b) Approximately where was the officer(s) located when they fired?
Rear driver's side passenger door.
- 6) **Are there any weapons or evidence that needs to be secured/protected?**
Yes, *suspect firearm.*
a) If so, where are they located?
Inside vehicle.
- 7) **Are you aware of witnesses?**
Officers.
a) If so, what is their location?
On scene.

2. Officer Gowens

On October 13, 2016, at approximately 0302 hours, Detective Patton interviewed Sergeant Nunez in reference to the Public Safety Statement he obtained from Officer Gowens. Below are the questions asked by Sergeant Nunez, with the answers provided by Officer Gowens in *italics*.

- 1) **Did you discharge your firearm?**
Yes.
a) If so, in what direction?
East.
b) Approximately where were you located when you fired?
Approximately ten feet from driver's B pillar.
c) How many shots do you think you fired?
Eight.
- 2) **Is anyone injured?**
Suspect.
a) If so, where are they located?
In the vehicle.
- 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?
Question not asked.
 - b) How many shots do you think the suspect fired?
Not sure.
 - c) Approximately where was the suspect located when they fired?
Driver's seat of vehicle.
- 5) **Do you know if any other officer(s) discharged their firearms?**
Yes.
- a) If so, who are they?
Squeo, Lindberg, Swartz.
 - b) Approximately where was the officer(s) located when they fired?
Squeo was on the driver's side, Swartz and Lindberg were in front of the vehicle.
- 6) **Are there any weapons or evidence that needs to be secured/protected?**
Suspect weapon, a black semiauto handgun.
- a) If so, where are they located?
In the vehicle.
- 7) **Are you aware of witnesses?**
Yes.
- a) If so, what is their location?
On scene.

3. Officer Lindberg

On October 13, 2016, at approximately 0247 hours, Detective Patton interviewed Sergeant Matthew Harris in reference to the Public Safety Statement he obtained from Officer Lindberg. Below are the questions asked by Sergeant Harris, with the answers provided by Officer Lindberg in *italics*.

1) **Did you discharge your firearm?**

Yes.

- a) If so, in what direction?
He pointed southeast.
- b) Approximately where were you located when you fired?
Right at my open patrol car door, in front of the suspect's front bumper.
- c) How many shots do you think you fired?
Approximately seven to eight rounds.

2) **Is anyone injured?**

No, other than the suspect.

- a) If so, where are they located?
Still in the car.

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?**

No.

- a) If so, what direction were the rounds fired from?
Question not applicable, not asked.
- b) How many shots do you think the suspect fired?
Question not applicable, not asked.
- c) Approximately where was the suspect located when they fired?
Question not applicable, not asked.

5) **Do you know if any other officer(s) discharged their firearms?**

He knew at the time of, of the question and ha...and that he learned it later, but not at the time of the shooting.

- a) If so, who are they?
Squeo, Gowens, and I think Swartz.
- b) Approximately where was the officer(s) located when they fired?
Not sure. Maybe near the suspect driver door.

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

No.

a) If so, where are they located?

Question not applicable, not asked.

7) **Are you aware of witnesses?**

He didn't know how to answer. Um, there were

a) If so, what is their location?

Maybe Tompkins and Williams I think were there.

4. Officer Swartz

On October 13, 2016, at approximately 0312 hours, Detective Patton interviewed Sergeant Nunez in reference to the Public Safety Statement he obtained from Officer Swartz. Below are the questions asked by Sergeant Patton, with the answers provided by Officer Swartz in *italics*.

1) **Did you discharge your firearm?**

Yes.

a) If so, in what direction?

West to southwest, at vehicle through passenger door.

b) Approximately where were you located when you fired?

Patrol driver's side front door on suspect passenger front.

c) How many shots do you think you fired?

Three to four shots.

2) **Is anyone injured?**

Just suspect.

a) If so, where are they located?

In vehicle.

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?**
No.
- a) If so, what direction were the rounds fired from?
Question not applicable/not asked.
 - b) How many shots do you think the suspect fired?
Question not applicable/not asked.
 - c) Approximately where was the suspect located when they fired?
Question not applicable/not asked.
- 5) **Do you know if any other officer(s) discharged their firearms?**
Yes.
- a) If so, who are they?
Don't know.
 - b) Approximately where was the officer(s) located when they fired?
Passenger side of SUV.
- 6) **Are there any weapons or evidence that needs to be secured/protected?**
Suspect 413.
- a) If so, where are they located?
Inside vehicle.
- 7) **Are you aware of witnesses?**
Other officers.
- a) If so, what is their location?
On scene.

C. BODY WORN CAMERAS OF SHOOTING OFFICERS⁴

1. Officer Squeo

Officer Squeo activated his Body Worn Camera one (1) time during the incident. The video footage was later reviewed and preserved. Listed below are any significant events that occurred during the segments.

- 22 Minutes and 42 Seconds – Officer Squeo attempted to conduct a PIT on Decedent's Vehicle.
- 23 Minutes and 01 Second – The front of Officer Squeo's vehicle made contact with Decedent's vehicle.
- 23 Minutes and 05 Seconds – Officer Squeo discharged his firearm multiple times.

⁴ Note: All times are approximate and represent how many minutes and seconds into the video the event occurred, not the actual time of day.

2. Officer Gowens

Officer Gowens activated his Body Worn Camera one (1) time during the incident. The video footage was later reviewed and preserved. Listed below are any significant events that occurred during the segments.

- 23 Minutes and 07 Seconds – Officer Gowens was sitting in the passenger seat of the vehicle. Officer Squeo, who was driving, attempted a PIT on Decedent's vehicle but was unsuccessful.
- 23 Minutes and 25 Seconds – The front of Officer Gowens vehicle made contact with the driver's door of Decedent's vehicle.
- 23 Minutes and 29 Seconds – Officer Gowens discharged his firearm multiple times.

3. Officer Lindberg

Officer Lindberg activated his Body Worn Camera one (1) time during the incident. The video footage was later reviewed and preserved. Listed below are any significant events that occurred during the segments.

- 23 Minutes and 17 Seconds – The front of Officer Lindberg's vehicle made contact with Decedent's vehicle.
- 23 Minutes and 21 Seconds – Officer Lindberg discharged his firearm multiple times.

4. Officer Swartz

Officer Swartz activated his Body Worn Camera one (1) time during the incident. The video footage was later reviewed and preserved. Listed below are any significant events that occurred during the segments.

- 22 Minutes and 38 Seconds – Officer Swartz' vehicle made contact with Decedent's vehicle.
- 22 Minutes and 46 Seconds – Officer Swartz discharged his firearm multiple times.

D. INTEVIEW WITH CIVILIAN WITNESSES

P.W.

P.W. indicated that she and Decedent were married for twenty-eight years. In February 2016, they separated. On October 8, 2016, P.W. received a text from Decedent saying, "Goodbye, [P.W.]. You and the kids were the best things that ever happened to me. I will always love you." After receiving the text, P.W. then filed a Missing Person Report because she thought Decedent was suicidal. P.W. stated Decedent suffered from numerous addictive issues including addictions to drugs, alcohol, and gambling.

C.P.

C.P. was working as a sound mixer for Langley Productions at the time of the incident. C.P. was riding with Officer Cody Vigil as he joined the pursuit of Decedent. At the end of the pursuit, C.P. observed other officers perform a PIT maneuver and immediately heard the sound of gunshots. C.P. ducked down and took cover until the gunfire ceased. C.P. could not see into the Nissan Rogue and did not see who fired the gunshots.

E. SUMMARY OF POLICE OFFICERS' STATEMENTS

Officer Scott Tompkins

On October 12, 2016, Officer Tompkins was working as a uniformed officer and was the passenger in a marked patrol vehicle driven by Officer Williams. In the briefing prior to shift, home surveillance footage was shown of an armed robbery of a vehicle that occurred in Henderson. Officer Tompkins also viewed still photographs collected from a surveillance tape at a Dairy Queen depicting a robbery suspect [Decedent]. It was believed Decedent was linked to several robberies that had occurred in previous weeks.

While Officers Tompkins and Williams were on patrol they saw the suspect vehicle parked in the alley of the apartment complex located in the southwest corner of St. Louis Avenue and Fairfield Avenue. Officers Tompkins and Williams drove past the suspect vehicle so they could run the plate to confirm it was the suspect vehicle. By the time Officers Tompkins and Williams confirmed the license plate and turned around, the vehicle was gone.

A few minutes later, Officer Smith broadcasted that she located the vehicle in the area of Commerce Street and Wyoming Avenue and Decedent failed to stop. Officers Tompkins and Williams caught up to Decedent and joined the pursuit. Decedent drove westbound on Oakley Boulevard and ran several red traffic signals. Officers Tompkins and Williams were forced to slow down to clear intersections, so they lost sight of Decedent. Officer Tompkins knew Decedent's location from the Air Unit's updates. Officers Tompkins and Williams caught up to Decedent at Charleston Boulevard and Decatur Boulevard.

Decedent turned to eastbound Charleston Boulevard from Decatur Boulevard and made a U-turn to westbound on Charleston Boulevard. As Decedent entered the intersection at Decatur Boulevard, Officers Tompkins and Williams entered the same intersection from the north. Officer Williams attempted a PIT maneuver while Decedent was travelling westbound on Charleston Boulevard to northbound Decatur Boulevard. As Officers Tompkins' and Williams' vehicle made contact with Decedent's vehicle, Officer Tompkins made eye contact with Decedent. Officer Tompkins saw pockmarks on Decedent's face and recognized him as the robbery suspect from a Dairy Queen robbery.

Decedent was able to accelerate out of the PIT maneuver and continued northbound on Decatur Boulevard. From Decatur Boulevard, Decedent fled northbound on US 95 at a high rate of speed. Officers Tompkins and Williams lost sight of Decedent once Decedent was on US 95. Officer Tompkins was relying on the Air Unit's observations and radio traffic to know Decedent's location. Decedent exited US 95 to eastbound CC 215. While on CC 215, officers attempted to deploy STOP STICK devices. Decedent exited CC 215 at North 5th Street, made a U-turn, and headed back westbound on CC 215. Marked units deployed additional STOP STICK devices but were unsuccessful. At Sky Point Drive and CC 215, an LVMPD sergeant was able to successfully deploy a STOP STICK. Decedent slowed, then stopped near the Durango Drive exit. Officers ordered Decedent out of the vehicle, but Decedent refused to comply and continued westbound on CC 215.

Another officer in a patrol vehicle successfully performed a PIT maneuver on CC 215 near the Hualapai Way exit. Decedent spun into the rock center median between eastbound and westbound CC 215 which caused a large dust cloud. Officer Tompkins took cover behind his vehicle and Decedent reversed his vehicle and was pinched in by other marked LVMPD units. As Officer Tompkins ran closer to Decedent, he heard gunfire. Officer Tompkins did not know who was shooting, or from which direction, so he took cover behind a marked LVMPD vehicle. Once the gunfire stopped, Officer Tompkins saw Decedent slumped over the center console of the vehicle.

Officer Tompkins gave Decedent verbal commands to "show his hands." After a few minutes of issuing commands to Decedent, Officer Tompkins moved away from the suspect vehicle to a better position of cover. Officer Tompkins was dressed in his heavy body armor and was joined by K-9 Sergeant Bitsko. Sergeant Bitsko had a ballistic shield. Officer Tompkins was a member of the arrest team that was formed and approached Decedent's vehicle. A marked LVMPD vehicle was positioned against the driver's door of Decedent's vehicle and needed to be moved so Officer Tompkins could see into Decedent's vehicle. Once the arrest team was able to get to the driver's door of Decedent's vehicle, a black object was removed from Decedent's right hand by an unknown LVMPD sergeant and placed on the floorboard of the vehicle. Decedent was propped up and it was determined he was deceased.

Officer Steven Williams

Officer Williams was operating as a marked two-man unit with Officer Tompkins. In the area of St. Louis Avenue and Fairfield Avenue, Officer Tompkins believed he saw a vehicle related to a robbery and carjacking that he had been briefed about earlier in the day. The vehicle was unoccupied. Officer Williams drove down the street and made a U-turn. When the officers returned to the area the vehicle was no longer there. They broadcast the information over the radio. Officers responded to the area in an attempt to locate the vehicle.

A short time later, an officer located the suspect vehicle in the area of Oakey Boulevard and Wyoming Avenue. Officers Williams and Tompkins responded to the area and followed the vehicle west on Oakey Boulevard as the primary vehicle in the pursuit. When Officer Williams turned on his lights and siren, the Decedent did not stop and continued to drive west on Oakey Boulevard.

Officers Williams and Tompkins continued to pursue into the area of Charleston Boulevard and Decatur Boulevard. Decedent drove north on Decatur Boulevard and turned east onto Charleston Boulevard. Decedent drove a short distance before making a U-turn and coming back to turn north on Decatur Boulevard. Officer Williams attempted a PIT maneuver on the fleeing vehicle when Decedent made the turn onto Decatur Boulevard, but was unsuccessful. Decedent drove north and Officers Williams and Tompkins continued to pursue.

Decedent turned onto northbound US 95 and Officers Williams and Tompkins continued to follow. Decedent exited CC 215 westbound and reentered CC 215 eastbound. Decedent's vehicle struck a STOP STICK that was laid down and one of the tires came off the suspect vehicle. The vehicle was smoking, and Decedent pulled over to the right side of the road and stopped.

Officers Williams and Tompkins stopped and exited their vehicle. Officer Williams issued commands to Decedent. Decedent did not respond and fled in the vehicle. The officers returned to their vehicle and pursued Decedent. Another patrol vehicle was in front of Officers Williams and Tompkins and that patrol vehicle became the primary vehicle of the pursuit. Officers Williams and Tompkins were the second vehicle in the pursuit.

The primary pursuit vehicle attempted to PIT Decedent's vehicle, but was unsuccessful. Decedent turned south in front of Officers Williams and Tompkins. Officer Williams attempted to PIT Decedent's vehicle and pushed the vehicle into the rock center median. Decedent's vehicle was facing northbound and reversed direction toward the eastbound lanes. Officer Williams put his patrol vehicle in park approximately thirty to forty feet from Decedent's vehicle. He and Officer Tompkins exited the vehicle.

Multiple patrol vehicles surrounded Decedent's vehicle and pinched it in place to prevent him from fleeing. The surrounding patrol vehicles obscured Officer Williams' line of sight to Decedent. As Officer Williams advanced towards Decedent's vehicle, he heard multiple gunshots. Officer Williams observed Officer Squeo fire at Decedent. Officer Williams took cover by an adjacent

vehicle. Officer Williams maintained his position and covered Decedent's vehicle while the arrest team approached Decedent.

Officer Jennifer Smith

On October 12, 2016, Officer Smith was working as a uniformed officer. Before the start of her shift, Officer Smith was briefed on a carjacking and armed robbery series. The suspect vehicle was described as a Nissan Rouge bearing a NV license plate. Surveillance footage was shown of the carjacking depicting the Nissan Rogue being taken.

Officer Smith heard over the radio that Officers Tompkins and Williams located the vehicle in the area of the Stratosphere. Officer Smith drove in that direction to assist. As Officer Smith was travelling southbound on Las Vegas Boulevard approaching Wyoming Avenue, she noticed a Nissan Rogue matching the description of the suspect vehicle also travelling southbound. Officer Smith ran the license plate and immediately received a "hot hit" confirming it was the vehicle taken during the residential robbery. Officer Smith got behind the suspect vehicle and the driver immediately activated his left turn signal indicating he was going to turn to eastbound Oakey Boulevard. Decedent conducted a U- turn in the intersection of Oakey Boulevard and Las Vegas Boulevard and headed back northbound on Las Vegas Boulevard. Officer Smith observed Decedent's face when Decedent made the U-turn. After Decedent passed Commerce Drive, he pulled over to the side of the road and stopped before Officer Smith activated her emergency lights.

Officer Smith knew Decedent was armed and was not sure of his intentions so she stopped a distance away from his vehicle. Officer Smith feared Decedent was going to exit his car and start shooting at her. Decedent sat in his stopped vehicle for a few moments then drove westbound on Wyoming Avenue at a high rate of speed.

Officer Smith lost view of Decedent's vehicle while it was travelling westbound on Wyoming Avenue. She heard officers broadcast they were behind Decedent's vehicle. A pursuit was initiated on Decedent's vehicle. The pursuit travelled westbound on Wyoming Avenue where it then turned into Oakey Boulevard. The pursuit continued westbound on Oakey Boulevard to northbound Decatur Boulevard. At the intersection of Charleston Boulevard and Decatur Boulevard, officers attempted a PIT maneuver on Decedent's vehicle but were unsuccessful. Decedent continued northbound on Decatur Boulevard and ran every red traffic signal until he reached northbound US 95. Decedent fled northbound US 95 to eastbound CC 215. At CC 215 and North 5th Street, Decedent made a U-turn and headed westbound on CC 215. Officer Smith followed Decedent westbound on CC 215 and at Jones Boulevard STOP STICK devices were deployed in an attempt to stop Decedent. Decedent was able to swerve around the STOP STICK devices, but Officer Smith drove over them as they were being retracted out of the intersection. Officer Smith's vehicle became disabled, so she was forced to pull over and discontinue the pursuit.

Officer Samuel Carrillo

On October 12, 2016, Officer Carrillo was working as a uniformed K-9 officer. Officer Carrillo was in the area of Flamingo Road and Decatur Boulevard when he was notified of a vehicle pursuit originating in DTAC. Officer Carrillo joined the tail end of the pursuit when he entered CC 215. STOP STICK devices were deployed near CC 215 and Aliante Parkway, Decatur Boulevard and Jones Boulevard unsuccessfully. At the intersection of CC 215 and Sky Pointe Drive, a STOP STICK was successfully deployed.

When Decedent reached the area of CC 215 and Durango Drive, he slowed and pulled over. The Air Unit believed Decedent was going to bail out of the vehicle and flee on foot. Officer Carrillo wanted to be able to deploy his dog to catch Decedent if he fled on foot, so he passed other vehicles and moved to the front of the group. Decedent instead continued westbound on CC 215. An LVMPD patrol vehicle performed the PIT maneuver on Decedent's vehicle causing the vehicle to spin into the rock median between east and westbound CC 215. Other LVMPD vehicles were able to pinch Decedent's vehicle in place.

Officer Carrillo stopped his vehicle in front of Decedent's vehicle, offset on the passenger side. Officer Carrillo prepared his dog to be able to catch Decedent if he fled on foot. Officer Carrillo saw Decedent raise his hand while holding a gray object he retrieved from his waist area and point it toward the driver's side windshield of his vehicle. Shots were fired and Officer Carrillo took cover behind the dash of his vehicle.

Once the gunfire stopped, Officer Carrillo exited his vehicle and met up with other officers at the rear of his vehicle. Officer Carrillo heard verbal commands given to Decedent to "show your hands." A sergeant directed Officer Carrillo and all the officers with him to move back from the suspect vehicle.

Sergeant Christopher Halbert

On October 12, 2016, Sergeant Halbert was in the area of US 95 and CC 215 when he learned of a pursuit that started in DTAC and was heading north on US 95. Sergeant Halbert assigned himself to the call and responded to the area of US 95 and Ann Rd. where he set up to deploy a STOP STICK device. Sergeant Halbert was unsuccessful in the deployment.

When Sergeant Halbert heard a broadcast that the suspect was heading west on CC 215, he went to the area of CC 215 and Sky Pointe to set up another attempt at deploying a STOP STICK device. Sergeant Halbert was able to deploy the STOP STICK which resulted in the suspect vehicle hitting the STOP STICK. After retrieving the STOP STICK, Sergeant Halbert began to follow the pursuit.

As Sergeant Halbert arrived at the termination point of the pursuit he heard multiple gunshots. Sergeant Halbert exited his vehicle and had officers back away from the suspect vehicle to positions of cover. Sergeant Halbert was unsure if the suspect had been struck by gunfire or was waiting in an attempt to ambush officers, so Sergeant Halbert had officers wait for a ballistic shield before approaching the suspect vehicle.

After Sergeant Bitsko arrived with a ballistic shield, a team of officers approached the vehicle. Upon reaching the vehicle, Sergeant Halbert observed the suspect sitting in the driver's seat slumped over the center console. Sergeant Halbert reached in to check the suspect for a pulse but was unable to reach him. Sergeant Halbert grabbed onto the suspect and pulled him closer in an attempt to check for a pulse. As he pulled the suspect, Sergeant Halbert observed what appeared to him to be a black handgun in the suspects' right hand. Sergeant Halbert removed the apparent firearm from the suspects' right hand and laid it on the passenger side floorboard. Sergeant Halbert then checked the suspect for a pulse. Sergeant Halbert did not feel a pulse and wrapped the left strap of the suspect's tank top over the headrest to hold him up. Sergeant Halbert and the rest of the officers in the team then backed away and called for medical personnel to check the suspect.

Sergeant Ryan Anderson

On October 12, 2016, Sergeant Anderson was working as a patrol sergeant in Northwest Area Command when he heard radio traffic reference a pursuit originating in DTAC. The details stated the units were in pursuit of a vehicle related to a series of robberies and the pursuit was heading north on US 95. Sergeant Anderson started monitoring the radio traffic of the pursuit.

Sergeant Anderson drove towards the pursuit, but did not participate due to his siren being inoperative. Sergeant Anderson caught up to the pursuit near the termination point after Decedent's vehicle struck a STOP STICK which caused the tires to deflate. Sergeant Anderson arrived prior to the officer-involved shooting occurring.

Decedent drove south across the rock median and Sergeant Anderson believed he was attempting to make a U-turn and head back eastbound on CC 215. A patrol unit executed a PIT maneuver on Decedent's vehicle then three (3) or four (4) patrol vehicles pinched Decedent's vehicle. Sergeant Anderson's view of the scene was blocked by the arriving patrol units that had been involved in the pursuit. He then heard "shots fired" broadcast over the radio.

Sergeant Anderson exited his vehicle and instructed one of the officers on scene to utilize his public address system to issue verbal commands to Decedent. When there was no response, Sergeant Anderson and two (2) officers donned tactical vests to approach the vehicle. Prior to approaching the vehicle, Sergeant Bitsko broadcast he was in route to the scene with a ballistic shield.

Sergeant Anderson stood down and waited for Sergeant Bitsko to arrive. Sergeant Bitsko arrived and, utilizing the ballistic shield, approached the vehicle with another officer. When other officers moved to the driver's side of Decedent's vehicle, Sergeant Anderson approached with them to back up the patrol vehicle that was pinching the driver's side door. Decedent was slumped to his right onto the center console of the vehicle with his hands underneath him.

Sergeants Halbert and Anderson pulled Decedent up into a seated position to see if he had any weapons in his hand. It appeared that Decedent was holding a firearm in his right hand. Sergeant

Anderson saw a black handle, but was unsure if it was a real firearm or a replica. Sergeant Halbert removed the apparent firearm from Decedent's hand. Sergeant Halbert checked Decedent for a pulse prior to paramedics arriving.

Sergeant Joshua Bitsko

On October 12, 2016, Sergeant Bitsko heard radio traffic reference a pursuit and checked the details of the event. When he learned the patrol units were in pursuit of a robbery suspect vehicle, Sergeant Bitsko assigned himself to the call.

Listening over the radio, Sergeant Bitsko heard that Decedent's vehicle ran over a STOP STICK and came to a stop. "Shots fired" then came over the radio, and Sergeant Bitsko heard the officers at the termination point formulating a plan to approach the vehicle. Sergeant Bitsko broadcast he had a ballistic shield and was in route to the scene. The officers on scene waited until Sergeant Bitsko arrived before approaching the vehicle.

Sergeant Bitsko coordinated with the officers to form a plan to approach the vehicle. Sergeant Bitsko and Officer Tompkins approached the rear driver's side of the vehicle while officers covered Decedent from the front of the vehicle. Decedent was slumped over to the right side and there appeared to be blood spatter inside the vehicle. Sergeant Bitsko moved around to the passenger side to get a better view of Decedent. Decedent appeared to have sustained a gunshot wound to the head. Decedent was holding something in his hand that had black tape wrapped around the handle. Sergeant Bitsko was unable to tell if it was a firearm or not. Sergeant Bitsko waited and watched Decedent for a short time and did not see him breathing.

Sergeant Bitsko and Officer Tompkins retreated from the vehicle and made contact with the officers on scene to make a plan to approach the vehicle to secure it. Sergeants Bitsko and Anderson, and Officer Tompkins approached the driver's side of the vehicle a second time. Sergeant Bitsko provided cover with the ballistic shield while Sergeant Anderson entered the patrol vehicle that was blocking Decedent's driver's side door and moved it back. Decedent's driver's side door would not open.

Officers pulled Decedent into an upright position and confirmed he was deceased. Sergeant Halbert brought paramedics up to the vehicle. Sergeant Bitsko observed cartridge casings in the immediate area where they were standing and told everyone to back out of the area to preserve the crime scene. Sergeant Bitsko moved out of the scene, checked with the other K-9 officers on scene, and notified his chain of command of the event.

F. OFFICER COUNTDOWNS

On October 13, 2016, Officers Squeo, Gowens, Lindberg, and Swartz had their handguns counted down at LVMPD headquarters.

1. Officer Squeo

Prior to countdown, Officer Squeo stated he loaded twenty-three cartridges in the magazine placed into his firearm and one (1) in the chamber (23+1). Officer Squeo also carried twenty-two cartridges in the two (2) spare magazines on his belt. Two (2) of Officer Squeo's magazines had the capacity to hold twenty-two cartridges while his third magazine had a twenty-three cartridge capacity. At the completion of the countdown, it was determined Officer Squeo's firearm was missing fourteen rounds. Evidence on the scene indicated Officer Squeo fired at least thirteen (13) rounds. Based on the countdown and evidence at the scene, detectives believe Officer Squeo fired fourteen (14) rounds from his handgun during the incident. Officer Squeo's firearm, magazine, and cartridges were photographed and impounded by SCSA Thomas.

2. Officer Gowens

Prior to countdown, Officer Gowens stated he loaded seventeen cartridges in the magazine placed into his firearm and one (1) in the chamber (17+1). Officer Gowens also carried seventeen cartridges in the three (3) spare magazines on his belt. All four (4) of his magazines had the capacity to hold seventeen cartridges. At the completion of the countdown, it was determined Officer Gowens' firearm was missing eight (8) rounds. Evidence on the scene indicated Officer Gowens fired eight (8) rounds. Based on the countdown and evidence at the scene, detectives believe Officer Gowens fired eight (8) rounds from his handgun during the incident. Officer Gowens' firearm, magazine, and cartridges were photographed and impounded by SCSA Thomas.

3. Officer Lindberg

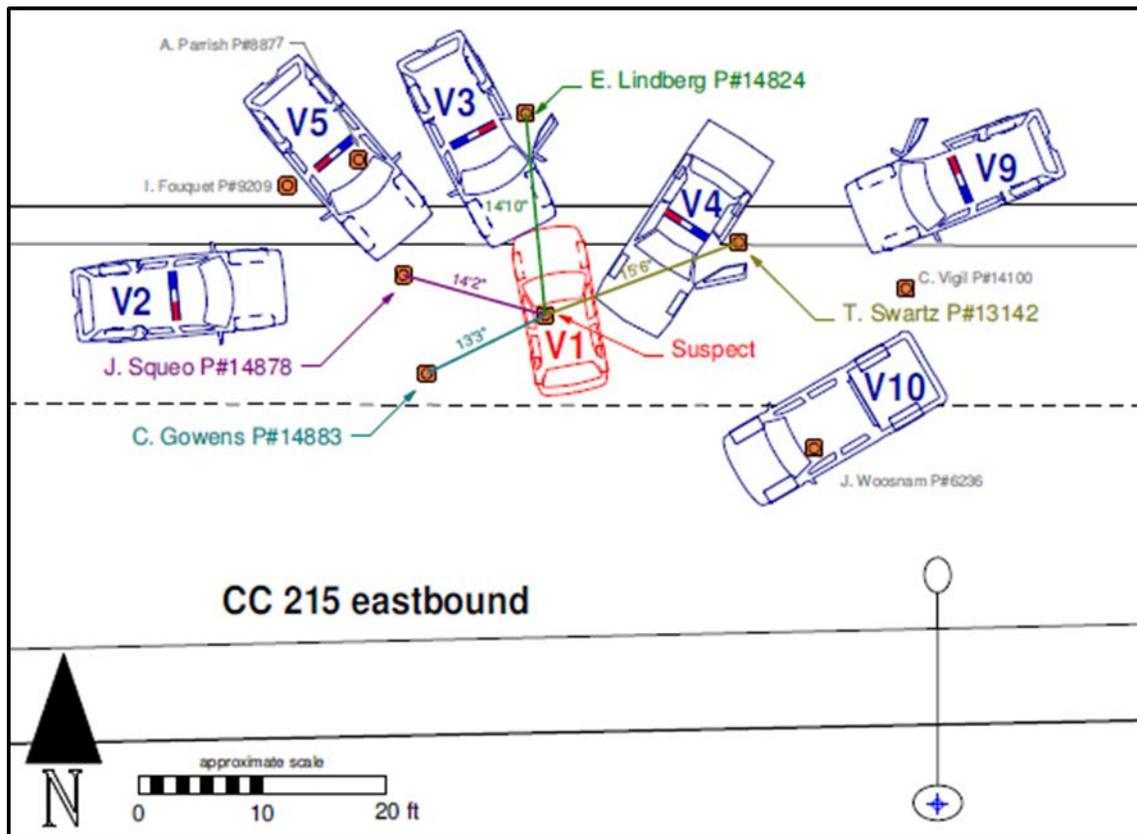
Prior to countdown, Officer Lindberg stated he loaded twenty-three cartridges in the magazine placed into his firearm and one (1) in the chamber (23+1). Officer Lindberg also carried twenty-three cartridges in the three (3) spare magazines on his belt. All four (4) of his magazines had the capacity to hold twenty-three cartridges. At the completion of the countdown, it was determined Officer Lindberg's firearm was missing nine (9) rounds. Evidence on the scene indicated Officer Lindberg fired nine (9) rounds. Based on the countdown and evidence at the scene, detectives believe Officer Lindberg fired nine (9) rounds from his handgun during the incident. Officer Lindberg's firearm, magazine, and cartridges were photographed and impounded by SCSA Thomas.

4. Officer Swartz

Prior to countdown, Officer Swartz stated he loaded seventeen cartridges in the magazine placed into his firearm and one (1) in the chamber (17+1). Officer Swartz also carried seventeen cartridges in the three (3) spare magazines on his belt. All four (4) of his magazines had the capacity to hold seventeen cartridges. At the completion of the countdown, it was determined Officer Swartz's firearm was missing five (5) rounds. Evidence on the scene indicated Officer Swartz fired five (5) rounds. Based on the countdown and evidence at the scene, detectives believe Officer Swartz fired five (5) rounds from his handgun during the incident. Officer Swartz's firearm, magazine, and cartridges were photographed and impounded by SCSA Thomas.

G. DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE

SCENE



(Diagram of Scene)

The scene was located on CC 215 eastbound, east of the intersection with N. Hualapai Way. There were fourteen vehicles involved in the incident. The vehicles were located in the eastbound travel lanes and also in the center rock median between the eastbound and westbound lanes. There were two (2) eastbound travel lanes of CC 215 with the #2 lane being wider due to the end of the merging lane from the entrance from N. Hualapai Way onto CC 215. The suspect vehicle

(V1) was located facing north in the #1 eastbound travel lane and the remaining vehicles were in a half circle around the west, north, and east of the suspect vehicle (V1). There were thirty-five cartridge cases with headstamp "SPEER 9mm + P" in the area directly surrounding V1. Thirteen cartridge casings were located west and northwest of V1. Nine (9) cartridge casings were located directly north of V1 on and around the driver's side of V3. Five (5) cartridge casings were located northeast of V1. Six (6) cartridge casings were located south and southwest of V1.

VEHICLE 1

Prior to the removal of the decedent, a black spray nozzle head with the front end wrapped in black duct tape and apparent blood on it was recovered from the passenger side front floorboard of V1. There was an electronic screen in the center dash of the vehicle which had "sorry" written in apparent blood. V1 was then sealed at the scene and was towed by Ewing Brothers back to the CSI garage followed by CSA H. Ubbens P#14792 at approximately 1030hrs for further investigation and processing to be completed.



(Front passenger interior of Vehicle 1)

LOCATION AND DESCRIPTION OF BODY

Decedent was seated in the driver's seat of V1 and was slumped over towards the center console. Decedent was wearing a pair of red and black plaid boxers, a pair of black pants with a white

colored stripe down the outside of each leg, a pair of black shoes, a white "A-shirt" which had the upper shoulder portion wrapped around the driver's seat headrest. Decedent had visible injuries to the left side of his head near his ear, his right lower stomach, upper left chest, a bullet located in the right hip which was stuck in the exterior of his pants, and several defects to the lower legs of his pants.

EVIDENCE RECOVERED

The following items were recovered from the scene:

- One spray nozzle head with front end wrapped in black duct tape with apparent blood (Item 54) from the passenger side front floorboard of V1.
- Thirty-five expended cartridge cases with headstamps "SPEER 9mm LUGER + P" (Items 1-35) from the area surrounding V1.
- Two bullets from the #1 eastbound travel lane, west of V2 (Item 36) and from the ground near the rear passenger tire of V1 (Item 37).
- Twelve bullets and several bullet fragments (Items 38-53) from inside of V1.
- One damaged cash drawer (SN# A01016901200918) with apparent blood (Item 55) from the rear seat of V1.
- US Currency coins totaling one dollar and twenty nine cents [\$1.29] (Item 56) from the rear seat of V1.
- One glass pipe with residue (Item 57) from the passenger side rear floorboard of V1.
- One roll of black "Gorilla" duct tape (Item 58) from the driver's side front floorboard of V1.

H. FORENSICS REQUESTS / RESULTS

CARTRIDGE CASINGS

The cartridge cases from the scene were examined and microscopically compared to the test fired cartridge cases from each of the shooting officers' Glock pistols.

1. Officer Squeo

Thirteen cartridge (13) cases were identified as having been fired by the Glock pistol.

2. Officer Gowens

Eight (8) cartridge cases were identified as having been fired by the Glock pistol.

3. Officer Lindberg

Nine (9) cartridge cases were identified as having been fired by the Glock pistol.

4. Officer Swartz

Five (5) cartridge cases were identified as having been fired by the Glock pistol.

I. AUTOPSY

On October 14, 2016, an autopsy was performed on the body of Decedent at the Clark County Office of the Coroner/Medical Examiner by Doctor Lisa Gavin. After the autopsy, Doctor Gavin concluded Decedent died as a result of multiple gunshot wounds. The manner of death was homicide. A toxicology examination was also conducted on Decedent with the following results:

<u>Compound</u>	<u>Result</u>	<u>Units</u>	<u>Matrix Source</u>
Ethanol	51	mg/dL	Femoral Blood
Blood Alcohol Concentration	0.051	g/100 mL	Femoral Blood
Ethylecgonine	Positive	ng/mL	Femoral Blood
Levamisole	Positive	ng/mL	Femoral Blood
Methylecgonine	Positive	ng/mL	Femoral Blood
Nicotine	Positive	ng/mL	Femoral Blood
Cotinine	Positive	ng/mL	Femoral Blood
Cocaine	440	ng/mL	Femoral Blood
Cocaethylene	100	ng/mL	Femoral Blood
Benzoylecgonine	3100	ng/mL	Femoral Blood
Delta-9 THC	0.61	ng/mL	Femoral Blood
Creatinine	0.80	mg/dL	Vitreous Fluid
Sodium	138	mmol/L	Vitreous Fluid
Potassium	14	mmol/L	Vitreous Fluid
Chloride	122	mmol/L	Vitreous Fluid
Urea Nitrogen	12	mg/dL	Vitreous Fluid

The amount of cocaine and cocaine metabolites in Decedent's system is consistent with cocaine intoxication.

V. 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 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.

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.⁵ NRS 200.120(1). Homicide is also lawful when committed:

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

NRS 200.160(1).

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

The killing of [a] person in [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,

⁵ 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.

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

In this case, officers reasonably perceived Decedent as posing an imminent danger to all officers in the area. Initially, officers attempted to pull Decedent's vehicle over for a felony traffic stop because the vehicle was taken in a residential robbery. Instead of stopping, the Decedent sped off driving through red traffic lights and at high rate of speed for over 20 minutes. Decedent only stopped when his vehicle was immobilized. Then Decedent pointed what reasonably appeared to be a firearm at officers. The four officers closest to Decedent all perceived the same threat. Decedent placed officers in reasonable fear that Decedent would shoot the officers. The officers had a duty to respond to the perceived deadly threat to people in the line of fire; officers also could have responded based upon their reasonable fear of a threat to their own lives and use of deadly force against them.

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, at the time the officers fired their weapons, the facts demonstrate that the police had probable cause to believe that the Decedent posed a threat of serious physical harm to the officers. The officers were previously briefed that Decedent committed what appeared to be an armed robbery at a residence and that the Decedent took a grey Nissan Rogue with the license plate of 773YVV. When police spotted the Nissan Rogue taken in the residential robbery Decedent fled rather than obey commands. Decedent then engaged in a twenty-three (23) minute high-speed car chase in attempt to elude officers. When Decedent was ultimately forcibly stopped, Decedent pointed what reasonably appeared to be a firearm at officers. Thus, when officers fired their weapons, the facts demonstrate that the police had probable cause to believe that the Decedent posed a threat of serious physical harm to the officers. The circumstances indicate the officers had a reasonable belief that Decedent was a threat to their safety. In light of this evidence, the actions of the officers were legally justified and appropriate "in the discharge of a legal duty."

VI. 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 Las Vegas Metropolitan Police Department Officers Squeo, Gowens, Lindberg, and Swartz 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.