

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Edward Brooks on March 12, 2024

INTRODUCTION

On March 12, 2024, Edward Brooks (hereinafter "Decedent") was shot and killed by North Las Vegas Police Department (hereinafter "NLVPD") Officers Townsley and Calderon as Decedent continued to advance on officers while armed with the handgun and after being told to drop the gun. The shooting took place under NLVPD Event No. 2403120004861.

The District Attorney's Office has completed its review of the March 12, 2024, 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 NLVPD Officers Townsley and Calderon were not criminal in nature.

This report explains why criminal charges will not be forthcoming against the officers involved. It is not intended to recount every detail, answer every question or resolve every factual conflict regarding this citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on March 25, 2026. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the shooting officers was not criminal.

This decision, premised upon criminal-law standards, is not meant to limit any administrative action or to suggest the existence or non-existence of civil actions by any person where less stringent laws and burdens of proof apply.

SYNOPSIS OF INCIDENT AND INVESTIGATION

On March 12, 2024, at about 15:16 hours, officers with the North Las Vegas Police Department (NLVPD) were dispatched to the area of 2215 E. Nelson Avenue, Apartment #4, in reference to a report of someone shooting a gun. The call taker reported hearing gunshots in the background of the 911 call, and the reporting party stated the gunfire was coming from inside Apartment #4.

Officer Calderon arrived on scene first at 15:18 hours. Upon approaching the apartment building, Officer Calderon placed a black female adult at gunpoint at the northwest corner of Apartment #1. Simultaneously, a black male adult took off running southbound through the complex towards Las Islitas (2437 Las Vegas Blvd. N, North Las Vegas, NV 89030) wearing red and brown clothing. Officer Calderon kept the black female adult at gunpoint until Officer Townsley's arrival.

Officer Townsley arrived on scene at 15:21 hours and took the black female adult into custody without incident and placed her in the back of his patrol vehicle. Officer Townsley took up a position of cover on the northeast corner of the building, due west of 2215 E. Nelson.

Officer Calderon took up a position just north of the northwest corner of 2215 E. Nelson, east of Officer Townsley's position. Officer Townsley saw Decedent exit from Apartment #4, holding a gun in his right hand. Officer Townsley identified himself to Decedent as the police, in full duty uniform, and gave Decedent verbal commands to drop the gun. Officer Townsley pleaded with Decedent to drop the gun and told him he didn't want to hurt him. Decedent ignored Officer Townsley's verbal orders and continued to advance towards Officer Townsley and Officer Calderon while holding the gun.

As Decedent continued to advance on officers armed with the handgun, Officer Townsley gave a "last warning" to Decedent and told him he was going to get shot. Decedent continued to ignore Officer Townsley's verbal commands. Officer Townsley fired six shots at Decedent with his department-issued rifle, striking him six times. Officer Calderon fired two shots at Decedent with his department-issued handgun, striking him once. Decedent died on scene as a result of gunshot wounds, and the death was ruled a "homicide" at autopsy.

Officer Townsley and Officer Calderon later consented to recorded interviews with detectives. Both Officer Townsley's and Officer Calderon's statements were consistent with the evidence at the scene and subsequent investigative findings. Officer Townsley and Officer Calderon were both wearing body-worn cameras (BWC), which captured the events. Officer Townsley and Officer Calderon were the only two officers who discharged their weapons at the scene. There were other witness officers present at the time of the shooting.

As the original 911 call for service advised that there was a person shooting a gun, and gunshots could be heard coming from Apartment #4, after Decedent was secured in handcuffs, officers conducted safety sweeps of the apartments at 2215 E. Nelson. A black female adult was located deceased with gunshot wounds to her head in Apartment #4. Additionally, a black female adult and a white female adult were found deceased with gunshot wounds to their heads in Apartment #2. There was also a dog recovered by Animal Protective Services (APS) that appeared to have been shot in the face in Apartment #4 but survived its injuries. Accordingly, probable cause existed that Decedent committed three counts of murder with a deadly weapon, two counts of assault with a deadly weapon on a protected person, ex-felon possession of a firearm, ex-felon fail to register, burglary with a deadly weapon, and animal abuse.

INVESTIGATIVE REPORT

On March 12, 2024, at about 15:16 hours, NLVPD officers were dispatched to the area of 2215 E. Nelson Avenue, Apartment #4, in reference to a report of someone shooting a gun. The 911 caller, who wished to remain anonymous, said someone was shooting in Apartment #4 at 2215 E. Nelson. During the 911 call the apparent sound of gunfire could be heard. The caller stated the

gunfire was coming from inside, but she did not know who was shooting. The caller reported hearing six gunshots. There was no description given of the shooter during the call.

Officer Calderon arrived on scene first at 15:18 hours and advised there was a subject running towards "Las Islitas" (2437 Las Vegas Blvd. N.) wearing red over brown clothing. Officer Calderon advised five seconds later that he had one at gunpoint at 2215 E. Nelson and gave information that the subject that ran had continued running southbound.

Officer Townsley arrived on scene at 15:21 hours and advised dispatch they would be taking the subject at gunpoint into custody. Officer Townsley obtained further information from the detained subject that someone possibly shot a dog in Apartment #4, which was on the bottom floor of the complex, furthest south of the officers' locations. Officer Townsley relayed this information to dispatch at 1526 hours. Officer Townsley advised he would be setting up an Immediate Action Team (IAT). While setting up the IAT, additional officers arrived on scene and began to set up containment and assign tasks for the IAT.

At 15:27:22 hours, Sgt. Harder advised over the radio that there was a subject coming out of the apartment. It was put out over the radio for units to watch their crossfire, and that there was a black male adult with a gun. At 15:27:45 hours, Officer Townsley advised dispatch of "shots fired." Medical assistance was then requested. North Las Vegas Fire Department personnel responded to the scene and determined that Decedent was beyond resuscitation. The scene was secured, and a command post was organized in the NLVPD South Area Command parking lot.

Detective Cherrier and Detective Rosenthal were requested to respond to the scene, and Detective Rosenthal was assigned as the primary investigator for the incident. It was determined prior to Detective Rosenthal's arrival that Officer Townsley and Officer Calderon shot Decedent, based on radio traffic and witness officer testimony.

In addition to Detectives Cherrier and Rosenthal, Detectives Wells, Forsberg, Snyder, Bertschy, Gaston, Young Jr., Favila-Leon, and Rosas responded to the scene. Also present were Detective Bureau Supervisors Sgt. Ochoa, Sgt. Santos, and Lt. Suranowitz. Shortly after Detective Rosenthal's arrival, Crime Scene Analysts Graziano, Emry, Murray, Grandinetti, Harder, and Garcia arrived to assist.

Officer Riedel briefed the others on the known investigative details. It was apparent that Decedent had been shot in the courtyard of 2215 E. Nelson between Apartments #4 and #2. Decedent's body was still on scene. Officer Riedel advised that on Tuesday, March 12, 2024, at about 15:16 hours, Officer Calderon and Officer Bishop were dispatched to 2215 E. Nelson Avenue Apartment #4, in reference to an illegal shooting. Dispatch advised that about 1515 hours, they received a 911 call from an anonymous person reporting (PR). The PR advised they could hear someone shooting. The call taker advised they could hear gunshots in the background. The PR stated the shooting was coming from the inside of Apartment #4 and the PR had heard six shots. The PR wanted to remain anonymous and left the area.

At about 1518 hours, Officer Calderon arrived on the scene. Officer Calderon called out that he had one person running (wearing red over brown) and one at gunpoint. Officer Calderon advised the subject ran eastbound, possibly behind Las Islitas. His red jacket was later located in the parking lot of 2437 North Las Vegas Boulevard.

Officer Riedel was assigned to maintain an exterior perimeter position at Small Street and Arrowhead Street. As he was maintaining his post, he saw two black female adults. They were

both visibly upset and shaking. Officer Riedel noticed they were wearing their socks and no shoes. They both told him that they lived in the above-mentioned apartment complex, in Apartment #4. They were in the back bedroom when they heard gunshots coming from the front of their apartment. They said a black male adult, who they only knew as "Boo," was "tripping," and he shot their dog, which was a pitbull. They said they both went out the back window.

Officer Riedel then was contacted by a black male adult who said he resided at the above-mentioned address in Apartment #2. He said he was not home, but he lived in the apartment with a black female adult he only knew as "Bella" and another black male adult he knew as "Tru." He said that Bella's grandchild was visiting the apartment. He identified a person he knew as "Boo" who possibly lived in the complex.

Officer Riedel was also approached by a white male adult who said he was the property manager for 2215 E. Nelson Avenue. He said the subjects who were staying in Apartment #4 were squatters, and he was in the process of getting them removed.

Officer Riedel later did a walk-through at 2215 E. Nelson Street. He documented that he saw a heavy set, black male adult, laying in the courtyard, handcuffed. He had two gunshot wounds to the chest and a possible gunshot wound to the face (he was later informed this subject was shot by the responding officers). Officer Riedel then saw a black female adult laying on a couch in Apartment #4. She was wearing all black clothing, and she had an apparent gunshot wound to the left side of her face. Officer Riedel then went to Apartment #2. In the back bedroom, he saw a white female adult laying on the floor wearing a black dress. It appeared she had a gunshot wound to her head. He then saw a black female adult in the same room laying on a chair. She had two gunshot wounds to her face and one to the right side of her chest. She was wearing a black dress and a pink and white robe. Officer Riedel also saw a black and green-colored Bersa semi-automatic pistol on the north side of Apartment #2 and a black revolver with brown wood grips laying in the front of Apartment #3.

Officer Riedel reported that North Las Vegas Fire Department Rescue 50, Engine 51, Rescue 251, Rescue 52 (staged only), and ILS Unit 1151 arrived at the scene, with Rescue 50 arriving first at 1542 hours. They stated there was nothing they could medically do for the above-mentioned subjects.

The second subject who ran from the scene when officers first arrived, identified as CC, was later detained when he called his mother to pick him up. His mother flagged down the officers on the scene and told them that her son was possibly involved.

Lt. Cargile was present for the investigative brief and advised that he was the Watch Commander at the time that the incident occurred. Sgt. Salkoff and Sgt. Harder were the Sergeants who obtained public safety statements from Officer Townsley and Officer Calderon prior to them being removed from the scene of the shooting.

According to the public safety statement paperwork submitted by Sgt. Salkoff, when asked if anyone was injured, Officer Townsley said the suspect, who he described as a heavy-set black male, was currently located in front of Apartment #2 or #3. When asked if there were any outstanding suspects, Officer Townsley stated there was a black male outstanding who was possibly wearing a black shirt. Officer Townsley said he fired his rifle at the suspect (Decedent) and believed he fired 6 rounds. When he fired the rounds, he was on Nelson, firing in a southerly direction. Officer Townsley said he did not use any other forms of deadly force, and the only other

person he knew that used deadly force was Officer Calderon. Officer Townsley said the suspect did not fire any rounds at him. When asked if there were any weapons or evidence at the scene, he was aware of, he stated the suspect's firearm was on scene. When Sgt. Salkoff asked Officer Townsley if there were any witnesses, he stated Officers Calderon and Kiecana. Officer Townsley said there was also an unknown female on Nelson that stated, "the man killed someone and there was a baby." Officer Townsley did not know where that female went and could give no further description of her.

According to the public safety statement paperwork submitted by Sgt. Salkoff, Sgt. Harder obtained Officer Calderon's public safety statement. Officer Calderon said no one was injured to his knowledge, other than the suspect. There was one outstanding subject, which he identified as a black male, approximately 5'8" to 5'9", who was wearing a red hoodie and gray pants. Officer Calderon said that suspect was last seen running south toward Small Avenue from 2215 E. Nelson. Officer Calderon further explained that when he arrived on scene, two subjects were trying to flee from the courtyard of 2215 E. Nelson. He put both suspects at gunpoint. One person complied, and she was later taken into custody and placed in a patrol car. The outstanding subject, described above, did not comply with Officer Calderon and ran away toward Small Avenue. Officer Calderon told Sgt. Harder he was positioned on Nelson, facing toward the apartments in a southerly direction. He fired two rounds from his handgun and did not use any other form of deadly force. Officer Calderon said the only other officer he believed used deadly force was Officer Townsley. Officer Calderon said the suspect did not fire any rounds at him but did raise his firearm up toward him. When asked if there were any weapons or evidence that needed to be secured, he stated the suspect's gun was on the scene. Officer Calderon said the witnesses to his use of deadly force, and the suspect's, were Officers Townsley, Bishop, and Kiecana.

After being briefed on the preliminary investigative details and obtaining the Public Safety Statement, Detective Rosenthal designated the responsibility of conducting witness interviews to Detectives Wells and Forsberg. Canvassing for video surveillance was assigned to Detective Bertschy and Detective Rosas, and Detective Snyder was tasked with witnessing the countdowns of Officer Townsley's and Officer Calderon's duty weapons. The weapon countdown was conducted at the NLVPD South Area Command by CSA Graziano, CSA Jameson, and CSA Garcia. CSA Harder and CSA Modglin responded to the scene of the shooting to process the scene and collect items of evidentiary value. CSA Graziano later responded to the scene of the shooting to assist after documenting the countdown. Detectives Cherrier and Rosenthal viewed Officer Townsley's and Officer Calderon's body-worn camera (BWC) footage prior to examining the scene.

The detectives first watched Officer Townsley's BWC. The BWC video showed that Officer Townsley responded code 3 (lights and sirens) to Officer Calderon, who had already put out over the radio that he had a subject at gunpoint. Officer Townsley arrived and positioned his patrol car just north of the west building in the complex, facing east. Officer Townsley exited his patrol vehicle and took the subject at gunpoint into custody without incident and placed her in the back of his patrol vehicle. This subject was later determined to be a witness, and not a suspect in any crime. After securing the subject in his vehicle, Officer Townsley walked over to Officer Calderon and Officer Lopez-Leyva (who had since arrived) and briefed them on the intelligence received from subject in the vehicle that "someone in Apartment #4 shot a dog." Officer Townsley briefly checked the back alley and then took up a position west of Officer Calderon and Officer Lopez-Leyva. Officer Kiecana and Officer Bishop arrived shortly after and joined up with the IAT on

Officer Calderon's side, while Officer Townsley attempted to get a better viewpoint of the front door of Apartment #4.

Once Officer Townsley was set up on the northeast corner of the west buildings, and it was apparent his attention was drawn to a subject south of him near Apartment #4. He pointed his department-issued Colt AR-15 rifle and immediately began to give verbal commands to the Decedent to "Drop the gun!" Decedent appeared to ignore all verbal commands and continued to advance northbound towards the officers' direction. Decedent appeared to be swinging his arms back and forth during his stride and was holding an object consistent with the appearance of a handgun in his right hand. Decedent took approximately 18 strides towards officers from the time Officer Townsley gave his first command, until the time Officer Townsley fired his weapon.

After giving several commands to drop the weapon and Decedent ignoring the commands, Officer Townsley fired his rifle five times at Decedent. Other gunfire could be heard, which was presumed to be Officer Calderon firing his handgun one time. Then Officer Townsley fired his final round. One more shot was then heard, which was presumed to be Officer Calderon's second fired shot. In the video, Decedent did not seem to be physically affected by the first five rounds fired at him by Officer Townsley's rifle. It is not until Officer Calderon's first shot is heard that Decedent fell to the ground. Decedent fell with his head facing to the east in a supine position. The object he was holding in his right hand remained in his right hand. After falling to the ground, and all shots had been fired, Officer Townsley said on the radio, "Shots fired, Shots fired, Suspect is down, Suspect - is - down. Roll Medical!" Officer Townsley advised that the suspect still had the gun in his right hand and appeared unresponsive. Officer Townsley issued additional verbal commands for Decedent to drop the gun. Officer Townsley joined up with the units to the east of him (Officer Calderon, Officer Kiecana, Officer Bishop, and Officer Lopez-Leyva), and they formulated a plan to approach Decedent, disarm, and handcuff him. Due to the fact Officer Townsley and Officer Calderon had fired their weapons, they walked over to Arrowhead and Nelson until they were met by Sgt. Salkoff and Sgt. Harder on scene.

Detective Cherrier and Detective Rosenthal also watched Officer Calderon's BWC. The BWC video showed that upon arriving at 2215 E. Nelson, Officer Calderon positioned his patrol vehicle across the street, facing westbound. Officer Calderon approached 2215 E. Nelson on foot. As he crossed to the south side of the street, he drew his handgun and pointed it at a black female adult. Officer Calderon yelled, "Hey! Show me your hands!" He further advised dispatch he had "two" (meaning two subjects) and let dispatch know that one of the subjects was running southbound towards Las Islitas, wearing red over brown. While at gunpoint, the remaining subject said, "They said someone was shooting," and told Officer Calderon she was scared. Officer Townsley arrived and placed the subject in the patrol vehicle. Officer Calderon maintained his position, and Officers Lopez-Leyva, Officer Kiecana, and Officer Bishop arrived and were coordinating an IAT team. While coordinating the IAT team, Officer Townsley could be heard yelling at Decedent on Officer Calderon's BWC at Decedent, giving him verbal commands to, "Drop the gun!" This drew Officer Calderon's attention to the south, while he was standing at the left rear of a police vehicle for cover. Officer Calderon gave three verbal commands of "Hands!" and began to walk southbound towards the north side of 2215 E. Nelson, while Officer Townsley continued to challenge Decedent.

Officers Leyva-Lopez, Officer Kiecana, and Officer Bishop were off to the left and out of view of Officer Calderon's camera. Officer Calderon appeared to be on target when Decedent came into view on Officer Calderon's BWC. Five shots were heard, presumably from Officer Townsley's weapon, at which time Officer Calderon fired one shot from his handgun. Officer Townsley then

fired another round, and then Officer Calderon fired his second shot. Between the time Officer Calderon fired his first shot and Officer Townsley fired his sixth shot, you could see on Officer Calderon's BWC that Decedent dropped to the ground as Officer Calderon was firing his second shot. Officers Bishop and Officer Calderon moved up to the gate entrance, along with Officer Kiecana who had a shield. Officer Townsley then joined up with the IAT, and they moved up towards Decedent. At that time, Officer Townsley stepped on Decedent's arm and removed a pistol from his right hand. The gun was then placed up against the building just north of Apartment #2 and secured in the crime scene. Officer Calderon then backed out to E. Nelson until he was met by supervisors.

After gaining a general understanding of what occurred, Detective Cherrier and Detective Rosenthal examined the scene of the shooting with CSA Harder. Patrol units marked the location of Officer Townsley's cartridge cases with orange cones. Six of Officer Townsley's cartridge cases were located, consistent with the number of shots fired, which were also observed and heard on Officer Townsley's BWC.

Patrol units had identified the location of Officer Calderon's cartridge cases with orange cones. Two cartridge cases were located, which was consistent with the number of shots fired, as observed and heard on Officer Calderon's BWC. The item that was retrieved out of Decedent's right hand by Officer Townsley was identified as a Bersa Thunder Combat 380, semi-automatic handgun. There was also a Dallas Cowboys lanyard with keys in the courtyard across from Apartment #3. An RG, .38 SPL 5-shot revolver bearing serial #0059706 was located on the ground near the front door of Apartment #3. A silver Dodge Charger, bearing no license plate, was parked in the north parking lot of the apartments and was believed to belong to Decedent. All items were left in place, pending scene documentation by the CSAs.

While being briefed on the above facts, detectives were notified that the black male, who had initially run away, returned to the scene with his mother. Apparently, the black male had called his mother to pick him up. His mother then brought him back to the scene. After Detective Wells and Detective Forsberg interviewed the black male, it was determined he was not to be an outstanding suspect, but a witness, and he had dropped the RG 5-shot revolver when fleeing the scene.

Decedent's body was present at the location where he fell but was moved slightly during the process of being handcuffed and medical treated. He had been rolled onto his right side. His shirt was cut off, and there were medical intervention leads on his chest. He was wearing black socks and black slide shoes. There was a yellow-colored metal necklace around the back of his head and across his face.

Officers Townsley and Calderon were transported to the NLVPD South Area Command for a cartridge countdown and collection of their discharged weapons. CSA Graziano conducted the countdown and firearm collection, which was witnessed by Detective Snyder. The countdowns were done separately as Officer Townsley and Officer Calderon were separated after the shooting. Prior to conducting the countdowns, CSA Graziano took photographs of both Officers Townsley and Calderon from multiple angles, showing their appearances in full duty uniform. Each was clearly identifiable as a police officer.

CSA Graziano began Officer Calderon's countdown at about 19:53 hours. There was a firearm on the right side of his duty belt and two extra magazines on the left front. He indicated he was not carrying a backup firearm. Close-up photographs were taken of his hands. He had a scrape near the third joint of his right middle finger. No other injuries were observed by CSA Graziano or

reported by Officer Calderon. CSA Graziano did not observe any damage or abnormalities to his uniform, and none were reported by Calderon.

Officer Calderon handed over his firearm, one black 9mm semiautomatic handgun, Glock 17 with a tactical light. The firearm had one black 9mm Glock magazine inserted, with a printed capacity of 17 rounds. Photographs were taken of the countdown process. Officer Calderon advised that he normally loaded all of his magazines with 17 cartridges with an additional cartridge in the chamber. CSA Graziano reported there was one cartridge in the chamber and 15 cartridges in the magazine, for a total of 16 cartridges. The two extra magazines each had 17 cartridges. If Calderon's firearm and magazines were loaded as reported, it would appear that it was fired twice.

At about 20:32 hours, CSA Graziano began Officer Townsley's countdown. Immediately prior to Officer Townsley's countdown, a rifle was brought into the room by Officer C. Ebert and placed on the table. CSA Graziano then took additional overall photographs of Officer Townsley showing his general appearance and that he was wearing a police uniform. CSA Graziano then took additional overall photographs of Officer Townsley showing his general appearance and that he was wearing a police uniform. There was a firearm on the right side of his duty belt and two extra magazines on the left front. He had a backup firearm in a pouch on the left front of his torso. Close-up photographs were taken of his hands. CSA Graziano did not observe any visible injuries, and none were reported. Other than some scuffs near the right knee of his pants, no abnormalities were observed to his uniform, and none were reported by Officer Townsley.

A countdown was first conducted on Officer Townsley's rifle. Photographs were taken of the countdown process. Officer Townsley advised he normally loads his rifle magazine with 28 cartridges, but sometimes it is a short one. He does not add an additional cartridge to the chamber. An extra rifle magazine is kept in the case of his rifle bag, which he advised was in the back of his patrol vehicle. Officer Townsley rendered the rifle, a black 5.56mm Colt M4LE, safe. There was one cartridge in the chamber and twenty cartridges from the magazine, for a total of 21 cartridges.

Detective Snyder and CSA Graziano later responded to 2215 E. Nelson (at about 2244 hours). Patrol vehicle #2150S, was parked on the south side of the street, west of the complex, facing east. Detective Snyder provided CSA Graziano the key to the vehicle. CSA Graziano unlocked the rear hatch and took photographs. They located a tan soft rifle case bearing "Townsley NLVPD." Inside the small compartment of the case was one loose .223 cartridge and a magazine containing 28 cartridges, for a total of 29 cartridges. If Townsley's rifle and magazines were loaded as reported, it would appear that it was fired six times.

Officer Townsley had a primary handgun and a backup handgun on his person but did not fire any handguns during the incident. A countdown was done of Officer Townsley's handguns to document this.

At the scene of the shooting, detectives and CSA personnel conducted a walkthrough of the scene in search of any physical evidence that may have been missed upon initial inspection. CSA Harder was assigned as Evidence Custodian for the shooting scene and was responsible for photographing, collecting, and booking all crime scene evidence pertaining to the officer involved shooting, aside from the murder victims and the scenes they were located in. It should be noted that the revolver that belonged to the subject that fled and was discarded, was also collected by CSA Harder. Upon completion of the walkthrough of the scene, CSA Harder identified and collected the following items of evidentiary value, as documented in her report:

EVIDENCE ITEM #1: one SPEER 20 223 REM cartridge case
EVIDENCE ITEM #2: one SPEER 19 223 REM cartridge case
EVIDENCE ITEM #3: one SPEER 19 223 REM cartridge case
EVIDENCE ITEM #4: one SPEER 19 223 REM cartridge case
EVIDENCE ITEM #5: one SPEER 19 223 REM cartridge case
EVIDENCE ITEM #6: one SPEER 19 223 REM cartridge case
EVIDENCE ITEM #7: one WMA+P+ 20 cartridge case
EVIDENCE ITEM #8: one WMA+P+ 20 cartridge case
EVIDENCE ITEM #9: BERSA Thunder 380 Combat .380 caliber handgun, SN#F56637, w/magazine
EVIDENCE ITEM #10: RG 5 shot revolver, Cal .38 SPL, model RG31, SN#0059706
EVIDENCE ITEM #11: Dallas Cowboy lanyard containing 6 keys
EVIDENCE ITEM #12: one large black beanie hat
EVIDENCE ITEM #13: one RP 38SPL live cartridge
EVIDENCE ITEM #14: one RP 38SPL live cartridge
EVIDENCE ITEM #15: one X2 Xtreme USB charger
EVIDENCE ITEM #16: one red zip up US POLO sweatshirt
EVIDENCE ITEM #17: one RP 38SPL live cartridge
EVIDENCE ITEM #18: GSR collected from Decedent on scene
EVIDENCE ITEM #19: one WIN 380 auto live cartridge (from the chamber of item #9) EVIDENCE
ITEM #20: swab of trigger (BERSA SN#F56637)
EVIDENCE ITEM #21: swab of grip/slide (BERSA SN#F56637)
EVIDENCE ITEM #22: swab of trigger (RG revolver SN#0059706)
EVIDENCE ITEM #23: swab of grip/hammer (RG revolver SN#0059706)

Clark County Coroner Investigator P. Chavez arrived on scene and conducted a preliminary investigation and examination of the body of Decedent and later documented her findings under Clark County Coroner case number 2024-01851. After Investigator Chavez's on-scene examination was complete, the body of Decedent was transported to the Clark County Coroner's Office by Davis Mortuary.

During the initial brief by Officer Riedel on the known investigative details of this case, Sgt. Mikolajczyk, Sgt. Harder, Officer Bishop, and Officer Kiecana were identified as being on scene at 2215 E. Nelson when the shooting occurred.

Detective Cherrier and Detective Rosenthal conducted recorded interviews with Sgt. Mikolajczyk, Sgt. Harder, Officer Bishop, and Officer Kiecana at the NLVPD-South Area Command. During the initial investigative brief, these four officers were identified as "witnesses" to the Officer Involved Shooting. Sgt. Harder, Officer Bishop, and Officer Kiecana were on scene when the shooting occurred

In his interview, Sgt. Harder said he saw Decedent exit Apartment #4 at which point Sgt. Harder put this information out on the radio. Sgt. Harder said he saw Decedent advance towards officers with a gun in his hand, and then heard the shots being fired.

Officer Bishop said she saw Decedent advancing towards officers, but from her distance and angle because of a pony wall, she could not see all of Decedent. She heard Officer Townsley say, "drop the gun," and then told the officers in the IAT to take cover. Officer Bishop said she did not see Decedent with a gun until they advanced to him after the shooting. Officer Bishop described Decedent as having a 1000-yard stare and that he ignored officers' commands to drop the gun.

Officer Kiecana said he was positioned in the front of the IAT with Officer Bishop behind him and Officer Calderon off to his right. Officer Kiecana said that he did not have a line of sight of Decedent due to being positioned near the corner of the building, but heard Officer Townsley advise over the radio that Decedent had a gun in his hand. Officer Kiecana said he heard Officer Townsley give several commands to Decedent to "drop the gun, drop the gun."

During the interview with Sgt. Mikolajczyk, he said upon arriving in the area, he initially attempted to locate the subject that fled from Officer Calderon in the area of Las Islitas. He then went over to the apartment complex on the west side of the building. Sgt. Mikolajczyk noticed there were already officers forming an IAT, so Sgt. Mikolajczyk ended up taking up a position of containment in the southwest corner of the complex, behind a cinderblock wall.

Sgt. Mikolajczyk had a view of the front door of Apartment #4, when suddenly the door came open, and the male stepped out. The male quickly turned and faced the officers who were to the north of him (IAT officers). Sgt. Mikolajczyk stated he could hear verbal commands of "police" and "drop the weapon or the gun, something to that effect." Sgt. Mikolajczyk stated that once Decedent turned his back to him, he could see that he had a handgun in his hand, down at his side, and he started advancing towards the IAT officers. Sgt. Mikolajczyk said he heard the shots and saw Decedent "drop," and then pointed to an area in the courtyard between Apartments #2 and #3 where he believed he dropped. Sgt. Mikolajczyk stated he didn't have so much a visual of the officers but had a visual of Decedent pretty much the entire time once he exited Apartment #4.

Sgt. Mikolajczyk said he could clearly hear the officers' verbal commands from where he was positioned, and said Decedent was ignoring the officers. Sgt. Mikolajczyk said he didn't hear Decedent say anything back to the officers and described his body language as being "robotic." Sgt. Mikolajczyk said that Decedent stepped out of the apartment, and as soon as Decedent heard the officers, he turned towards them and started robotically walking towards them, which he thought was strange. Sgt. Mikolajczyk stated, "I felt like that he was intentional with what he was gonna do." Sgt. Mikolajczyk explained that he believed it was Decedent's intention to walk towards the officers and either kill more people or force the officers to shoot him by not dropping the weapon.

Sgt. Mikolajczyk stated he did not see Decedent fire his weapon and believed he heard the officers shoot six to eight times. When asked if he had anything else to add, Sgt. Mikolajczyk stated, "He (Decedent) just had that 1000-yard stare in his face and even his body movements; the way that his body was moving, it had a weird, eerie feeling about him."

During the initial brief by Officer Riedel, several witnesses were identified by officers on scene, including KH, CC, AE, JC, TE, and SF. Detective Wells and Detective Forsberg interviewed everyone on scene except for SF, who had already been identified and released from the scene.

Detective Wells was assigned as the lead investigator into the shooting death of the three female victims in the apartments. Detective Forsberg and Detective Wells conducted recorded interviews with the witnesses who had returned to the scene. At the onset of the interviews, investigators did

not know the identity of the three deceased females in the apartments. They first spoke with KH. KH explained that he lived at 2215 E. Nelson Apartment #2. When asked what happened, KH said "Boo" came into Apartment #2, as KH was walking out. "Boo" is the nickname for the Decedent. KH knew Decedent lived in Apartment #4. KH lived in Apartment #2 with a black female, known to him as "Bella." Bella was later identified as one of the victims, Venus Mercer (aka Venus Hart). From the nature of the interview, it appeared there were several occupants of both apartments who were squatting and frequenting Apartments #2 and #4.

KH stated Decedent came into Apartment #2 and had a gun. He previously heard from Venus that Decedent "had been tripping" and was possibly on PCP. Also in the apartment were Venus, her friend (an unknown white female) and Venus's boyfriend, only known as "True." True was later determined to be CC. After Decedent entered the apartment, KH left and went to "the Aztec" (Azteca Mini Mart, located at 2425 Las Vegas Boulevard North). He later heard that Decedent shot Bella, a dog, and her friend (the white female). When asked who he heard this from, KH stated it was from people who lived in Apartment #4 (whom Detective Forsberg and Detective Wells subsequently interviewed). In short, KH was not present for the shooting and was unable to tell detectives who any of the victims were other than "Bella."

Next, Detectives Forsberg and Detective Wells interviewed AE. AE was also not present for the shooting. She stated she lived in Apartment #4, along with Decedent, two other females (later identified as JC and TE), and the dog. AE stated she was at a store when she received a phone call from someone (either JC or TE). The person who called stated "Boo," whom she identified as Decedent, shot Bella and her friend "Tiffany" and was then killed by the police. She heard Decedent also shot the dog. According to AE, Decedent used a lot of marijuana and "sherm" (PCP) and had been acting weirdly the night before the shooting. AE did not understand why Decedent would shoot Bella, because they were "like sister and brother."

AE went to the Baja Market, located at 2450 Las Vegas Boulevard North, where she spoke with an alleged witness. She described the witness as a boy in a black hoodie who had been present in Apartment #2 just before the shooting occurred. The boy told AE that Decedent entered with a gun, and said, "Do we have a problem?" Decedent allowed the boy to leave. After leaving, the boy heard shots. Decedent spared the life of the alleged witness. Detective Wells asked AE if the witness was "True." She said no, but True was also in Apartment #2 at the time.

After speaking with AE, Detective Forsberg and Detective Wells interviewed JC. JC stated Decedent lived with them in Apartment #4. He had been acting weirdly for the last four days. Today, while in Apartment #4, she was in her room. Her roommate, TE, was in the bathroom. JC heard a gunshot. She stated she stepped out of the room and knocked on the bathroom door, to see if TE heard it. She did not get an answer, so she went back into the bedroom. She heard another gunshot. She then heard the dog whimpering and heard Decedent say to the dog, "Don't worry about it. It's just a little blood." JC heard the dog come to the door. At some point, TE came into the room, and they both jumped out of the bedroom window. As they were sneaking off the property, she knocked on the window of Apartment #2 but did not get an answer. TE then called 911 from JC's phone.

JC and TE went to Aztec Mini Mart (2425 Las Vegas Blvd. N. North Las Vegas, NV 89030), where they ran into True (CC). True said he was in the restroom when the shooting started. True was crying and stated Decedent killed Bella, her friend, and the baby. JC stated she had known Decedent for about 6 months, and he had a gun for the entire time.

Detective Forsberg and Detective Wells conducted a recorded interview with TE, another occupant of Apartment #4. TE stated she walked past Decedent and went to the bathroom. While in the bathroom, she had the music on, and she heard a loud noise. She first thought something fell but heard it again. She turned the music off and heard the dog cry. TE was scared and did not want to leave the bathroom, but then heard JC call her name, so she went into the bedroom. They both jumped out of the window. After the shooting, they went to the Aztec.

Since a deceased unidentified black female was still in Apartment #4, Detective Wells asked TE if there was anyone else in the apartment other than herself, JC, and Decedent. TE stated that she heard a female say "knock, knock" after the dog had been shot, as if there was a female at the front door of the apartment. However, she did not see the female, nor did she recognize the voice.

Detective Forsberg and Detective Wells went to the intersection of St. George and Nelson, where CC had been detained after returning to the scene. They conducted a recorded interview with CC in their police detective vehicle. CC told Detective Wells and Detective Forsberg that he was at Apartment #2 with Bella and her friend, who was a white female. CC explained that he was the boyfriend of Bella and later identified her as Venus Hart. CC referred to Venus as "Bella" throughout the interview.

CC stated he was in the apartment with Bella when they heard gunshots (presumably the gunshots coming from Apartment #4). After the first set of gunshots, a girl came by the apartment and said, "You guys need to go check on Decedent because he's tripping." CC said Decedent had been on "water" (another term for PCP). When asked who the girl was, CC did not know her name but knew her to be "Quevos's girlfriend" and said she had a daughter named "Daija." It is presumed CC was referring to SF, since a records check showed she has a family member named Daijaunique.

CC continued and said Tiffany came into the apartment scared, and they closed the door. At this point, CC was in the bedroom of Apartment #2 with Bella and Tiffany. Decedent came into the apartment and had two guns. Bella said, "What's going on? You alright, bros?" Decedent answered, "I'm just here to show motherfuckers I'm not playing." At that point, CC walked out of the room and to the bathroom, since he believed Decedent must have had a problem with him, given that Decedent and Bella were close friends. Decedent allowed CC to walk to the bathroom without incident. While CC was in the bathroom, he heard shooting. CC jumped into the bathtub and hit his head while doing so. Everything was quiet. He exited the bathroom, and there was a revolver on the ground. CC picked it up and looked around and did not see Decedent. CC's friend "Queita" (again, possibly SF) came to the door and asked what happened. CC saw Bella and Tiffany motionless in the bedroom as he exited the bathroom and believed they had been shot.

CC ran out of the apartment, threw the revolver, and ran to the Aztec. Later in the interview, CC admitted that he lied about the revolver. He stated he had the revolver the entire time, but it was not loaded. The revolver belonged to Bella, but she let him carry it. When he went to the bathroom and heard the shooting start, he could not load the revolver because he was shaking and scared. He exited the bathroom, did not see Decedent, and threw it because he did not want to get caught by the police with a gun (due to a prior domestic battery conviction). CC said he ran to Aztec, where he took off his red jacket.

Officers located CC's red jacket in the parking lot of the Las Islitas Restaurant, located at 2437 LVBN, which shares a parking lot with Azteca Mini Mart. Near the red jacket were three .38

Special cartridges. There were no .38 Special cartridge cases located anywhere, and the revolver was not loaded. There was no evidence that the revolver was ever fired.

CC eventually called his mother, LB, to pick him up in the area of Arrowhead Park. After speaking with his mother, they decided it was best to come back to the scene and tell the police what happened. CC and LB consented to a search of her vehicle, a 2005 Infiniti, which had been frozen by officers when they returned to the scene. There was nothing noteworthy in the vehicle. Detective Wells obtained a buccal swab from CC, pursuant to a search warrant, and later booked the buccal swab as evidence.

After interviewing KH, AE, TE, and CC, Detective Rosenthal was able to determine through the course of the investigation that “Bella” was homicide victim Venus Mercer. Per TE’s interview, the female who said, “knock, knock” at the front door of Apartment #4, and was found deceased in Apartment #4, was later identified as homicide victim, Africa Woods. The unidentified white female adult friend of Venus Mercer, who was found deceased with Mercer in Apartment #2, was later identified by the Clark County Office of the Coroner as homicide victim Tiffany Mawhorter.

During the course of the on-scene investigation, Detective Rosenthal requested the assistance of Digital Forensic Analyst (DFA) B. Wheeler in collecting available surveillance footage that could have captured the officer involved shooting. After a video canvass of the neighborhood and surrounding businesses, it was discovered that there was no video surveillance that captured the courtyard area of 2215 E. Nelson. Video was captured from a ring video camera that showed CC shedding his clothing; however, it was later learned that CC had not committed a crime and explained to detectives his reason for fleeing the scene.

On March 13, 2024, Detectives Wells and Detective Forsberg attended the autopsy of Decedent. The autopsy was performed by Dr. Shaller. Injury examination indicated Decedent was shot three times in the abdomen, once in the center of his chest, twice in the left side of his chest, and once on the right side of his neck. Dr. Shaller identified the center chest shot as being caused by the 9mm (Officer Calderon’s handgun), and all the others were caused by the .223 rounds (Officer Townsley’s rifle). Dr. Shaller ruled the cause of death to be multiple gunshot wounds, with the manner being homicide.

On March 18, 2024, Detective Cherrier and Detective Rosenthal conducted recorded interviews with Officer Townsley and Officer Calderon at the NLVPD Detective Bureau. Officer Townsley was interviewed first at approximately 1057 hours, and Officer Calderon arrived at the detective bureau after Officer Townsley’s interview and was interviewed at approximately 1158 hours. Also present for the interviews was the NLV Police Officers Association attorney, Jeff Allen. At the time of the interviews, neither Officer Townsley nor Officer Calderon had reviewed their BWC recording of the shooting. Detective Rosenthal advised both Officer Townsley and Officer Calderon that they were conducting a criminal investigation and that their participation was completely voluntary. Detective Rosenthal advised both Officer Townsley and Officer Calderon that they were free to end the interview at any time, and they both indicated that they understood before beginning their respective interviews.

At the start of the interview with Officer Townsley, he advised he was employed with the police department for approximately 4 years and one month at the time of the shooting. Officer Townsley was a patrol officer in the South Area command, Swing B squad, and was assigned the call sign “3-Charlie” on March 12, 2024. Officer Townsley was a single-man unit and was wearing his standard-issued patrol uniform with an outer carry vest. Officer Townsley said he was equipped

with his department-issued Glock 34, 9mm handgun, but ended up deploying his department-issued rifle during the incident. Officer Townsley stated he had not watched any of the BWC footage prior to the interview.

Detective Rosenthal asked Officer Townsley to explain the call for service in his own words, and the information that he had from dispatch prior to arriving at 2215 E. Nelson on March 12, 2024. Officer Townsley stated that the call for service indicated somebody heard shots coming from the apartment at the Nelson address. Officer Townsley heard that Officer Calderon ended up having a suspect at gunpoint and another one of the suspects ran. Officer Townsley said he arrived on scene and assisted in detaining the female, SF.

Officer Townsley said that he remembered SF making a statement to him that, "somebody shot a dog," and he placed her in the back of his patrol vehicle and retrieved his rifle from the gun rack in his vehicle and charged it (placed a round in the chamber). Officer Townsley said he and officers on scene began to set up an IAT (Immediate Action Team). Officer Townsley recalled himself, Officer Calderon, Officer Kiecana, and Officer Lopez being on scene at the time. Officer Townsley could not see which door Apartment #4 was, so he set up on the northwest corner of the complex, while the other units stayed on the northeast corner. Officer Townsley said he counted the apartment doors from where he was, in order to determine which apartment was #4. Officer Townsley said the suspect came out of the apartment, and he instantly saw that he had a gun in his hand, and he had it down by his side. Officer Townsley said the suspect started walking towards them, and he gave him commands, "Put down the gun." Officer Townsley made sure all of the officers on scene heard him say "gun," so they knew that the suspect was armed. Officer Townsley told us he gave the suspect the commands to "put it down, put down the gun, and, uh, I said, you're gonna get shot."

Officer Townsley said he remembered thinking, but was unsure if he said, "Don't cross that line," as if he had drawn a line in the sand for the suspect not to cross before he engaged him. Officer Townsley said that the suspect "kept coming," and there was no verbal response from him. Officer Townsley said that by the time the suspect made it about halfway from the door of the apartment to where he was positioned, that's when he "engaged him." Officer Townsley said he believed he fired four to five shots from his rifle at the center mass of Decedent. Officer Townsley explained that after firing the shots at Decedent, "He barely flinched, from what I remember. So, it wasn't effective. And then I, uh, went for the incapacitation shot to the head; that was effective. He ended up falling. He still had the gun gripped in his hand."

Officer Townsley said he and the other members of the IAT kept yelling, "Drop the gun, drop the gun, drop the gun," while Decedent was down on the ground. Officer Townsley determined that the firearm needed to be secured. So, he joined the IAT on the other side. As they approached Decedent, Officer Townsley said he stepped on his (Decedent) wrist to keep the gun pinned and grabbed the gun. Officer Townsley said they backed up, and he believed he put the gun that Decedent was holding by Apartment #3, against a little wall. This correlated with where the gun was located by detectives.

Officer Townsley said when he retrieved the firearm from Decedent, he recognized it as a Bersa handgun. Officer Townsley recalled that Decedent had the firearm in his right hand the entire time of the incident. Officer Townsley said he was very focused on Decedent but knew that Calderon was part of the IAT on the other side. Officer Townsley said he remembered hearing the handgun "pop." When asked if he saw Decedent raise the firearm, he said, "He had it down by his side... He kept it by his side as he approached."

Officer Townsley described the point right before he shot at Decedent. Officer Townsley described as soon as he saw Decedent come from the apartment, he thought to himself, "That's not a good thing, maybe a suspect, and maybe a victim. I don't know." Officer Townsley continued, "Then I saw the gun in his hand, and I instantly thought, okay, this might be our suspect. He had a very calm, plain demeanor. It was—it was weird. It - it scared me how calm he was given the situation. He kept walking, did not care, uh, and was committed."

Officer Townsley said that when he gave Decedent verbal commands, he didn't even respond. He didn't give any verbal feedback. Officer Townsley said, "It scared me because usually I talk to people. I like to de-escalate when I can, but there was nothing. I was getting absolutely nothing from this guy. And he seemed very dead set on what he wanted to do."

Detective Rosenthal asked Officer Townsley what he was thinking at that time. Officer Townsley said, "Um, is this seriously not working? Is this guy seriously gonna keep coming? I was thinking this is basically a hoax. I thought this guy was gonna come and come until he kills us. So, I got scared." Officer Townsley said that when he realized the center mass shots were not effective, he decided to take a shot at Decedent's head to incapacitate him. Officer Townsley said that as soon as he pulled the trigger when aimed at Decedent's head, he dropped.

Officer Townsley explained that the facts and circumstances known to him at the time warranted an investigative detention of Decedent. Officer Townsley explained that they had reports of shots being fired, and a subject coming out of a possible target apartment holding a gun and disobeying verbal commands from police to drop the weapon. Officer Townsley said that he believed if they did not intervene, Decedent would have shot his weapon and killed him or his partners. Officer Townsley said that once Decedent was shot by police, medical aid was requested for him over the radio. This concluded interview of Officer Townsley.

At the start of the interview with Officer Calderon, he stated he had been employed with the police department for about 2 years and 1 month. Officer Calderon worked patrol, dayshift, in the NLVPD South Area Command. On the day of the incident, Officer Calderon's callsign was "2 Baker 1," and he was operating as a single-man unit. Officer Calderon said he was wearing a full patrol uniform. Officer Calderon stated he was carrying his department-issued Glock 17 handgun, which is a 9mm caliber handgun.

Detective Rosenthal asked Officer Calderon to explain the call for service in his own words, and the information that he had from dispatch prior to arriving at 2215 E. Nelson on March 12, 2024. Officer Calderon said that it was a "shooting call" with an anonymous reporting party. The reporting party stated that they could hear gunshots coming from one of the units. The call taker said that they could hear what they believed to be gunshots in the background of the phone call.

Officer Calderon explained the events that unfolded from the time he heard the call come out over dispatch. Officer Calderon was on Webster Street and Las Vegas Boulevard, just across the street from the apartments on Nelson Avenue. Officer Calderon arrived and parked just east of Speer Street. He approached the target address, and behind that address was a little alley. Officer Calderon said he couldn't really see what was there, so he took out his gun just in case there was a shooting, or something going on.

Officer Calderon said he didn't see anything behind the buildings, so he started walking up to the main gate that allows you into the courtyard of 2215 E. Nelson. Officer Calderon said he saw a

black male adult (CC) and a black female adult (SF) both wearing red jackets. He thought they both had black pants on. When the male saw Officer Calderon, he started running south onto Small Avenue, behind Las Islitas. Officer Calderon said the female was compliant and stayed there. Officer Calderon told her to get down on her knees and keep her hands up. At that point in time, he said he just slowed everything down, because he was still by himself.

Officer Calderon said roughly 2 to 3 minutes passed, and Officer Townsley arrived. Officer Townsley took the female into custody. Officer Calderon said he kept his gun downrange into the courtyard, just in case the black male adult who ran decided to come back.

Officer Calderon said he heard SF say that someone might have shot a dog, and they were scared about that. She didn't tell them if someone was still there or anything; just that they were leaving because they heard the gunshots. After Officer Townsley secured SF in his vehicle, he said they continued to focus on the courtyard.

Officer Calderon said that Officer Bishop arrived and parked her car in the middle of the road because they had no cover at that point. They used her car as cover and started an IAT while still holding down the courtyard. Officer Calderon believed another 5 minutes had passed and that's when he saw the black male adult (Decedent), with a gun in his hand, walk out from the apartments into the courtyard.

From his vantage point, Officer Calderon said he did not see specifically which apartment Decedent came out of, but believed it was either Apartment #3 or #4. Officer Calderon said that he heard Officer Townsley call out, "Hey, he's got a gun," and started giving him commands to, "Drop the gun, drop the gun."

Officer Calderon said that Decedent had begun walking towards them. Officer Calderon believed that when Decedent reached the area between Apartments #2 and #3, he could see Decedent's hand kind of start coming up. Officer Calderon said, "I'm looking right at him. And that's when we start. I know that he—Townsley—fired first, and then I fired after him. And after he fell, he still had the gun. I tried giving him commands to drop it, but he wouldn't drop it."

Officer Calderon described Decedent as 6 feet, 220 pounds, wearing all black. He said he had a handgun in his right hand when he was walking towards them, and when he got about halfway to them, he observed Decedent start raising his arm more than what you would on your stride. Officer Calderon said that was when both of his shots were fired. Officer Calderon said that from where he was, and the other gunfire he heard, he assumed Officer Townsley fired his weapon as well and believed he fired three shots. Officer Calderon said he fired his handgun twice.

Detective Rosenthal asked Officer Calderon what he noticed as Decedent was approaching him. Officer Calderon said, "He wasn't listening to any of the commands that we were giving him. We told him to stop—we told him to drop the gun. By "We," I think it was mostly Townsley, just giving him commands to stop, drop the gun, wouldn't stop at all, just continued walking in my direction." Officer Calderon continued, "Whenever I deal with somebody with a gun, I've dealt with a couple, they usually will comply, maybe not right away, but at least they'll stop and, like, kind of assess what's going on. This guy had—I don't think he knew what was going on. He just kept walking towards us, like he had a plan. I feel, like, he had something. He wanted to continue doing what he was doing."

Detective Rosenthal asked Officer Calderon how Decedent's actions made him feel at the time. Officer Calderon said, "I was scared. I said - I don't know at what point he's gonna raise that gun; if he's gonna raise it, is he gonna stop, is he gonna turn around, is he gonna go into another room? He has a gun, people are saying he's already, whoever had the gun possibly killed the dog—so, um, I was—I was scared at that point."

Officer Calderon described Decedent's behavior as not being normal. He said that usually when people see the police, if you tell them to stop, they will stop. They may complain, or ask what's going on, or say something. Officer Calderon said, "This guy didn't say anything, he just continued to walk towards us."

Earlier in the interview, Officer Calderon described seeing Decedent's hand with the gun, "start coming up." Detective Rosenthal asked Officer Calderon to describe this in detail. Officer Calderon said, "Yeah. It went higher than what his stride was already at. At this point I felt scared 'cause I'm like okay, now he's aiming it at me. And not just me, but I have my partners with me too." Officer Calderon also mentioned he remembered seeing bystanders behind him, watching what was going on, and was worried they could be harmed as well. Officer Calderon stated this is when he fired his first shot at Decedent.

Officer Calderon was unable to describe if any of Officer Townsley's fired rounds had any effect on Decedent. Officer Calderon stated that he perceived after firing his second shot, that's when Decedent went down, and why he stopped firing.

Officer Calderon said initially he believed he began to give Decedent commands to drop the gun when he appeared in his view armed with the handgun. However, he stopped giving verbal commands to Decedent once he realized Officer Townsley was providing verbal commands.

When asked if there were any other options to de-escalate the situation with Decedent, Officer Calderon stated, "No. We didn't. At least I didn't. I had my gun out. He had his gun out. I had no time. My reaction was what I think was appropriate because he was approaching us; he had his gun in his hand." Officer Calderon said that once Decedent was shot by police, medical aid was requested for him over the radio. This concluded the interview with Officer Calderon.

On March 20, 2024, Detective Rosenthal submitted a request to the Las Vegas Metropolitan Police Department (LVMPD) Forensic Lab, requesting that they test fire Officer Townsley's duty rifle and Officer Calderon's duty handgun, and have the test-fired cartridge case(s) compared to the cartridge cases located at the scene of the shooting. On May 28, 2024, Detective Rosenthal received the report, and the lab noted the following:

Firearms and Magazine

"The Glock pistol was examined, test fired and determined to be operational with no noted malfunctions. This pistol has a barrel length of approximately 4 1/2 inches, an overall length of approximately 8 1/2 inches with the tactical light attached and an overall length of approximately 8 1/16 inches with the tactical light removed. It has a double action trigger pull of 7 (+/- 1/2) pounds, which was measured using dead weights. The submitted magazine fits and functions in the firearm and has a capacity of seventeen Cartridges.

The Colt rifle was examined, test fired and determined to be operational with no noted malfunctions. This rifle has a barrel length of approximately 12 7/8 inches, an overall length of approximately 28 7/16 inches with the stock collapsed and an overall length of approximately 31 11/16 inches with the stock extended. It has a single action trigger pull of 6 1/4 (+/- 1/2) pounds, which was measured using dead weights."

Comparisons

The cartridge cases and test fires from the submitted firearms were examined and microscopically compared with the following results:

- Two cartridge cases, Lab Items 9 and 10, were identified as having been fired in the Glock pistol.
- Six cartridge cases, Lab Items 3-8, were identified as having been fired in the Colt rifle.

The evidence is returned to secure storage."

On November 27, 2024, Detective Rosenthal received the autopsy and toxicology report in reference to Decedent. The following was reported on the autopsy report (not the entire report):

"CAUSE OF DEATH:	Multiple gunshot wounds
MANNER OF DEATH:	HOMICIDE"

Decedent's toxicology report confirmed the presence of Phencyclidine, THC and ethanol, recorded at the following levels:

"Phencyclidine:	140 ng/mL
11-Hydroxy Delta-9 THC:	2.6 ng/mL
Delta-9 Carboxy THC:	38 ng/mL
Delta-9 THC:	9.3 ng/mL"

The toxicology report mentioned the following effects of the drug phencyclidine as follows: "Phencyclidine is abused for its dissociative and hallucinogenic effects. The physiological effects of PCP can be classified as low or high dose. In low doses, PCP can elicit visual disturbances, drowsiness, agitation, hallucinations, aggressiveness, increased pulse rate and blood pressure, bronchospasm, increased respiratory rate, and hyperthermia. In high doses, PCP can elicit convulsions, opisthotonos, coma, arrhythmias, decreased blood pressure and respirations, and rhabdomyolysis."

The Coroner Investigator's report was completed by Investigator P. Chavez. As part of her investigation, Investigator Chavez included in her report the following:

"The decedent's medical history is unknown. Witnesses reported to NLVPD that he (Decedent) had been high on sherm and acting erratic for 4 days."

In Detective Rosenthal's training and experience as a police officer, "sherm" is known as a street-level narcotics slang term for the controlled substance PCP (phencyclidine). This corroborated what AEI had told detectives during her interview.

During Detective Wells' homicide investigation, the handgun recovered from Decedent was sent for forensic testing. Detective Wells requested that the handgun be test-fired and the test-fired cartridge case be compared to the 380 cartridge cases recovered near the homicide victims. On April 26, 2024, Detective Wells received the report, and the lab noted that the 380 cartridge cases had resulted in possible association(s) with the handgun located from Decedent.

DNA swabs taken from the handgun also revealed the following:

Lab Item 13 - Swab from "Bersa" trigger: "The probability of observing this mixture DNA profile is approximately 90.3 octillion times more likely if it originated from Decedent. (Item 11) and two unknown random contributors than if it originated from three unknown random contributors."

Lab Item 14 - Swab from "Bersa" grip/slide: "The probability of observing this mixture DNA profile is approximately 132 octillion times more likely if it originated from Decedent (Item 11) and two unknown random contributors than if it originated from three unknown random contributors."

Given the physical and circumstantial evidence collected from the crime scene and Detective Wells' homicide investigation, had Decedent survived his injuries, he would have been charged with the murders of Africa Woods, Tiffany Mawhorter, and Venus Mercer.

INVESTIGATIVE SUMMARY

- The NLVPD received a 911 call in reference to a report of someone shooting a gun in the area of 2215 E. Nelson Avenue, Apartment #4, prompting a police response.
- Officer Calderon arrived first, and upon approaching the apartment building, placed a BFA (SF) at gunpoint at the northwest corner of Apartment #1, while a BMA took off running southbound through the complex (CC). SF and CC were later determined not to be suspects and were not charged with any crime.
- Officer Townsley arrived on scene and assisted in detaining SF. Officer Townsley then took up a cover position on the northeast corner of the building due west of 2215 E. Nelson.
- Officer Townsley saw the male suspect, Decedent, exit from Apartment #4, holding a gun in his right hand.
- Officer Townsley identified himself to Decedent as the police, in full duty uniform, and gave Decedent verbal commands to drop the gun. Decedent ignored Officer Townsley's verbal orders and continued to advance towards Officer Townsley and Officer Calderon holding the gun.
- Decedent continued to advance on officers, armed with the handgun. Officer Townsley gave a "last warning" to Decedent and told him he was going to get shot.
- Decedent continued to ignore Officer Townsley's verbal commands.
- Officer Townsley fired six shots at Decedent with his department-issued rifle, striking him six times.
- Officer Calderon fired two shots at Decedent with his department-issued handgun, striking him once.
- Decedent did not appear to be affected by Officer Townsley's gunfire and did not stop advancing on officers until Officer Calderon fired his handgun at Decedent.
- Medical assistance was requested via radio for Decedent. NLVFD personnel responded to the scene and determined that he was beyond resuscitation.

- Decedent died on scene as a result of “gunshot wounds,” and the death was ruled a “homicide” at autopsy.
- A firearm was recovered from Decedent’s person.
- Officer Townsley consented to an investigative interview and articulated that he thought Decedent, armed with a handgun, was “gonna come, and come until he kills us. So, I got scared.”
- Officer Calderon consented to an investigative interview and articulated he believed that Decedent was raising the gun up to where he could shoot Officer Calderon, the other officers, or the people in the area.
- Officer Townsley and Officer Calderon indicated the threat was imminent.
- Officer Townsley and Officer Calderon responded to the threat posed by Decedent with deadly force, recognizing that lesser force options were inappropriate given the level of threat and imminence of the threat to their lives and the lives of innocent bystanders.

LEGAL ANALYSIS

The District Attorney’s Office is tasked with assessing the conduct of officers involved in any lethal use of force which occurred during the course of their duties. That assessment includes determining whether any criminality on the part of the officers existed at the time of the incident.

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide; NRS 171.1455 – Deadly force to effect arrest).

The shooting of Decedent could be justifiable under several theories related to the concept of self-defense: (1) the killing of a human being in self-defense or defense of others; (2) justifiable homicide by a public officer; and/or (3) use of deadly force to effect arrest. All theories will be discussed below.

A. The Use of Deadly Force in Defense of Self or Defense of Another

The authority to kill another in self-defense or defense of others is contained in NRS 200.120 and 200.160. Pursuant to NRS 200.120 –

“Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... another person, against one who manifestly intends or endeavors to commit a crime of violence or against any person who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle, of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein ...” against the person or other person.¹ NRS 200.120(1). Homicide is also lawful when committed:

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

¹ NRS 200.120(3)(a) defines a crime of violence:

“Crime of violence” means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

NRS 200.160(1).

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

The killing of [a] person in self-defense [or defense of another] is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill himself [or the other person] or cause himself [or the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in [self-defense or defense of another] force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to [himself or the person(s) being defended].

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense [or defense of another], the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

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

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

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

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

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

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).

C. Use of Deadly Force to Effect Arrest

Pursuant to NRS 171.1455 – a peace officer may, after giving a warning, if feasible, use deadly force to effect arrest of a person only if there is probable cause to believe that the person: has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or poses an imminent threat of serious bodily harm or death to the peace officer or to others.

D. Officers Calderon and Townsley's Actions Were Legally Proper Under Any of the Above Justifications

The known facts and circumstances surrounding this incident indicate Decedent posed an imminent danger to Officer Calderon, Officer Townsley, other responding officers and/or civilians in the area, and a reasonable person in a similar situation would believe himself or another person to be in danger. Such circumstances renders the killing justifiable under NRS 200.120 and NRS 200.160. Further, there was probable cause to believe Decedent posed a threat of serious bodily harm to Officer Calderon, Officer Townsley, other responding officers and/or civilians in the area, rendering the killing justifiable under NRS 200.140 and/or NRS 171.1455.

Officers Calderon and Townsley were dispatched to the area of 2215 E. Nelson Avenue, Apartment #4, in reference to a report of someone shooting a gun. The call taker reported hearing gunshots in the background of the 911 call, and the reporting party stated the gunfire was coming from inside Apartment #4. Officers Calderon and Townsley responded to the scene and approached the apartment building. Officer Townsley saw Decedent exit from Apartment #4, holding a gun in his right hand. Officer Townsley identified himself to Decedent as the police, in full duty uniform, and gave Decedent verbal commands to drop the gun. Officer Townsley pleaded with Decedent to drop the gun and told him he did not want to hurt him. Decedent ignored Officer Townsley's verbal orders and continued to advance towards Officer Townsley and Officer Calderon while holding the gun.

As Decedent, armed with the handgun, continued to advance on officers, Officer Townsley gave a "last warning" to Decedent and told him he was going to get shot. Decedent continued to ignore Officer Townsley's verbal commands. Officer Townsley fired six shots at Decedent with his department-issued rifle, striking him six times. Officer Calderon fired two shots at Decedent with his department-issued handgun, striking him once.

Officer Townsley explained to the investigating detectives that when he gave Decedent verbal commands, Decedent did not respond. Decedent did not give any verbal feedback. Officer Townsley said, "It scared me because usually I talk to people. I like to de-escalate when I can, but there was nothing. I was getting absolutely nothing from this guy. And he seemed very dead set on what he wanted to do." Officer Townsley explained to investigators, "I thought this guy was gonna come and come until he kills us." Officer Townsley said that he believed if they did not intervene, Decedent would have shot his weapon and killed him or his partners.

Officer Calderon described Decedent as 6 feet, 220 pounds, wearing all black. He said he had a handgun in his right hand when he was walking towards them, and when he got about halfway to them, he observed Decedent start raising his arm more than what you would on your stride. Officer Calderon said that was when he fired his handgun twice. Officer Calderon said about Decedent, "He

wasn't listening to any of the commands that we were giving him. We told him to stop—we told him to drop the gun. By “We,” I think it was mostly Townsley, just giving him commands to stop, drop the gun, wouldn't stop at all, just continued walking in my direction.” Officer Calderon continued, “Whenever I deal with somebody with a gun, I've dealt with a couple, they usually will comply, maybe not right away, but at least they'll stop and, like, kind of assess what's going on. This guy had—I don't think he knew what was going on. He just kept walking towards us, like he had a plan. I feel, like, he had something. He wanted to continue doing what he was doing.”

Officer Calderon further explained, “I was scared. I said - I don't know at what point he's gonna raise that gun; if he's gonna raise it, is he gonna stop, is he gonna turn around, is he gonna go into another room? He has a gun, people are saying he's already, whoever had the gun possibly killed the dog—so, um, I was—I was scared at that point.” Officer Calderon said, “This guy didn't say anything, he just continued to walk towards us.”

Officer Calderon described seeing Decedent's hand with the gun, “start coming up.” Detective Rosenthal asked Officer Calderon to describe this in detail. Officer Calderon said, “Yeah. It went higher than what his stride was already at. At this point I felt scared 'cause I'm like okay, now he's aiming it at me. And not just me, but I have my partners with me too.” Officer Calderon also mentioned he remembered seeing bystanders behind him, watching what was going on, and was worried they could be harmed as well. Officer Calderon stated this is when he fired his first shot at Decedent.

Additionally, probable cause existed that Decedent committed three counts of murder with a deadly weapon, two counts of assault with a deadly weapon on a protected person, ex-felon possession of a firearm, ex-felon fail to register, burglary with a deadly weapon, and animal abuse. As the original 911 call for service advised that there was a person shooting a gun, and gunshots could be heard coming from Apartment #4, after Decedent was secured in handcuffs, officers conducted safety sweeps of the apartments at 2215 E. Nelson. A black female adult was located deceased with gunshot wounds to her head in Apartment #4. Additionally, a black female adult and a white female adult were found deceased with gunshot wounds to their heads in Apartment #2. There was also a dog recovered by Animal Protective Services (APS) that appeared to have been shot in the face in Apartment #4 but survived its injuries.

CONCLUSION

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

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