

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of James Marcus Brown on August 29, 2015

While leaving the Siegel Slots and Suites located on E. Craig Road, a woman was approached by James M. Brown who grabbed her phone and jumped into a nearby vehicle which sped off. Citizens followed the vehicle updating the victim as to the thieves' whereabouts. Las Vegas Metropolitan Police Department ("LVMPD" or "Metro") dispatch was called and a marked patrol unit ultimately stopped the suspect vehicle at the overpass area of Cheyenne Road and Interstate I-15.

Mr. Brown fled the vehicle on foot armed with a handgun with Officer Walter Young pursuing him. After a pursuit lasting approximately 150 yards, Officer Young deployed his Taser at Mr. Brown but it had no effect. While still holding the handgun, Mr. Brown turned towards Officer Young at which point Officer Young fired his duty weapon two times striking Mr. Brown. These two wounds were fatal.

The Clark County District Attorney's Office has completed its review of the August 29, 2015, death of James M. Brown. 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 Walter Young were not criminal in nature. This review is based upon all the evidence currently available.

This report explains why criminal charges will not be forthcoming against Officer Young. 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 June 30, 2016.

This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the officer 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.

I. INCIDENT DETAILS

Three women were leaving the club inside the Siegel Slots and Suites located at 5011 E. Craig Road just prior to 3:00 a.m. on August 29, 2015. These women, A.S., K.L and “Jasmine,” were approached by what turned out to be three men acting in concert to steal personal property from the women. These men were ultimately identified as James Marcus Brown (“Decedent”), Byron Amerson and Emmanuel Maybon.

Amerson approached A.S. and stated, “You better watch what’s - watch your surroundings or something because it, uh, it’s crazy out here.” Immediately thereafter, Decedent snatched A.S.’s cell phone from her hand. A.S and K.L followed Decedent as he fled the building and observed Decedent jump into a gold Oldsmobile. They observed the Oldsmobile return to the parking lot of the Siegel Slots and Suites and park. A.S. approached the Oldsmobile attempting to contact the occupants, when the Oldsmobile left the parking lot at a high rate of speed westbound on Craig Road.

A.S. made 911 contact with Metro dispatch and related the description of the suspects and the vehicle at 3:18 a.m. Dispatch communications broadcasted this information to patrol units. Officer Walter Young was driving an unmarked LVMPD vehicle and observed the Oldsmobile on Craig Road approaching I-15.

Officer Young requested a marked patrol vehicle respond to conduct a vehicle stop. Officer Christopher Del Villar responded in a marked LVMPD patrol vehicle. Officer Del Villar got behind the Oldsmobile as it entered the on-ramp to go southbound on I-15 from Craig Road. Officer Young followed. As Officer Del Villar attempted to get into a position to make the vehicle stop, another civilian vehicle pulled between the Oldsmobile and Officer Del Villar in what the officers believed was a blocking movement to prevent Officer Del Villar from getting behind the Oldsmobile.

Officer Del Villar was able to get behind the Oldsmobile and activated his lights and siren. The civilian vehicle left the area. The Oldsmobile did not pull over and took the on-ramp to go westbound on Cheyenne Avenue from I-15. While on the overpass on Cheyenne Avenue, the Oldsmobile stopped for Officer Del Villar. Officer Young pulled behind Officer Del Villar. As soon as the Oldsmobile stopped, Decedent exited the vehicle and ran down the hill toward the fence next to the Denny’s restaurant at 3230 Losee Road. While Decedent was running

down the hill, he dropped a handgun. Officer Del Villar observed this and broadcasted that Decedent had a handgun.



Decedent climbed over the fence into the parking lot of the Denny's restaurant. Officer Del Villar lost sight of Decedent.

Officer Young pulled his vehicle around Officer Del Villar's vehicle and drove northbound on Losee Road. Officer Del Villar stayed with the Oldsmobile and, with the assistance of other arriving officers, conducted a felony vehicle stop and took two (2) other occupants, Byron Amerson and Emmanuel Maybon, into custody. A short time later, Officer Del Villar heard gunshots coming from north of his location.

Officer Walter Young's Walk-Through Interview

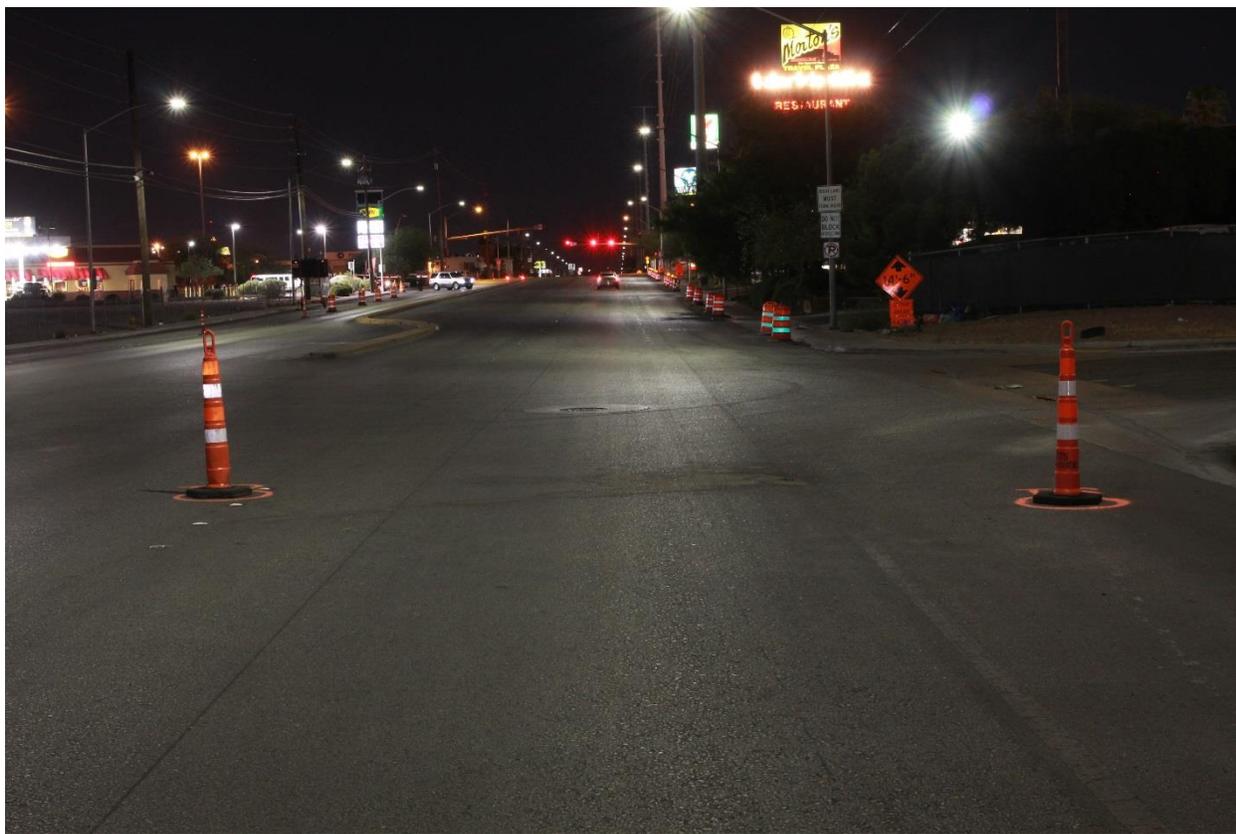
Officer Walter Young was driving an unmarked patrol vehicle and was behind the officer involved with the vehicle stop (Officer Del Villar). Officer Young pulled behind the patrol vehicle as the suspect vehicle stopped. He observed Decedent exit the vehicle and run down the hill and climb over a fence into the Denny's restaurant parking lot.

Officer Young pulled around the vehicles and drove northbound on Losee Road and into the Denny's parking lot and stopped on the north side of the lot. As Officer Young exited his

vehicle, Decedent ran past him northbound into the desert area that paralleled Losee Road. Officer Young pursued on foot into the desert area.

Officer Young observed Decedent holding a handgun in his right hand. Officer Young gave Decedent verbal commands to stop as they ran through the desert area. Officer Young observed Decedent trip and fall to the ground then get up and continue to run. At the north end of the desert area, Decedent entered a parking area and turned westbound toward Losee Road. Officer Young, still behind him, drew his electronic control device (ECD) and discharged it at Decedent. The ECD had no effect, and Decedent continued walking westbound across Losee Road. Decedent still had the handgun in his hand. As he approached the sidewalk on the west side, Decedent stopped and turned toward Officer Young. Officer Young stated he felt Decedent was going to shoot at him so he discharged his firearm three (3) times at Decedent.

Decedent dropped the handgun, stated to Officer Young he was not going to run anymore, and went to the ground. Officer Young gave radio traffic of his location and requested medical to respond. Other officers arrived and put Decedent in handcuffs.



Officer Christopher Del Villar

Officer Del Villar was working as a marked patrol unit when he heard a radio broadcast of a larceny from a person call which occurred at the Siegel Slots and Suites located at 5011 E. Craig Road. A female victim had her phone stolen from her hand by a black male. Officer Del

Villar assigned himself to the call to provide backup to the primary officer. When he arrived at the Siegel Slots and Suites, the victim was speaking to Officer Jean Nelson. Officer Nelson told Officer Del Villar that the suspect vehicle was a tan or gold Oldsmobile-style 4-door. Officer Del Villar drove around the parking lot of the Siegel Slots and Suites looking for the vehicle. When he returned to the victim's location, he learned that a friend of the victim had seen the suspect vehicle in the parking lot of the Juke Joint Bar and Grill located at 4230 E. Craig Road.

Officer Del Villar responded to the area of the Juke Joint Bar and Grill. While en route, the victim's friend updated officers that the suspect vehicle was now traveling westbound on Craig Road from Lamb Boulevard. Officer Young, in an unmarked minivan, located the vehicle and requested a marked patrol unit to stop the vehicle. Officer Del Villar arrived and started to pull behind the suspect vehicle, a tan vehicle with no license plate, as it was getting onto I-15 southbound from Craig Road. Before Officer Del Villar could close the distance to make a vehicle stop, a small black vehicle with a California license plate pulled between the suspect vehicle and Officer Del Villar. Officer Del Villar believed the vehicle was intentionally attempting to prevent Officer Del Villar from pulling over the suspect vehicle.

Officer Del Villar engaged his lights and siren and the intervening vehicle pulled off to the side of the I-15 north of the Cheyenne Avenue. Officer Del Villar passed the vehicle and pulled behind the suspect vehicle. The suspect vehicle exited onto westbound Cheyenne Avenue and Officer Del Villar engaged his overhead lights. He chirped his siren once to indicate the vehicle should pull over. The suspect vehicle slowed down, but failed to pull over and kept driving west on Cheyenne Avenue. Officer Del Villar left his lights on and chirped his siren again. The vehicle appeared to be pulling over but continued westbound.

The Oldsmobile came to a stop on Cheyenne Avenue just east of Losee Road. Officer Del Villar exited his vehicle and tried to update his location on the radio. Decedent exited the vehicle from the backseat and ran north from Cheyenne Avenue towards Losee Road and a Denny's restaurant located on the northeast corner. As Decedent approached the sidewalk, Officer Del Villar saw Decedent drop a black object that Officer Del Villar recognized as a handgun, possibly a Glock. Decedent stopped and picked up the handgun before continuing to run north. Officer Del Villar broadcast that someone was fleeing from the vehicle and that the subject had a firearm.

Decedent jumped over a chain-link fence north of Cheyenne Avenue and again dropped a black object. Officer Del Villar was unable to identify what the object was. Decedent picked up the object and continued running. Officer Del Villar observed Officer Young pull up in his unmarked vehicle and then drove further west on Cheyenne Avenue and turned north on Losee Road in the direction Decedent was fleeing. Officer Del Villar lost sight of both Decedent and Officer Young's vehicle. Officer Del Villar heard gunshots a short time later. Officer Del Villar could not say how many shots he heard.

Officer Del Villar conducted a car stop on the suspect vehicle and removed two (2) subjects from the car.

Officer Stafford

Officer Stafford heard a larceny from a person call at the Siegel Suites and Slots announced over the radio. Officers who had responded to the call gave a description of the suspects. Officer Young announced he was behind a beige Buick which was possibly the suspect vehicle. Officer Stafford was at Cheyenne Avenue and Pecos Road when he heard Officer Del Villar announce he was going to stop the Buick and Officer Young was with him. Officer Del Villar advised the vehicle was not immediately stopping. Shortly thereafter, Officer Del Villar advised someone had ran from the vehicle and then announced over the radio, "413! 413!" (400 code for person with a gun). Officer Del Villar updated he was staying with the vehicle and the other occupants.

While en route, Officer Stafford remembered hearing Officer Young report "shots fired," but he did not think Dispatch acknowledged it. Officer Stafford approached Cheyenne Avenue and Losee Road where he saw Officer Del Villar with the suspect vehicle. There was a subject lying prone in front of Officer Del Villar's patrol vehicle, and Officer Stafford felt Officer Del Villar was handling the situation. Officer Stafford decided to look for Officer Young and the suspect who ran from the vehicle.

Officer Stafford drove north on Losee Road from Cheyenne Avenue and observed Officer Young's vehicle parked in the northeast corner of the Tacos El Gordo and Denny's parking lot at 3260 Losee Road. Although Officer Young was wearing the standard LVMPD summer patrol uniform, he was driving an unmarked minivan.

Officer Stafford pulled into the Tacos El Gordo parking lot and did not see Officer Young or any other people in the area. Officer Stafford attempted to contact Officer Young over the radio but was unsuccessful. Officer Stafford looked north on Losee Road and located Officer Young standing in the street. He drove north to Officer Young's location and arrived at the same time as K9 Officer Hemsey.

Officer Stafford observed Officer Young had his weapon holstered and a black male (Decedent) handcuffed on the ground, lying on his stomach, and looking up at Officer Stafford. Officer Young told Officer Stafford that Decedent ran from him and kept turning around with a gun in his hand. Officer Stafford observed a firearm on the ground approximately five (5) feet from Decedent.

Officer Stafford directed Officer Young to go with Officer Hemsey and he attended to Decedent. Sergeant Hernandez arrived and assisted Officer Stafford with administering first aid to Decedent. Decedent stated, "I'm dying!" Officer Stafford observed Decedent was breathing and his pupils were responsive, but he appeared to be bleeding.

Sergeant Hernandez and Officer Stafford retrieved trauma kits from their vehicles. Officer Stafford cut off Decedent's shirt and located multiple apparent gunshot wounds. Officer Stafford dressed the wounds and started CPR until medical personnel arrived. Decedent did not make any statements about the incident.

II. CIVILIAN WITNESSES

P.S.

P.S. was walking north on Losee Road on her way to work at approximately 3:30 a.m. As P.S. walked past the driveway for the Denny's restaurant, she observed a vehicle speed around the corner and turn north on Losee Road from Cheyenne Avenue. P.S. observed the vehicle stop in the parking lot of Tacos El Gordo and an officer (Officer Young) exit the vehicle. Officer Young was in foot pursuit of a black male wearing a green shirt (Decedent). Decedent ran near the gas pumps and fled north across the vacant lot. Decedent fell in the desert area while Officer Young chased him. When Decedent reached the end of the fence on the north side of the lot, he ran westbound across Losee Road.

While Officer Young was in pursuit, P.S. heard him yell at Decedent, telling him to stop. P.S. may have heard Officer Young yell at Decedent to "throw the gun," but was not sure. As Decedent crossed Losee Road, Officer Young tased Decedent and Decedent fell to the ground. Decedent stood back up and continued to flee. P.S. heard one (1) gunshot and believed Officer Young had fired a warning shot at Decedent. P.S. saw Officer Young fire a second shot. P.S. saw Decedent lay down on the ground and say, "I'm not going to go nowhere." Officer Young handcuffed Decedent and more officers arrived. P.S. continued to walk north on Losee Road and went to work.

L.K.

L.K. and her son, D.C., had just arrived at the gas station located on the northwest corner of Cheyenne Avenue and Losee Road when she heard two (2) gunshots coming from the north end of Losee Road. L.K. ran to Losee Road and looked north where she saw a black male crossing the street east to west. While he was crossing he fell to the ground just about the time two (2) patrol vehicles pulled up to him.

L.K. stated there was one (1) officer with the subject when the two (2) officers arrived. Prior to L.K. hearing the gunshots, she remembered seeing the police "flying" down the street with their lights and siren activated.

L.K. attempted to walk closer to the subject, but a female officer would not let her. L.K. did not see anyone fire a gun.

D.C

D.C., his mother, and his mother's friend were at the gas station, located on the northwest corner of Cheyenne Avenue and Losee Road, with his mother and his mother's friend. On the way to the gas station, he noticed the police had someone pulled over in a gold Buick on Cheyenne Avenue. While D.C. was at the gas station he heard two (2) gunshots.

D.C. ran down to Losee Road, looked north, and observed a black male crossing the street from east to west. As the subject was crossing, two (2) patrol vehicles pulled up to him; about that same time the subject fell. D.C. believed that the police possibly hit the subject with their car because that was when the subject fell.

D.C. was not sure what happened to the subject but knew he heard two (2) gunshots. D.C. did not see anyone fire shots.

L.K. and D.C. were identified as the two persons who approached the uniformed NLVPD officers at the scene immediately after the shooting. These two individuals were escorted to the McDonald's parking lot where they gave their recorded statements outlined above.

Both L.K. AND D.C. were contacted by investigating detectives but declined to give any further details. They advised investigators that anything they had to say they would say to an organization entitled "Black Lives Matter."

III. THIRD PERSON VIDEO

Extensive efforts were made to obtain surveillance video from surrounding commercial establishments. No surveillance footage showed the event, or the cameras that were on site were inoperable.

IV. WEAPON COUNTDOWNS

A. OFFICER YOUNG'S WEAPON

Officer Young deployed and fired his Taser ECD during the incident. Following the incident, the ECD was downloaded and the results were documented in the following report. Sequence line #867 shows the deployment information of this incident.

TASER		EVIDENCE SYNC				
PROTECT LIFE						
TASER Information						
Serial	X29000370	Offline Report				
Model	TASER X2	Local Timezone	Pacific Daylight Time (UTC -07:00)			
Firmware Version	Rev. 03.038	Generated On	29 Aug 2015 14:00:23			
Application Version	3.13.4					
Health	Good					
Dates from : Fri Aug 28 00:00:00 2015 to : Sat Aug 29 23:00:00 2015						
Device (X2)						
Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Cartridge Info [Bay: length in feet/ status]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
861	28 Aug 2015 22:29:35	Armed	C1: 25' Standard C2: 25' Standard		24	51
862	28 Aug 2015 22:29:36	Arc	C1: 25' Standard C2: 25' Standard	6		51
863	28 Aug 2015 22:29:45	Safe	C1: 25' Standard C2: 25' Standard	10	25	51
864	29 Aug 2015 03:30:36	Armed	C1: 25' Standard C2: 25' Standard		23	51
865	29 Aug 2015 03:30:39	Safe	C1: 25' Standard C2: 25' Standard	3	23	51
866	29 Aug 2015 03:30:41	Armed	C1: 25' Standard C2: 25' Standard		23	51
867	29 Aug 2015 03:30:44	Trigger	C1: Deployed	5		51
868	29 Aug 2015 03:30:59	Safe	C1: Deployed C2: 25' Standard	18	24	51
869	29 Aug 2015 03:31:00	Armed	C1: Deployed C2: 25' Standard		24	51
870	29 Aug 2015 03:32:20	Safe	C1: Deployed C2: 25' Standard	80	29	51
871	29 Aug 2015 13:52:00	USB Connected				
872	29 Aug 2015 13:58:12	Time Sync	29 Aug 2015 13:52:02 to 29 Aug 2015 13:58:12			

Officer Young had his duty weapon counted down at LVMPD Headquarters.

Prior to countdown, Officer Young stated he carried fifteen (15) cartridges in the magazine loaded in his firearm and one (1) cartridge in the chamber (15+1).

Make	Beretta
Model	92FS
Serial Number	BER445300
Caliber	9mm
Weapon Mounted Light	No
Ammunition	SPEER 9mm LUGER+P
Cartridge in Chamber	Yes
Magazine from Weapon	Capacity: 15 cartridges
	Countdown: 13 cartridges
Spare Magazine #1	Capacity: 15 cartridges
	Countdown: 15 cartridges
Spare Magazine #2	Capacity: 15 cartridges
	Countdown: 15 cartridges

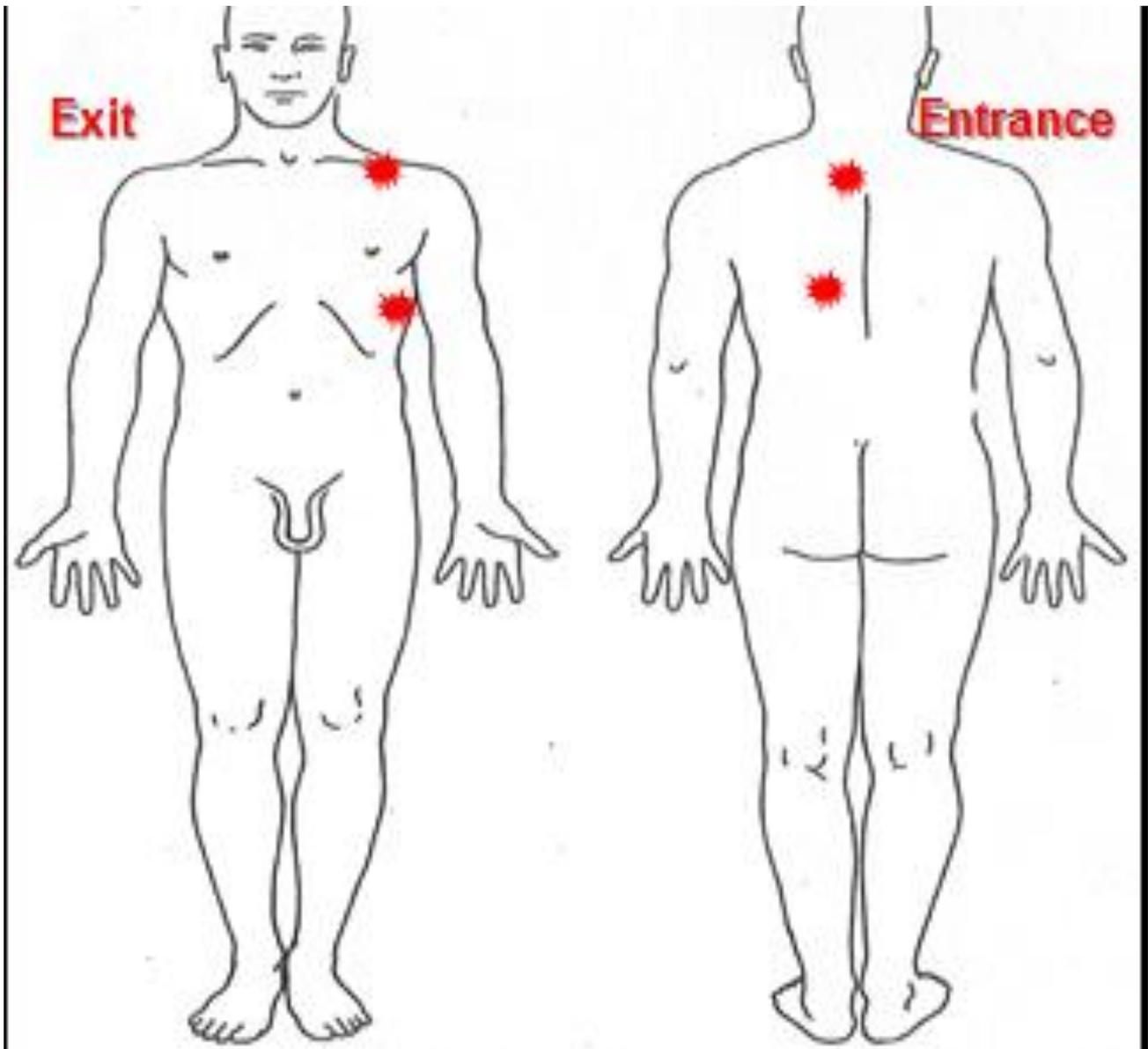
At the completion of the countdown, it was determined Officer Young discharged his firearm two (2) times during this incident. Officer Young's firearm, magazine, and cartridges were photographed and impounded by SCSA Stephens.

B. DECEDENT'S WEAPON

Examination of the Glock Model 22 .40 caliber handgun revealed that it was loaded with one round in the chamber (ready to fire) and nine (9) cartridges in the magazine.

V. AUTOPSY RESULTS

Decedent suffered two gunshot wounds to his back. These gunshot wounds transected vital organs causing his death.



The toxicology report indicated Decedent had the following positive findings in his system at the time of his death:

- Ethanol – 0.055
- Amphetamine: 5.0 ng/ml
- Methamphetamine¹: 170 ng/ml
- 11-Hydroxyl Delta 9 THC²: 1.3 ng/ml
- Delta-9 Carboxy THC: 11 ng/ml
- Delta-9 THC³: 5.6 ng/ml
- Benzoylcegonine⁴: 100 ng/ml

VI. CONTACT WITH DECEDENT’S FAMILY

The Clark County District Attorney’s Office spoke with Decedent’s mother on several occasions. During one of these conversations, Decedent’s mother – H.P. – asked whether “our witnesses” had been interviewed. H.P. went on to describe that these were not actually witnesses (or new witnesses/information) but were the civilian witnesses already interviewed by Metro detectives (see above witnesses L.K and D.C.).

On March 23, 2016, Metro Detectives contacted H.P. to determine whether she had any additional evidence/witnesses in this case. She advised detectives that she did not have any further witnesses or evidence. H.P. wanted to get the car back that Decedent was in, which she believed belonged to Brown. H.P. was advised that the car did not belong to him. H.P. ended the contact by telling detectives that she did not want any other contact until she could get the coroner’s and police reports.

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 and NRS §171.1455 – Use of Deadly Force to Effect Arrest).

¹ Methamphetamine is a stimulant drug capable of causing hallucinations, aggressive behavior and/or irrational reactions.

² 11-Hydroxy Delta-9 THC is an active intermediate metabolite of THC the active component of marijuana.

³ Delta-9 THC is the active ingredient for marijuana.

⁴ Benzoylcegonine is an inactive metabolite and chemical breakdown product of cocaine.

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. Additionally, the shooting was justified under the parameters set forth in N.R.S. 171.1455. These will be discussed in detail 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.

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.

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

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

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

If evidence [that a killing was in defense of another exists], the State must prove beyond a reasonable doubt that the defendant 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, Officer Young described Decedent as turning towards him, appearing to Officer Young to be a precursor to Decedent aiming and/or using his handgun against Officer Young. Thus, Decedent could have posed an objectively reasonable imminent danger to Officer Young. Physical evidence at the scene corroborates Officer Young's version of events. Investigators found evidence of the deployment of a less than lethal use of force - - a Taser - - in a location described by Officer Young. Additionally, investigators found a .40 caliber Glock handgun near Decedent's body. The weapon had dirt on it, corroborating Officer Young and Officer Del Villar's description of Decedent dropping the handgun in the dirt lot and picking it up and running.

Moreover, a witness who saw a portion of the foot pursuit, A.S., corroborates Officer Young as she observed Officer Young use the Taser in an unsuccessful attempt to stop Decedent from fleeing. A.S. heard Officer Young give verbal commands to stop running.

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, Officer Young described events which would demonstrate that he had probable cause to believe that Decedent posed a threat of serious physical harm either to himself or other persons. Decedent was fleeing from a uniformed police officer armed with a loaded handgun. The real possibility existed that Decedent could have encountered a civilian(s), while armed, and under the circumstances increased the likelihood of additional persons being put into significant jeopardy.

C. Use of Deadly Force to Effect Arrest - N.R.S. 171.1455

Nev. Rev. Stat. §171.1455 provides:

If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

1. Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or
2. Poses a threat of serious bodily harm to the officer or to others.

Arguably, both provisions of the statute are met. As outlined above, Officer Young had probable cause to believe that Decedent committed a felony which involved a threat of harm based on the crime at Siegel Slots and Suites, and probable cause to believe that Decedent posed a threat of serious bodily harm to Officer Young and civilians in the vicinity during the pursuit. Evidence clearly established that multiple verbal warnings were given to Decedent - - to stop and to drop his weapon - - yet none of these warnings were followed by Decedent. Therefore, the provisions of N.R.S. 171.1455 authorized Officer Young to use deadly force to effect an arrest of the decedent and prevent his escape.

CONCLUSION

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

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