



REPORT ON USE OF FORCE

Legal Analysis Surrounding the Death of Horacio Ruiz Rodriguez on January 21, 2019

INTRODUCTION

On January 21, 2019, Officer Edwin Corales, Officer Robert Knickerbocker, Officer John McAninch, and Officer Anthony Watkins made contact with Horacio Ruiz Rodriguez (hereinafter Decedent) in a vehicle in front of 2109 Glider Street, North Las Vegas, NV, in order to investigate a sexual assault report. Decedent had recently murdered a woman (Victim #1) and put her body under his bed. Thereafter, he kidnapped, sexually assaulted, and threatened to kill another woman (Victim #2). During this time, he made statements about suicide and had ingested a large quantity of methamphetamine. When contacted by officers, Decedent refused to obey officers' commands, attempted to flee, and told officers he had a firearm. After notifying officers that he was armed, Decedent made motions which indicated he was attempting to draw a firearm. Decedent's actions forced officers to use deadly force against him under a reasonable belief that such force was necessary to save their own lives and the lives of each other.

This report explains why criminal charges will not be forthcoming against Officers Corales, Knickerbocker, McAninch and Watkins. 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 September 11, 2019.

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

ORIGINAL CALL FOR SERVICE

The original call for service was taken by NLVPD dispatcher J. Loza at 20:19 hours on January 21, 2019. The caller was identified as Victim #2. Dispatcher Loza documented the call as a sexual assault. The original call information provided to officers was as follows:

person reporting is Spanish speaking. Keeps giving address of 2109 Glendale. Says it's near Lake Mead/5th. Advises ex-boyfriend, Horacio Ruiz Rodriguez, 37 years old, date of birth 3/4/81, put a knife to her throat and sexually assaulted her. He held her against her will for over two hours and threatened to commit suicide. Male also told her he murdered someone and had the body under his bed. Male is known to do drugs. He mentioned he bought a firearm, but none seen today. Person reporting is standing by in parking lot in a white Chevy 4 door. Person reporting can show officers where this happened. Says the male is supposed to be home.

RELEVANT DISPATCH INFORMATION

At 21:16:05 hours, officers notified dispatch that they were approaching 2109 Glider Street in an attempt to contact Decedent.

At 21:16:26 hours, officers notified dispatch that they were making contact with a male in a car.

At 21:18:41 hours, officers notified dispatch "shots fired".

INVESTIGATION

INFORMATION FROM WITNESSES

Victim #2

Detective Robert Sullivan completed an investigation into the sexual assault of Victim #2 under NLVPD case #1901210001456.

On January 21, 2019 at about 22:30 hours, Detective Sullivan responded to UMC Hospital, where he conducted an interview with Victim #2. She told him the following:

Victim #2 had a 3-year relationship with Decedent but had ended the relationship about 6-7 months ago due to Decedent being extremely violent and also because he continued to use and possess illegal drugs. Victim #2 stated she filed numerous police reports against Decedent for domestic violence. According to Victim #2, Decedent became very violent when under the influence of drugs.

On January 21, 2019, Decedent had called her and asked for a ride to work because he had no money and no gas in his car. She reluctantly agreed and drove to Decedent's apartment. At approximately 14:30 hours, she arrived at the apartment and Decedent was sitting in his car, a White Ford Focus. Decedent got out of the car and asked her to come inside while he grabbed his lunch for work. Victim #2 said she was reluctant to go inside with Decedent because of his violent tendencies, but eventually did. Once inside the apartment (2109 Glider) she stood next to the stove. Decedent went into the back bedroom and came out carrying a sweater, which he threw at her, and made the statement, "See? It's still wet." Victim #2 let the sweater fall to the floor. When she picked it up, Decedent held a knife to the left side of her throat and told her to walk back to his bedroom.

Once in the bedroom he told her he was going to have sex with her whether she wanted to or not. He pulled a glass pipe from his pocket and was smoking drugs. He then demanded she take off her clothes or he would do it himself. Afraid of being hurt, Victim #2 said she took off her pants and underwear. Victim #2 stated she was crying and asked Decedent to let her go so she could be with her children. He told her he would let her leave after he had sex with her. He then put the knife down and grabbed lubricant from the dresser. He took off his pants, put the lubricant on his penis, and began stimulating himself. He told her to lay down and then put the lubricant on her vagina. He got on top of her and they had vaginal intercourse. Victim #2 stated she continued to cry and held her hands up by her chest while Decedent was on top of her. He continued telling Victim #2 to stop crying because he could not concentrate. After approximately 5-8 minutes, Decedent stopped and got off of her. Victim #2 was not sure if Decedent ejaculated but was confident he never put a condom on.

Decedent put back on his clothes and again started smoking drugs from the glass pipe. Victim #2 stated she got dressed and asked Decedent if she could use the bathroom. Decedent followed her into the bathroom, not letting her leave his sight. After she went to the bathroom, Decedent told her to go back into the bedroom. She again pleaded with him to let her go. Victim #2 sat on the bed and Decedent sat down next to her and began to cry, telling her his life is over and how he has lost everything. Victim #2 stated the knife Decedent had held to her throat was now on the bed next to him. Without Decedent noticing she was able to hit the knife with her hand causing it to fall to the floor. Victim #2 described the knife used by Decedent to be approximately 5-7 inches in total length with a black handle. Decedent continued to cry and eventually told her that he had killed someone and that the person's

body was under the bed they were sitting on. Decedent told Victim #2 he would not be able to let her go in fear she would tell the police what he had done. Victim #2 stated that she believed Decedent was going to kill her. After several minutes of pleading with Decedent to let her go, Decedent got up and went into the bathroom. When she heard the door close she ran out of the bedroom and out the door to the apartment.

After Victim #2 escaped from the apartment, she drove to Decedent's parent's house. After telling his parents what occurred, Victim #2 then went to the North Las Vegas Police Department and reported the incident. Victim #2 was unable to answer any questions as to who Decedent killed or if anyone was in fact under the bed. Victim #2 stated she never looked and was too afraid to ask any questions about it.

Officer Edwin Corales

On January 23, 2019, Detective Steven Wiese conducted a recorded interview with Officer Corales. The interview was conducted at the NLVPD Detective Bureau. Also present for the interview was Detective Steven Sprague and North Las Vegas Police Officer Association Attorney Jeff Allen.

Officer Corales indicated that on the night of the officer involved shooting, he was working as a patrol officer on swing shift in a marked vehicle in a dark blue uniform. He described the incident as follows:

Officer Corales was dispatched to investigate a sexual assault. The details of the call were that a female (Victim #2) had called from the NLVPD records division parking lot and claimed she had been kidnapped by her ex-boyfriend (Decedent) and sexually assaulted. She said that there was a body under Decedent's bed and that he possibly had a weapon. Officer Corales met with Victim #2 and interviewed her. She told Officer Corales she had been having issues calling the police to report the crime. She got a call from Decedent earlier that day and he requested a ride to work. After he plead with her, she gave in and went to his home to give him a ride. When she arrived, he was inside his car in front of the residence. He convinced Victim #2 to go inside his home. She waited by the front door until he came up behind her, locked the door, pulled a knife out of his pocket and placed it against her neck. Decedent forced her back to his bedroom, threw her down on his bed, and told her that the only way she could leave is if she had sex with him. He told her that if she didn't have sex with him, he was going to kill her and stuff her body under his bed along with the other person he had under his bed. He then had sex with her. After the sex was over, she asked to leave; he told her to stop crying, and she wasn't going anywhere. He showed her a black tube and told her he was going to bash her over the head and kill her. Eventually he went to the bathroom and

she fled. She called police to report the crime, but was giving the wrong address, 2109 Glendale. She called Decedent's parents, who took her to the police station.

Victim #2 appeared to be very frightened of Decedent and told Officer Corales that Decedent had hit her in the past. Officer Corales felt she was extremely believable. Officer Corales took Victim #2 and drove her by Decedent home, confirming that his address was 2109 Glider Street. Victim #2 observed Decedent's car out front (white sedan with dark tint) and told Officer Corales that if the car is there, Decedent would be there. Officer Corales notified other officers of Decedent's address and provided them his name and photo. Victim #2 looked at a driver license photo of Decedent and positively identified him. Officer Corales told officers that if Decedent left, to detain him. Officer Corales determined there was reasonable suspicion to detain Decedent. Officer Corales told me he felt Decedent needed to be detained immediately because if he was not apprehended he would be a danger to the public as well as the sexual assault victim.

Officer Corales asked for more officers to assist with the apprehension and notified his supervisor, Sergeant Christopher Cannon. Officers Knickerbocker and Watkins responded to assist, while Officers Reitz and McAninch were already standing by near Decedent home. Officer Corales showed Detective Wiese on a map that he parked a couple of houses north of 2109 Glider Street. When Officer Corales exited his vehicle and walked up toward Decedent's home, he walked in the middle of the street so that he could get a visual on Decedent's vehicle before approaching the front door. Officer Knickerbocker was with him. When Officer Corales was at the driver side front bumper of the box truck parked in front of Decedent's vehicle, he saw Decedent in the driver seat of the vehicle, drew his firearm, turned on the attached tactical flashlight, and pointed the light and firearm toward Decedent. Officer Corales was confident the person was Decedent due to the fact Officer Corales was in front of Decedent's address, the person was sitting in Decedent's vehicle and matched the photo he had seen of Decedent. Officer Corales then notified the other officers that Decedent was in the car. Officer Corales kept yelling commands to Decedent in Spanish to keep his hands up, but Decedent kept putting one of his hands down. Officer Corales could also hear that Officer Knickerbocker was yelling the same commands in English. Officer Knickerbocker tried unsuccessfully to open the driver's side door of the vehicle. Officer Watkins arrived at scene as well as Officer Reitz. All officers were positioned on the west side (driver's side) of Decedent's car. Officer Watkins, Corales, and Knickerbocker were near the front of the car while Sergeant Cannon, and Officers Reitz and McAninch were near the rear of the car. Sergeant Cannon took his patrol SUV and drove it up against the rear bumper of Decedent vehicle in order to pin the car, preventing it from leaving.

At one point, Officer Corales saw Decedent holding a lanyard with keys attached. He heard Officer Watkins say that Decedent was holding a rosary, but Officer Corales did not see one.

Decedent was crying and holding his hands together as if he was praying. Decedent was rocking himself back and forth and shaking his head in a “no, no, no,” motion. Decedent started his car and attempted to leave, but the car was unable to back up because Sergeant Cannon’s car was parked behind him. Officer Corales continued to give commands to Decedent in Spanish including, “show me your hands”, “keep your hands up”, “shut off the car”, and “open the door”. Decedent did not comply, but he would put his hands up for a second each time he was told, which made Officer Corales believe he could hear the commands. A decision was made to break the front driver side window. Officer Watkins broke the window with his baton.

Decedent then started telling Officer Corales in Spanish, “I have a gun, I have a gun” and, “no, no, no.” Since the window was now broken, Officer Corales had the ability to see into the passenger area of the car clearly. Decedent said again, “I have a gun, I have a gun” in Spanish. Officer Corales yelled out to the other officers “He says he has a gun! He says he has a gun!” Decedent then used one hand to pull up his sweater, reached the other hand into his waistband, and appeared to be pulling something out. Due to the fact Decedent had just told him he had a gun, and then reached into his waistband, he assumed Decedent was pulling out a firearm. Officer Corales was standing only feet away from Decedent with no cover or concealment. Officer Corales felt Decedent was being obvious about his reaching for a firearm and wanted officers to see him reaching for a weapon.

At that time, Officer Corales stated, “I feared for my life and for the lives of the officers around me and discharged my firearm.”

Officer Corales thought he fired 7 times but found out later he only fired 6 times. He stopped firing after the he felt Decedent was no longer a threat when he slouched over, and both of his hands became visible. The suspect was taken out the passenger side front door and handcuffed. The suspect appeared to be deceased.

Officer Robert Knickerbocker

On January 23, 2019, Detective Wiese conducted a recorded interview with Officer Knickerbocker. The interview was conducted at the NLVPD Detective Bureau. Also present for the interview were Detective Sprague and North Las Vegas Police Officer Association Attorney Jeff Allen.

Officer Knickerbocker indicated that the night of the officer involved shooting he was working as a patrol officer on the swing shift in a marked police vehicle with a dark blue uniform. He heard over the police radio that Officer Corales was working a sexual assault call and met him at the South Area Command. Officer Corales briefed Officer Knickerbocker about the call. He

was given information about the sexual assault at knifepoint, kidnapping, and about a possible murdered victim under the bed. Officer Corales told Officer Knickerbocker there was reasonable suspicion to detain Decedent and showed him a photo of Decedent. Officer Knickerbocker had also read in the CAD ticket that Victim #2 said that Decedent had a gun, but that she had not seen it that day.

After arriving in the 2100 block of Glider Street, Officer Knickerbocker parked his patrol vehicle north of the target residence and approached on foot with Officer Corales. As he got close to 2109 Glider Street, Officer Corales told him "There he is. He's in the car." The car Officer Corales was pointing out to him was a white small sedan parked left wheel to curb in front of 2109 Glider Street. The sedan was parked facing north, front bumper to front bumper with a large white box-style truck, which was facing south. Officer Knickerbocker then took his duty firearm out of its holster and pointed it at Decedent while he and Officer Corales both started giving Decedent commands to show his hands. Officer Corales told Officer Knickerbocker that Decedent spoke Spanish. Officer Knickerbocker stopped giving commands and let Officer Corales give all commands. Officer Watkins arrived along with Officer McAninch, Officer Reitz, and Sergeant Cannon.

Officer Knickerbocker noticed that every time Officer Corales would tell Decedent to put his hands up, he would do it for just a second, and then put one or both hands back down again. Officer Knickerbocker also saw that Decedent was crying and holding what he thought were rosary beads. At one point, Officer Knickerbocker believed Decedent was about to start his car, so he told Sergeant Cannon to pull his patrol SUV up against the rear bumper of Decedent car. After Sergeant Cannon did so, Decedent did start his car and attempted to back up, only to be blocked in. Officer Watkins broke out the driver side front window with his expandable baton and Officer Corales began giving Decedent commands: "Open the door! Open the door!"

Officer Corales yelled "he said he has a gun!" Officer Knickerbocker stated, "I see the suspect grab his shirt with his left hand right about the waistband, start pulling it up. I see his right hand go toward his waist." After hearing one gunshot, Officer Knickerbocker fired two times. Decedent then slumped over to the passenger's seat.

Officer Knickerbocker said, "He yelled, 'he's got a gun!' He pulls up his shirt, starts reaching towards his waistband as if he has a gun. I'm in fear for my life. I'm thinking he's about to pull out a gun. Um, and feared that my, you know, one of my fellow officers are gonna get shot too, and that's when I shot."

Officer Knickerbocker also told me that since Decedent already told Victim #2 he was going to kill her, "I absolutely thought that if he was let go, he would kill her if he had gotten away."

Decedent was then taken out of the car and was found to be obviously deceased.

Officer John McAninch

On January 25, 2019, Detective Wiese conducted a recorded interview with Officer McAninch. The interview was conducted at the NLVPD Detective Bureau. Also present for the interview were Detective Sprague and North Las Vegas Police Officer Association Attorney Jeff Allen.

Officer McAninch indicated that the night of the officer involved shooting he was working as a patrol officer on swing shift in a marked police vehicle with a dark blue uniform. Officer McAninch was dispatched to assist Officer Corales on a sexual assault investigation. He read the call details before meeting with Officer Corales. He remembered reading that Victim #2 stated she had been kidnapped, held at knifepoint, and sexual assaulted by Decedent. Decedent had threatened to kill Victim #2, told her he had a body under his bed, and threatened to kill himself. The CAD ticket said that Decedent had recently purchased a firearm. Upon meeting with Officer Corales, he was told that there was reasonable suspicion to detain Decedent, that Decedent vehicle was a white four door parked in front of 2109 Glider Street, and that Decedent lived at 2109 Glider Street. Officer Corales showed Officer McAninch a photo of Decedent.

When Officer McAninch arrived at the 2100 block of Glider Street, Sergeant Cannon, and Officers Corales, Knickerbocker, Watkins, and Reitz, were all already on scene. He stood on the driver side of Decedent vehicle, at about the "B post". After he told officers on scene that he did not have a visual on Decedent due to the dark tinted windows, Officer Watkins broke out the driver side window of the vehicle. Officer McAninch could then see Decedent in the car crying and talking to Officer Corales. Officer Corales translated and told Officer McAninch, "He's praying. He's praying right now." Thereafter, Decedent started yelling something in Spanish. Officer Corales told the officers, "He's got a gun! He's got a gun! He's saying he has a gun!" Due to the crying and praying, Officer McAninch felt Decedent appeared "clearly agitated and upset, like he's made his decision." Officer McAninch saw Decedent put his hands down toward his waistband, and pull out something black, at which time another officer fired his weapon. Officer McAninch then discharged his firearm. Officer McAninch felt he probably fired six times. He stopped shooting when he saw Decedent slouch over the passenger seat.

Officer McAninch indicated that he had to use deadly force because he and the other officers on scene were in imminent danger had Decedent pulled a gun out of his waistband. He told me, "There's not a doubt in my mind that he was gonna try and kill us."

Officer McAninch then assisted with taking Decedent out of the passenger door of the vehicle. When he was pulling him out, Officer McAninch noticed Decedent's hand was still partially stuck in the waistband of his pants. When he pulled him out a black cellular phone fell out of the car with him.

Officer Anthony Watkins

On January 25, 2019, Detective Wiese conducted a recorded interview with Officer Watkins. The interview was conducted at the NLVPD Detective Bureau. Also present for the interview was Detective Sprague.

Officer Watkins indicated that the night of the officer involved shooting he was working as a patrol officer on the swing shift in a marked police vehicle with a dark blue uniform. Officer Watkins was dispatched to assist officers with contacting Decedent. Officer Watkins read the CAD information regarding the call prior to his arrival on Glider Street. He remembered that the details were as follows: a victim had been sexually assaulted at knifepoint by her ex-boyfriend. The suspect had told her that he was going to kill himself and that he had killed someone else and put the body under his bed. The suspect had been smoking methamphetamine and told the victim he had recently bought a firearm. Before Officer Watkins's arrival, he was shown a photo of Decedent and was told there was reasonable suspicion to detain him.

When Officer Watkins arrived at 2109 Glider Street, he saw that officers were already engaged with a subject inside a car in front of that address. Officer Watkins immediately noticed that Decedent was crying and visibly upset. Decedent was not obeying commands given to him by Officer Corales. Officer Watkins used his expandable baton to break the driver side front window in an attempt to get Decedent out of the vehicle.

Officer Watkins was standing near the front driver window of the car and heard Decedent saying something to Officer Corales in Spanish. Officer Corales translated is as, "He keeps saying he has a gun! He said he has a gun! He said he has a gun!" Officer Watkins described the moment of the shooting: "At one point he dropped both hands down to his waist... stickin' his hand in his waistband and when he started to pull his hand out I saw something black, like, right here on his leg which I assumed was a gun that he had just pulled out of his waistband... that's when I fired and I think the four of us pretty much fired simultaneously." Officer Watkins said he fired five times and stopped firing when he saw Decedent slump over. Decedent was taken out of the car through the passenger side front door and handcuffed. Officer Watkins saw that Decedent was obviously deceased.

When asked if he felt like he was in danger at the time Decedent reached into his waistband, Officer Watkins stated, “Yes. I, I thought he’s already made the decision that he’s gonna, he’s not gonna, he’s not gonna surrender. He’s gonna shoot it out with police.”

Sergeant Chris Cannon

On January 21, 2019, Detective Wiese interviewed Sergeant Cannon in a department vehicle. Sergeant Cannon was dressed in a standard blue North Las Vegas Police Department patrol uniform. The uniform had an affixed NLVPD badge and patches.

Sergeant Cannon indicated that he was the immediate supervisor of the involved officers and the watch commander during the shift. Sergeant Cannon was notified by dispatch that a female was standing by at the NLVPD records office to make a crime report. The female was reporting to dispatch that her ex-boyfriend held her against her will, held a knife to her throat, and sexually assaulted her. Sergeant Cannon had dispatch assign Officer Corales as the primary officer to the call due to the fact the victim was Spanish speaking only and Officer Corales speaks Spanish. After getting preliminary information from Victim #2, Officer Corales called Sergeant Cannon and advised him that after driving the victim by, he learned that the address of the suspect, as well as the crime scene, was 2109 Glider. The suspect’s white four door Ford was currently parked left wheel to curb in front of the residence. Officer Corales also relayed that the victim said the suspect told her he already committed a murder and the victim’s body was under his bed. He told her he was also going to kill her.

Officer Corales had other units set up a perimeter around the suspect’s home and car. Officer Corales told Sergeant Cannon that the suspect contacted the victim by telephone and told her that he knew police were outside his home and he was planning to flee. Officer Corales also relayed to Sergeant Cannon over the radio that he had reasonable suspicion to detain the suspect for sexual assault. Sergeant Cannon met officers on scene to supervise taking the suspect into custody. As he pulled onto the street, he met with Officers Knickerbocker, Watkins, McAninch, Corales, and Reitz. The Officers told Sergeant Cannon the suspect was inside the white Ford. They were issuing verbal commands to the driver in both English and Spanish. After the suspect started his car, Sergeant Cannon pulled his patrol SUV up against the rear bumper of the white Ford, trapping the vehicle between his vehicle and the white box truck which was parked in front of the suspect vehicle. After exiting his vehicle, Sergeant Cannon positioned himself near the rear driver side of the suspect’s car, next to Officer Reitz.

Sergeant Cannon observed Officer McAninch was standing on the driver side closer to the driver window, and Officers Corales, Watkins, and Knickerbocker were standing on the driver side front of the vehicle looking into the front windshield. Officers were continually yelling to the suspect “we need to see your hands”, “keep your hands up”, and “open the door” in

Spanish. The suspect refused to obey the commands. Sergeant Cannon then observed Officer Watkins break out the front driver side window with his expandable baton in order to attempt to extract the suspect from the car. Officer Corales continued to yell over and over again "let me see your hands". Officer Corales then yelled "he has a gun". Officers Corales, McAninch, Knickerbocker, and Watkins then discharged their weapons into the vehicle at the suspect. The suspect was extracted out the front passenger side of the vehicle and handcuffed. Medical personnel were requested and after their arrival, advised that the suspect was deceased.

A safety sweep of the suspect's apartment, 2109 Glider, was then conducted. In a back bedroom, officers observed a large pool of blood and what they believed to be a dead body wrapped in trash bags under the bed.

Officer Darrell Reitz

On January 21, 2019, Detective Wiese interviewed Officer Reitz in a department vehicle. Officer Reitz was dressed in a standard blue North Las Vegas Police Department patrol uniform. The uniform had an affixed NLVPD badge and patches.

Officer Reitz indicated he was working as a patrol officer on the swing B shift and his call sign was 3-Adam-4. He was assigned as a backup unit to the sexual assault and kidnapping report that Officer Corales was investigating. Officer Reitz learned about the details of the call from reading the CAD ticket as well as directly from Officer Corales. Those details were that a female (Victim #2) was reporting she was sexually assaulted at knife point by her ex-boyfriend and held hostage for some period of time. The suspect also told Victim #2 that he had killed someone and placed their body under the bed. Decedent also told Victim #2 that he had recently purchased a firearm.

After getting the address of 2109 Glider Street from Officer Corales, Officer Reitz was assigned to contain the area and not allow the suspect to flee. He was also advised by Officer Corales that the suspect vehicle was a white Ford Focus. He heard Officer Corales tell Sergeant Cannon over the radio that he had reason to detain the suspect. Upon his arrival in the area of McGovern and Glider, he was able to see a white four door sedan parked left wheel to curb in front of 2109 Glider. After other officers arrived and approached the suspect address on foot, Officer Reitz heard one of the officers say over the radio that Decedent was currently inside the vehicle. Officer Reitz then drove his marked patrol SUV northbound on Glider from McGovern and parked his SUV facing Decedent's vehicle. After exiting his vehicle and approaching Decedent's vehicle on foot, Officer Reitz could see that someone was sitting in the driver seat. He stood near the rear driver side of the vehicle with Sergeant Cannon and Officer McAninch. He observed Officer Watkins, Knickerbocker, and Corales near the front

driver side of the vehicle. He heard Officer Knickerbocker and Officer Corales giving the Decedent verbal commands to show his hands and to exit his vehicle. Decedent did not obey the commands. Decedent started his vehicle and attempted to flee but was blocked in by Sergeant Cannons vehicle and a large white box truck. Officer Watkins broke out the front driver side window so they could attempt to extricate Decedent from the vehicle. After the window broke, Officer Reitz heard someone yell "he has a gun, he has a gun." Shortly after that, shots were fired. Officer Reitz did not fire because he could not see into the vehicle clearly. The suspect was taken out of the vehicle through the front passenger side door and handcuffed. Medical was requested, arrived on scene, and declared the suspect deceased on scene.

Witness #1

On January 24, 2019, Detective Wiese conducted a recorded interview with Witness #1. Witness #1 lived at 2105 Glider Street. That address was located one building south of 2109 Glider Street. Witness #1 saw police lights in front of her home and looked out her window. She saw police officers surrounding the suspect vehicle. She heard officers yelling "get out, put your hands up" in both English and Spanish. She then heard gunshots.

Witness #2

On January 24, 2019, Detective Wiese conducted a recorded interview with Witness #2. Witness #2 lived at 2105 Glider Street. He saw police lights in front of his home through the front door. He saw police surrounding a white car out front. He heard officers yelling "get out of the car" in both English and Spanish, but the suspect did not comply. He also heard officers yell "roll down the windows", and then break out the window when Decedent refused. Witness #2 also heard the suspect start his car at one point. Witness #2 felt like officers gave commands for 3-5 minutes before shots were fired.

Witness #3

On January 24, 2019, Detective Wiese conducted a recorded interview with Witness #3. Witness #3 lived at 2105 Glider Street. Witness #3 looked out a window and saw police lights. Thereafter, she went to the front door and watched the incident from there. Witness #3 saw officers around Decedent's car telling him to "roll down the windows", but Decedent refused. The officers then broke out the window. She heard officers yelling commands at the man in English. She did not understand most of the commands, but she did hear "open the door". After the officers yelled commands for a while, she heard gunfire.

Witness #4

On January 24, 2019, Detective Wiese conducted a recorded interview with Witness #4. Witness #4 lived at 2105 Glider Street. She looked out her window and saw police surrounding a white car. The officers tried to open the car door, but they couldn't. Witness #4 then heard shots fired.

OFFICER WEAPON COUNTDOWN

Officer Corales's countdown was conducted by Crime Scene Investigator ("CSI") Wendy Radke at about 00:30 hours on January 22, 2019. Present for the countdown was Detective David Wells. Officer Corales was photographed documenting his appearance. He wore a standard blue North Las Vegas Police Department uniform including an affixed NLVPD badge and patches. Officer Corales was carrying a black Glock 21 semi-automatic .45 caliber pistol, serial #KEX940 with an attached tactical light. A countdown of his firearm and magazines showed he fired 6 rounds. Officer Jose Garcia, a department armorer in the training division, later completed a weapon inspection on Officer Corales firearm. The firearm passed inspection and was found to be within manufacturer specifications.

Officer McAninch's countdown was conducted by CSI Radke at about 00:56 hours on January 22, 2019. Present for the countdown was Detective Wells. Officer McAninch was photographed documenting his appearance. He wore a standard blue North Las Vegas Police Department uniform including an affixed NLVPD badge and patches. Officer McAninch was carrying a black Glock 17 semi-automatic 9mm pistol, serial #BFNM930 with an attached tactical light. A countdown of his firearm and magazines showed that he fired 6 rounds. Officer Garcia, a department armorer in the training division, later completed a weapon inspection on Officer McAninch's firearm. The firearm passed inspection and was found to be within manufacturer specifications.

Officer Knickerbocker's countdown was conducted by CSI Radke at about 01:15 hours on January 22, 2019. Present for the countdown was Detective Wells. Officer Knickerbocker was photographed documenting his appearance. He wore a standard blue North Las Vegas Police Department uniform including an affixed NLVPD badge and patches. Officer Knickerbocker was carrying a black Glock 22 semi-automatic .40 caliber pistol, serial #EXK345 with an attached tactical light. A countdown of his firearm and magazines showed that he fired 2 rounds. Officer Jeffrey Pollard, a department armorer in the training division, later completed a weapon inspection on Officer Knickerbocker's firearm. The firearm passed inspection and was found to be within manufacturer specifications.

Officer Watkins's countdown was conducted by CSI Radke at about 01:45 hours on January 22, 2019. Present for the countdown was Detective Wells. Officer Watkins was photographed documenting his appearance. He wore a standard blue North Las Vegas Police Department uniform including an affixed NLVPD badge and patches. Officer Watkins was carrying a black Glock 19 semi-automatic 9mm pistol, serial #BGNA389. A countdown of his firearm and magazines showed that he fired 5 rounds. Officer Pollard, a department armorer in the training division, later completed a weapon inspection on Officer Corales firearm. The firearm passed inspection and was found to be within manufacturer specifications.

DESCRIPTION AND EVIDENCE FROM THE SCENE

CSI Laura Dennison and CSI Erica Zimmerman processed the scene. CSI Dennison was assigned to photograph and collect evidence while CSI Zimmerman was assigned to conduct a Leica scan of the scene in order to diagram the area.

The scene was on the 2100 block of Glider Street. A white Ford sedan bearing Nevada license plate number 005AYA was parked left wheel to curb on the west side of Glider Street in front of a duplex apartment home marked "2109 Glider St. / 2111 Glider St." The vehicle's front passenger side window was broken out, the front driver side window was broken out, and there were six (6) bullet holes in the rear driver side window. North Las Vegas Police Department patrol SUV number "2028 S" was parked with its front bumper against the rear bumper of the Ford. A large white box truck bearing Nevada license plate number 13C578 was parked with its front bumper a few feet from the front bumper of the Ford. A deceased Hispanic male adult was laying on the ground just outside the open front passenger door of the Ford. Decedent was on his back, head facing east, and was handcuffed with his hands behind his back. He was wearing a grey sweater over a blue shirt, denim jeans, and black and white tennis shoes. A medical resuscitation device was lying next to the left side of his head, and a black cell phone was on the ground next to his left hip. Eighteen (18) spent cartridge cases, an expandable baton, and broken glass, were found on the ground just west of the driver side of the vehicle. The spent cartridge cases included: ten (10) 9mm, six (6) .45 caliber, and two (2) .40 caliber.

A secondary scene was located inside of Decedent's residence at 2109 Glider Street. In particular, under the bed was the deceased body of Victim #1 wrapped in plastic. Inside the plastic wrapping was a used condom. The investigation into this homicide appears to establish that Decedent killed Victim #1 shortly before luring Victim #2 to his home.

AUTOPSY

Leonardo Roquero, M. D., completed an autopsy of Decedent. Dr. Roquero determined that Decedent died from multiple gunshot wounds. He documented 18 separate gunshot wounds: 3 (three) to his chest, 7 (seven) to his back, 1 (one) to his right buttock, 1 (one) to his left buttock, 1 (one) to his right forearm, 1 (one) to his left arm, 2 (two) to his left forearm, 1 (one) to his left hand, and 1 (one) to his right thigh.

As a part of the autopsy procedure, a toxicology test was conducted. The test showed Decedent had a blood alcohol level of .019 at the time of his death. It also showed he had a Delta-9 Carboxy THC level of 5.7 ng/ml. The blood test also showed Decedent had a Methamphetamine level of 3200 ng/ml.

For reference, the lab report documents that “blood levels of 200-600 ng/ml have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions”.

LEGAL ANALYSIS

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

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide). The shooting of Decedent could be justifiable under one or both of two theories related to the concept of self-defense: (1) the killing of a human being in self-defense/defense of others; and (2) justifiable homicide by a public officer. Both of these theories will be discussed below.

I. THE USE OF DEADLY FORCE IN SELF DEFENSE/DEFENSE OF ANOTHER

The authority to kill another in self-defense or defense of others is contained in NRS 200.120 and 200.160. “Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... person, against one who manifestly intends or endeavors

to commit a crime of violence ...” against the other person.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

NRS 200.160(1).

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

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

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

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

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

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that [the other person] is about to be killed or suffer great bodily injury; and

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.

2. He acts solely upon these appearances and his fear and actual beliefs; and,
3. A reasonable person in a similar situation would believe [the other person] to be in like danger.

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

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

Therefore, in Nevada, the law is that if there is evidence of self-defense, in order to convict, the State must prove beyond a reasonable doubt that an individual did not act in self-defense.

In this case, officers were in the process of attempting to take into custody a person who they believed had recently engaged in several violent felonies. Decedent's actions during his interaction with the police would have led any reasonable person to believe that Decedent was armed. When Decedent reached into the waistband of his pants and grabbed a black object after telling six (6) uniformed armed officers that he had a gun, it was reasonable for the officers to believe that all of the officers were in imminent danger of substantial bodily harm or death. As such, the discharge of their weapons was justified under the circumstances known to them at the time of the event.

II. JUSTIFIABLE HOMICIDE BY A PUBLIC OFFICER

"Homicide is justifiable when committed by a public officer ... [w]hen necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty." NRS 200.140(2). This statutory provision has been interpreted as limiting a police officer's use of deadly force to situations when the officer has probable cause to believe that the suspect poses a threat of serious physical harm to either the officer or another. *See* 1985 Nev. Op. Att'y Gen. 47 (1985).

In this case, Officers Corales, Knickerbocker, McAninch, and Watkins were lawfully engaged in an effort to take Decedent into custody for the crimes committed upon Victim #2. Decedent's refusal to exit the vehicle and assertion that he had a firearm evinced an actual resistance to the execution of those legal orders of the officers. The circumstances demonstrate that the officers fired their weapons with a reasonable belief that Decedent was a threat to the safety of themselves and others. In light of this evidence, the officers' actions were legally justified and appropriate "in the discharge of a legal duty."

CONCLUSION

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

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