

# REPORT ON USE OF FORCE



## Legal Analysis Surrounding the Death of Lee Derek Larson on February 6, 2024

### INTRODUCTION

On February 6, 2024, Las Vegas Metropolitan Police Department ("LVMPD") Officers Jae Maston and Wesley Merren discharged their firearms at 47-year-old Lee Derek Larson who had pointed a firearm at the officers. Lee Derek Larson died on scene from gunshot wounds. The use of force incident took place at approximately 1:51 a.m., near Sherwood Street, south of Sahara Avenue. The scene was situated in a central alley parking lot that was in between several apartment buildings.

### SYNOPSIS

On February 6, 2024, at approximately 0147 hours, Officer Anthony Canales was on patrol in his department-issued marked vehicle. While in the area of Sherwood Street, he observed two individuals sitting in a red Jeep Liberty, with Arizona license plates. Officer Canales drove his vehicle past the Jeep, then conducted a U-turn to further investigate the Jeep. The driver of the Jeep, later identified as Lee Derek Larson ("Decedent"), placed the vehicle in reverse and backed into a parked vehicle.

Upon seeing the red Jeep collide with the parked vehicle, Officer Canales proceeded towards the Jeep, activated his emergency lights, and parked his patrol vehicle behind the Jeep in order to investigate the collision. Upon exiting his vehicle, Officer Canales instructed the two occupants of the red Jeep to approach his patrol vehicle and place their hands on the hood. Decedent initially complied, but the other occupant of the Jeep was hesitant in following the commands. As Officer Canales was instructing the other occupant to approach, Decedent began to walk away from the vehicle, before running away from Officer Canales. Decedent fled in a northern direction on Sherwood Street.

Officer Canales pursued Decedent while broadcasting that he was engaged in a foot pursuit and requesting additional units. Officer Canales continued to make lawful commands for Decedent to stop running. During the foot pursuit, Officer Canales fell down which caused his body worn camera ("BWC") to be knocked askew and capture video in a downward direction on his shoulder; however, his audio was unaffected by the shifted camera view. Decedent ran into a parking lot and pointed a black handgun at Officer Canales. Officer Canales then immediately requested additional units to his location. After pointing the handgun at Officer Canales, Decedent ran westbound across Sherwood Street towards an alley.

Officers Maston and Merren were the first responding unit to arrive as backup for Officer Canales during the pursuit. Officer Merren was the driver while Officer Maston was the passenger of a two-man unit operating as uniformed patrol officers in a marked patrol vehicle. Officers Maston and Merren drove into an alleyway north of 2555 Sherwood Street and then exited their vehicle. They made contact with Decedent, who was standing in the alley south of their location behind a blue van.

Similar to what Officer Canales had previously broadcast over the radio, Officer Merren saw Decedent holding a gun and gave multiple commands for him to drop the weapon. Decedent refused to comply with Officer Merren's orders, just as he had failed to comply during the foot pursuit with Officer Canales. Decedent was positioned behind a blue van that was between him and the officers. As Decedent was refusing to comply with orders, holding a handgun in his right hand, and in a position of relative cover behind the blue van, Officer Maston, who was standing behind and to the side of Officer Merren, discharged his rifle.

Decedent then fell to the ground, behind the front of the blue van, after Officer Maston's first volley of fire. After the first volley of fire from Officer Maston's rifle, Officer Merren approached Decedent and the front of the blue van. As Officer Merren approached, along the exterior wall of the apartment complex, and was able to obtain a visual of the Decedent over the front hood of the blue van, Decedent was sitting upright, facing him, and still holding his handgun. At this point, Officer Merren discharged his handgun at Decedent. While Officer Merren was discharging his handgun, Officer Maston was blocked from viewing the Decedent and began to run to the middle of the alleyway in order to see around the rear of the blue van. When Officer Maston cleared the rear of the blue van, and obtained visual of Decedent, he discharged a second volley of rifle fire at Decedent.

Officer Canales witnessed the officer-involved shooting but never discharged his weapon. After Decedent went to the ground, officers approached Decedent to take him into custody. As officers approached, a black handgun was found close to Decedent's right leg and a soft black gun case was also found nearby.

Officer Canales secured Decedent with handcuffs, then applied a tourniquet to Decedent's left arm to treat an apparent gunshot wound. Shortly thereafter, Fire Department Engine 33 and Community Ambulance 625 arrived on scene to begin life saving measures. Decedent was subsequently declared deceased by medical personnel.

Due to the officer-involved shooting (“OIS”) aspect of the incident, detectives from LVMPD’s Force Investigation Team (“FIT”) responded to the scene to conduct the investigation. FIT personnel arrived thereafter and assumed control of the scene and the investigation.

This report explains why criminal charges will not be forthcoming against LVMPD Officers Maston and Merren. 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 2, 2025.

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

## **TIMELINE OF EVENTS**

The following timeline is a reconstruction of events which transpired on February 6, 2024, in relation to the fatal OIS that occurred at 255 Sherwood Street, Las Vegas, NV 89109.

<b>Time (hours)</b>	<b>Description of Event/Action</b>	<b>Source</b>
01:47:34	Officer Canales conducted a traffic stop on a suspicious vehicle.	Computer Aided Dispatch (CAD)
01:47:45	Officer Canales announced a code red for a foot pursuit.	CAD and BWC
01:49:05	Officer Canales announced that the suspect pointed a firearm at him.	CAD and BWC
01:49:17	Officer Canales announced he lost the visual of the suspect eastbound at the Radcliff Apartment complex.	CAD and BWC
01:50:06	Officer Canales announced the suspect was seen running westbound with something still in hand.	CAD and BWC
01:51:32	Shots fired broadcasted.	CAD and BWC
01:51:53	Officer Canales requested medical.	CAD and BWC
01:52:04	Air Support announced the suspect was down and had a gun behind him.	CAD
02:01:26	FD Engine 33 and Community Ambulance 625 provided life saving measures.	CAD
02:07:16	Medical pronounced suspect was deceased.	CAD

## DESCRIPTION OF THE SCENE

### Overview

The scene was a parking lot located between the parallel streets of Sherwood Street and Van Patten Street, near the Radcliff Apartments (2566 Sherwood Street). Decedent was located near the northwest corner of 2555 Sherwood Street.

Below is an Aerial Overview of the OIS location.



The original encounter began on Sherwood Street when Decedent ran from Officer Canales during the attempt to investigate the collision caused by Decedent.



## Vehicle Stop & Vehicle Collision



Location of vehicle stop on Sherwood Street.



Decedent's red Jeep at the location of stop



Front end damage from collision.

## Officer Canales Foot Pursuit with Decedent

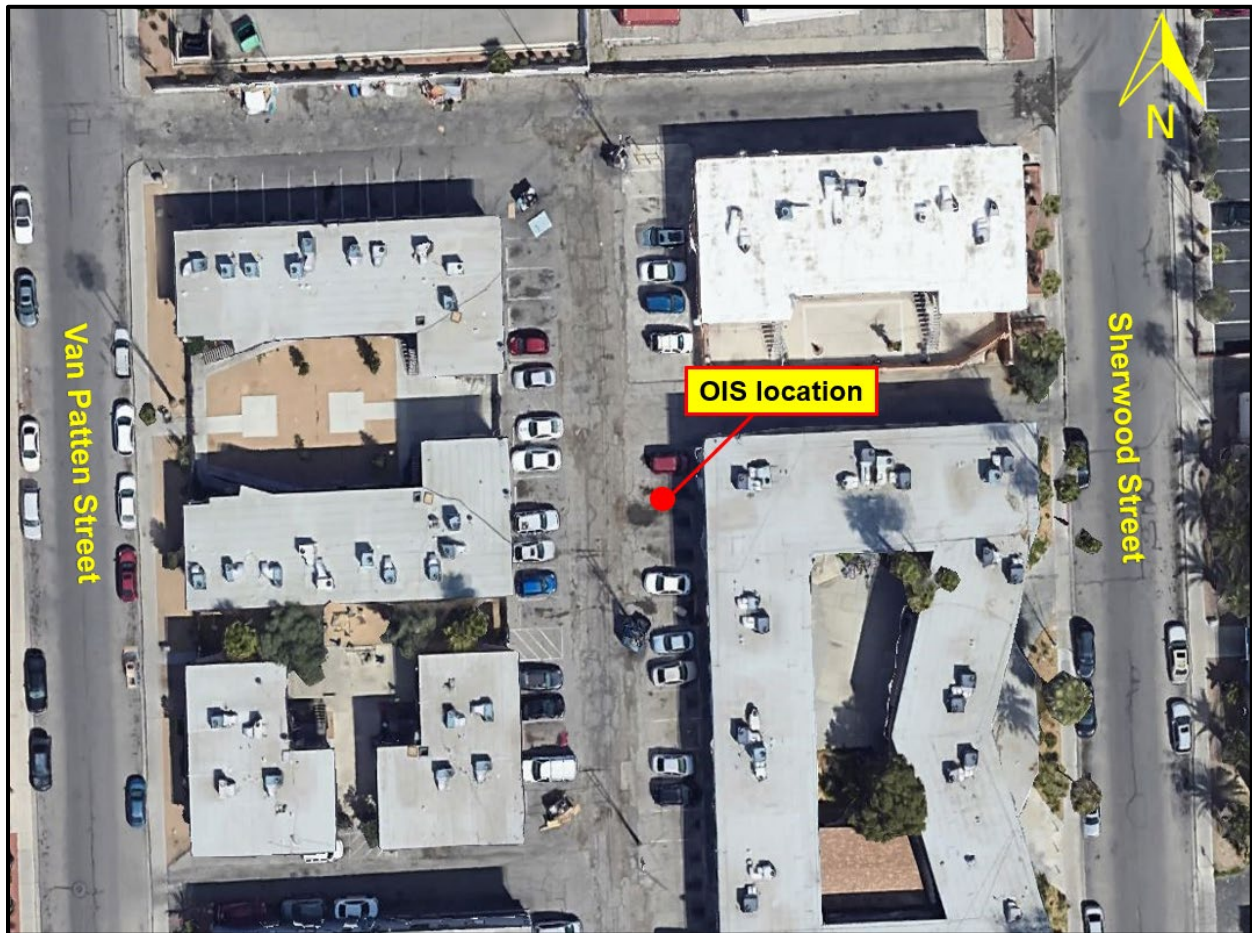


Officer Canales' location when Decedent pointed a handgun at him.

The red circle indicates where Decedent was when he pointed his handgun at Officer Canales.



## Evidence & OIS Location



As Officers Merren and Maston turned the corner, Decedent was behind a parked van holding a firearm when confronted by officers.





Screenshot of: Officer Merren's BWC when Officer Merren & Maston saw Decedent holding a handgun.  
The red circle indicates Decedent's location behind the blue van.



Screenshot of: Officer Maston's BWC when Officer Maston began the first volley of rifle fire at Decedent.  
The red circle indicates Decedent's location.



Screenshot of: Officer Merren's BWC after Officer Maston concluded the first volley of fire and Officer Merren began to approach Decedent. This image depicts the visual that Officer Merren had of Decedent still sitting upright and facing officers, while holding his firearm. At this point, Officer Merren began to discharge his handgun at Decedent. The red circle indicates Decedent's location.



Screenshot of: Officer Maston's BWC as he moved to the center of the alleyway in order to see past the rear of the blue van. This image depicts the moment that Officer Maston began discharging the second volley of rifle fire at Decedent. The red circle indicates Decedent's location.





Screenshot of: Officer Merren's BWC depicting the handgun Decedent was holding while he confronted officers and the soft gun case that was described by Officer Canales during the foot pursuit.

The red circle closest to Decedent's body indicates the location of his handgun.

The red circle below the location of the handgun indicates the location of Decedent's soft gun case.



Screenshot of: Officer Merren's BWC depicting a close-up image of Decedent's handgun.



Drone view of the OIS scene.

The red circle indicates where Decedent was when the OIS began, and the green circle indicates where Officer Merren & Maston were located when the OIS began.

## Screenshots of the Air Unit Video of the Incident



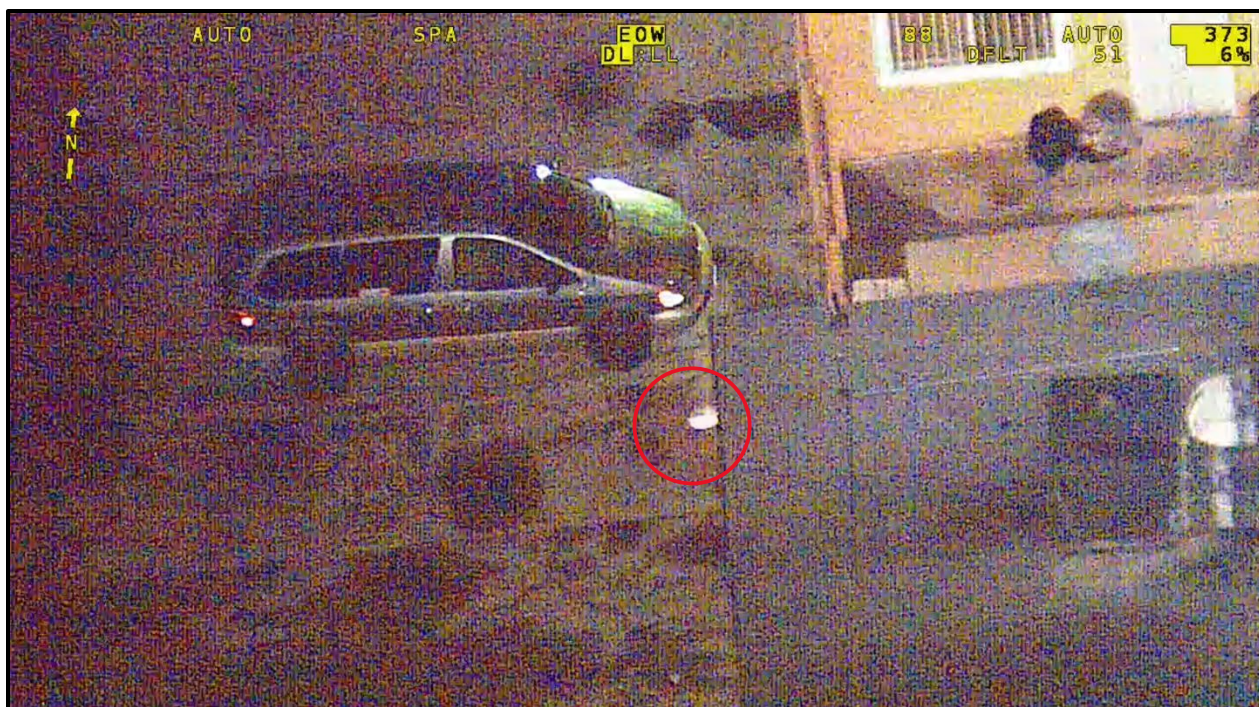
The red circle indicates where Decedent was standing (Northwest corner of 2575 Sherwood Street).

The blue circle indicates where Officer Canales was standing on Sherwood Street.



Above: Screenshot depicting a close up of Decedent with a handgun in his right hand





Above: Screenshot of Air Unit video when “shots fired” was announced. The red circle indicates where Decedent was during the announcement.



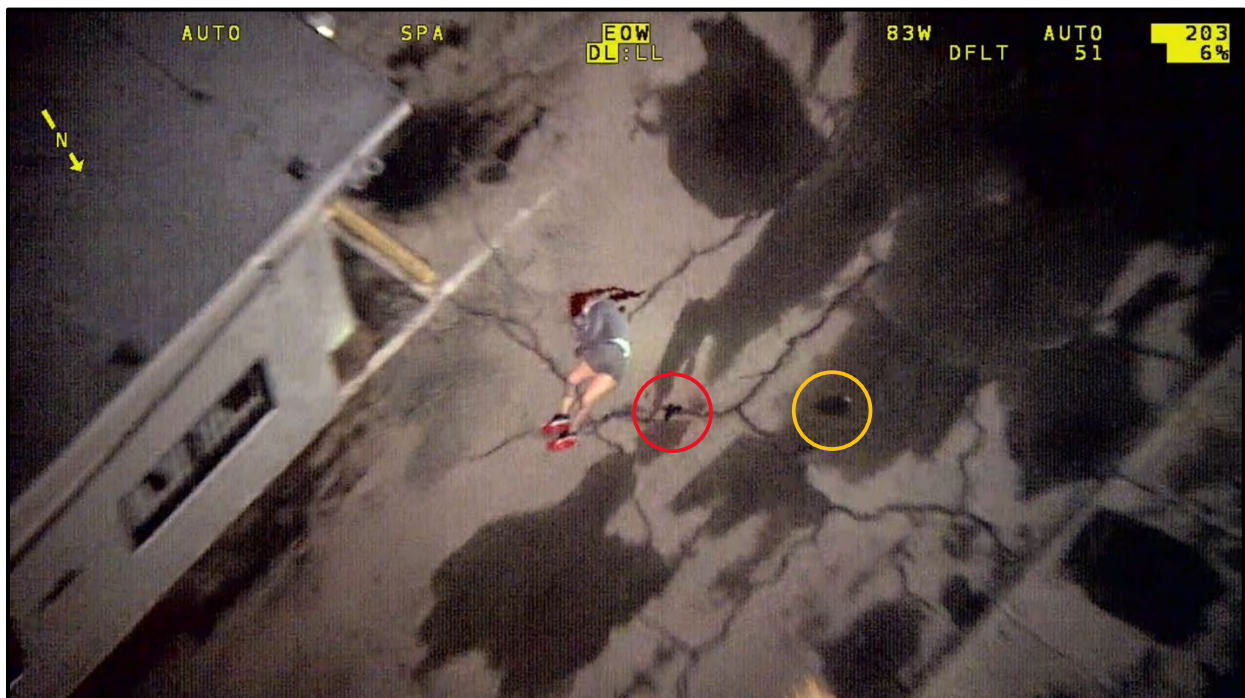
Above: Screenshot of Air Unit video depicting Officer Merren’s location when he fired his handgun at Decedent.

The red circle indicates Decedent. The blue circle indicates Officer Merren. Officer Canales is located behind Officer Merren.

In the image above, Officer Maston is located to the left of the photo, near the rear of the van.



Above: Screenshot of Air Unit video when Officer Maston fired the second volley of fire from his rifle at Decedent. The blue circle to the left indicates the muzzle flash from Officer Maston's rifle. The red circle indicates Decedent.



Above: Screenshot of Air Unit video depicting the gun and gun case next to Decedent. The red circle next to Decedent indicates the handgun. The yellow circle indicates the gun case.



## Scene & Evidentiary Items



The officers' vehicle location at time of arrival.



**Above left:** Decedent's handgun found next to him after being treated for injuries.



**Above right:** Close up of Decedent's handgun.



**Above left:** Evidence photograph of Decedent's handgun case as it was recovered.



**Above right:** Evidence photograph of Decedent's opened handgun case as it was recovered.



**Above left:** Evidence photograph of Decedent's handgun as it was recovered, with a round in the chamber.



**Above right:** Evidence photograph of Decedent's loaded handgun magazine as it was recovered from the firearm.



## **SCENE WALK-THROUGHS**

### **Officer Maston**

On February 6, 2024, at approximately 0742 hours, Officer Maston provided a walk-through of the scene. During the walk-through, Officer Maston relayed the following information:

- Officer Maston was the passenger in a vehicle that was operating as a two-man unit.
- He heard radio traffic from Officer Canales regarding a foot pursuit with a suspect that was armed with a gun.
- Officer Maston and the driver of his vehicle, Officer Merren, hurried to Officer Canales' location to provide assistance.
- Officer Maston exited the patrol vehicle with his rifle.
- Officer Maston was positioned behind Officer Merren, and slightly to the right of Officer Merren's right shoulder.
- Officer Maston and Officer Merren encountered the suspect, and the suspect was behind the van, facing officers, with a gun in his hand.
- Officer Maston heard Officer Merren order the suspect to drop the gun.
- Officer Maston knew that Officer Merren was in the suspect's line of fire.
- Officer Maston fired to prevent Officer Merren from being shot.
- After firing the initial rounds, Officer Maston moved to the right side of the van that was in between him and the suspect.
- As Officer Maston was moving, he could hear gunfire.
- Upon clearing the side of the van, he observed the suspect on the ground facing away from him.
- Officer Maston could not see the suspect's hands, at this point, and did not know if the suspect was still armed.
- He observed the suspect's left arm move and believed he was going to aim his handgun. Officer Maston fired his rifle again at Decedent as a result of seeing this movement.

### **Officer Merren**

On February 6, 2024, at approximately 0725 hours, Officer Merren provided a walk-through of the scene. During the walk-through, Officer Merren relayed the following information:

- Officer Merren heard Officer Canales broadcast on the radio that he had a suspect point a gun at him.
- Officer Merren was the driver of a two-man patrol vehicle, and he knew that Officer Canales was operating as a single-man unit.
- As Officer Merren and Officer Maston pulled into the alley, they exited their vehicle and walked around the corner of the apartment building.
- Officer Merren saw the suspect had a pistol in his right hand, while he was facing officers.
- Officer Merren issued two orders for the suspect to drop the gun.

- Officer Merren's partner, Officer Maston, fired his rifle at the suspect, but the suspect did not go completely down.
- As Officer Merren began approaching, the suspect began to get up, while his body was still positioned towards officers.
- Officer Merren fired his handgun because the suspect still had a gun in his hand and Officer Merren feared the suspect would fire at the officers.

## **PUBLIC SAFETY STATEMENT**

### **Officer Maston**

On February 6, 2024, at approximately 0433 hours, Detective Valenzuela interviewed Sergeant Justin Spurling in reference to the Public Safety Statement (PSS) he obtained from Officer Maston.

Below is the transcript of the interview.

Note: Detective Valenzuela is designated by (GV), and Sergeant Spurling is designated by (JS).

Also present during the interview were PMSA representatives Krumme and Porter.

GV: *Operator this is Detective G. Valenzuela, P# 8396, with the Force Investigation Team conducting a recorded uhh witness Public Safety Statement uhh with Sergeant uhh Justin Spurling, S-P-U-R-L-I-N-G, his P#'s 13647. Call sign today was 831. He works out of Convention Center Area Command. This is in reference to event # LLV240200017425 that happened on uhh February 06, 2024, at approximately 0151 hours and umm, also present is uhh PMSA Troyce Krumme and Lieutenant Harrison Porter. Umm Sergeant Spurling did you conduct a Public Safety Statement today?*

JS: *Yes.*

GV: *And uhh are you able to tell me uhh the first officer you conducted it with and the date and time that it was conducted?*

JS: *Yes, it was Officer Maston, uhh it was conducted at 0200 hours on the 6<sup>th</sup> of February 2024.*

GV: *Okay and uhh are you able to uhh read me the questions you asked and what the an—responses were please?*

JS: *Yes, Sir. First question I asked is are there any outstanding suspects? If so, what is their description, direction and mode of travel, and how long have they been gone? Uhh Officer Maston said unknown, he didn't know. Umm, the next question I asked was, what crimes ummm are they wanted for and what weapons are they armed with? Uhh, he said it's a male which was wanted for Assault with a Deadly Weapon on a police officer, and there was a female with him, but they were unsure if there was a crime for her. Next question I asked was, umm, were you involved in an officer involved shooting? Uhh which he said yes. Next question was approximately where were you when you fired? He told me the northwest corner of 2555 Sherwood, umm and then he also shot over by a blue minivan which was approximately 30 feet to the south. The next question was approximately how many rounds did you fire and in what direction did you fire? Officer Maston guessed seven rounds in the south direction. Uhh, do you know if any other officers fired? He said yes, Officer Merren, that's M-E-R-R-E-N. Is it possible the suspect fired at you? If so, from what direction were the—were the rinds—rounds fired? He said he didn't hear any, and it fired suspect when they fired north. The next question is, are there any weapons or evidence that need to be secured or protected and where is it located? Uhh he said uhh suspect's gun next to the suspect. Are you aware of any witnesses, if so, what are their locations? He gave me Officer Canales, which I don't have his P# but*

*that's C-A-N-A-L-E-S. And that was the conclusion of his Public Safety Statement.*

*GV: Ok, and uhh just for the record uhh the interview started at 0437 hours on February 6, 2024. And we're gonna conclude the interview uhh, the time is 0439 hours.*

## **Officer Merren**

On February 6, 2024, at approximately 0440 hours, Detective Valenzuela interviewed Sergeant Spurling in reference to the Public Safety Statement (PSS) he obtained from Officer Merren.

Below is the transcript of the interview.

Note: Detective Valenzuela is designated by (GV), and Sergeant Spurling is designated by (JS).

Also present during the interview were PMSA representatives Krumme and Porter.

*GV: Operator this is Detective G. Valenzuela, P# 8396, with the Force Investigation Team conducting a recorded witness Public Safety Statement with Sergeant Justin Spurling, P# 13647. Call sign today was 831 uhh he works out of Convention Area—uhh Convention Center Area Command. Uhh today's date is February 6, 2024, and the time is 0440 hours. This is in reference to event # LLV240200017425 that occurred on 02/06/2024 at approximately 0151 hours in the area of 2555 Sherwood, Las Vegas, Nevada 89104. Uhh Sergeant Spurling did you uhh conduct uhh a Public Safety Statement today?*

*JS: Yes Sir.*

*GV: And uhh are you able to tell me uhh who the officer was and what time that Public Safety Statement was conducted?*

*JS: Yes, it's Officer Merren, that's M-E-R-R-E-N. It was conducted at approximately 0208 hours on February 6, 2024.*



GV: *Ok, and are you able to tell me what the questions you asked were and what the answers were please?*

JS: *Yes. First question I asked is are there any outstanding suspects? If so, what is their description, uhh direction and mode of travel, and how long have they been gone? Uhh Officer Merren said a female and she was described as a white female adult. The next question I asked was, what crimes are they wanted for and what weapons are they armed with? Umm he said the female was an unknown crime at that time, and male was for assault with a deadly weapon on a police officer. Next question I asked was, were you involved in an officer involved shooting? Which he replied yes. Umm, next question was approximately where were you when you fired? He said the northwest corner of 2555 Sherwood just north of a blue minivan approximately 25 feet. Approximately how many rounds did you fire and what direction did you fire? He said he fired approximately 8 rounds in a southern direction. Uhh, next question was do you know if any other officers fired? He said yes, Officer Maston. Uhh next question is, is it possible the suspect fired rounds at you? If so, from what direction were the rounds fired? He said no shots from suspect. Eeee—the next question is, are there any weapons or evidence that need to be secured or protected and where is it located? He said suspect's gun. The last question was are you aware of any witnesses, if so, what are their locations? He said none.*

GV: *Ok, uhh Sergeant Spurling, and uhh, you did uhh provide this public safety statement from uhh LVMPD card that was issued to you?*

JS: *Yes.*

GV: *Ok, and uhh just for the record also uhh PMSA reps uhh Troyce Krumme and Harrison Porter were uhh here for this uhh interview. Uhh We're gonna end the interview, umm, same people present at 0443 hours.*

## **OFFICER WEAPON COUNTDOWNS**

On February 6, 2024, Officers Maston and Merren had their duty weapons counted down at Van Patten Street and Sahara Ave to determine the number of rounds each officer fired during the incident.

### **Officer Maston**

Prior to countdown, Officer Maston stated he carried 28 cartridges in the magazine loaded in his firearm and 0 in the chamber, for a total of 28 cartridges.

Officer Maston's firearm was a .223 Sons of Liberty, M4, depicted below:



Officer Maston's rifle had a cartridge in the chamber and 16 cartridges remaining in the magazine from the weapon.

At the completion of the countdown, it was determined Officer Maston discharged his rifle 11 times during this incident.

When compared to evidence at the scene and the eleven .223 cartridge cases recovered by crime scene analysts, detectives concluded Officer Maston discharged his rifle 11 times.

## **Officer Merren**

Prior to countdown, Officer Merren stated he carried 17 cartridges in the magazine loaded in his firearm and 1 in the chamber, for a total of 18 cartridges.

Officer Merren's firearm was a 9mm Glock 17, depicted below:



At the completion of the countdown, it was determined Officer Merren discharged his handgun eight times during this incident.

When compared to evidence at the scene and the eight 9mm LUGER+P cartridge cases recovered by crime scene analysts, detectives concluded Officer Merren discharged his handgun eight times.

## **FIREARM EXAMINATIONS**

LVMPD Forensic Scientist Stephanie Fletcher examined Officer Maston's Sons of Liberty rifle and Officer Merren's Glock 17.

Per her report, dated March 21, 2024, both officers' firearms were examined, test fired and were found to be operational with no noted malfunctions.

Decedent's privately made firearm was a Polymer80 Inc., model PF940C, 9mm semiautomatic pistol with no serial number. The firearm was recovered from the ground adjacent to Decedent's foot.

The Polymer80 Inc., 9mm pistol, was recovered by crime scene analysts and contained one round in the chamber and 10 rounds in the magazine marked for 15-round capacity, that was loaded inside the firearm. Decedent's firearm had a total of 11 rounds at the time of the OIS.

Stephanie Fletcher also examined Decedent's firearm, the Polymer80 firearm, it was test fired and found to be operational with no noted malfunctions.

## **DNA EXAMINATIONS**

LMVPD Forensic Scientist Craig King conducted forensic testing on several of the items of evidentiary significance and the swabbing of those items. Craig King authored a report, dated March 28, 2024, detailing the results and conclusions of his analysis.

Per his report:

The DNA profile developed from the red-brown stain on the fabric of the black handgun case (recovered near Decedent's body) was a mixture profile of 3 contributors.

There was "support for inclusion" of Decedent's DNA as one of the contributors.

The DNA profile developed from the exterior fabric of the same black handgun case, avoiding the red-brown stain was a mixture profile of 4 contributors.

There was "support for inclusion" of Decedent's DNA as one of the contributors.

The DNA profile developed from the swabbing of the privately made firearm, the Polymer80, 9 mm pistol that was recovered near Decedent's body was a mixture profile of 3 contributors.

There was "support for inclusion" of Decedent's DNA as one of the contributors.

The DNA profile developed from the swabbing of the magazine that was loaded inside the privately made firearm, the Polymer80, 9 mm pistol that was recovered near Decedent's body was a mixture profile of 3 contributors.

There was "support for inclusion" of Decedent's DNA as one of the contributors.

## **SUMMARY OF RELEVANT WITNESS STATEMENTS**

### **Civilian Witnesses:**

There were four (4) civilian witnesses, all of whom were interviewed. The civilian witnesses were generally consistent with one another and with the officer witnesses. The following summaries are included for purposes of this report.

### **N.B.**

On February 6, 2024, Officer Jack Jessie obtained a Voluntary Statement from N.B. She declined to give an audio recorded interview to FIT detectives.

N.B. stated that she was in the alley at the time of the incident. She saw police running and yelling "drop it." She said that after that she "ducked" and "hid."

## **C.C.**

On February 6, 2024, at approximately 4:44 a.m., Detective Todd Richard Fasulo conducted an audio recorded interview with C.C.

C.C. was walking into the alley from Van Patten Street and sat down on a couch that was outside, near the block wall. Upon sitting down, he saw a white male walking quickly in his direction with a firearm in his left hand. C.C. stated the weapon appeared to be a black Glock-style handgun. C.C. described the white male as being bald, 6'2", between 170-180lbs, and wearing a tank top, boxer briefs, and shoes.

C.C. stated that the white male started walking quickly southbound away from C.C.'s position. Approximately ten seconds later, LVMPD officers arrived in the alleyway and shined their spotlight on him. Initially, an officer began issuing commands to C.C., but then another officer explained that C.C. was not the subject. C.C. then pointed out the direction the male was heading and told officers: "there is a bald male over there with a gun."

As the officers headed in the direction that C.C. indicated, he heard the officers' shout: "Drop the gun," multiple times. A few seconds after hearing the officers shout, "Drop the gun," C.C. heard gunshots. The sound of gunshots caused C.C. to take cover behind the couch that he had been sitting on. C.C. stayed there until additional officers escorted him out of the area.

## **C.F.**

On February 22, 2024, at approximately 10:30 a.m., Detective Robert Chavez conducted an audio recorded interview with C.F.

C.F. had been friends with Decedent and after seeing the details of the incident on the news, she wanted to speak with the police because she felt that she could offer relevant information.

C.F. knew Decedent since the age of 16. Two days prior to the OIS, C.F. had a conversation with Decedent. During that recent conversation, Decedent told C.F. that he was afraid of going back to prison because of a car accident in which Decedent had been involved. Decedent told C.F. that his girlfriend died as a result of the car crash and that he believed police were looking for him because he had heroin in his system at the time of the car accident.

Decedent was concerned that he could be headed back to prison. Decedent told C.F. that he believed that he would be killed if he were sent back to prison. He seemed to believe this because he told C.F. that he had previously been a Toonerville gang member, who went by the moniker "Sly." Decedent informed C.F. that he believed that his gang had been looking for him due to "snitching." Decedent told C.F. that due to this "snitching" concern, when he was previously in prison, he was placed in protective custody, prior to completing his sentence.



Decedent informed C.F. that he was “strapped” at all times, meaning he always had a firearm with him. Decedent indicated that he would rather do a “suicide by cop” than go back to prison. Decedent told C.F. that he did not want to hurt officers, but that he was going to raise his gun if he had to, in order to make police shoot him.

C.F. did not speak to Decedent again after this conversation, nor had C.F. relayed her concerns to anyone else, prior to learning about the OIS.

## **D.D.**

On March 14, 2024, at approximately 12:29 a.m., Detective Robert Chavez conducted a telephonic audio recorded interview with D.D.

D.D. had been the individual that was with Decedent during the traffic stop that Officer Canales conducted prior to the foot pursuit and OIS.

Prior to the Officer Canales attempted traffic stop of Decedent and D.D., they had been at a friend’s house, located at the Sherwood Street Apartments nearby. They had been getting ready to go the Eureka Casino. Decedent and D.D. had been inside Decedent’s vehicle smoking marijuana and listening to music.

While sitting in the vehicle, they saw a police vehicle go by and stop behind them. Decedent told D.D. that if the police tried to stop him, he would “book it and give them a run for their money.” Decedent further stated that he was going to run from the police if they tried to stop him because he had a gun on him and he was a felon. D.D. told Decedent, “Don’t do that, you don’t have to do it”. However, Decedent repeated his intention that: “I’m gonna run, I’m gonna run.”

Decedent informed D.D. that he carried the firearm for protection. D.D. attempted to calm Decedent because he thought Decedent was being paranoid. When the patrol vehicle began to approach Decedent’s vehicle, Decedent started his vehicle and put it in reverse. Decedent reversed into a parked car and Decedent and D.D. got out of their vehicle to look at the damage. At this point in time, the patrol vehicle approached from behind them.

As Officer Canales made contact with them, D.D. indicated that he was walking towards the front of the patrol vehicle, when Decedent suddenly ran away. Officer Canales pursued Decedent. When Officer Canales chased Decedent, D.D. got scared and went back inside his friend’s house.

## **Officer Witnesses**

In addition to the subject officers, there was one officer witness on scene, who was interviewed. The interview was audio-recorded. The following summary was relevant for the purposes of this report.

### **Officer Anthony Canales**

On February 6, 2024, at approximately 5:09 a.m., Detective Scott Mendoza conducted an audio recorded interview with Officer Canales.

While conducting patrol in the early hours of February 6, 2024, Officer Canales observed a red in color Jeep with two occupants inside. Officer Canales ran the Arizona license plate that returned as being either suspended or revoked. He then decided to wait for the vehicle to mobilize before conducting a traffic stop. When the brake lights engaged, Officer Canales turned the corner and called for the vehicle to stop.

Officer Canales then heard what sounded like a collision as the Jeep appeared to strike the parked vehicle behind it. He engaged his overhead lights and sirens from the department issued vehicle. He saw a white male adult, later identified as Decedent, that appeared to be wearing a wig, gray long sleeve shirt, and gray shorts. Additionally, Officer Canales saw a black female adult, from the passenger seat. Officer Canales then issued lawful orders for the two to approach his vehicle. Decedent immediately approached while the female was initially hesitant. Upon the female approaching the vehicle, Decedent began to run away from the vehicles.

Officer Canales then radioed that he was engaged in a foot pursuit and requested additional units. He noticed Decedent was digging through a purse-type satchel as Officer Canales was chasing him. Officer Canales then tripped over something and fell to the ground. Some equipment from his duty belt became dislodged and his BWC got knocked askew. When Officer Canales was able to get back on his feet and recover his belongings, Officer Canales resumed the pursuit.

When he re-engaged Decedent, Officer Canales saw Decedent pointing a gun directly at him. Officer Canales informed other officers over the radio that the subject had a firearm. At this point, Officer Canales noticed that Decedent had removed the hat and wig that he was originally wearing. However, Officer Canales recognized the same clothing as being that from the traffic stop. Shortly thereafter, Officers Maston and Merren make contact with Officer Canales in Sherwood Alley.

Decedent was spotted by the officers in the alley. Officer Canales heard the other officers giving verbal commands to drop the gun. The subject did not drop the gun and Officers Maston and Merren then fired at Decedent. Officer Canales was not in a position from which to fire.

After the first round of shots from officers, Decedent collapsed to the ground. Decedent then began reaching for the firearm, which prompted additional firing from officers. Officer Canales then radioed that shots had been fired and requested medical.

After Decedent was down, Officer Canales approached to secure Decedent in handcuffs and applied a tourniquet to Decedent's left arm. Officer Canales stated that he feared for his life due to Decedent having pointed a firearm at him in the alley, during the foot pursuit. Officer Canales also feared for the safety of the citizens that lived in the neighborhood.

## **BODY-WORN CAMERAS**

Officers Canales, Merren, and Maston were equipped with BWC, which were activated at the time of the incident. The BWC footage depicts the following:

### **Officer Canales' BWC**

Officer Canales's BWC was activated while he was in his patrol vehicle. He radioed dispatch that he was conducting a suspicious vehicle stop at Liberace Avenue and Sherwood Street. Officer Canales activated his emergency lights and siren behind a red Jeep. A male, later identified as Decedent, approached the patrol vehicle. Decedent had his hands up and walked to the front of the patrol vehicle.

Decedent asked, "what did we do wrong?" Officer Canales said, "You smashed into this car." Decedent said, "I know, that's why I got out to check the damage." Officer Canales radioed for backup and advised the vehicle was involved in an accident. Officer Canales again directed the other occupant of the red Jeep to get to the front of his patrol vehicle.

At this point, Decedent turned from Officer Canales and ran away, running north on Sherwood Street. Officer Canales announced a foot pursuit over the radio, then ran after Decedent.

While running, Officer Canales announced that Decedent was reaching into a bag. Officer Canales shouted to Decedent: "Stop running, show me your hands."

At this point, Officer Canales fell down in the street, the fall caused his BWC to shift downward; however, the audio continued to work as the BWC camera filmed downward. Officer Canales' fall also caused a few items from his duty belt to fall off. Officer Canales recovered these items and be seen continuing the foot pursuit.

As the foot pursuit continued, Officer Canales is heard shouting at Decedent: "Just give up."

Officer Canales informed dispatch that: "He's pointing a 413 (gun) at me, I need units now." Officer Canales told dispatch that Decedent was behind the Radcliff Apartments,

and he lost visual. Officer Canales announced that Decedent was now running westbound then told Decedent, "Let me see your hands."

Officer Canales announced that Decedent still had something in his hands and was walking towards 6<sup>th</sup> Street and Sahara Avenue. Officer Canales readvised Decedent's description as a transgender male wearing grey over grey. Officer Canales met with officers in a patrol vehicle [Officers Merren & Maston] and informed them: "He went down this way and had a handgun in his hand." Officer Canales told the officers, "Down there." The officers drove into an alley and Officer Canales followed behind them on foot.

Officer Canales can be heard telling those officers, "That's not it," then reiterated the clothing description of: "Grey long sleeve and grey shorts." [*This exchange is the discussion that C.C. referenced from his civilian interview*]

An officer can be heard asking, "Where's he at," followed by "Hands up" and "Drop the fucking gun."

Gunfire was heard on the BWC, then Officer Canales radioed: "shots fired."

A second and third volley of gunfire was heard, followed by Officer Canales yelling: "stop, cease fire."

Officer Canales radioed for medical to his location and advised Decedent was down. Officer Canales assisted in formulating a plan to approach Decedent. Officer Canales and other officers approached Decedent. Officer Canales stated, "He's still moving."

Officer Canales placed handcuffs on Decedent and asked for a trauma kit to begin lifesaving measures. Apparent blood was seen toward Decedent's upper body. Officer Canales applied a tourniquet on Decedent's left arm. Officer Canales told Decedent, "Keep breathing."

## **Officer Maston's BWC**

Officer Maston's BWC was activated and showed the front windshield of the patrol vehicle he was in. Officer Maston was the passenger of the two-man patrol vehicle [driven by Officer Merren]. Officer Maston's BWC was mounted on his left shoulder. Officer Maston recovered a rifle from the patrol vehicle's rifle rack.

Officer Maston radioed Officer Canales and asked him for his location. Officer Maston is informed, "He's running westbound."

Incoming radio traffic was heard saying: "He still has something in his hands, he's walking toward 6<sup>th</sup> Street now."

Officer Maston asked over the radio, "What's he look like?"

Officer Merren, who was driving, stopped for Officer Canales, who was flashing a flashlight as he was standing in the middle of the street. Officer Canales said: "He went down this way."

Officers Maston and Merren proceeded westbound, still in their patrol vehicle, into an alley with their emergency lights activated. Officer Maston exited the patrol vehicle with his rifle after Officer Merren stopped the patrol vehicle at the northwest corner of 2555 Sherwood Street.

Officer Maston turns the corner of the apartment building, just after Officer Merren rounds the corner and began asking: "Where's he at?"

As Officer Maston presents and shoulders his rifle, in a shooting position, Officer Maston is located roughly 5 to 8 feet behind Officer Merren and slight to the right of Officer Merren's right shoulder.

Officer Merren was heard yelling multiple times, "Drop the fucking gun." Officer Merren's handgun is drawn and in a ready position as he is issuing orders and directly engaged with Decedent.

Decedent is positioned on the opposite side of the hood of a blue van, as Officer Merren is engaged with him.

Officer Maston is still behind Officer Merren and does not yet have a clear enough line of sight. Officer Maston engages the flashlight on his rifle as he shoulders the rifle and sights in Decedent.

Decedent was wearing the grey sweater or shirt and grey shorts as described by Officer Canales.

At the moment when Officer Merren became most exposed, as you can see him no longer having the benefit of the electrical box jutting out of the side of the exterior wall, Officer Maston yells out: "Hey, move Merren." At this point in time, Officer Merren moves slightly to the left, once again benefitting from some cover from the electrical box on the exterior wall, and Officer Maston moves further to the right, distancing further the fear of having Officer Merren in the line of fire.

Officer Maston then fires the first volley of rifle fire at Decedent's upper body. Decedent's lower body is still protected from the cover the blue van was providing.

Decedent can be seen falling down on the opposite side of the van after this first round of rifle fire from Officer Maston.

An officer was heard announcing, "Shots fired."



At this point, Officer Maston continued advancing forward; however, he must advance forward and to the right in order to clear the rear of the van. While Officer Maston was moving to the right in order to re-establish a visual, the discharging of Officer Merren's handgun can be heard.

Officer Maston began sprinting forward in order to re-establish a visual on Decedent. As Officer Maston cleared the van, he re-engaged his rifle's mounted flashlight, re-shouldered and sighted his rifle and fired his second volley of rifle fire.

The second volley of rifle fire can be heard just as Officer Merren's handgun fire ended.

Officer Maston then ceased firing, turned off his rifle-mounted flashlight and began approaching Decedent.

As Officer Maston was approaching Decedent, the black handgun can be seen on the ground, next to Decedent's legs.

Officer Maston and other officers formulated a plan to approach Decedent. As they approached, a black gun case was also visible on the ground near Decedent.

An officer placed handcuffs on Decedent and requested a trauma kit. Officers began lifesaving measures while waiting for medical personnel to arrive.

## **Officer Merren's BWC**

Officer Merren's BWC was activated and showed the steering wheel and front windshield of the two-man patrol vehicle he was driving. Officer Merren's BWC was mounted on his left shoulder.

Emergency sirens could be heard, and emergency lights could be seen as he was driving. Officer Merren turned onto a street and called Officer Canales over the radio for his location. Officer Merren asked over the radio: "What's he look like?"

Officer Merren found Officer Canales standing near an alley and asked for the suspect's location. Officer Canales pointed in the direction of the alley and told Officer Merren that the suspect had a handgun in his hand. Officer Merren proceeded to drive westbound down the alley and stopped shortly after announcing, "He's right there."

Officer Merren exited his patrol vehicle with his handgun drawn and walked westbound down the alley, to the end of a building on his left. Officer Merren reached the end of the building, located on the northwest corner, and turned left with his weapon drawn. As this was going on, the Air Unit could be heard nearby, and emergency lights were visible in the alleyway.

Decedent was seen wearing a grey sweater and grey shorts on the opposite side of a blue van, south of Officer Merren's location. Decedent was facing Officer Merren and

was holding an object in his right hand. Officer Merren gave multiple commands to: "Drop the fucking gun."

Gunshots were heard coming from behind Officer Merren [Officer Maston's rifle]. After that first volley of gunfire, Decedent appeared to go down behind the van. Officer Merren advanced forward in order to re-establish a visual on Decedent. As he advanced far enough to see over the front hood of the van, Officer Merren had a visual of Decedent sitting in an upright position and facing Officer Merren.

Officer Merren fired his handgun at Decedent, causing him to fall to the ground. After Decedent fell to the ground, a black handgun was seen right next to him.

Additional gunfire was heard immediately after Officer Merren ceased firing, followed by an officer calling for a cease fire.

An officer called for medical treatment to their location due to shots fired. Additional officers arrived and formulated a plan to take Decedent into custody. Officer Merren advised officers that Decedent was still moving.

As officers approached Decedent, a black handgun and black gun case was found next to him. Apparent blood was seen towards Decedent's upper body as officers handcuffed him. Officers began lifesaving measures on Decedent and waited for medical to arrive.

### **AIR UNIT VIDEO FOOTAGE**

The LVMPD Air Unit has a camera system, which is operated and controlled by the Tactical Flight Observer.

The Air Unit camera system has information displayed on the video screen to include the direction the camera is looking, altitude, what mode the camera system is in as well as longitude and latitude.

Air Unit camera footage depicted the following:

On February 6, 2024, around 0149 hours, LVMPD Air Support Unit AIR5 (Officers Bair Bradley and Kurth Ryan) was headed to the area of the incident to provide visual support during LVMPD's attempt to locate Decedent. Around 0149 hours, the Air Support was able to begin obtaining video footage of the incident while they continued the route to get closer to the scene.

The Air Unit was able to obtain a visual of Decedent when he was alone in an alley, standing in the area of the northwest corner of the apartment building at 2575 Sherwood Street. The camera zoomed in and captured video of Decedent holding an object in his right hand.

The Air Unit attempted to verify Decedent's description. As the Air Unit rotated to the south side of Decedent's location to get a clearer view, the camera image became distorted. Also, at this moment in time, Decedent was seen walking north as the camera was partially blocked by the apartment building that Decedent was standing near.

The next information that was called out by officers over the radio was: "Shots fired." The Air Unit video quickly attempted to zoom-out and re-focus the camera. As the camera re-focused on the incident, the video footage displayed flashes coming from Officer Merren's location, followed by Decedent falling to the ground.

As Decedent's body fell to the ground and began to turn away from the officers, video footage captured Decedent's gun falling from his hand to the ground, at the same time as Officer Maston's second volley of rifle fire occurred.

Officers Canales, Maston, and Merren waited by the van and two other officers arrived behind them on foot.

The Air Unit pointed its flood light toward Decedent and captured him lying on his right side with apparent blood near his head. Decedent's black handgun was visible lying on the ground, near his right leg, and a gun case was also visible nearby.

After officers secured Decedent with handcuffs, the Air Unit attempted to locate the passenger from Decedent's vehicle; however, this attempt was unsuccessful.

## THIRD PARTY VIDEO

### **595 E. Sahara Ave (Eureka Casino)**

The Eureka Casino was located north and east of the OIS. Although an apartment building blocked the view of the actual OIS, detectives were able to obtain video footage from three cameras at the Eureka Casino. The footage was obtained from management and the details from the three Eureka Casino videos are detailed below.



The red circle indicates the area of the OIS.

The green circle indicates the location of the Eureka Casino.

The blue circle indicates the location of the Speedee Mart.



### *First Mounted Camera*

The first mounted camera, located northeast of the OIS, faced south toward Sherwood Street. The video timestamp began at 01:49:28 hours and showed Decedent walking westbound between a wall and an apartment complex located at 2566 Sherwood Street (Radcliff Apartments). At 01:49:50 hours, the subject ran westbound across Sherwood Street, walked northbound on a sidewalk, then turned westbound into an alley north of an apartment complex located at 2555 Sherwood Street. At 01:50:20 hours, Officer Canales is seen walking northbound on the east sidewalk of Sherwood Street with his flashlight on. At 01:50:29 hours, Officer Canales crossed Sherwood Street, westbound, while attempting to locate Decedent. At 01:50:50 hours, Officers Merren and Maston arrived in their patrol vehicle, with its emergency lights activated, and located Officer Canales. At 01:51:03 hours, the patrol vehicle traveled westbound through the alley that is north of 2555 Sherwood Street. Officer Canales followed behind the patrol vehicle on foot. At 01:51:12 hours, assisting units arrived. The video recording ended at 01:51:39 hours.

### *Second Mounted Camera*

The second mounted camera faced south toward Sherwood Street. The video timestamp began at 01:49:45 hours. At 01:49:52 hours, a subject ran west across Sherwood Street. At 01:50:03 hours, the subject walked northbound on the sidewalk along Sherwood Street. At 01:50:11 hours, the subject, wearing a dark shirt with a white front design, proceeded westbound through an alley north of an apartment complex located at 2555 Sherwood Street. At 01:50:31 hours, Officer Canales walked westbound across Sherwood Street toward 2555 Sherwood Street, attempting to locate Decedent utilizing his flashlight. At 01:50:50 hours, Officers Merren and Maston arrived in their patrol vehicle, with their emergency lights activated, and located Officer Canales. At 01:51:03 hours, the patrol vehicle traveled westbound through the alley that is north of 2555 Sherwood Street. Officer Canales followed behind the patrol vehicle on foot. At 01:51:15 hours, assisting patrol units arrived. The video recording ended at 01:52:08 hours.

### *Third Mounted Camera*

The third mounted camera faced west from the Eureka Casino parking lot. At 01:50:26 hours, the subject walked south through the alley, located west of the apartment complex. At 01:50:28 hours, Officer Canales crossed west on Sherwood Street with his flashlight on, attempting to locate Decedent. At 01:50:50 hours, Officers Merren and Maston arrived in their patrol vehicle, with its emergency lights activated, and located Officer Canales. Officer Canales approached the patrol vehicle and at 01:51:03 hours, the patrol vehicle traveled westbound through an alley, north of 2555 Sherwood Street. At 01:51:15 hours, assisting units arrived. The video recording ended at 01:53:43 hours.

***Note: The video footage from Eureka Casino did not have audio and did not show the actual OIS.***

## **569 E. Sahara Ave (Speedee Mart)**

Detectives were able to obtain video footage from one exterior camera located at Speedee Mart. The footage was obtained from management. The camera did not include a timestamp.

The mounted surveillance camera was located north of the OIS, and the camera faced southeast into the alley where the OIS occurred. Footage began with a subject walking southbound in the alley towards the northwest corner of an apartment complex, located at 2555 Sherwood Street. The subject remained standing near the northwest corner of the apartment complex. A patrol vehicle, with its emergency lights activated, drove westbound through the alley north of an apartment complex, located at 2575 Sherwood Street. Given the quality of the video footage and the distance away from the OIS that the camera was located, when the patrol vehicle stopped near the northwest side of the apartment complex with its emergency lights activated, the lights make it hard to make out any additional details from the scene.

Two officers were depicted walking southbound alongside the west side of the apartment complex. The footage stopped due to the motion activation not being picked up and later resumed showing an officer at the rear of a parked van and another officer at the front of the parked van.

The remainder of the footage captured other officers arriving and providing assistance moments later. The video depicted Decedent being taken into custody, and the Community Ambulance arriving moments later.

***Note: The camera was motion activated, did not have audio, and did not show the actual OIS.***

## **AUTOPSY**

Dr. Nathan Shaller of the Clark County Coroner's Office conducted an autopsy on Decedent. Dr. Shaler concluded Decedent's cause of death was the result of multiple gunshot wounds.

The toxicology results indicated Decedent had Methamphetamine and Amphetamine in his system, at the time of his death.

## **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). 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 or defense of others; and (2) justifiable homicide by a public officer. Both 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. "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 ..." against the person or other person.<sup>1</sup> 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 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].

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<sup>1</sup> NRS 200.120(3)(a) defines a crime of violence to mean 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.



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.

The known facts and circumstances surrounding this incident indicate that Decedent posed an imminent danger to Officers Canales, Merren, and Maston, as well as any civilians that were in the area.

As Officer Canales was in active pursuit of Decedent, Decedent pointed a firearm in his direction. Officer Canales immediately took cover and continued to request additional units to support the apprehension of Decedent. Decedent failed to comply with multiple requests from Officer Canales to cease his efforts to evade lawful arrest.

When Officers Maston and Merren arrived on scene to offer assistance, Decedent again continued his attempt to evade officers. Officer Merren clearly issued lawful instructions to Decedent to put his weapon down. Decedent never placed his weapon down. Additionally, as Decedent waited for officers to pursue him around the final building corner, he was holding his firearm and he possessed the tactical advantage of cover from the blue van, while Officer Merren was exposed.

Thus, Officer Maston's rifle fire was discharged with reasonable belief that Decedent would cause great bodily harm or death to Officer Merren, Officer Maston, Officer Canales, and/or other officers or civilians in the immediate area.

Even after Officer Maston's initial rifle fire, Decedent still possessed a loaded handgun as he fell to the ground. Although on the ground, Decedent was still upright and facing officers and had yet to comply with the verbal command to drop his weapon. Officer Merren's handgun was discharged with reasonable belief that Decedent still possessed the ability to carry out great bodily harm or death towards officers and civilians.

Contemporaneous with Officer Merren's handgun fire, Officer Maston ran to re-establish a view of Decedent from behind the blue van that Decedent used as cover between himself and officers. As Officer Maston cleared the van, and as Officer Merren ceased firing at Decedent, Officer Maston re-established visual and initiated a second volley of rifle fire to neutralize the threat.

While Officer Maston was discharging his weapon, Decedent was seen rolling away from officers and his handgun was seen falling to the ground. At this point, officers called for and did cease firing at Decedent. After the cease fire, Decedent did not attempt to regain control of his 9mm firearm that had a loaded magazine and a live round in the chamber.

Thus, the totality of the evidence, to include BWC video footage, third party video footage, LVMPD Air Unit footage, LVMPD radio traffic, subsequent forensic examinations, and witness statements, illustrated that Officers Merren and Maston were reasonable in believing that Decedent would cause great bodily harm or death to others or themselves.

The officers were confronted with the appearance of imminent danger and acted out of a reasonable belief that someone was about to be shot by Decedent. Here, the officers reasonably acted in self-defense and defense of others.

Consequently, the shooting of Decedent is justifiable under this legal theory.

## **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, the known evidence illustrates that Officers Merren and Maston had probable cause to believe that Decedent posed a threat of serious physical harm to themselves, fellow officers, and to any civilians in the area. Officers Merren and Maston were aware that Decedent had fled from Officer Canales and during the foot pursuit, Decedent had produced and pointed a firearm at Officer Canales.

Decedent refused to obey Officer Canales' orders to drop the gun and Decedent refused to obey Officer Merren's orders to drop the gun. When Decedent refused to drop the firearm after multiple commands, had directly pointed that firearm at an officer, and possessed the tactical advantage of taking cover behind the blue van, the officers had a

reasonable belief that Decedent could cause serious physical harm to themselves, their fellow officers, or any civilians in the area. Thus, the use of deadly force by Officers Merren and Maston was legally justified and appropriate under NRS 200.140(2).

### **CONCLUSION**

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, we conclude that the actions of Officers Maston and Merren 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 either Officer Maston or Officer Merren.