



OFFICE OF THE DISTRICT ATTORNEY

STEVEN B. WOLFSON

District Attorney

CHRISTOPHER LALLI

Assistant District Attorney

TERESA M. LOWRY

Assistant District Attorney

MARY-ANNE MILLER

County Counsel

PAMELA WECKERLY

Chief Deputy District Attorney

November 20, 2012

Sheriff Douglas C. Gillespie
Las Vegas Metropolitan Police Department
400 Martin Luther King Boulevard
Las Vegas, NV 89106

Re: Officer-Involved Death of Sharmel Edwards which occurred on April 21, 2012, at 2333 North Jones Boulevard, Las Vegas, Clark County, Nevada, under LVMPD Event #120421-0390

Dear Sheriff Douglas C. Gillespie:

On April 21, 2012, at approximately 0148 hours, an individual called 911 (hereinafter "Vehicle Owner") and reported that his friend, Sharmel Edwards, (hereinafter "Decedent") had stolen his vehicle. Vehicle Owner described his vehicle as a red, 2001 Cadillac Deville. Vehicle Owner also informed the call taker that his .45 caliber pistol was in the center console of the car.

Officer Todd Edwards responded to Vehicle Owner's residence and completed a stolen vehicle report.

At approximately 0337 hours, Officer Edwards located the stolen Cadillac traveling eastbound on Smoke Ranch Road at Torrey Pines Drive. Officer Troung Thai soon arrived to assist. They followed the vehicle to the south parking lot of 2333 North Jones Boulevard where they conducted a felony car stop. Other officers arrived. The sole

//

occupant of the stolen vehicle, Decedent, sat in the vehicle while officers negotiated with her to surrender. After approximately thirty-seven minutes of negotiations, Decedent exited the front driver's side door of the vehicle with a pistol in her hands and aimed at officers. As she exited the vehicle with the gun, five of the officers near her fired their weapons striking Decedent numerous times. Emergency medical personnel arrived and attended to Decedent, but found no signs of life.

The District Attorney's Office has completed its review of the April 21, 2012, death of Decedent. It has been determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of the officers were not criminal in nature. This review was based on all the evidence currently available, but without the benefit of an inquest proceeding.

This letter explains why criminal charges will not be forthcoming against the officers involved. It is not intended to recount every detail, answer every question or resolve every factual conflict regarding this police encounter. This letter is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the officers was not criminal.

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

DESCRIPTION OF SCENE

On April 21, 2012, Sgt. Mahoney, Sgt. Langgin, Officer Lilienthal, and Officer Carrillo all provided a walk-thru of the shooting scene. Present during the walk-thru were Detective Tod Williams, Detective Barry Jensen, Sgt. Phil Fabian, Crime Scene Analyst Supervisor Terry Martin, Director of CSA Randall McLaughlin, Lt. Ray Steiber, Capt. C. Jones, PPA Attorney Kathy Collins, PMSA Representative Sgt. Noah Grimm, Deputy Chief K. O'Connor, Deputy Chief J. Owens, Clark County District Attorney Steven Wolfson, Clark County District Attorney's Chief Investigator William Falkner.

The scene was in the south parking lot of 2333 North Jones Boulevard, located on the southeast corner of Jones Boulevard and Smoke Ranch Road. A 2001, Maroon, Cadillac bearing Nevada (handicapped) license plate A20779 was parked facing east. The front driver's side door and front passenger's side door were open. The front driver's side door window was down. A Springfield 1911, .45 caliber gun bearing serial number NM162622 was on the ground just north of the left rear tire and south of the body. The weapon was cocked and the safety was on. The weapon had one "S & B 45 Auto" .45 caliber cartridge in the chamber and six, "S & B 45 Auto" .45 caliber cartridges in the magazine which was seated in the magazine well. The magazine seated in the magazine well had a thirteen round capacity.

There were five bullet fragments on the ground northeast of the Cadillac's left side rear tire. There was a bullet fragment under the Cadillac. There was a bullet strike on the left rear door, near the front driver's side door. There was a bullet hole in the driver's side rocker panel, just below the front driver's side door. There were two bullet strikes in the lower portion of the front driver's side door. There were seven bullet strikes in the driver's side front tire. There were two bullet strikes in the weather stripping on the lower portion of the opened driver's side door. There were two bullet strikes on the ground north of the Cadillac. There was damage to the left front fender.

Inside the Cadillac there was a bullet hole in the driver's side door well. There were three bullet strikes and one bullet hole in the driver's side dash near the "A" pillar. There was a bullet hole in the left side of the steering wheel just below the cross beam. There was a related bullet hole in the driver's side dash above the dashboard's instrument panel. There were three apparent bullet strikes in the front windshield. There were shot pellets and debris on the front driver's side floorboard. There was a shot hull on the front passenger's floorboard. In order to retrieve evidence, the crime scene analyst cut open the left front tire of the Cadillac. Inside the tire were shot pellet fragments and debris.

In the center console of the Cadillac was a cloth holster and a Colt .45 caliber magazine, loaded with six "S & B 45 Auto" .45 caliber cartridges.

Parked directly behind the Cadillac was marked LVMPD patrol vehicle #NW10305 (assigned to Officer Edwards). The front driver side and front passenger side doors were open. Both spotlights and the engine were on. Parked directly behind patrol vehicle #NW10305 was patrol vehicle #NW10125 (assigned to Officer Cook). The front driver's side door was open and the engine was on. The driver's side spot light was on as well. Parked behind patrol vehicle #NW10125 was patrol vehicle #BA10195 (assigned to Officer Belt). The doors of that vehicle were closed and the engine off.

A black, Ford Mustang bearing Nevada license plate 689WZE was parked facing north and was just north of patrol vehicle #NW10305. A "Speer 45 Auto" cartridge casing was on the driver's side windshield resting on the wiper blade. A 12 gauge, 00 buck, shot shell was on the ground behind the Ford near the rear driver's side. A 12 gauge, 00 buck, shot shell was on the ground near the driver's side rear tire. A "Speer 45 Auto" cartridge casing was on the passenger's side of the Ford, on the ground, near the right rear tire. The Ford was photographed with no damage due to the shooting noted.

A water kiosk was west of the black Ford. The water kiosk was just north of patrol vehicles #NW10125 and #BA10195. North of the water kiosk was marked LVMPD K-9 vehicle #9584 (assigned to K-9 Officer Overson). The doors were locked and the engine on. Northeast of K-9 vehicle #9584 was patrol car #NW10324 (assigned to Officer Grivas). The doors were closed and the engine off, the take down lights were on. On the ground, behind patrol vehicle #NW10324, was a "Speer 45 Auto" cartridge casing. K-9

//

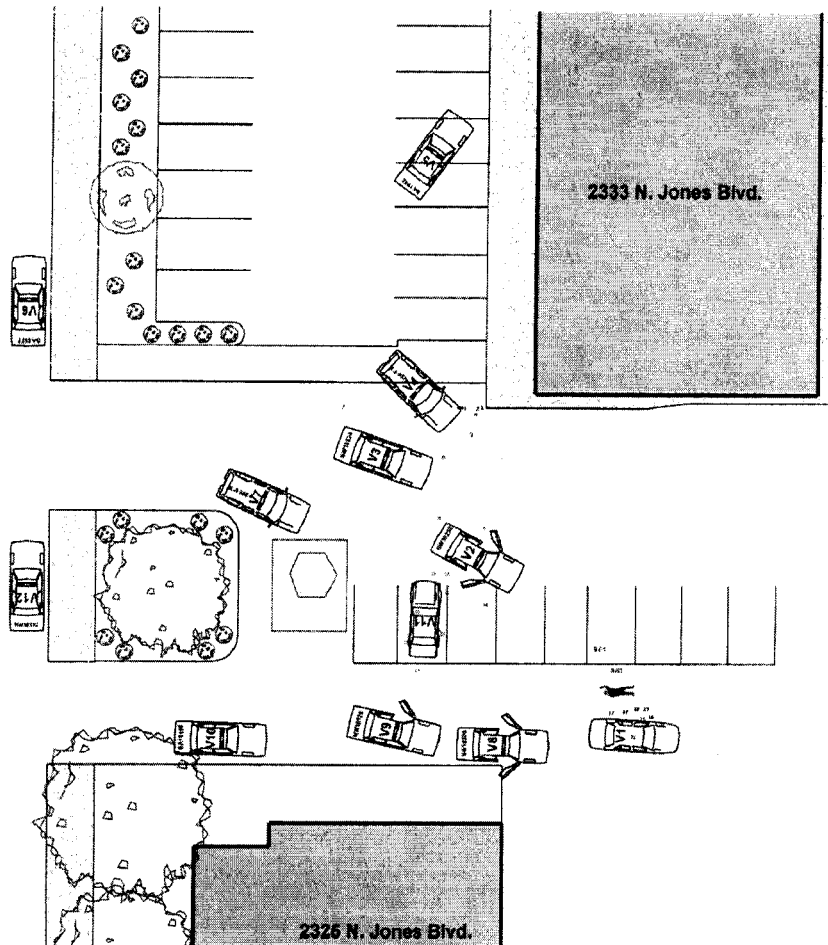
vehicle #9578 (assigned to K-9 Officer English) was parked north of patrol vehicle #NW10324. The doors were closed and the engine on. On the ground near the driver's side of K-9 vehicle #9578, were six rifle cartridge casings. Three .223 caliber casings were head stamped "FC 11 223 Rem" and three .223 caliber casings were head stamped "FC 223 Rem."

Vehicle #NW10292 (assigned to Officer Thai) was parked southeast of vehicle #NW10324 and K-9 vehicle #9578. Vehicle #NW10292 was parked facing southeast and was angled toward the suspect vehicle. The front driver's side door and front passenger's side door were open. Both spotlights were on. The headlights, take down lights, and engine were on. There was one "Speer 45 Auto" .45 caliber cartridge casing on the ground, just north of vehicle #NW10292. There was one "Speer 45 Auto" casing on the ground behind vehicle #NW10292. There were three "Speer 45 Auto" .45 caliber casings on the ground, near the passenger's side of vehicle #NW10292. There was a .45 caliber magazine on the ground, near the front passenger's door. The magazine contained eight "Speer 45 Auto" .45 caliber cartridges. The magazine belonged to Officer Grivas who conducted a speed reload of his firearm during or immediately after the shooting.

In the alley, southeast of the Cadillac, was a shot hull. In the alley, south of the shot hull, was a bullet fragment. On the west side of the alley and southeast of the Cadillac, was a blue, metal garbage bin. There was a bullet strike in the front side of the blue garbage bin.

Vehicle #BA1942 (assigned to Sergeant Langgin) was parked in the parking lot of 2333 North Jones Boulevard, facing north and was north of K-9 vehicle #9578. Vehicle #BA1942 was not parked in the immediate scene. Vehicle #BA1677 (assigned to Officer Lilienthal) was parked on the east side of Jones Boulevard, just north of the south entrance to 2333 North Jones Boulevard, facing south. Vehicle #BA1677 was not parked in the immediate scene. Vehicle #NW10330 (assigned to Sergeant Mahoney) was parked on the east side of Jones Boulevard, between the north and south entrances to 2333 North Jones Boulevard. Vehicle #NW10330 was not parked in the immediate scene. K-9 vehicle #9666 (assigned to K-9 Officer Carrillo) was parked on the east side of Jones Boulevard approximately fifty yards south of the south entrance to 2333 North Jones Boulevard. Vehicle #9666 was not parked in the immediate scene.

On April 21, 2012, at approximately 2318 hours, CSA D. Brotherson arrived at the North West Area Command where she met with Officer L. Morton P# 13655. CSA Brotherson recovered a "Speer 45 Auto" .45 caliber casing from the left side of the trunk lip of marked vehicle #NW10292.



Officer Involved Shooting (Fatal)
120421-0390
2333 N. Jones Blvd.
Subject: Sharmel Edwards
04-21-2012
N14401M

Evidence

- ITEM #'s:
1-6: Rifle Cartridge Cases
7-13: .45 Caliber Cartridge Cases
14: .45 Caliber Magazine
15-16: Shot Shell Cases
17: Springfield 1911-A1 Handgun
18: Red Shot Wad
19: Jacket Fragment
22: Jacket Fragment (located under V5)
25: Jacket Fragment
26: Bullet Fragment
27: Jacket Fragment
28: Bullet Fragment
29: Bullet Fragment
30: .45 Caliber Cartridge Case
31: Bullet Fragments

BS= Bullet Strike

LOCATION AND DESCRIPTION OF BODY

The body of Decedent was covered by two yellow, police trauma blankets. When the blankets were removed, the body was found lying supine with the head toward the west and the feet toward the east. The left arm was extended away from the body and bent at the elbow. The left palm was exposed with the index finger and thumb partially bent at the second knuckle. The right arm was down by the side with the right hand tucked under the right buttock. The body was dressed in a loose fitting, black dress with spaghetti straps over the shoulders, pink leopard print panties and black flip flop type sandals. The dress was cut by medical personnel.

AUTOPSY

On April 22, 2012, at approximately 0800 hours, an autopsy was performed on the body of Decedent at the office of the Clark County Coroner Medical Examiner.

After a complete autopsy, Dr. Olson determined the cause of death was from multiple gunshot wounds and the manner of death was homicide.

A toxicology report provided to detectives from the Clark County Coroner's Office showed that Decedent had 240 ng/ml of cocaine in her system¹ and a blood alcohol concentration of .13.

INVESTIGATION

Civilian Witnesses

Vehicle Owner

On Saturday, April 21, 2012, at about 0635 hours, Detectives C. Bunn and D. Barringer interviewed Vehicle Owner. In addition, Detective Williams had several conversations with Vehicle Owner by telephone and in his home. During these contacts with detectives, Vehicle Owner related the following information: Vehicle Owner picked up Decedent at about 1830 hours on Friday the 20th of April for a dinner date. Vehicle Owner said he suffers from Parkinson's disease which affects his memory. Vehicle Owner cannot recall if he picked Decedent up at her apartment at the Paradiseo Apartments at Rainbow and Smoke Ranch, or if it was at the bar he owns, the Smoke Ranch Junction (also at Rainbow and Smoke Ranch). They returned to his house and after ingesting some drinks and spending time in the hot tub, Vehicle Owner went to bed around 10:00 pm. Vehicle Owner claimed there were no problems between the two that night and Decedent seemed happy. Decedent was still in the hot tub when Vehicle Owner went to bed.

When he woke up at approximately 0100 hours, Vehicle Owner realized the keys to his car and the car were missing. Vehicle Owner attempted to call Decedent on her cellular phone at 0138 hours, but she did not answer. Vehicle Owner then called the Las Vegas Metropolitan Police Department to report his car stolen. Vehicle Owner said Decedent was a patron at his bar and that they have dated in the past. Vehicle Owner said Decedent had been at his home on at least five previous occasions and this would have been the second time she spent the night. Vehicle Owner said his clothes were on the dining table when he went to bed. His wallet, keys for his home, bar and Cadillac were left in the clothes. When he awoke, he discovered the keys for the bar and the Cadillac were missing. Vehicle Owner said he had a Springfield 1911 .45 ACP, Serial Number NM162622, semi-automatic handgun in the car. The weapon was loaded and an extra magazine was with the weapon in the center console. Vehicle Owner said the weapon was out of the holster but the holster was also in the console. When asked about the ammunition in the weapon, Vehicle Owner presented a Federal full metal jacket cartridge as an example of the ammunition loaded in the firearm.

Vehicle Owner said there was never any arguing or dispute between him and Decedent and he was surprised she took the car. When asked if Decedent had permission to take the car, Vehicle Owner said no and added he did not allow his own children to drive his car.

¹ NRS 484C.120 defines a blood concentration of 50 ng/ml as being under the influence of a prohibited substance for purposes of operating a motor vehicle.

Vehicle Owner said neither he nor Decedent used drugs, to his knowledge, and they only had a couple of martinis during the evening. Decedent had never said anything about having any kind of issue or problem with the police.

Vehicle Owner could not explain why Decedent would have stolen his car. Vehicle Owner thought Decedent was too intoxicated to drive and believed that since Decedent had stolen and damaged his car, she would have been very afraid to face him.

Bartender of Saddle and Spurs Saloon

On April 26, 2012, at approximately 1541 hours, Detective C. Bunn and Detective M. Wildemann took a recorded statement from the bartender at the Saddle and Spurs Saloon (hereinafter "Bartender") in her home where she related the following: Bartender was a friend of Decedent. She met Decedent four years ago at the Smoke Ranch Junction Bar. Bartender worked there as a bartender and Decedent was a regular customer. When Bartender was fired from the Smoke Ranch Junction Bar by Vehicle Owner, Bartender began working at the Saddle and Spurs Saloon and Decedent would visit her there.

On Saturday, April 20, 2012, on the night prior to the shooting, Decedent came into the bar at approximately 0545 hours for a beer. While there, she received a call from Vehicle Owner. Decedent told Bartender that Vehicle Owner was going to pick her up and take her to his house. The two had been dating for about a year. Bartender did not notice anything unusual with Decedent's demeanor and said that she was happy.

Later that evening at approximately 2300 hours, Decedent returned to the bar. Decedent was drinking beer alone and did not seem to be with anyone particular at the bar. When Bartender left the bar at approximately 0100 hours, Decedent was still there. Bartender did not recall seeing Decedent's vehicle or Vehicle Owner's Cadillac in the parking lot. Bartender did not notice anything unusual with Decedent at that time and did not think Decedent was drunk, upset, or depressed. Bartender was not aware of any illegal drug use by Decedent.

Bartender and Decedent had discussed a previous police shooting near the Smoke Ranch Junction where the police shot and killed a man in his car. They talked about the police being "trigger happy" and that if the police stopped you or told you to do something, you had better do it because they will shoot. Bartender did not believe Decedent had a problem with police officers.

Witness 1

On April 21, 2012, at approximately 0620 hours, Detective O'Brien P# 6801 knocked on the door of 2345 Mallard Street. No one answered the door; however at approximately 0640 hours, a male came out into the driveway of the residence. That person identified

himself as the homeowner (hereinafter Witness 1). Witness 1 related the following: he was at home in bed sleeping with his wife. They were awakened by the sound of a voice stating, “[d]river put your hands out of the window.” He said he listened to this over and over for approximately twenty minutes. He described the sounds coming from his backyard area. His backyard had a large wall on its border and at no time during the incident did he look over the wall. He also heard a helicopter and more talk from the police. He believed the police were calling the person by name and he thought the name was “Dale Edwards.” He heard the police saying things like “you have nowhere to go” and “if you cooperate you will not be harmed.” He stated the police said this “many, many” times to the person(s). At approximately 0415, Witness 1 heard 10-15 gunshots. Witness 1 stated the entire incident lasted approximately 30-40 minutes and he described the police interaction with whomever they were dealing with as extremely professional and tremendously patient.

Witness 2

On April 21, 2012, at approximately 0701 hours, Detective O’Brien P# 6801 interviewed Witness 2 inside the Saddle and Spurs Saloon located at 2333 North Jones Boulevard where he related the following: Witness 2 was in the parking lot of the bar sitting in his pickup truck when the police first arrived and started yelling at a person in the red Cadillac. He said they then began utilizing a loud speaker and were telling the person to show their hands. Witness 2 went back into the bar and came in contact with his friend, Witness 3. He and Witness 3 then went back outside and stood near the front of his truck and watched what the police were doing. He described the police negotiating with the person in the car for 30-40 minutes and that they were trying to get the person to exit the car and cooperate. He recalled them calling the person “Edwards” and that they were pleading with the person to exit the vehicle. He recalled hearing them tell the person to put their hands out of the vehicle and that they did not want anyone to get injured.

Witness 2 recalled seeing the driver’s door to the Cadillac open quickly, a person jumping out, standing up and walking 3-4 steps towards the officers. He said at that point he heard approximately five shots being fired and saw officers firing their weapons. Witness 2 did not recall seeing anything in the person’s hands.

Witness 2 said he was shocked that the person would not comply with the officers’ instructions and believed the officers gave the person more than enough time and opportunity to do so. Witness 2 stated, “Why she came out so fast, it was just ridiculous, like the person had a death wish.”

Witness 3

On April 21, 2012, at approximately 0640 hours, Detective Jensen interviewed Witness 3 inside the Saddle and Spurs Saloon where he related the following: On April 20, 2012, Witness 3 was working as the graveyard bartender at the Saddle and Spurs Saloon. He started work at approximately 2330 hours. During his shift, he saw a female who he knew

as "Sharmel" (Decedent) in the bar. He met Decedent approximately two weeks ago. He knew she was a customer at the Smoke Ranch Junction Bar (at Smoke Ranch and Rainbow). Witness 3 said Decedent left the bar around 0130 hours possibly 0145 hours. He said Decedent had been talking with a black male, and it appeared to Witness 3 that Decedent and the black male were leaving together.

Witness 3 said later he heard the police in the parking lot and went outside with his friend/customer Witness 2. They saw the police had a car stopped in the parking lot. Witness 3 said the police were talking with person in the car. Witness 3 said suddenly the driver's door opened and Decedent came "barreling" out of the car and moved toward the officers. Witness 3 heard several gunshots and saw Decedent fall to the ground.

Witness 4

On April 21, 2012, at approximately 0950 hours, Detective Sanborn and Officer Deleonard interviewed Witness 4 inside her apartment, where she related the following: She was asleep in her apartment when she was awakened by police across the street. The police were on the public address system ordering someone to exit their car. She looked out her master bedroom window, then her second bedroom window, before going outside and watching the incident from her front balcony area. The police attempted to get the person out of the car for about an hour, saying over the public address system several times to get out, we are not going to shoot you and we know the vehicle is stolen. She saw several officers with their guns out and one with a rifle. Eventually a taller, heavy set black female, with a bandana in her hair, exited the vehicle with her hands on her head. The female faced the police. According to Witness 4, after several seconds, the police shot the woman for no apparent reason. She heard approximately six to seven gunshots. According to Witness 4, the woman did not have any weapons. Immediately after the shooting, a police officer wearing a long sleeve shirt yelled for someone to tell his sergeant he was the one that shot her. This caused Witness 4 to believe the officer was trying to cover something up. She videotaped the incident for several minutes with her cellular phone and agreed to provide the videos to the police.

Witness 4's phone was taken to the LVMPD Electric Crimes Unit and the video copied to disk. Some of the events prior to the shooting were captured from across the street, but the actual shooting was not recorded. No new information was revealed.

Witness 5

On April 21, 2012, at approximately 1023 hours, Detective Sanborn and Officer Deleonard interviewed Witness 5 inside her apartment, where she related the following: She was asleep inside her apartment, when she was awakened by police sirens outside. She looked out her bedroom window and then went out to her front porch area. She saw several police officers and heard the police asking "politely" over the public address system for someone to get out the car and show their hands. Eventually a "tiny" white or Middle Eastern female in a black dress exited the car with her hands up. The female had

her back to the officers, then turned around (possibly to her right) to face the officers. The officers shot the female as she turned towards them. She heard 9-10 gunshots and did not see the female with a weapon.

Witness 6

On April 25, 2012, at approximately 1015 hours, Witness 6 arrived at the LVMPD Homicide lobby asking to speak with a homicide detective because he had information regarding the officer involved shooting which occurred on Saturday morning (04-21-2012).

On April 25, 2012, at approximately 1030 hours, Detective Jensen interviewed Witness 6 in an interview room. During his interview, Witness 6 related the following: Witness 6 said he witnessed everything from his apartment bedroom window. Witness 6 said the officers spoke to the female in the car for an hour or more. Witness 6 said one officer on the public address system was the only officer talking to her. Witness 6 said the lady never said a word to the officers. Witness 6 said he thinks this was a "suicide by cops." He said he was watching the news and saw that some people were saying the lady came out of the car with her hands up in the air and the officers shot her. Witness 6 said that is not what happened.

Witness 6 said he made some notes shortly after the shooting and handed Detective Jensen a note sheet. The note sheet read as follows:

To: Las Vegas Metro Police Dept.

On 4-21-2012 around 3:00 AM metro police pull over a Red Cad in my apt parking lot. The order was given driver put your hands out the window so we can see that you are unarmed, Driver just sit there after about 50 or more order driver still just sit there, now I'am thanking that they are going to open fire on this car but order was given again, again, again, then a office came up said we know who the owner of the Red Cad and the name of the driver of stolen car, "Carmella Edward" so the officer start to call her by name she still just sit there this went on for a while longer 20 or 30 mins longer.

By the way I'Am looking at all this from my master bedroom window one of the officer see me in the window so he shine light in my face twice, so I went to my other berroom window now I have better view of the Red Cad.

To make along story short, the driver side front door open the woman step outfacing the door then she turn with hands about chest high in her hands was a chrome plate pistol, the way she had it in her hands was not pointing toward officer but laying in her hands. But in her turning it could have look like she was point it toward them now if I had been (1) of those (5) officer who fired there gun I would have done the same thing. Just want to get it right She did not have here hands on her head or in the air she was armed

Witness 7

On May 4, 2012, at approximately 1000 hours, Detective Williams interviewed Witness 7 in his apartment. Witness 7 is deaf, but communicated to Detective Williams that he witnessed the police shooting April 21, 2012. He saw the police stop a red car in the parking lot across the street from his apartment. Witness 7 saw the driver of the car (Decedent) exit the car with a gun in her hands. She yelled and pointed the gun at the police officers and they shot her eight times. On May 17, 2012, at approximately 0815 hours, Detective T. Williams returned to Witness 7's apartment with sign language interpreter Jerry Bass and took a recorded statement where he related the same account of the shooting as he did previously.

Witness 8

On April 25, 2012, at approximately 1039 hours, Detective T. Williams took a recorded statement from Witness 8 in his home where he related the following: Witness 8 was home in bed at approximately 0200 hours, when he heard the police outside his bedroom window. They had pulled over a red Cadillac. Witness 8 could hear the officers giving the driver of the vehicle (Decedent) verbal commands to exit the car. After approximately 30 minutes of the officers giving Decedent commands to exit the car, Witness 8 saw Decedent exit the Cadillac with her back to the officers. At that time, he could not tell if Decedent was a man or a woman. She then turned toward the officers with a gun in her hands and fired once in their direction. Witness 8 heard the officers return fire and saw Decedent fall to the ground.

He said after the shooting he saw the officers approach Decedent and kick the gun away from her. He then heard each of the officers yell, "[c]lear." Moments later he saw the paramedics approach and start working on Decedent. Witness 8 said that the officers did not celebrate after the shooting in any way. His wife, Witness 9, recorded most of the event on her cell phone camera.

Witness 9

On April 25, 2012, at approximately 1122 hours, Detective T. Williams took a recorded statement from Witness 9 in her home where she related the following: On the night of the shooting, she awoke to the sound of police activity outside of her apartment. She looked out her bedroom window to see that the police had stopped a red car. After a few minutes, she started recording the event with her cell phone video camera. She recorded and watched the red car with her husband for approximately 35 minutes.

At one point, she heard gunfire and fell to the ground. Witness 9 did not see the woman exit the vehicle nor the actual shooting. Witness 9 continued recording the event for approximately 30 minutes after the shooting.

Witness 9's phone was taken to the LVMPD Electric Crimes Unit and the video copied to disk. Although the camera was recording during the shooting, the suspect's actions just prior to the shots being fired are not seen.

Witness 10

On April 21, 2012, at approximately 0624 hours, Detective O'Brien came in contact with Witness 10. Witness 10 lives at 5921 Condor Avenue and was outside of her home looking over towards the shooting scene. Detective O'Brien asked Witness 10 if she had witnessed anything earlier concerning the shooting. Witness 10 stated she heard helicopters outside and saw the light from the helicopter in her yard. Witness 10 also heard police talking but could not make out what was being said. She recalled hearing several loud bangs she believed to be gunfire.

Witness 11

On April 21, 2012, at approximately 0600 hours, Detective Ivie interviewed (not recorded) Witness 11, who related the following: Witness 11 had been sleeping when he had been awakened by 8-10 gunshot coming from the parking lot west of his house. He later learned officers had been involved in a shooting. Witness 11 allowed Detective Ivie verbal consent to search his backyard and exterior of his house for any evidence or bullet strikes. Nothing of evidentiary value was located.

Witness 12

On April 21, 2012, at approximately 0615 hours, Detective Ivie interviewed (not recorded) Witness 12, who related the following: On April 21, 2012, at approximately 0400 hours, Witness 12 was standing in her kitchen when she heard a police officer on a public addressing system asking a unknown person to come out with their hands up. Officers continued to issue verbal commands for approximately thirty (30) minutes until she heard approximately twelve (12) gunshots from at least two different guns. Witness 12 later learned officer had been involved in a shooting with an unknown person.

Witness 13

On April 21, 2012, at approximately 0706 hours, Detective Ivie interviewed Witness 13, who related the following: On April 21, 2012, at approximately 0500 hours, Witness 13 saw several patrol vehicles with their red and blue over head light activated start to arrive and park near her apartment building. A few minutes later, a police helicopter arrived and began circling near her apartment. Witness 13 went outside and up a flight of stairs to the north of her apartment. She saw several patrol vehicles parked behind a red car in the parking lot next door and several of the officers with their guns drawn and pointed toward the vehicle. An unknown officer was giving verbal commands over the public address system for the female driver and sole occupant of the vehicle to exit with their hands up. Officers continued giving the female verbal commands for approximately thirty

minutes. An officer told her the female had a gun and ushered her to the west side of the apartment building along Jones. She heard a gunshot, then silence, followed by approximately twenty to twenty-five gunshots from several different guns. Witness 13 walked back toward the vehicle stop and saw several officers still with their guns drawn and moving toward the vehicle. She then went inside her apartment and waited to be contacted by the police.

Witnesses 14 - 24

Detectives interviewed Witnesses 14 through 24. Some of these witnesses heard gunshots, but none saw the shooting itself.

Detectives also canvassed the Ashford Manor apartment complex. The results were as follows:

2320 Tucumacari Street, Building 6:

Apartment 2056 - No answer / Flyer placed in door
Apartment 1049 - Vacant
Apartment 2049 - No answer / Flyer placed in door

2320 Tucumacari Street, Building 5:

Apartment 1045 - No answer / Flyer placed in door
Apartment 1046 - No answer / Flyer placed in door
Apartment 1047 - Vacant
Apartment 1048 - No answer / Flyer placed in door

2320 Tucumacari Street, Building 4:

Apartment 1040 - Tenants out of town at the time of shooting.
Apartment 2039 - No answer / Flyer placed in door

2320 Tucumacari Street, Building 3:

Apartment 2025 - No answer / Flyer left in door
Apartment 1024 - No answer / Flyer left in door
Apartment 2024 - No answer / Flyer left in door

On April 24, 2012, at approximately 1000 hours, Detective Williams re-canvassed the apartments on 2320 Tucumacari Street. Several new contacts were made and flyers were placed on each apartment door where there was no answer.

On May 4, 2012, all the apartments at 2320 Tucumacari Street in building #5 (the Ashford Manor Apartments) were destroyed by fire and the occupants displaced.

Decedent's Employer

On April 23, 2012, Detective Williams contacted Decedent's Employer by telephone where she related the following: Decedent's Employer was the direct supervisor of Decedent at Serenity Mental Health. Decedent's Employer said Decedent had worked for the company since November of 2011 as a basic skills trainer. Decedent was skilled at crisis intervention and was currently meeting with several clients. Although there had been several complaints about Decedent from her clients, none of the complaints were of a serious nature and there were no known drug or alcohol problems with Decedent.

Decedent's Family

On April 24, 2012, at approximately 1400 hours, Detective Williams and Detective Jensen met with members of Decedent's family. Present were her father, her sisters, and her ex-husband. They told detectives that Decedent lived with her two daughters, one 18 years old and one 15 years old, and her 90 year old grandmother. They related to detectives that on the date of the shooting, 15 year old daughter remembered her mother coming home at approximately 0300 hours and looking for her cell phone. They knew that Decedent did not locate the phone because they later found it her apartment under a pile of papers several days later.

On July 19, 2012, at approximately 0900 hours, Detective Williams spoke with 15 year old daughter by telephone where she related the following: On the night of her mother's death, her mother came home looking for her cell phone at approximately 0300 hours. 15 year old daughter knew that her mother did not find her cell phone because on the following morning, her step-father brought the cell phone to their apartment and said that Decedent had left the phone in his car.

Emergency Medical Personnel Statements

Paramedic 1

On April 27, 2012, at approximately 1915 hours, Detective T. Williams and Sgt. P. Fabian obtained a recorded statement from Paramedic 1 in the AMR supervisor's office at 1112 Martin Luther King Drive. Also present was Paramedic 1's supervisor. Paramedic 1 related the following: Paramedic 1, and his partner, Paramedic 2, were dispatched to Lake Mead and Jones to stage during the police stand-off. As they waited, they were instructed to move closer to the actual scene. As they arrived at Smoke Ranch and Jones, a police officer immediately directed them into the scene. Paramedic 1 parked the ambulance just inside the drive directly behind where the red Cadillac and three police cars were parked. They were directed by an officer to the patient (Decedent) who was laying face up on the north side of the red Cadillac. Paramedic 1 saw a handgun on the ground between Decedent and the Cadillac.

Paramedic 2

On April 27, 2012, at approximately 1932 hours, Detective T. Williams and Sgt. P. Fabian obtained a recorded statement from Paramedic 2 in the AMR supervisor's office at 1112 Martin Luther King Drive. Also present was Paramedic 2's supervisor. Paramedic 2 related the following: Paramedic 2, and his partner, Paramedic 1, were dispatched to Lake Mead and Jones to stage during the police stand-off. As they waited, they were instructed to move closer to the actual scene. As they arrived at Smoke Ranch and Jones, a police officer immediately directed them into the scene. Paramedic 1 parked the ambulance just inside the drive directly behind where the red Cadillac and three police cars were parked. They were then directed by an officer to the patient (Decedent) who was laying face up on the north side of the red Cadillac. They used a gurney to carry their equipment into the scene. Once they reached Decedent, they placed one bag on the ground and began working on Decedent.

Firefighters 1 – 3

On May 1, 2012, at approximately 0915 hours, Detective T. Williams and Detective B. Jensen interviewed the three Clark County Firefighters that responded to the scene on the night of the shooting. The firefighters were interviewed together in a room at Station 42 at 7331 West Cheyenne Avenue, where they all related the following: On the night of the shooting, they were working together as Rescue 43 out of Station 43 at 6420 Smoke Ranch Road. They received the call at 2333 Jones and were instructed to "hold short." Because their station was only a short distance from the scene, they waited inside the station. When they received instructions to respond, they arrived after the American Medical Response personnel. They were escorted through the scene to the patient (Decedent) by police officers. They observed Decedent on her back with the AMR personnel trying to resuscitate her. Firefighter 3 cut the dress from Decedent and they rolled her over to see her back.

While they worked on Decedent, all three firefighters saw the gun on the ground near Decedent's right hand. Firefighter 3 said, "It was a big gun." A Metro officer was standing near the gun to prevent anyone from touching it. They did not see anyone touch the weapon.

Once they determined that Decedent was deceased, they ended their medical intervention efforts and were escorted out of the scene by metro officers.

The three firefighters did not see any of the officers acting inappropriate or "celebrating" and said the officers were somber and serious. Firefighter 1 said the officers at the scene were "very professional."

//

//

WITNESS OFFICER STATEMENTS

Officer Cord Overson P# 6035

On April 21, 2012, at approximately 0907 hours, Detective T. Williams and Detective C. Bunn obtained a recorded statement from Officer C. Overson in a conference room at the Homicide Section office. Present was Attorney Kathryn Collins of the Police Protection Association. Prior to giving a statement, Officer Overson read a pre-printed statement acknowledging the statement was compelled, referencing his Garrity protection and his 5th Amendment rights. Officer Overson then related the following: Officer Overson responded to the scene with red lights and siren. When he arrived he parked his K-9 vehicle (#9584) directly behind the marked patrol vehicle (#10292) where another officer was giving commands. There were numerous other patrol cars and officers in the parking lot when he arrived. He saw the red Cadillac and saw the suspect (Decedent) in the driver's seat. Officer Overson saw fellow K-9 Officer M. English's vehicle to his left, but did not know many of the other officers present. He deployed his dog and took cover behind a water kiosk shaped like a windmill.

After approximately 20 minutes of officers trying to converse with Decedent, Officer Overson saw Decedent exit her vehicle and point a gun at officers with both hands. Officer Overson saw the officers in front of him (vehicle #10292) shoot their weapons at Decedent. One of them may have had a shotgun. Officer Overson heard gunfire come from his left, but did not see Officer English fire his weapon. He later learned that Officer English had fired his weapon.

Officer Overson did not draw his weapon during the incident. Immediately after the shooting, Officer Overson put his dog back into his vehicle then walked out to the street to signal the medical unit to come into the scene. He never moved any closer to the scene than the water kiosk.

Sergeant Gary Mahoney P# 3173

On April 21, 2012, at approximately 0940 hours, Detective T. Williams and Detective C. Bunn obtained a recorded statement from Sergeant G. Mahoney in a conference room at the Homicide Section office. Present were Kathryn Collins and Noah Grimm from the Police Managers and Supervisors Association. Prior to giving a statement, Sgt. Mahoney read a pre-printed statement acknowledging the statement was compelled, referencing his Garrity protection and his 5th Amendment rights. Sgt. Mahoney then related the following: Sgt. Mahoney arrived at the scene and parked on Jones Boulevard facing north directly west of the windmill. The stolen vehicle and marked police vehicles were already in the parking lot when he arrived. He requested medical and had them stage nearby.

Sgt. Mahoney did not know all of the officers present, but noted the following officers and their locations: Officer Edwards had a rifle at the southwest corner of the business to the north. Officer M. English was on the driver's side of his K-9 vehicle (#9578) near the

corner of the business. Officer T. Thai was at the driver's side of vehicle #10292 using the PA system to give verbal commands to the suspect (Decedent). When Decedent did not comply with the verbal commands, a CIT (Crisis Intervention Team) officer was requested, and S.W.A.T. was called. When the CIT officer (Officer Lilienthal) arrived, he took Officer Thai's place on the PA and Officer Thai drew his weapon. Sgt. Mahoney did not know exactly where Officer Cook was at during the shooting, but knew that he had a shotgun. Two K-9 officers, Officer C. Overson and Officer S. Carrillo, were standing to the west side of the windmill using it as cover.

Approximately 15 to 20 minutes after he arrived, Sgt. Mahoney was standing behind vehicle #10292 when he heard the shots fired. He did not see the officers shooting and did not see Decedent when she exited the stolen vehicle.

When he asked the officers what happened, they said, "[s]he came out of the car with a gun." Sgt. Mahoney saw Decedent on the ground face up, with her head to the west and her feet to the east. There was a silver, semi-automatic handgun lying on the ground between Decedent and the car. Sgt. Mahoney then called for medical to come into the scene.

Decedent's gun was not touched and Sgt. Langgin stood by it to insure it would not be disturbed by medical personnel.

Officer Samuel Carrillo P# 7165

On April 21, 2012, at approximately 1027 hours, Detective T. Williams and Detective C. Bunn obtained a recorded statement from Officer S. Carrillo in a conference room at the Homicide Section office. Present was Attorney Kathryn Collins of the Police Protection Association. Prior to giving a statement, Officer Carrillo read a pre-printed statement acknowledging the statement was compelled, referencing his Garrity protection and his 5th Amendment rights. Officer Carrillo then related the following: Officer Carrillo overheard via the radio that several patrol units were in the process of stopping a stolen vehicle and responded to the area. He was one of three K-9 units that responded. He arrived just after K-9 Officer M. English and just before K-9 Officer C. Overson. Three other patrol units arrived after him, Officer C. Grivas, Officer C. Belt, and Sgt. G. Mahoney. Officer Carrillo parked on Jones Boulevard just south of the scene, then deployed his dog and walked the rest of the way. He saw Officer T. Thai giving commands to the suspect in the stolen car and the Air Unit trying to give ground officers information from their perspective. He utilized cover behind a water kiosk in the shape of a windmill. He saw Officer G. Cook behind a black Mustang with a shotgun. He saw Officer Grivas on the passenger side door of vehicle #10292 with his handgun drawn. He saw Officer T. Edwards with a rifle deployed north of the suspect vehicle behind a pillar on the corner of a business building. Officer English was by the driver's side door of his vehicle with a weapon drawn.

After approximately 25 minutes, the suspect (Decedent) quickly exited her vehicle with a gun in her hands. Decedent held the gun at chest level, with her arms extending straight out, and pointed the gun towards the officers at vehicle #10292. Officer Carrillo saw that Decedent screamed something to the officers, but did not hear what she said. The other officers then fired a short volley at Decedent with their weapons. Decedent spun to her left as she was hit and dropped her arms. Decedent was still standing with the gun in her hand when the officers fired a second volley and she fell to the ground. Officer Carrillo did not shoot because Officer Cook was in his line of sight.

Officer Carrillo was standing on the west side of the windmill when the shooting took place. He saw Officer Cook fire his shotgun twice at Decedent and heard a rifle being fired, but did not see any of the other officers fire their weapons.

After the shooting, Officer Carrillo returned his dog to his vehicle and assisted in preserving the scene. He did not go any closer into the scene than the kiosk.

Officer Tom Lilienthal P# 10141

On April 21, 2012, at approximately 1115 hours, Detective T. Williams and Detective C. Bunn obtained a recorded statement from Officer T. Lilienthal in a conference room at the Homicide Section office. Present was Kathryn Collins and Corrections Officer Scott Nicolas from the Police Protective Association. Prior to giving a statement, Officer Lilienthal read a pre-printed statement acknowledging the statement was compelled, referencing his Garrity protection and his 5th Amendment rights. Officer Lilienthal then related the following: Officer Lilienthal heard over the radio that the Bolden Area Command dispatcher requested assistance with a noncompliant subject in the Northwest Area Command. Officer Lilienthal was CIT (Crisis Intervention Team) certified and assigned himself to the call responding with red lights and siren.

When Officer Lilienthal arrived, he immediately relieved the Northwest Area Command officer (Officer T. Thai) who had been giving commands to the suspect (Sharmel Decedent). Officer Lilienthal requested that Officers Thai remain and act as his lethal coverage and Officer Lilienthal kept his weapon holstered.

Officer Lilienthal began speaking with Decedent and giving her commands to exit the vehicle, at times addressing her by name. Officer Lilienthal felt Decedent could hear his commands because of the close proximity and because the driver's side window was down.

After approximately 12 minutes of trying to get Decedent to exit her vehicle, she put her head out of the window and looked back at officers. About 15 seconds later, Decedent stepped out of the vehicle with a gun in her right hand, then with both hands on the weapon, pointed it towards Officer Lilienthal. Officer Lilienthal jumped onto the floorboard of the patrol vehicle for cover as the other officers fired their weapons. Officer

Lilienthal drew his weapon and exited the vehicle. He saw Decedent on the ground, face up. Decedent's gun was on the ground about six inches away from her right hand.

Officer Lilienthal did not see which officers fired their weapons, but did see officers at the following locations just prior to the shooting: There was an officer near the corner of the business to the north of the scene with a rifle (Officer T. Edwards). Officer Thai was with Officer Lilienthal at the driver's side door of vehicle #10292. He knew there was one officer at the passenger side door, but did not know his name. He saw Officer C. Bell with his weapon drawn behind the patrol vehicle (#10305) directly behind the suspect vehicle.

Sergeant Melvin Langgin P# 4078

On April 21, 2012, at approximately 1200 hours, Detective T. Williams and Detective C. Bunn obtained a recorded statement from Sgt. M. Langgin in a conference room at the Homicide Section office. Present was Noah Grimm from the Police Managers and Supervisors Association. Prior to giving a statement, Sgt. Langgin read a pre-printed statement acknowledging the statement was compelled, referencing his Garrity protection and his 5th Amendment rights. Sgt. Langgin then related the following: Sgt. Langgin responded to the scene arriving sometime after the vehicle had been stopped. Sgt. Langgin parked his vehicle north of the scene in the parking lot near the bar facing north. He saw that the officers had their weapons out and pointed at the suspect vehicle.

After getting briefed on the details of the call by those present, Sgt. Langgin contacted the owner of the Cadillac (Vehicle Owner). Vehicle Owner confirmed there was a handgun in the car. Sgt. Langgin walked to Officer Lilienthal's location and let him talk to Vehicle Owner in an effort to gain further information about the suspect (Decedent) to assist in negotiations.

Prior to the shooting, Sgt. Langgin saw an officer (Officer T. Edwards) near the business to the north of the scene with a rifle. He saw K-9 Officer M. English at the driver's side door of his vehicle with a weapon drawn. Sgt. Langgin saw three officers at vehicle #10292: Officer Lilienthal was crouched down behind talking to Decedent on the PA (He did not have a weapon out), Officer T. Thai was at the driver's door with his weapon drawn, and Officer C. Grivas was at the passenger side door also with his weapon drawn. He saw Officer C. Belt at the passenger side of vehicle #10305, but did not see if Officer Belt had a weapon in his hands. He saw Officer G. Cook behind a black Ford Mustang with a shotgun. Sgt. Langgin saw two K-9 officers (Officer S. Carrillo and Officer C. Overson) behind a water kiosk shaped like a windmill. Neither had weapons drawn and both had their dogs with them.

Sgt. Langgin then moved to the trunk of vehicle #10292 with Sgt. Mahoney. He was facing north when he heard officers yell that Decedent was coming out. He turned and saw Decedent outside the vehicle. She was holding a gun in both hands, not extended, but close to the body near her midsection, when the other officers fired their weapons. There

was one volley that sounded like all the officers fired at the same time. Sgt. Langgin ducked down and took cover because he did not know if Decedent was shooting. When Sgt. Langgin looked up, he saw Decedent lying on the ground with the gun near her right hand. He did not see any of the officers actually fire their weapons.

Officer Lillianthal, Officer Grivas, Officer Thai, and Officer Belt moved towards Decedent and checked the car for other occupants. Sgt. Langgin drew his weapon and covered Decedent until the vehicle was clear.

Sgt. Langgin escorted medical into the scene and put his foot between Decedent and the gun to protect it from being disturbed while the medical units worked on Decedent. Sgt. Langgin said that no one touched the gun besides Decedent.

Once the medical units declared Decedent dead, Sgt. Langgin instructed Officer Lillianthal and Officer Belt to cover Decedent with the yellow trauma blankets.

Officer Christian Belt P# 13694

On April 21, 2012, at approximately 1151 hours, Detectives O'Brien and Ivie interviewed Officer Christian Belt at the Homicide Office. Present during the interview was PPA Representative Michelle Jotz. Prior to the interview Officer Belt read a preprinted Officer Rights card, relating the conditions of his compelled statement, as a witness officer. During the interview and/or contact with detectives, Officer Belt related the following: On April 21, 2012, Belt was employed as a police officer, assigned to work the graveyard shift at Bolden Area Command. He was working as a single man marked patrol unit with call sign 1W3, when he heard the radio broadcast of Northwest units needing assistance for an occupied stolen vehicle which was stolen with a handgun inside and the suspect was known to the victim. Belt was close to call and assigned himself to the call.

Officer Belt arrived a short time later and saw several marked patrol and K-9 units with their red and blue overhead lights activated and parked behind a red car in the south parking lot of 2333 North Jones. Several of the officers were standing outside their vehicles with their firearms drawn and pointed toward the vehicle. Belt exited his patrol vehicle drew his firearm and positioned himself to the rear of the passenger side of the red vehicle. When he exited his vehicle, he could hear an officer giving verbal commands over the public addressing system for the female driver and sole occupant of the vehicle to exit with her hands up. This continued for several minutes until Officer Lillianthal arrived, who was CIT trained, and took over the negotiations with the female. Officer Lillianthal gave verbal commands to the female to exit the vehicle for approximately fifteen (15) minutes and S.W.A.T. was requested to the scene, because the female had barricaded in the vehicle.

As Officer Lillianthal gave the female commands, she suddenly exited the driver side door and moved toward officers. Several officers fired their firearms numerous times. Belt

moved positions to the driver side of the vehicle and saw the female lying on the ground next to a semi-automatic handgun. He and several officers then cleared the vehicle by looking through the windows, but did not locate anyone. Medical arrived and pronounced the female deceased at the scene.

Officer Spencer Basner P# 8784

On April 25, 2012, at approximately 2030 hours, Detective B. Jensen and Detective T. Williams obtained a recorded statement from Officer S. Basner at the Air Support facility. Present during the interview was Sgt. D. Gifford P# 6239 and Chris Collins from the Las Vegas Police Protective Association.

Officer Basner related the following: Officer Basner was the co-pilot in "Air Two" on the night of the shooting. They arrived after the red Cadillac had been stopped and saw all the parked patrol units behind the vehicle. Officer Basner was able to see and advise the officers on the ground that the occupant of the red Cadillac was a woman. He could see that the woman wore black dress, but nothing else. Officer Basner did not see the suspect (Decedent) exit the stolen vehicle nor did he see the actual shooting.

Officer David Brooks P# 7947

On April 25, 2012, at approximately 2045 hours, Detective B. Jensen and Detective T. Williams took a recorded statement from Officer D. Brooks at the Air Support facility. Present during the interview was Sgt. D. Gifford P# 6239 and Chris Collins from the Las Vegas Police Protective Association.

Officer Brooks related the following: Officer Basner was the co-pilot in Air Two on the night of the shooting. They arrived after the red Cadillac had been stopped and saw all the parked patrol units behind the vehicle. Officer Brooks flew the helicopter in a right orbit allowing Officer Basner the best view. Approximately 30 minutes later, while orbiting the scene, Officer Brooks thought he saw movement from the suspect's vehicle. He advised Officer Basner who peered through his binoculars, however, the suspect was already on the ground. Officer Brooks said he did not see the actual shooting.

INVOLVED OFFICERS' STATEMENTS

None of the officers involved in the shooting, Officer Todd Edwards P# 9035, Officer Troung Thai P# 6263, Officer Christopher Grivas P# 8759, Officer Melvin English P# 4342, nor Officer Matthew Cook P# 8088, provided statements to detectives.

Weapons Countdown

Sergeants Mahoney and Langgin and Officers Overson, Carrillo, Belt, and Lilienthal had their duty weapons counted down inside the LVMPD ISD building 3rd Floor. Present during the countdowns were Homicide Detectives O'Brien and Ivie, Crime Scene

Analyst Dahn, and PPA Representative Scott Nicholas. The countdowns were documented with photographs. The sergeants and officers, and their weapons, were photographed for appearance and identification.

K-9 Officer Overson's duty weapon was a Glock, Model 21C, .45 caliber, semi-automatic handgun with Serial Number GXS915. The handgun had an attached Black Hawk tactical light. The handgun was loaded with fourteen cartridges; one cartridge in the chamber and thirteen cartridges in the magazine. Overson carried two additional magazines on his duty belt, both containing thirteen cartridges. Overson typically carried his duty weapon loaded with fourteen cartridges, one cartridge in the chamber and thirteen cartridges in the magazine. It appeared Officer Overson did not fire his handgun during the incident.

Sergeant Mahoney's duty weapon was a Berretta, Model 92FS, 9mm, semi-automatic handgun with Serial Number BER157310Z. The handgun was loaded with sixteen cartridges; one cartridge in the chamber and fifteen cartridges in the magazine. Mahoney carried two additional magazines on his duty belt, both containing fifteen cartridges. Mahoney typically carried his duty weapon loaded with sixteen cartridges, one (1) cartridge in the chamber and fifteen cartridges in the magazine. It appeared Sergeant Mahoney did not fire his handgun during the incident.

Sergeant Langgin's duty weapon was a Glock, Model 23C, .40 caliber, semi-automatic handgun with Serial Number LKK363. The handgun had an attached X300 Surefire tactical light. The handgun was loaded with sixteen cartridges; one cartridge in the chamber and fifteen cartridges in the magazine. Mahoney carried four additional magazines on his duty belt. Three fifteen round capacity magazines containing fifteen cartridges and one thirteen round capacity magazine containing thirteen cartridges. Langgin typically carried his duty weapon loaded with sixteen cartridges, one cartridge in the chamber and fifteen cartridges in the magazine. It appeared Sergeant Langgin did not fire his handgun during the incident.

K-9 Officer Carrillo's duty weapon was a Sig Sauer, Model P229, .40 caliber, semi-automatic handgun with Serial Number AE10353. The handgun was loaded with thirteen cartridges; one cartridge in the chamber and twelve cartridges in the magazine. Carrillo carried two additional magazines on his duty belt, both containing twelve cartridges. Carrillo typically carried his duty weapon loaded with thirteen cartridges, one cartridge in the chamber and twelve cartridges in the magazine. It appeared K-9 Officer Carrillo did not fire his handgun during the incident.

Officer Belt's duty weapon was a Glock, Model 17, 9mm, semi-automatic handgun with Serial Number MNH688. The handgun was loaded with eighteen cartridges; one cartridge in the chamber and seventeen cartridges in the magazine. Belt carried two additional magazines on his duty belt, both containing seventeen cartridges. Belt typically carried his duty weapon loaded with eighteen cartridges, one cartridge in the chamber and

seventeen cartridges in the magazine. It appeared Officer Belt did not fire his handgun during the incident.

Officer Lilienthal's duty weapon was a Sig Sauer, Model P226, 9mm, semi-automatic handgun with Serial Number U771107. The handgun was loaded with sixteen cartridges; one cartridge in the chamber and fifteen cartridges in the magazine. Lilienthal carried two additional magazines on his duty belt, both containing fifteen cartridges. Lilienthal typically carried his duty weapon loaded with sixteen cartridges, one cartridge in the chamber and fifteen cartridges in the magazine. It appeared Officer Lilienthal did not fire his handgun during the incident.

Incident Timeline Overview

(Times are approximate per the CAD report.)

April 20th

1745 hours: Decedent arrived at the Saddle and Spurs Saloon and met with Bartender. She stayed approximately thirty minutes and drank one beer. She told Bartender that she had a date that evening with Vehicle Owner.

1830 hours: Vehicle Owner picked Decedent up at her apartment.

2000 hours: Vehicle Owner and Decedent arrived at Vehicle Owner's home at 7609 Flourish Springs. They spent time drinking alcohol and sitting in a hot tub.

2200 hours: Vehicle Owner fell asleep.

2300 hours: Decedent returned to the Saddle and Spurs Saloon and began drinking beer.

(It is believed that Decedent drove Vehicle Owner's car to the bar.)

April 21st

0100 hours: Vehicle Owner awoke and discovered Decedent and his Cadillac were gone.

Decedent was still drinking at the bar.

0148 hours: After trying to contact Decedent on her cell phone, Vehicle Owner contacted the police and reported his car stolen. He also advised police that there was a handgun in the vehicle.

- 0200 hours: Officer T. Edwards was dispatched to Vehicle Owner's home to investigate the theft of his vehicle. He completed a crime report listing Decedent as the suspect. He then attempted to locate the stolen vehicle.
- 0300 hours: Decedent arrived at her apartment looking for her cell phone.
- 0337 hours: Officer Edwards saw Decedent driving Vehicle Owner's Cadillac at Smoke Ranch and Torrey Pines. He advised the dispatcher and followed the stolen car until back-up units arrived.
- 0339 hours: Officer Cook and Officer T. Thai arrived to assist Officer Edwards in conducting a felony car stop.
- Decedent pulled into the south end of the parking lot at 2333 N. Jones Boulevard and stopped in the middle of the drive.
- Officer Thai began ordering Decedent to exit the vehicle.
- 0340 hours: Officers announced via the radio that Decedent was not complying with the officer's orders.
- 0344 hours: The Air Unit arrived.
- 0346 hours: Officer Edwards announced he had deployed a rifle.
- Officer Thai began to give verbal commands to Decedent over the PA system requesting that she exit the vehicle.
- 0352 hours: Sgt. G. Mahoney arrived.
- 0357 hours: Sgt. Mahoney requested that emergency medical personnel respond and stage nearby.
- 0403 hours: Sgt. Mahoney requested a CIT officer respond to the scene.
- Officer Lilienthal (already enroute) arrived and began negotiations with Decedent.
- 0410 hours: The situation was deemed a "barricaded suspect" and LVMPD S.W.A.T. was notified.
- 0417 hours: Decedent exited the Cadillac armed with Vehicle Owner's handgun and pointed it at the officers. Five officers fired their weapons at Decedent, striking her numerous times.

- 0423 hours: Sgt. Mahoney requested to expedite medical. Emergency medical personnel arrived and began life saving measures on Decedent.
- 0431 hours: The LVMPD Homicide Section was notified.
- 0432 hours: Decedent was declared dead.
- 0439 hours: Homicide detectives arrived at the scene and assumed responsibility of the investigation.

FIREARM EXAMINATION:

Firearms Examiner Anya Sanko examined all six of the firearms involved--the .223 rifle, the 12 gauge shotgun, and the four .45 caliber handguns--and found them all to be operational.

A. Bullet Comparison

The three bullets taken from Decedent's body were consistent in design and composition with the bullets contained in the .45 Auto cartridge. The jackets bore similar general rifling characteristics to Officer Grivas's and Officer English's handguns, however, due to insufficient microscopic detail, they could not be identified or eliminated as having been fired from either of those handguns. The bullets were *not* fired from Officer Thai's or Decedent's handgun. The bullet jacket fragment taken from Decedent's body was consistent in design and composition with the bullets contained in the .223 Remington cartridge. The jackets bore similar general rifling characteristics to Officer Edward's rifle; however, due to insufficient microscopic detail, they could not be identified or eliminated as having been fired from the rifle.

The bullet fragments and bullet jackets recovered from floorboard of the suspect's vehicle and the bullet fragment from under the suspect's vehicle were consistent in design and composition with the bullets contained in .223 Remington cartridge fired by Officer Edwards' rifle. The jackets bore similar general rifling characteristics to that weapon, however, due to insufficient microscopic detail, they could not be identified or eliminated as having been fired by that rifle.

The metal shot pellets recovered from the floorboard of the suspect's vehicle were consistent in design and composition with the shot pellets from a disassembled Federal Premium 12 gauge shotgun shell. The shot wads were consistent in design and composition with the wads contained in a disassembled Federal Premium 12 gauge shotgun shell.

The remaining metal fragments were of no value for microscopic comparison.

B. Cartridge Case Examination

Three "F.C. 11 .223 Rem" casings and three "F. C. 223 Rem" casings were identified as having been fired from Officer Edwards' rifle.

One "Speer 45 Auto" .45 caliber casing was identified as having been fired from Officer English's handgun.

Two "Speer 45 Auto" .45 caliber casings were identified as having been fired from Officer Thai's handgun.

One "Speer 45 Auto" .45 caliber casing later found on Vehicle #NW10292 was identified as having been fired from Officer Thai's handgun.

Five "Speer 45 Auto" .45 caliber cartridge cases could not be positively identified or eliminated as having been fired by Officer Grivas's handgun due to insufficient microscopic detail, however, the cases were *not* fired by any of the other submitted handguns so are presumed to be from Officer Grivas's handgun.

The two shot shells were identified as having been fired by Officer Cook's shotgun.

C. Weapon Release

All weapons used by the officers in the shooting were returned to each respective officer by Detective Jensen after all forensic work was completed.

FORENSICS ANALYSES

Latent Print Examiner Marnie Carter examined the latent prints recovered from the weapon used by Decedent. Carter determined that Decedent could not be excluded, however, due to limited detail and quantity, the print was insufficient to render a definitive conclusion. The prints used were post-mortem (rolled at her autopsy) and LVMPD Archived prints. Carter surmised clear, fully rolled palm prints of Decedent may result in a definitive conclusion.

Since rolling new prints on Decedent was impossible, Carter and Detective Williams decided to obtain palm prints from Vehicle Owner in an attempt to identify the prints on the gun. Detective Williams and CSA J. Maldonado responded to Vehicle Owner's home and obtained the palm prints.

Carter examined the palm prints from Vehicle Owner but could not render a definitive conclusion.

DNA testing was done on the Springfield 1911. Forensic Scientist Julie Marschner obtained a DNA profile from the gun grip covers, and a partial DNA profile from the gun itself. The DNA profile from the grip covers was consistent with a mixture of at least three individuals with at least one being male. Decedent and an unknown male cannot be excluded as contributors to the mixture. No conclusions regarding additional contributors to the mixture can be made at this time.

The partial DNA profile from the Springfield 1911 was consistent with a mixture of at least two individuals with at least one being male. The major DNA profile is consistent with an unknown male. No conclusions can be made regarding the minor contributor(s) to the mixture.

Vehicle Owner did not submit a DNA sample and so was not compared to the “unknown male.”

LEGAL ANALYSIS

The District Attorney’s Office is tasked with assessing the conduct of officers involved in any killing 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 killing. As this case has been deemed a homicide by the coroner, the actions of these officers will be analyzed under the State’s jurisprudence pertaining to homicides.

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 was justifiable under the following theory: The killing of a human being in self-defense/defense of others.

The Use of Deadly Force in Self-Defense or Defense of Another

The authority to kill another in defense of others is contained in NRS §§200.120 and 200.160. “Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony ...” against the other person. NRS §200.120(1). Homicide is also lawful when committed:

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

slayer or to any such person, and there is imminent danger of such design being accomplished

NRS §200.160(1).

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

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

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

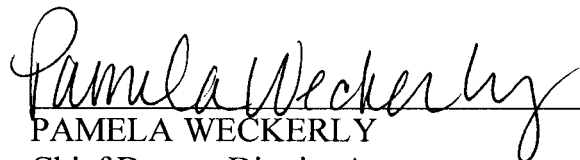
A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in [defense of another], the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence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

....

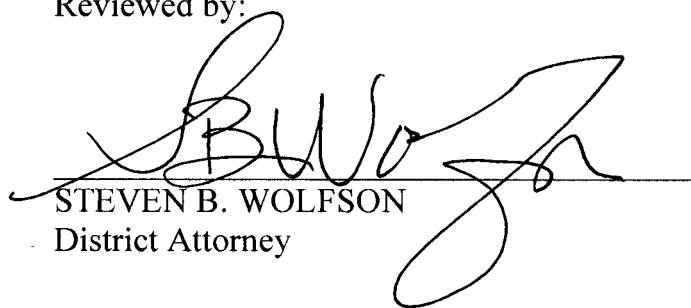
Actual danger is not necessary to justify a killing in [defense of another]. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

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

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


PAMELA WECKERLY
Chief Deputy District Attorney

Reviewed by:


STEVEN B. WOLFSON
District Attorney