

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Darin Dyer on September 24, 2022

INTRODUCTION

On September 24, 2022, Darin Dyer (hereinafter “Decedent”) was shot and killed by North Las Vegas Police Department (hereinafter “NLVPD”) Sergeant Paul Sanderson as he approached Decedent’s backyard in response to a potential break-in.

The District Attorney’s Office has completed its review of the September 24, 2022, death of Decedent. It has been determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of NLVPD Sergeant Sanderson were not criminal in nature.

This report explains why criminal charges will not be forthcoming against the officer involved. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on October 9, 2023. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the shooting officer was not criminal.

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

SYNOPSIS OF INCIDENT AND INVESTIGATION

On September 24, 2022, at approximately 2156 hours, R.S. called 9-1-1 and reported that there was a white male adult suspect with a large, hard implement attempting to break into a neighboring house through the back sliding glass door. R.S. explained there was a party at the residence earlier in the day, and he did not know whether the person in the backyard was a resident of the home.

R.S. further advised that he was looking north (from his backyard) at the target house, which was initially believed to be 4XXX Westmere Avenue. R.S. described a walking path between his house (on Solitude Falls Avenue) and the target house on Westmere Avenue. While on the phone with dispatch, Decedent asked R.S. if he “wanted to die.”

Multiple officers responded to the scene, including Sergeant Sanderson, Officer Rodrigo Garcia, and Officer Nicholas Harris. Officers Harris and Garcia approached the front of the residences in the 4300 block of Westmere Avenue. Sgt. Sanderson approached the rear of the 4300 block of Westmere Avenue, via a walking pathway. As he did so, he located a male in the backyard of 4321 Westmere Avenue. The white male adult suspect, later identified as Decedent, possessed an AR-15 style rifle slung across his chest. Sgt. Sanderson contacted Decedent and ultimately fired his duty pistol striking him. Decedent was transported to University Medical Center (UMC) for his injuries. Decedent later succumbed to his injuries and was pronounced deceased.

9-1-1 CALLS

NLVPD Dispatch received four (4) 9-1-1 calls from four (4) different citizens in regard to this incident. The first call was from R.S. The remaining three (3) calls were from people who reported hearing shots fired but did not witness the event.

1st 9-1-1 Call (R.S.)

A 911 call was received from R.S. at 4XXX Solitude Falls Avenue. R.S. reported seeing a white male adult, armed with a large, approximately four (4) foot metal implement, attempting to break into the back sliding door of a residence adjacent to his. R.S. was unable to provide an exact address for the residence, explaining to the call-taker the location was across a walkway and one house north of his backyard. R.S. further informed the call-taker there was a pool party earlier in the day at the residence.

The male was described by R.S. as being in his mid-20's, approximately 5'10" tall, weighing 160 pounds, wearing a dark shirt, and unknown-colored shorts. R.S. informed dispatch the male appeared intoxicated or possibly under the influence of narcotics. R.S. was also concerned the male could be involved in a “domestic violence or worse” situation. As R.S. was relaying the information to dispatch, the male began arguing with R.S. R.S. informed dispatch that the male then threatened him, asking him if he “wanted to die, bitch.” R.S. then claimed the male threatened to “end” him. At the request of the call-taker, R.S. ignored the male and went inside his residence for his safety.

NLVPD DISPATCH RADIO TRAFFIC REVIEW

Officers were dispatched in reference to a suspicious situation. Units were advised that the suspect was a white male adult in his 20's, wearing a dark shirt, and unknown-colored shorts, swinging a four-foot-long metal pole in the backyard. The Person Reporting (PR) was a neighbor (R.S.) who believed the male was possibly trying to break into the residence.

Approximately seven (7) seconds after the call was dispatched, Sgt. Sanderson came over the radio and asked dispatch if the call was in the area of Farm Road, and further advised dispatch he could hear banging in the area. Dispatch confirmed the call was in the area of Farm Road. Sgt. Sanderson advised dispatch to cancel the previously dispatched units. He advised that he and the officers he was with would handle the call due to the fact that they were finishing up a nearby call for service.

As officers arrived in the area, there was initially some confusion as to the correct address of the potential break-in. Officers Harris and Garcia advised dispatch they were out with the PR and would have him point out the location of the target residence. Officer Harris advised the location of the residence was on the south side of the street, the third single story residence, west of the entrance to the community. Officer Harris then advised dispatch they would update the correct address once they drove around to the front.

Sgt. Sanderson advised Officer Harris he would walk down the walking path to attempt contact, as Officers Harris and Garcia attempted contact from the front of the target residence. The target address was identified as 4321 Westmere Avenue. Sgt. Sanderson advised dispatch he was contacting a male in a backyard, and the male was armed with an AR-15. After several seconds, dispatch asked Sgt. Sanderson if everything was under control. Approximately three seconds later, Sgt. Sanderson stated over the radio, "Be advised, put your fu...", followed by the sound of five gunshots in rapid succession. Officer Harris advised, "Shots fired".

Sgt. Sanderson updated dispatch that he was not injured and had "one down in his backyard with an AR." Sgt. Sanderson requested the Watch Commander and expedited medical assistance. Officers advised there were two large dogs in the backyard and again requested medical to be expedited. Responding officers then coordinated the safety and integrity of the scene, cleared the residence, and directed medical personnel into the neighborhood. Officers advised dispatch that North Las Vegas Fire Department (NLVFD) Rescue arrived on scene. Officers further advised the AR-15 was secured in a patrol vehicle in front of the residence.

NLVPD CAD TIMELINE

Upon review of the NLVPD Computer Aided Dispatch (CAD) ticket information documented under incident 22092400000738, the following times were notated:¹

1. Initial call for service received at 2156 hours.
2. The incident was created at 2203 hours.
3. First unit was dispatched at 2214 hours.
4. First unit was on scene at 2217 hours.
5. Sgt. Sanderson's arrival time was 2226 hours.
6. Sgt. Sanderson advised of shots fired at 2229 hours.

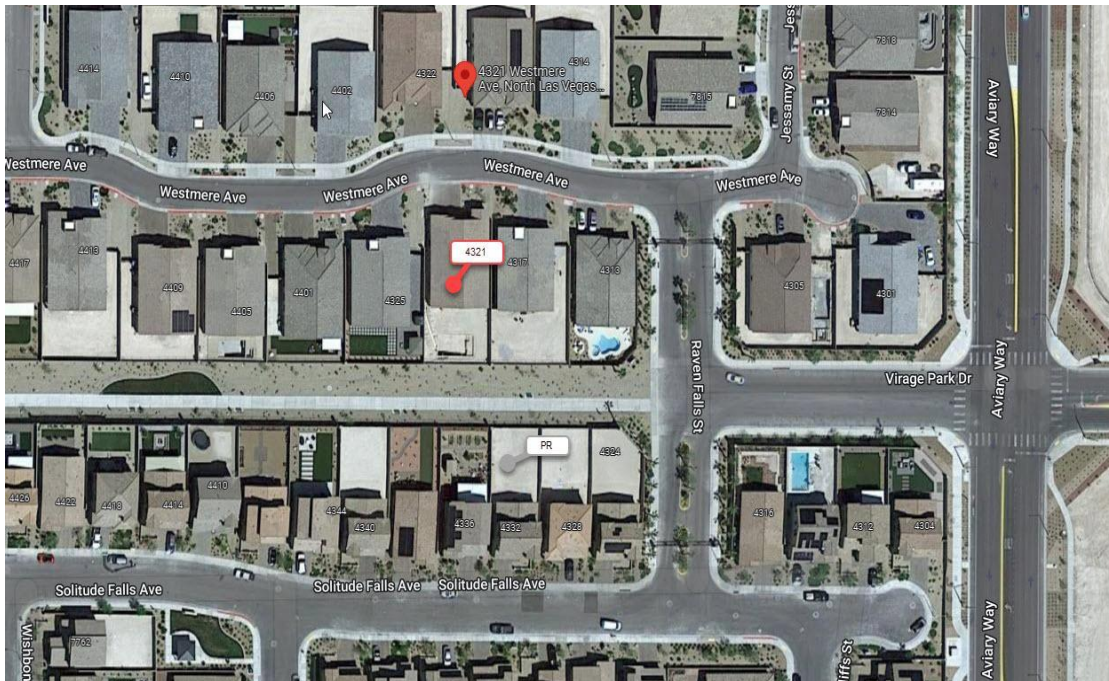
¹ It should be noted, the above times are approximations based on the time the entries were entered into the system by the dispatcher. During high priority calls for service the dispatcher is multi-tasking several duties at one time and entries may not be in real time.

7. Instructions for medical and requests to expedite medical were noted from 2232-2233 hours.

SCENE AND PHYSICAL EVIDENCE

The address of 4321 Westmere Avenue is located in a newer North Las Vegas residential community in the area of Aviary Way and Farm Road. This area is bordered by the major thoroughfares of Farm Road to the south, Aviary Way to the east, Decatur Boulevard to the west, and Grand Teton Drive to the north. This community is further divided into two subdivisions (Alpha Pointe and Omega Pointe) with a walking path dividing the two. The open-access walking path is located at the intersection of Virage Park Drive (east/west street) and Raven Falls Street (north/south street).

Westmere Avenue (running east/west) is the south street of the north subdivision (Alpha Pointe) and Solitude Falls Avenue (running east/west) is the north street of the south subdivision (Omega Pointe). Residences of both subdivisions that border the walking path have partially walled (pony wall) cinder blocks for the bottom portion and upper portions composed of black steel picket fencing. Due to the thin (approximate 1”) pickets, the steel fencing allowed an open view of the backyards from the walking path and residences.



****When searched in google maps 4321 Westmere Avenue is erroneously labeled on the north side****



Aerial Image Depicting 4321 Westmere Avenue (Scene of OIS)

Five traffic cones were placed in the landscaping rocks on the north side of the walking path. The traffic cones marked five (5) cartridge cases which were ejected from Sgt. Sanderson's weapon.



Photograph Depicting Location of Cartridge Cases

Looking north from the landscaping rocks, through the steel fenced section of the wall into the backyard of 4321 Westmere Avenue, there was a small area of blood on the concrete to the east of the swimming pool, approximately six (6) to eight (8) feet north of the south wall.



Photograph Depicting Area of Blood to East of Swimming Pool

Several inflated pool toys, coolers, and numerous red solo cups were scattered around the pool area near an overturned "Beer Pong" table. A circular defect from a possible bullet strike to one of the metal fence pickets was noted (marked defect "A"). This fence picket was approximately six (6) to eight (8) feet from the east cinder block wall of 4321 Westmere Avenue.



Photograph Depicting Defect A

A gray Toyota 4Runner, bearing Nevada License Plate GKN0PE4, was parked in the driveway of the residence. Surveillance cameras were noted on the north, west, and east sides of 4321 Westmere Avenue. No surveillance cameras were observed on the south side (backyard) of the residence. NLVPD patrol vehicle 2117NW was parked in the 4300 block of Westmere Avenue and NLVPD patrol vehicle 2159NW was parked on the northeast corner of Virage Park Drive and Raven Falls Street, just south of the gate to Westmere Avenue.

The shooting scene in the walking path was documented, photographed, and evidence was collected by CSI Renee Harder and CSI Theresa Graziano. The following items were photographed and collected from the scene:

1. Two (2) 9mm cartridge cases with headstamp WCC +P+ 19 in the landscape rocks to the rear of 4321 Westmere Avenue (Items #1 and #5).
2. Three (3) 9mm cartridge cases with headstamp WMA +P+ 19 in the landscape rocks to the rear of 4321 Westmere Avenue (Items #2, #3, and #4).



Photograph Depicting Location of Items 1-5

For officer safety purposes, officers on scene moved Decedent's AR-15 and secured it in the rear cargo area of NLVPD Patrol Vehicle 2117NW. CSI Harder photographed, processed, and collected the AR-15. It was a tan and black, Red Rock Rifleworks model RRR-15, bearing Serial No. R30073. The AR contained a .223 cartridge in the chamber. A Magpul magazine was inserted which contained twenty-nine (29) additional .223 cartridges.



Decedent's Firearm

The lens cap covers were flipped to the "up" position. The AR was configured as an AR-15 pistol with a Maxim Defense fixed arm stabilizing brace, a sling, a front vertical foregrip, a Streamlight TLR RM2 weapons mounted light, and a Noveske KX5 #5-31953 flash hider installed on the end of the barrel. There was a defect to the left side of the TruGlo optic, another defect to the upper right side of the optic, and another defect near the laser lens, close to the bottom right side of the optic. There was broken glass on both lenses of the optic. The observed defects were consistent with apparent bullet strikes. The AR appeared to be "built" or assembled by an individual, with numerous aftermarket upgraded parts, not readily found on mass produced AR's.

SEARCH WARRANT EXECUTION AT 4321 WESTMERE AVENUE

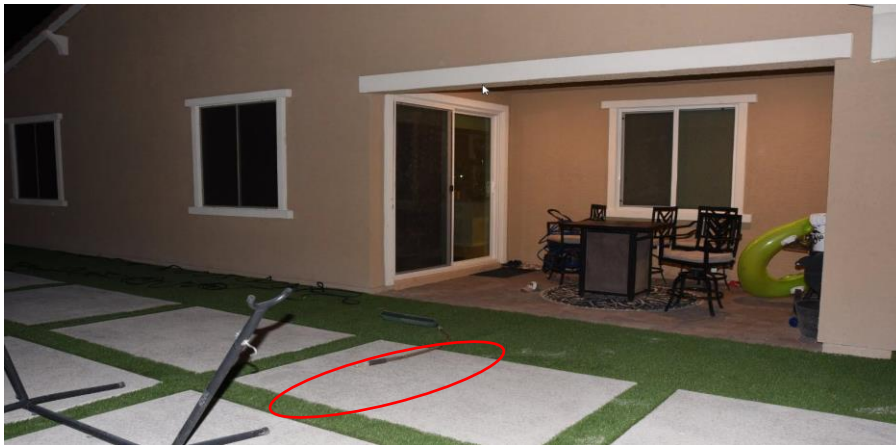
The following items were photographed, collected, and seized during the execution of a search warrant at the residence:

1. One (1) bullet fragment was collected from the backyard of 4321 Westmere Avenue near the pool area (marked Item #10).
2. One (1) bullet was collected from the back porch area of the backyard (marked Item #11).
3. One (1) bullet was retrieved and collected from the stucco column (marked defect #B) of the back porch (marked Item #12).

The following notable items were located and photographed but not seized as evidence:

1. Multiple firearms, magazines, ammo cans, and a gun safe.
2. Numerous alcoholic beverages in the kitchen area, empty alcoholic beverage containers in the trash can, and empty red Solo style cups (similar to those observed in the backyard) also in the trash can.
3. Marijuana and a glass smoking pipe located in a toolbox in the garage.
4. An area of squared concrete, east of the pool, with apparent reddish-brown blood stains (referenced, *supra*).
5. An approximately five-foot-long broken green push broom with bent metal bronze handle laying on the artificial turf several feet away from the rear sliding door.
6. Damage to the white stucco frame of the rear sliding glass door with exposed galvanized steel stucco netting. Damage to the screen door of the rear sliding glass door. Stucco debris on the ground below the frame of the rear sliding glass door.
7. Defect to the lower stucco column of the back porch with stucco debris laying on the ground underneath (marked defect #B).

8. Defect to a small black and white outdoor rug on the ground of the back porch (marked defect #C1).
9. A through and through defect to the black box of a disco ball/light projector on the ground of the back porch (marked defect #C2 - entrance and exit marked defect #C3).
10. Damage/broken black pressure valve/gauge from the top of the pool pump filter system (with valve and gauge located on the ground next to the pump) and digital control box of the pool pump with a blank/off digital display.
11. Defect to the metal fence picket from the backyard side (marked defect "A"), referenced, *supra*.

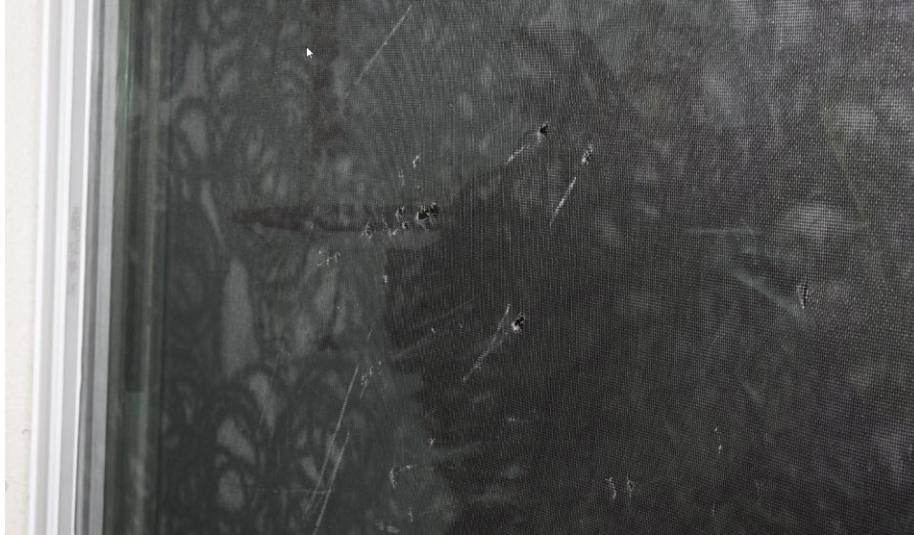


Photograph Depicting Location of Broom



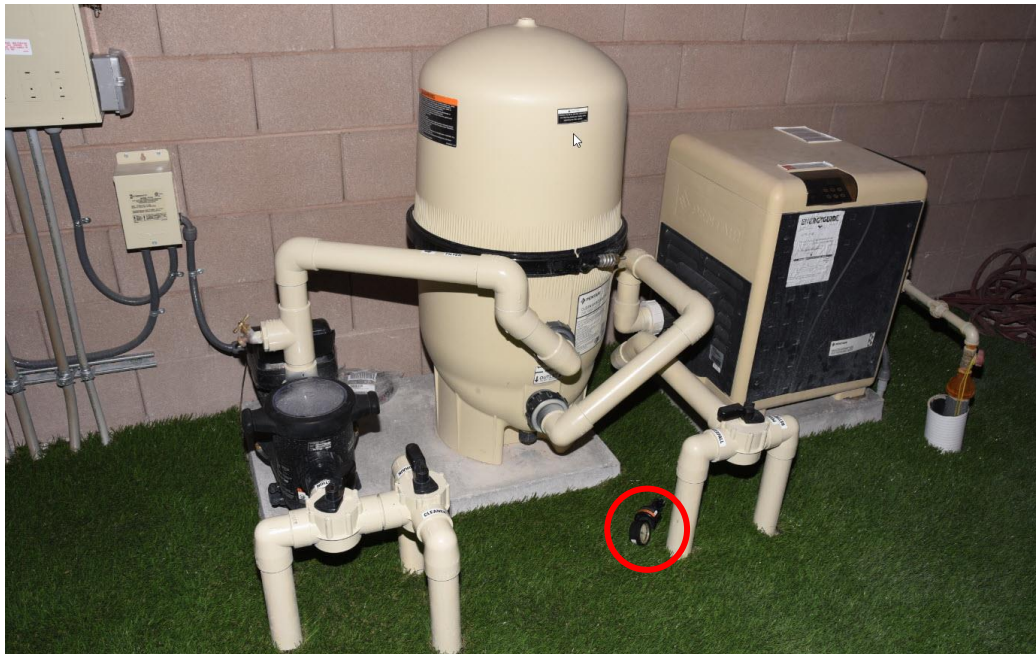
Photograph Depicting Broken Push Broom

The damage observed to the frame of the rear sliding glass door and damage to the rear sliding door screen, along with the bent metal broom handle, corroborated R.S.'s report of the WMA striking the rear sliding glass door with a large metal implement/pole.



Photograph Depicting Damage to Screen

The damage observed to the pressure valve/gauge of the pool pump further corroborated the neighbor's observation of water spraying into the air. This same damage and pump in the off position also corroborated G.C.D.'s interview advising of Decedent damaging the pool pump causing G.C.D. to turn the pump off in an effort to control the water.



Photograph of Broken Pressure Valve

OFFICER WEAPON COUNTDOWN

Crime Scene Investigator (CSI) Sasha Torres and CSI Hannah Pewtress photographed, performed a weapon countdown, and collected evidence from Sgt. Sanderson at the NLVPD Northwest Area Command (NWAC).

Sgt. Sanderson's duty handgun was a personally owned Gen 5 Glock 17 MOS, with Serial No. BXXS162, chambered in 9mm. The handgun was attached with a Surefire X300 weapon mounted light (Serial No. A11012), a Leupold DeltaPoint - PRO red dot sighting system (Serial No. 468684AH), and Dawson Co-Witness front and rear sights. The factory seventeen (17) round Glock magazine was equipped with a +2 Glock magazine extension for a total capacity of nineteen (19) cartridges. CSI Torres removed a cartridge from the chamber of the Glock 17 and thirteen (13) cartridges from the magazine indicating a total of fourteen (14) cartridges.

Based on Body Worn Camera (BWC) footage, Sgt. Sanderson fired five (5) rounds indicating his Glock contained a total of nineteen (19) rounds. Sgt. Sanderson also carried an additional three (3) spare magazines on his duty belt. These magazines have a factory capacity of seventeen (17) rounds. The three magazines were downloaded and determined to contain a total of fifty-one (51) cartridges. This indicated no rounds were unaccounted for from these spare magazines.



Make	Glock
Model	Gen 5 Glock 17 MOS
Serial Number	BXXS162
Caliber	.9 mm Caliber
Weapon Mounted Light	Yes
Ammunition	WCC+P+19" and "WMA+P+19
Cartridge in Chamber	Yes
Magazine From Weapon	Capacity: 19 +1 in chamber Countdown: 14 (13 in magazine and 1 in chamber)
Spare Magazine #1	Capacity: 17

	Countdown: 17
Spare Magazine #2	Capacity: 17 Countdown: 17
Spare Magazine #3	Capacity: 17 Countdown: 17

Sgt. Sanderson was also carrying a backup firearm, a personally owned Glock 26, with Serial No. MKD205. This was carried in an ankle holster on his left ankle. The countdown revealed no rounds were missing.

LVMPD FORENSIC LABORATORY TESTING

A function test was performed on Decedent's Red Rock Rifleworks AR-15, model RRR-15, S/N: R30073. The Lab Report described the AR-15 as chambered in .223 Wylde. The AR-15 was determined to be operational with no noted malfunctions. The Magpul magazine submitted with the AR-15 fit and functioned in the AR-15.

Sgt. Sanderson's Glock 17 Gen5 9mm was operational with no noted malfunctions and the factory magazine had a capacity of 19 rounds which fit and functioned in the firearm.

The submitted cartridge cases, bullets, and bullet fragments were all determined to have been fired from Sgt. Sanderson's Glock 17 Gen5 9mm.

INSPECTION OF DECEDENT'S AR

On December 7, 2022, Detectives David Smith and Aaron Snyder retrieved Decedent's AR-15 from the NLVPD Evidence Vault. After ensuring the firearms box was secured and the seals were intact, Det. Snyder signed the chain of custody. Det. Snyder opened the firearms box and placed a tape measurer showing the length of the barrel. It appeared the length provided by the Lab included the length of the flash hider installed at the end of the barrel (this appeared to be a 10.5" barrel, the most popular length for AR pistol barrels). Det. Snyder inspected the AR-15 and confirmed the weapon was able to be fired with the ambidextrous safety switch in the 45-degree position. The measurement and function test of the AR-15 was filmed by CSI Kaylee Emry.

Based upon the function test performed by Det. Snyder, Decedent's AR-15 was in the "Fire" position, as it was indexed and raised, during his encounter with Sgt. Sanderson.

INVESTIGATION – PUBLIC SAFETY STATEMENT

Sgt. Jose Garcia provided detectives the following Public Safety Statement he obtained from Sgt. Sanderson:

Officers were investigating a suspicious situation.

The unknown white male adult was the only suspect.

The suspect was shot by Sgt. Sanderson.

Sgt. Sanderson was the only officer who discharged his duty firearm.

Sgt. Sanderson contacted the suspect in the backyard of 4321 Westmere Avenue from the breezeway (walking path) between residences.

The unknown suspect was armed with an AR-15 style rifle and was the only suspect in the incident.

Sgt. Sanderson fired four (4) or five (5) rounds toward the north, and the suspect did not fire his rifle.

Responding officers secured the white male adult's rifle in a patrol vehicle.

INVESTIGATION – WITNESS INTERVIEWS

The below summaries attempt to describe all relevant information from the interviews but are not verbatim recitations of each interview.

LAY WITNESS INTERVIEWS

Decedent's Fiancé (X.D.)

While conducting the walkthrough of the scene, detectives were notified that Decedent's fiancé, identified as X.D., had returned to the residence. Detectives Smith and Snyder conducted a recorded voluntary interview with X.D.

X.D. advised detectives that she resided at 4321 Westmere Avenue with her fiancé, identified as Decedent. The two were in a dating relationship for the past three years and resided together for the last year. Decedent was employed as a private contractor at Creech Air Force Base and previously served in the United States Marine Corps as an airplane mechanic.

X.D. explained she returned home from being at her brother's house, identified as G.C.D., after she received several alerts from her home security cameras and observed police activity. X.D. further explained they had a pool party earlier in the afternoon with approximately 15-20 attendees. The party attendees consisted primarily of Decedent's friends, who were unknown to X.D. A few of X.D.'s friends were in attendance, as well as her brother, sister-in-law, and their child. Alcoholic beverages and food were served at the party that began at approximately 1300 hours. The party began to end around 2000 hours with the majority of the guests leaving between 2000 and 2100 hours.

X.D. stated Decedent was “drunk” and started to get “a little angry” as she began cleaning up the backyard. Decedent became upset, for an unknown reason, and began yelling at X.D., eventually cornering her in the backyard. G.C.D., who came outside after hearing the argument, got in between the two separating them. No one else was present in the backyard during this incident. X.D. could not explain what upset Decedent and caused him to “totally explode” at her and G.C.D. X.D. knew Decedent to have a quick temper, but he was not one to stay mad for long, oftentimes becoming emotional and resolving the issue by talking it out.

Decedent eventually calmed down, began to cry, and then hugged G.C.D. after the incident. X.D. denied any physical altercation occurred between the two. She described Decedent as walking toward her, acting like he was going to push her. However, she left the residence and chose to stay with G.C.D. for the evening. X.D. denied any previous incidents of domestic violence between her and Decedent other than arguments and a push, but not to the extent to cause her to be injured. Det. Snyder did not observe any signs of injury on X.D.

When questioned about Decedent, X.D. described him as a “social drinker”, only drinking during social events, with his alcohol of choice being beer. According to her, Decedent was “working on controlling his drinking.” X.D. described his past drinking behavior as excessive binge drinking. X.D. denied Decedent’s use of recreational drugs or abuse of prescription medication. Decedent was diagnosed as having PTSD, Anxiety, and Depression from his time in the military. He was seeking therapy (both individual and couples) treatment through the V.A. Hospital. X.D. was not aware of any medication prescribed for Decedent’s ailments through the V.A.

Decedent owned and built several firearms, to include several AR-15 rifles/pistols. X.D. did not know how many guns Decedent owned but informed detectives he had several throughout the residence and some stored in a safe.

X.D.’s Brother, G.C.D.

Detective Snyder conducted a recorded voluntary interview with G.C.D. in the 4300 block of Westmere Avenue. G.C.D. corroborated X.D.’s above account of the event and provided additional details.

According to G.C.D., he attended X.D.’s pool party with his wife and small child. As the party was coming to an end, G.C.D. was inside of the residence cleaning and gathering his belongings in preparation to leave. G.C.D. described things as beginning to get a “little weird” when X.D. asked Decedent and the few remaining guests to help clean up and put food away. G.C.D. described the mood of the party began to change and tension became elevated causing the remaining guests to leave.

G.C.D. then heard X.D. call out to him from the backyard. G.C.D. exited the rear sliding door and observed Decedent and X.D. arguing. Decedent eventually pushed her with one hand toward the wall. G.C.D. stepped in between the two causing Decedent to become even more upset. At

that point, Decedent also pushed G.C.D. Decedent then broke the top control off the pump for the pool, causing water to shoot into the air. G.C.D. was able to shut the water off and then hugged Decedent in an attempt to calm him down. Decedent began to cry, eventually taking a seat, and calming down. G.C.D. went back inside and told X.D. to stay with him for the evening. The group left shortly thereafter. G.C.D. returned to the residence with X.D. after she received surveillance notifications on her phone and video of police activity.

When questioned about Decedent, G.C.D. explained they met through X.D. approximately two years ago when she began dating him. G.C.D. moved to Las Vegas and moved in with X.D. Early in their relationship, the three frequently hung out together. G.C.D. described Decedent as having difficulty controlling his drinking during that time, frequently becoming upset. Before that night, G.C.D. never witnessed Decedent being physical with X.D., but knew Decedent's drinking behavior caused issues early in their relationship.

R.S. (P.R.)

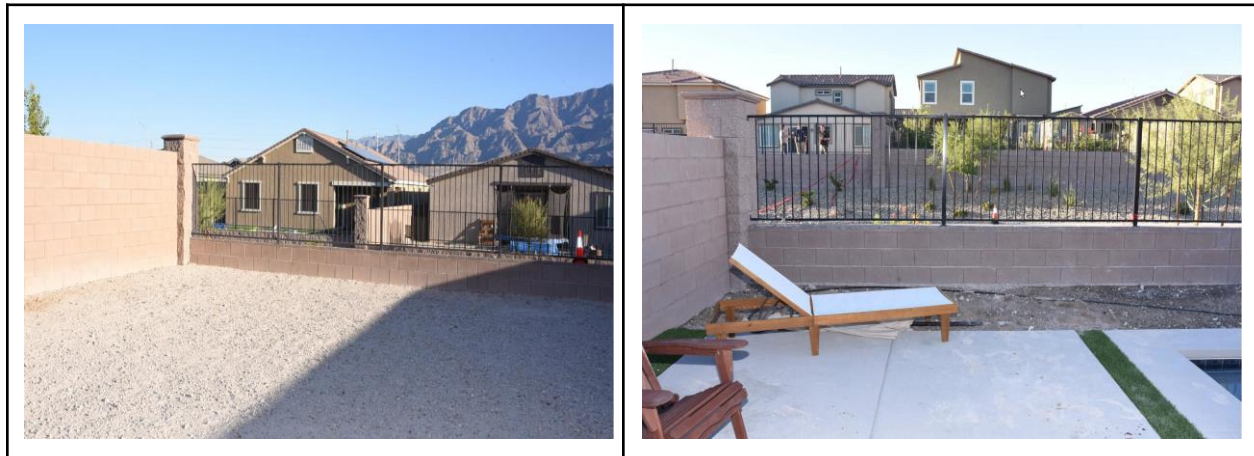
Detectives Smith and Snyder contacted the person reporting, identified as R.S., at his residence located at 4XXX Solitude Falls Avenue. R.S. allowed detectives into his backyard so he could explain the incident from his vantage point. The backyard was at a slightly elevated position as compared to the backyard of 4321 Westmere Avenue, located slightly northwest of R.S.'s residence. Due to the elevation difference, the backyard of 4321 Westmere Avenue was almost entirely visible to the observer. There was a clear view of the rear sliding glass door, the pool, pool pump, rear windows, and the contents of the backyard.

R.S. provided the same above-detailed information he provided to the 9-1-1 operator and added the following details. The residents of 4321 Westmere Avenue had a pool party earlier in the day with numerous party goers who appeared to be drinking and barbecuing. The party ended sometime between 2000 and 2100 hours. At the time of the incident, R.S. could not recall any lights being on inside the residence or in the backyard; however, he believed the pool light was on. Due to this, he was unable to clearly identify the male striking the rear sliding glass door with the large metal pole. R.S. could tell the pole was constructed of metal due to the distinct sound it was making as it struck the glass. R.S. described the male as striking the rear sliding glass door "violently", leading him to call 9-1-1. The actions of the male caused R.S. to fear for "whatever violent act was about to occur," so he yelled out to the male and asked, "What are you doing?" The male responded, "This is my house, I know you. You're that weirdo who holds up his cats." R.S. again explained he was unable to make out the male due to the poor lighting conditions and rationalized that anyone can say they lived there.

The male became "irrationally violent" toward R.S. as he threatened to "take him out." The male then asked, "Do you want me to end you?" as R.S. stood by the back of his property line. He was then instructed by the 9-1-1 operator to go inside and not confront the male. R.S. described the male as erratic, verbally aggressive, with slurred speech who appeared under the influence. R.S.

had never interacted with or met the residents. He only recalled having observed a male and female with three dogs at the house.

After disconnecting from NLVPD Dispatch, R.S. observed the male exit the residence through the rear sliding door. R.S. observed the male had turned on an interior light. Shortly thereafter, NLVPD Officers arrived and spoke with R.S. They had him point out the correct home. The male was not outside during this time. R.S. remained in his backyard and overheard the officer (Sgt. Sanderson) announce himself as “North Las Vegas Police.” At that time, R.S. went inside. While inside, he heard four or five gunshots but did not see the shooting occur. R.S. believed he heard an exchange of profanities just prior to the shooting but could not provide specific details.



VIEW FROM BACKYARD OF 4XXX SOLITUDE FALLS (NORTH) & VIEW FROM BACKYARD OF 4321 WESTMERE AVENUE (SOUTH)

R.R.

On October 17, 2022, Det. Snyder conducted a recorded phone interview with R.R. R.R. confirmed that on the night of the shooting, he was at his brother’s house at 4XXX Solitude Falls Avenue. R.R. was outside with his brother’s dogs when he overheard a loud metallic banging noise coming from somewhere in the neighborhood. An argument between two neighbors began over the loud noise. The two exchanged words across the back walkway. Due to the angle of his brother’s backyard, R.R. could not see the neighbor (Decedent) in the backyard of the Westmere Avenue address, but he was able to see the neighbor’s (R.S.’s) head on the Solitude Falls Avenue side. R.R. overheard Decedent threaten R.S. by asking him if he wanted to lose his life after R.S. told Decedent he was calling the police. R.R. went back inside but returned to the backyard a short time later. At this time, the argument had ceased. R.R. then heard 4-5 gunshots causing him to run back inside the residence. R.R. did not see the incident or hear police officers prior to the shooting.

OFFICER INTERVIEWS

SGT. PAUL SANDERSON

On September 29, 2022, Detectives Smith and Snyder conducted a recorded voluntary interview with Sgt. Sanderson. The interview was conducted at the NLVPD NWAC. During the interview, Sgt. Sanderson advised that he has been employed with the NLVPD for 18 years and one (1) month. On September 24, 2022, Sgt. Sanderson was dressed in his NLVPD issued uniform, patches, and badge, and drove NLVPD marked supervisor patrol vehicle NW2159. Sgt Sanderson was working overtime as the NWAC swing shift sergeant from 1700-0100 hours. Sgt. Sanderson previously worked as the dayshift patrol sergeant out of the NWAC from 0630-1700 hours.

When the incident was dispatched, Sgt. Sanderson was assisting officers with a call for service in the area of Aviary Way and Farm Road. After hearing the call for service over the radio, Sgt. Sanderson advised dispatch that he heard the loud metallic banging from his location (approximately .5 mile away). Additionally, he advised dispatch to cancel the original units dispatched to the call. Sgt. Sanderson further advised dispatch that the officers from his call (Harris and Garcia) were finished, closer to the call for service, and they would be en route to handle the call.

Sgt. Sanderson arrived in the area and parked his patrol car on Raven Falls Avenue, near the entrance gate to Westmere Avenue. Officers Harris and Garcia left the previous call prior to Sgt. Sanderson. Officers Harris and Garcia were in the process of speaking with the person reporting (R.S.), as Sgt. Sanderson arrived in the area. The officers advised Sgt. Sanderson that they determined the residence where the banging was coming from was the third house (west) from the entrance gate. Sgt. Sanderson exited his patrol vehicle and walked down the walking path as Officers Harris and Garcia went to the front of the residence (4321 Westmere Avenue). Sgt. Sanderson described the walking path as dimly lit with low landscaping lights and no overhead lighting.

Sgt. Sanderson made contact with Decedent in the backyard, illuminated him with his hand-held flashlight due to the backyard being dark, and observed a black and tan AR slung over his torso. Due to Decedent being armed, Sgt. Sanderson drew his duty firearm from the holster, as is his typical practice when encountering an armed subject. As he contacted Decedent, he stepped into the landscape rocks, and noted Decedent was at a slightly elevated position from where he was standing. Sgt. Sanderson believed Decedent was the homeowner who was also investigating the loud banging noise. When Sgt. Sanderson contacted Decedent, he announced himself as the police, told him not to touch the AR, and attempted to inform him he was there to investigate the noise.

Decedent immediately became aggressive and yelled profanities at Sgt. Sanderson. Decedent turned toward the house, turned again to face Sgt. Sanderson, took hold of the AR, and then started to lift up the AR toward Sgt. Sanderson. Sgt. Sanderson felt as if he was going to be shot, feared for his immediate safety, and fired what he initially thought was four or five rounds from his duty firearm. Later, Sgt. Sanderson determined this was incorrect and believed he fired a total of six rounds based on the countdown performed.

In his tenure as a police officer, Sgt. Sanderson has encountered numerous armed subjects, and explained his normal practice was to issue the individual verbal commands to not touch the firearm. He could not recall the exact instructions he gave Decedent, but he stated he instructed Decedent not to touch the AR. Upon initial contact with Decedent, Sgt. Sanderson did not perceive him as a

threat, believing Decedent was the armed homeowner investigating the noise himself. Due to Decedent's hostile behavior and actions of raising the AR in an upward direction toward him, Sgt. Sanderson felt he had no other option but to discharge his weapon in fear of being fired upon and/or killed. Sgt. Sanderson explained there was no time to talk Decedent out of his decision or to de-escalate the situation.

Sgt. Sanderson stopped firing his weapon to assess the situation, and at that point his sight picture and night vision were compromised due to his muzzle flash in the darkness. After his vision began to clear up, Sgt. Sanderson observed Decedent lying on the ground with the AR still around his torso. Sgt. Sanderson notified dispatch of the shooting, requested medical assistance, and formulated a plan with Officers Harris and Garcia to render aid and make the scene safe.

INVESTIGATION – VIDEO SURVEILLANCE

During the interview with X.D., she informed detectives the surveillance system for the house was through Blink (Amazon). X.D. had an annual cloud-based membership for storage of the video under her email address. X.D. confirmed there were no cameras capturing the backyard but there was one installed to capture the dog run on the east side of the property, another installed on the west side facing the front entrance to the multi-gen/casita entrance and pedestrian garage door entrance, another camera capturing the driveway and front door, and another that was inside capturing the doggie door entrance into the residence.

Due to the party, X.D. believed the interior camera was unplugged (by herself or Decedent) so as to not continuously be activated by the motion of party guests. X.D. further explained the system was motion activated sending alerts to her phone for review. Prior to the arrival of law enforcement, X.D. received an alert of Decedent standing in the driveway. X.D. believed the guests staying in the multi-gen/casita left the residence at this time (as their vehicle was not seen parked in the driveway).

Detective Snyder completed and submitted a preservation request to Blink/Amazon for any video under X.D.'s account/email address. Additionally, he applied for and was granted a court ordered Search Warrant for the cloud stored video footage from Blink/Amazon. The warrant was executed through the Amazon law enforcement portal. Per Blink/Amazon, cloud storage for the video was limited to what the subscriber saved. If the subscriber deleted the video from their device, the footage was not backed-up or retained by their server.

Upon review of the video received, Det. Snyder did not locate any videos of evidentiary value. Video retained by Blink/Amazon (not deleted by the account holder) appeared to be after the incident and confirmed no cameras were present in the backyard to potentially capture the incident.

CANVASS FOR VIDEO AND ADDITIONAL WITNESSES

On September 27, 2022, NLVPD Detectives conducted a secondary canvass of the surrounding neighborhood in an attempt to locate additional surveillance video and/or witnesses to the event. Investigators learned of a community social media page with various information being exchanged and individuals who claimed to have more information about the incident. This social media page was a private group available to members who reside within the community. The following residents/residences were contacted.

4300-4400 BLOCK OF SOLITUDE FALLS AVENUE

4XXX SOLITUDE FALLS AVENUE – Resident was not home during the incident and did not have surveillance video. Resident’s brother, identified as R.R., was house sitting for him and outside during the incident. Resident provided R.R.’s phone number. R.R. lives out of state.

4XXX SOLITUDE FALLS AVENUE (M.O. and R.O.) - Both reported hearing four shots from inside of their residence, went upstairs, and observed Decedent on the ground in the backyard, surrounded by officers. Neither R.O. nor M.O. observed Decedent with a firearm as he lay on the ground. In addition, the two claimed that officers kicked Decedent after he was shot and claimed Decedent did nothing wrong. None of the BWC footage supports this allegation. Additionally, R.O. claimed the police refused to allow medical treatment for Decedent by not allowing the fire department access to him in the backyard. No evidence of this allegation was discovered. Both confirmed a pool party took place earlier in the day. Surveillance cameras were installed in their backyard; however, they only recorded half of the backyard and did not reach to the back wall.

4XXX SOLITUDE FALLS AVENUE (PR, R.S.) - Detectives conducted a recorded interview with him the day of the incident. Detectives also spoke with R.S.’s roommate, identified as S.D., who was asleep during the incident. No surveillance video available.

4XXX SOLITUDE FALLS AVENUE (A.D.) – Law enforcement made initial contact the day of the incident and A.D. reported not seeing the incident but hearing the shots. A.D. was upstairs lying in bed with her bedroom window open. She overheard crying, looked out the window and observed two men in the backyard of 4321 Westmere with water spraying into the air from the pool pump. A.D. returned to bed and then heard a loud banging or “tinging” noise, followed by R.S. and Decedent arguing. A.D. did not hear Decedent threaten R.S. She returned to bed, dozed off, and then was awakened by gunshots. She looked out from the upstairs bedroom window and observed Decedent lying on the ground in the backyard. She did not see a firearm in the backyard as more police and paramedics arrived. Alana confirmed the existence of social media community pages.

4XXX SOLITUDE FALLS AVENUE (J.F.) – Law enforcement made initial contact on the day of the incident. J.F. reported not seeing the incident but hearing the gunshots. J.F. had no surveillance video of the incident. He had his upstairs bedroom windows open and was lying in bed playing on his phone. J.F. confirmed Decedent had a pool party earlier in the day. After the party ended, J.F. overheard loud banging coming from Decedent’s backyard, and then an

argument between Decedent and R.S. Shortly after, J.F. heard gunshots and then dialed 911. J.F. went outside and saw Decedent lying on the ground with officers giving him verbal commands.

4XXX SOLITUDE FALLS AVENUE – M.R. was out of town during the incident. No surveillance cameras were installed in the backyard.

ODD 4300-4400 BLOCK OF WESTMERE AVENUE

4XXX WESTMERE AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

4XXX WESTMERE AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

4XXX WESTMERE AVENUE - Contact was made at the residence with no witnesses to the incident located. The residents contacted did not have access to the surveillance cameras and provided contact information of the resident who did. Several subsequent attempts at contact were unsuccessful.

4XXX SOLITUDE FALLS AVENUE - Contact was made at the residence with an individual who reported hearing banging, then gunshots, followed by sirens. No eyewitness accounts of the incident were located. The residence did not have surveillance footage of the shooting.

4XXX SOLITUDE FALLS AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

4XXX SOLITUDE FALLS AVENUE - Detectives Wells and Graves made contact with J.G. who reported hearing the argument. She believed it was related to the pool party held earlier in the day. J.G. later heard the gunshots when she was inside of her residence. J.G. did not have surveillance video of the incident.

EVEN 4300-4400 BLOCK OF WESTMERE AVENUE

4XXX WESTMERE AVENUE - No contact was made. A notice card was left; however, no further contact occurred.

4XXX WESTMERE AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting but had video of the arrival of police.

4XXX WESTMERE AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

4XXX WESTMERE AVENUE - No contact was made. Notice card was left; however, no further contact occurred.

4XXX WESTMERE AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

4XXX SOLITUDE FALLS AVENUE - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

7XXX JESSAMY STREET - Contact was made at the residence with no witnesses to the incident located. The residence did not have surveillance footage of the shooting.

BODY WORN CAMERA (BWC) VIDEO REVIEW

BWCs of Officers Harris and Garcia

Both officers' BWC footage showed the pair arriving at the call and making contact at an incorrect address. Upon contacting the resident at the initial address, they realized they were at the wrong house. The pair then made contact with R.S. at 4XXX Solitude Falls Avenue, the initial caller. R.S. pointed out the residence (4321 Westmere Avenue) from his backyard. At this time, no one was observed outside in the backyard of 4321 Westmere Avenue, and the backyard was completely dark with no interior or exterior lights on at the residence. While in R.S.'s backyard, Officer Harris illuminated the backyard of 4321 Westmere Avenue with his flashlight, which showed a clear view of the sliding backdoor from R.S.'s vantage point.

Officers Harris and Garcia then drove to the 4300 block of Westmere Avenue and parked. As the two approached the front of the residence, the gray Toyota 4Runner was the only vehicle parked in the driveway of the residence. When Officers Harris and Garcia knocked on the front door of 4321 Westmere Avenue, the interior lights in the garage appeared to be the only lights on at the residence. Several distant gunshots could be heard. The two immediately began running to the rear to assist Sgt. Sanderson on the walking path. Neither Officer Harris nor Officer Garcia discharged their firearms, nor were they witnesses to the shooting itself.

Following the shooting, Officers Harris and Garcia ran back to the front of 4321 Westmere Avenue and made entry into the backyard. The backyard had two large dogs, and it was unknown if anyone was inside of the residence at that time. Officer Harris issued verbal commands such as, "Don't move" and "Stop moving." Decedent continued to move around while still in possession of the AR slung around his upper torso. Using his foot, Officer Garcia was able to move the AR away from

Decedent's control. As responding officers arrived on scene, Officer Harris instructed Officer Gwendolyn Olaneta to secure the AR.

Officers conducted a safety sweep of the residence. No one else was located inside. The scene was secured. Decedent continued to roll around once medical personnel arrived on scene. Decedent was speaking to medical personnel as they loaded him onto a gurney.

Throughout the interaction in the backyard, a black, gray, and white Great Dane as well as a medium sized dark colored dog could be observed circling and standing near Decedent as he laid on the ground.

Due to the fact officers were unaware if anyone else was inside the residence, they maintained lethal coverage on Decedent and the residence, until back-up officers arrived. Officers Harris and Garcia were together throughout the incident until the arrival of additional officers. Both of their BWC's captured the incident from each Officer's respective vantage point.

Upon the arrival of additional officers, Officer Garcia assisted with the completion of a safety sweep of the residence. The house did not have any interior lights on. No other victims or witnesses were discovered inside the residence.

BWC of Sgt. Sanderson

Sgt. Sanderson's BWC footage depicted him arriving in the area at approximately 2227 hours. He parked at the intersection of Virage Park Drive and Raven Falls Street. Sgt. Sanderson exited his patrol vehicle and began walking west on the walking path.

Upon arriving at the back of the residence, Sgt. Sanderson made contact with Decedent and announced himself by stating, "Police Department. Hi." Decedent was then illuminated by Sgt. Sanderson using his hand-held flashlight as Sgt. Sanderson asked him, "How are you doing?" Decedent responded, "Good, how are you?" Sgt. Sanderson immediately recognized Decedent had an AR-15 rifle slung across his chest and addressed it by asking, "What's up with the gun? Keep that where I can see it." Sgt. Sanderson then drew his duty weapon from his holster. Decedent responded with, "Alright, it's good man, what's up?" Sgt. Sanderson advised dispatch of his location and informed them he was out with a subject armed with an AR as Decedent continued to walk closer to him. As Sgt. Sanderson updated his status via radio, Decedent threw his hands in the air, turned, and walked away back toward the house. Decedent stated something to the effect that he is going to his front door as Sgt. Sanderson replied, "Yeah, I got someone coming to the front". Decedent's demeanor immediately changed. He became agitated, raised his voice, and stated, "I don't give a fuck, dude!" He walked aggressively back toward Sgt. Sanderson.

Decedent approached the rear of the yard, near the back wall (approximately six to ten feet from Sgt. Sanderson), as Sgt. Sanderson attempted to explain that officers were there to investigate a loud banging noise. Decedent became more aggressive and stated, "So what...so what... what

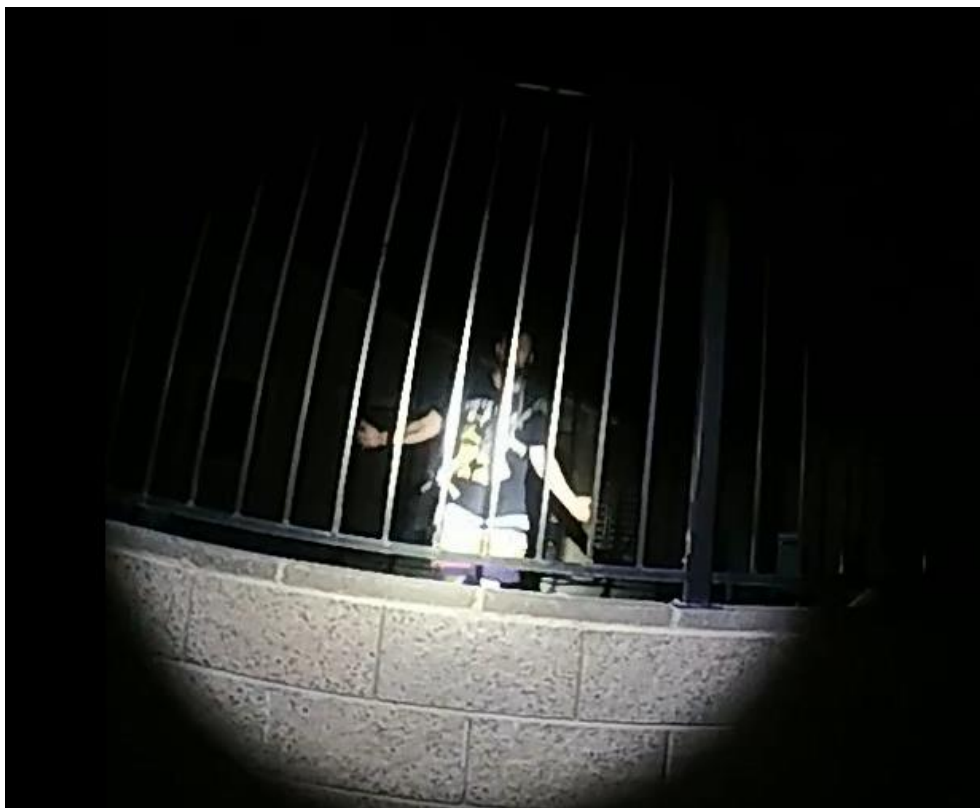
are you going to do.... what are you going to do shoot me?" Sgt. Sanderson stated, "Nothing." As Decedent again turned his upper body away from Sgt. Sanderson, he stated, "Fuck you, bitch. Come to my front door." Decedent then turned to walk away, taking several steps back toward the residence. Then, Decedent abruptly turned back to face Sgt. Sanderson. He took hold of the pistol grip of the AR-15 rifle with his left hand and the front vertical foregrip with his right hand, and he began to raise the AR-15 rifle. Simultaneously, Sgt. Sanderson attempted to transmit radio traffic and stated, "Be advised, put your fucking..." Sgt. Sanderson ultimately fired five (5) rounds from his duty firearm. The vibration could be heard from the impact of the round to the metal fence picket.

Decedent immediately fell to the ground. Sgt. Sanderson updated dispatch of shots fired with one down in the backyard with his AR, and he informed dispatch he was not injured. At this time, Officers Harris and Garcia ran from the front of the residence and met up with Sgt. Sanderson. Sgt. Sanderson then formulated a plan for Officers Harris and Garcia to make entry into the backyard via the front yard in an effort to render Decedent first aid.

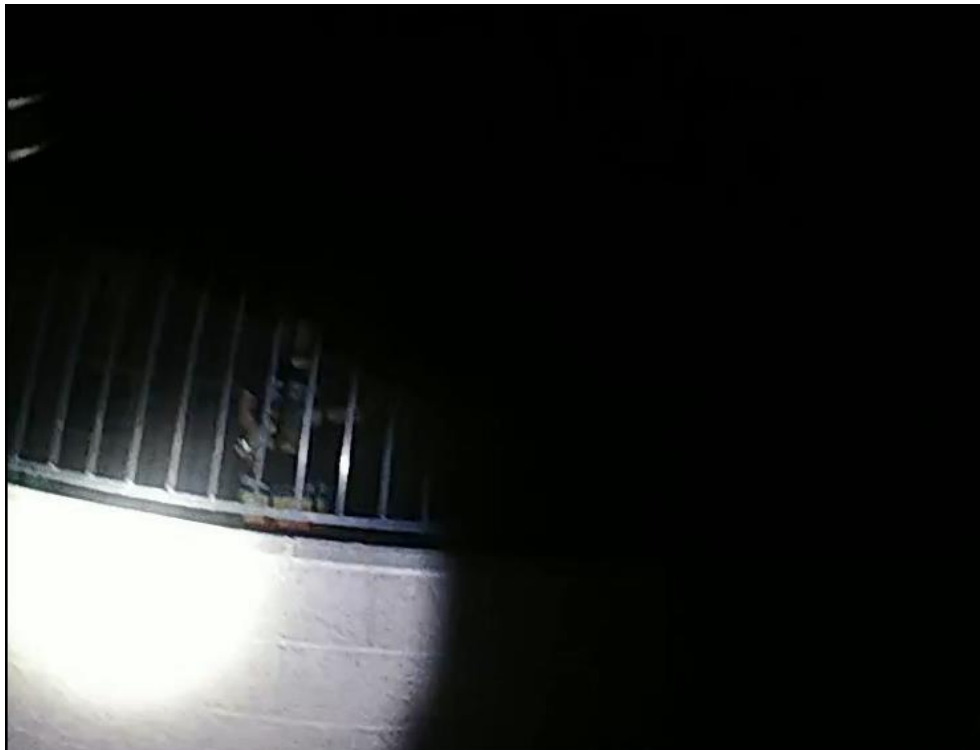
While the two officers ran to the front, Sgt. Sanderson advised dispatch to contact the Watch Commander and to expedite medical assistance. Sgt. Sanderson gave verbal commands and held Decedent at gunpoint while Officers Harris and Garcia ran to the front. Sgt Sanderson then walked east on the walking path to the intersection of Raven Falls Street and Virage Park Drive where he was met by Sgt. Garcia and Lt. Bradley Wine, who instructed him to remain with them.

Only 32 seconds elapsed from the initial contact Sgt. Sanderson first encountered Decedent in the backyard (01:48) to the time the last round was fired (02:20).

Due to the time of day and poor ambient lighting, Decedent's actions were only visible when he was illuminated by Sgt. Sanderson's handheld flashlight. During the shooting, Sgt. Sanderson's flashlight drifted off of Decedent, down and to the left.



Decedent Prior to Taking Hold of AR



Decedent Gripping AR

REQUEST FOR AUDIO AND VIDEO ISOLATION SUBMITTED TO RMIN/RISS

On October 18, 2022, Det. Snyder submitted a copy of the recorded audio file from R.S.'s 911 call to the Rocky Mountain Information Network (RMIN) digital laboratory. In an attempt to enhance and clarify the voices from the 911 call, he requested the digital lab attempt to isolate, separate, and enhance the three voices (the Dispatcher, R.S., and Decedent) from the recorded call. Det. Snyder also submitted a copy of Sgt. Sanderson's BWC footage to the digital lab and requested they attempt to lighten, isolate, and enhance the audio and video to better see Decedent's actions and to better hear the dialogue between Decedent and Sgt. Sanderson.

On January 9, 2023, Det. Snyder received the results. The assigned Video Forensic Analyst (VFA) provided Det. Snyder with several enhanced still images, audio files, and video files from the above-mentioned submissions.

The VFA analyst was able to enhance (lighten) still shots from Sgt. Sanderson's BWC footage. These still shots helped to exhibit Decedent's actions and showed him raise the muzzle of the AR-15 upward toward Sgt. Sanderson prior to the shooting.

The VFA analyst attempted to enhance and isolate the audio of voices from both the 911 call from R.S. and the BWC footage. However, neither audio was of high enough quality to isolate each individual's voice when they were speaking at the same time.

INVESTIGATION – DECEDENT

Background Check

Decedent did have a concealed weapons permit. Additionally, the AR was purchased by Decedent.

AUTOPSY

Dr. B. Murie, D.O. performed an autopsy on Decedent on September 25, 2022. Dr. Murie determined Decedent's cause of death was gunshot wounds, and the manner of death was homicide. Dr. Murie noted that Decedent sustained four (4) gunshot wounds - one to the left hand, one to the right shoulder, one to the torso, and one that entered and exited one leg and then entered and exited the other leg.

Decedent's blood alcohol content (BAC) was .221, almost three times the legal limit. Additionally, he tested positive for THC and its metabolites.

LEGAL ANALYSIS

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

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

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

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

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

“Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... another person, against one who manifestly intends or endeavors to commit a crime of violence or against any person who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle, of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein ...” against the person or other person.² 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,

² NRS 200.120(3)(a) defines a crime of violence:

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

for the purpose of avoiding death or great bodily injury to [himself or the person(s) being defended].

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

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

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

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

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

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

B. Justifiable Homicide by a Public Officer

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

C. Use of Deadly Force to Effect Arrest

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

D. Sgt. Sanderson's Actions Were Legally Proper Under Any of the Above Justifications

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

Sgt. Sanderson was responding to a call under which the PR reported hearing loud banging and being threatened by his neighbor. Sgt. Sanderson, along with Officers Harris and Garcia, heard the loud, metallic banging sounds while responding to their previous call for service. Upon contacting Decedent, Sgt. Sanderson was very non-confrontational and tried to inform Decedent why he was present. Sgt. Sanderson observed that Decedent was armed with an A.R., but it was slung over his shoulder and not in his hands. He directed Decedent to make sure he kept the firearm where Sgt. Sanderson could see it. Decedent almost immediately became aggressive. Sgt. Sanderson did not fire at Decedent until Decedent took hold of the AR and began to point it at Sgt. Sanderson. At that time, Sgt. Sanderson had no time to de-escalate the situation because he believed he was about to be shot and killed.

CONCLUSION

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

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