



REPORT ON USE OF FORCE

Legal Analysis Surrounding the Death of Demetrius Roberts on October 4, 2021

INTRODUCTION

On October 4, 2021, Las Vegas Metropolitan Police Department (“LVMPD”) officers attempted to stop a black Dodge Charger near Kenyon Plaza. The driver initially pulled over to the side of the road but sped off when officers exited their vehicle. An hour later, officers went to the Dodge Charger owner’s registered address. Officers found the vehicle in an alley close to Silver Dollar and Pennwood. Plain clothes officers set up surveillance on the vehicle. These officers recognized the man standing by the Dodge Charger, later identified as Demetrius Roberts (“Decedent”), as the person who fled from officers earlier in the day. Officers also observed Decedent arguing with a female, later identified as C.S. The argument turned physical. The plain clothes officers requested a marked police vehicle with uniformed officers respond to their location and detain Decedent.

In response to this request, uniformed LVMPD officers Joel Blasko and Theron Young drove their marked LVMPD vehicle to the alley and attempted to park behind a white Chevrolet Avalanche that was parked in front of Decedent and C.S. As officers exited their vehicle, Decedent pulled out a firearm and immediately fired at officers multiple times. Officer Young took cover and returned fire.

Decedent fled toward Pennwood Avenue. Officer Blasko followed Decedent, while Officer Young took a different route. At Pennwood Avenue, Officer Blasko announced himself as an officer. Decedent turned toward the officer with his firearm and Officer Blasko fired several rounds at Decedent. Officer Young also fired at Decedent who fell to the ground. Officers took Decedent into custody and provided aid until medical personnel arrived on the scene and took over. Decedent was declared deceased at the scene. A Taurus 9mm firearm was located next to his body. The magazine was empty. Several expended cartridge casings found at the scene were forensically linked to Decedent’s firearm.

The Clark County District Attorney's Office has completed its review of the October 4, 2021, death of Demetrious Roberts. It has been determined that, based upon the evidence currently available and subject to the discovery of any new or additional evidence, the actions of Officers Blasko and Young were not criminal in nature. This review is based upon all the evidence currently available.

This report explains why criminal charges will not be forthcoming against Officers Blasko and Young. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review which was held on November 28, 2022.

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

INCIDENT DETAIL

Around 5:00 pm on October 4, 2021, LVMPD Officers Courtley Keaton and Richard Bass attempted a vehicle stop at Kenyon Plaza (near Alta and Martin Luther King) on a black Dodge Charger bearing a Nevada license plate of 541-ZUC for disobeying a red signal. The driver initially pulled the vehicle over and the officers exited their patrol vehicles to contact the driver. As the officers approached the vehicle, the driver suddenly fled eastbound on Alta Drive. Officers were unable to locate the fleeing vehicle. The initial red-light violation was also witnessed by LVMPD plain-clothes officers Douglas Calder and Korrenthian Gross.

A records check of the vehicle's license plate revealed the registered owner, C.S., had an address at 4155 Silver Dollar Avenue. Around 6:00 pm, Officers Calder and Gross responded to C.S.'s address and located the Dodge Charger parked in the south alley by her residence.

Officers Calder and Gross parked their unmarked LVMPD vehicle in the alley, just west of the Dodge Charger. They conducted surveillance hoping to locate the original driver who fled from them earlier in the day. Around 6:30 pm, Officers Calder and Gross saw a female, later identified as C.S., approach the vehicle from the passenger side. Officers witnessed C.S. yelling at someone across the alley near the apartments. Eventually, they saw

Decedent walk toward the Dodge Charger from that direction while continuing to argue with C.S. The Officers recognized Decedent as the driver who fled in the Dodge Charger earlier in the day. As Officers Calder and Gross continued to watch them, Decedent got into a physical altercation with C.S. Officer Calder called for a marked LVMPD vehicle to assist them. A white Chevrolet Avalanche was parked in the middle of the alley close to where Decedent and C.S. were arguing.

Uniformed LVMPD Officers Joel Blasko and Theron Young responded to the alley in their marked, LVMPD vehicle. As Officers Blasko and Young pulled behind the white Chevrolet Avalanche and exited their vehicle, Decedent produced a firearm and fired at the uniformed officers several times. Officer Young, who was the driver of the vehicle, took cover and returned gunfire toward Decedent, who was positioned at the front of the white Chevrolet Avalanche. During the exchange, Officer Young's firearm had a malfunction and he had to work to clear his firearm. Officer Blasko, who was the passenger in the patrol vehicle, received a minor injury to his right upper thigh from shrapnel during this exchange. Officer Blasko did not fire his weapon at this time. After the initial shooting, Decedent fled toward Pennwood Avenue. Officer Blasko followed Decedent's path and Officer Young ran a different route in attempt to cut-off Decedent.

As Officer Blasko and Decedent arrived on Pennwood Avenue, Officer Blasko announced himself as a police officer. Decedent turned toward the officer with a firearm in his hand. Officer Blasko fired several rounds. It is unclear if Decedent fired again at this time, but Decedent fled and ran eastbound on Pennwood Avenue. Decedent ran in Officer Young's direction and Officer Young fired several times. Officer Young's firearm had a second malfunction, and he took cover behind a parked vehicle. After clearing the second malfunction, Officer Young fired multiple rounds toward Decedent who fell to the ground on Pennwood Avenue. Officers approached Decedent, took him into custody and performed chest compressions until medical personnel arrived. Decedent succumbed to his injuries and was declared deceased by medical personnel. A Taurus 9mm firearm was located next to Decedent's body.

LVMPD Force Investigation Team ("FIT") took over the investigation since it involved an officer-involved shooting.

Detectives talked with C.S. who informed them that she was roommates with Decedent. Decedent took her black Dodge Charger without her permission, and she was upset with him. Around 5:30 pm, Decedent called C.S. and told her that he was being chased by the police but was able to get away. Shortly thereafter, Decedent returned to their residence and parked the vehicle in the south alley. This was the location at which Officers Calder and Gross found the vehicle.

C.S. went to her vehicle and noticed her 9mm Taurus firearm was missing from the glove compartment. She confronted Decedent about taking her vehicle and firearm without her permission. During the argument, Decedent punched C.S. in her face and she fell to the ground. Shortly thereafter, C.S. said Decedent's mother, C.M., arrived in a white Chevrolet Avalanche along with Decedent's small child.

C.M. stopped the Chevrolet Avalanche in the middle of the alley and waited in the driver's seat as Decedent was at the front of her vehicle. As Officers Blasko and Young arrived and exited their vehicle, Decedent began shooting his firearm at them. Decedent struck the front of C.M.'s vehicle multiple times as he fired at the officers who were located behind her vehicle. C.S. told detectives she was standing near C.M.'s driver's side door and was facing Decedent just before he fired at the officers. C.S. suffered a gunshot wound to her upper right arm as Decedent and Officer Young exchanged gunfire. A records check on the firearm found by Decedent revealed that it was purchased by C.S. a month prior at a pawn shop.

INVESTIGATION

Information from Witnesses

I. Law Enforcement Witnesses

LVMPD Officer Douglas Calder

Officer Calder spoke with detectives the day of this incident. He told detectives that earlier in the evening, he and his partner were in the area of US 95 and Martin Luther King Boulevard and were stopped at a red light. A Dodge Charger behind them made a last-second lane change to avoid entering the freeway and drove southbound on Martin Luther King Boulevard while also running a red light. Officer Calder believed the driver of the vehicle saw a marked police vehicle and tried to avoid the marked vehicle. When the driver reached Alta Drive and Martin Luther King Boulevard, another unit attempted to stop the vehicle, but the driver fled as the officer approached the vehicle. The officers did not pursue the vehicle.

Officers conducted a records check of the Dodge Charger's license plate and learned it was associated with an address near Arville and Pennwood. A marked unit found the vehicle backed into a parking space in an alley near that location and relayed the information to Officer Calder and his partner, who were in an unmarked vehicle. When the marked unit left the area, Officer Calder and his partner parked their unmarked police vehicle near the target vehicle and conducted surveillance.

During the surveillance, Officer Calder saw the lights of the target vehicle suddenly flash on and off. A female, later identified as C.S., approached the passenger side of the vehicle and yelled across the alley. A male approached C.S. who was standing near her vehicle. Officer Calder recognized the male, later identified as Decedent, as the driver who fled in the vehicle during the earlier traffic stop. Officer Calder and his partner had their vehicle off and their windows slightly open and they were able to hear the argument between them. Officer Calder observed Decedent grab C.S. during the argument. The officers updated other officers over the radio and requested a marked LVMPD unit to respond to their location.

A marked LVMPD vehicle drove down the alley and approached Decedent and C.S. When Decedent noticed the marked unit, he moved behind a white Chevrolet truck. Per Officer Calder, Decedent appeared to take cover behind the truck. Decedent pulled out a gun from an unknown location which caused Officer Calder to broadcast over the radio, "gun, gun, gun" over the radio. Officer Calder saw the doors of the marked unit open and heard an exchange of gunfire. It appeared to Officer Calder that Decedent was trying to ambush the officers in the marked LVMPD vehicle. Officer Calder ducked down and grabbed his gear to aid his fellow officers.

As Officer Calder exited his vehicle, a foot pursuit ensued between Decedent and uniformed officers. Officer Calder approached C.S., who stated she had been shot. C.S. told Officer Calder that "Man Man" shot her. Officer Calder remained with C.S. and attempted to maintain cover for her and a child that was with her because he heard additional gunfire from behind his location (Pennwood area). C.S. was trying to go into her apartment so Officer Calder and other officers cleared the apartment.

Officer Calder believed Decedent wanted to ambush the officers because he was initially focused on C.S. until the marked LVMPD vehicle drove down the alley. The male began "tracking" the marked vehicle. Officer Calder believed the male was firing towards Officer Young, who was in the driver's seat of the marked unit.

Officer Korrenthian Gross

Officer Gross talked with detectives on the day of the incident. He told detectives that he and his partner, Officer Calder, were in an unmarked LVMPD vehicle near Martin Luther King and Bonanza Road, when they observed a dark colored Dodge Charger commit several traffic infractions. They called for a marked LVMPD vehicle to assist. A vehicle stop was done on the subject driving the Dodge Charger.

While monitoring the radio, Officer Gross learned that the driver of the Dodge Charger initially pulled over. As the officers approached the vehicle, the driver sped off from the location. Officers conducted a records check of the license plate and discovered the Dodge

Charger was registered to an address near Pennwood Avenue and Silver Dollar Avenue. A marked LVMPD vehicle located the unoccupied vehicle parked in the north alley near the registered address.

Officers Gross and Calder drove their unmarked vehicle to the alley and parked near the target vehicle and conducted surveillance. Sometime before 7:00 pm, Officer Gross noticed that someone had "chirped" the Dodge Charger's security system. Officer Gross also noticed a white female, later identified as C.S., approaching the passenger side of the Dodge Charger. C.S. was being followed by Decedent who Officer Gross had previously witnessed driving the Dodge Charger. C.S. seemed upset, and Officer Gross could hear her cursing at Decedent. Decedent attempted to calm the female down. He grabbed her by the arm and pulled her towards him. Officer Gross told Officer Calder that he believed C.S. and Decedent were fighting.

Officer Calder updated the situation to other officers via the radio. Officers Young and Blasko then drove their marked patrol vehicle in the alley toward the Dodge Charger. Officer Gross observed the officers activate their emergency lights and siren. He also saw Decedent turn toward the marked police vehicle and produce a black firearm from his waistband area. The Decedent raised his right arm and pointed the firearm in the direction of the marked police vehicle.

Officer Gross heard Officer Calder communicate on the radio, "gun, gun, gun." Officer Gross heard three gunshots, but he was unsure who fired the shots. The male kept backing away from the direction of the marked LVMPD vehicle with his firearm still pointed toward the uniformed officers. As Officer Gross exited his unmarked vehicle, he saw Decedent fire two to three additional rounds toward the direction of the marked police vehicle. Decedent turned and ran westbound down the alley and then south toward Pennwood Avenue. Officer Gross exited his vehicle and heard C.S. yell that she had been shot. Officer Gross believed Officer Calder stayed with C.S. and assisted her.

Officer Gross heard several more gunshots on Pennwood Avenue. Officer Gross ran toward Pennwood Avenue where he saw other officers and noticed Decedent down on the ground near the sidewalk. He assisted with handcuffing Decedent and began chest compressions on him until medical personnel arrived.

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II. Civilian Witnesses

C.M.

FIT detectives interviewed C.M. on the day of the incident. C.M. stated she was in the alley by Pennwood Avenue and Silver Dollar Avenue because her son, Decedent, wanted her to pick him up due to him having an argument with his girlfriend. C.M. picked up Decedent and left the area. Decedent forgot some items, so they drove back to the apartment to retrieve them. C.M. said Decedent was in her vehicle with her after he retrieved his belongings. C.M. saw the police pulling up behind her vehicle and Decedent exited and positioned himself in front of her vehicle. C.M. stated it appeared as if Decedent was "reaching" for something, but she did not see what happened next because she pulled her grandson down to the floor of her vehicle until the shooting stopped.

C.M. told detectives that Decedent ran around the corner, and she heard a lot more gunfire. She confirmed she was driving the white Chevrolet Avalanche in the alley. When she heard the gunshots, she was not sure if it was her son shooting or the police shooting. She did not know that Decedent had a firearm that day. C.M. believed Decedent knew he had outstanding warrants for his arrest.

While C.M. was being escorted out of the crime scene by Officer Bachman, Officer Bachman's body worn camera footage recorded C.M. stating, "I can't even say shit about you shooting him cause he shot at you."

C.S.

Fit detectives interviewed C.S. the day of the incident. She told detectives that about month prior to the incident, Decedent, who she referred to as her best friend, asked if he could stay at her apartment. C.S. stated she was friends with Decedent, and he had been her neighbor in the past. Decedent's mother was concerned that Decedent had warrants and that bail bondsmen would come to her house. C.S. told Decedent he would have to contribute rent money and clear up his legal issues.

On the morning of October 4, 2021, C.S. asked Decedent for rent money since he was already late on payment. There had been some tension in the household because C.S. worked from home and her wife did not like the idea of Decedent being at the home all of the time. Decedent became angry, took C.S.'s car keys, and left in her black Dodge Charger. C.S. was concerned not only that her car had been stolen but because she had left her Taurus 9mm firearm in the glovebox of the vehicle. C.S. called 911 to report her car stolen but hung up after being transferred to the non-emergency line.

Around 5:15 to 5:30 pm, Decedent called C.S. and told her, "(t)he police were chasing me, and I left their ass." C.S. demanded Decedent return to the residence with her vehicle. She was worried that Decedent would either crash her vehicle or get it impounded by the police.

Decedent eventually returned to the residence and gave C.S. her car keys. C.S. checked the glovebox and discovered that her firearm was missing. She confronted Decedent and asked him to return her gun. Decedent left the residence on foot but returned with his mother in a white truck. Decedent thanked C.S. for letting him stay with her and asked her to pack him a bag. C.S. packed a bag but was still concerned about her missing gun.

C.S. and Decedent walked toward the black Dodge Charger and Decedent's mom's truck. While walking, C.S. began video recording Decedent with her cell phone. C.S. asked Decedent if he was going to return her gun. Decedent replied, "(n)o bitch, my sister is going to come beat you up!" C.S. informed Decedent that she recorded him, and he punched her in the face, knocking her down. Decedent took her cell phone, but she was able to get it back.

C.S. called 911 to report a domestic violence incident. C.S. and Decedent stood in front of her apartment, then approached C.M.'s Chevrolet Avalanche in the alleyway. C.S. observed a marked police vehicle drive into the alleyway. C.S. told detectives that an officer exited the vehicle with his gun drawn. C.S. observed her gun in Decedent's right front pocket. C.S. became concerned that Decedent would draw the gun when he saw the officer. As the officer got closer, C.S. turned toward Decedent and told him, "(n)o, put it down, put it down!"

Gunfire was exchanged between Decedent and the police officer. She was not able to tell detectives who shot first. C.S. went back to her apartment to check on her child and realized she had been shot in the arm. Decedent ran from the area and that was the last time C.S. saw him.

C.S. told detectives that Decedent has told her in the past that, "(he would) get into a shootout before willingly go back to jail."

M.B.

Fit detectives interviewed M.B. on the day of the incident.

M.B. told detectives that he was driving his Honda Odyssey van with his girlfriend, M.T., in the front passenger seat. He drove westbound on Pennwood just past Luke Werner Avenue when M.T. told him that she heard gunshots. M.B. slowed the vehicle down and then came

to a complete stop. M.B. heard commotion and gunshots. M.B. told detective he did not actually see any of the incident.

M.T.

Fit detectives interviewed M.T. on the day of the incident. She told detectives that she was in the front passenger seat of a Honda Odyssey van being driven by her boyfriend, M.B. They were driving westbound on Pennwood Avenue and had just passed Luke Werner Avenue, when she heard a loud gunshot. M.B. kept driving forward when she told him to stop the vehicle and back up. M.T. then observed a Black or Hispanic male run across Pennwood Avenue from north to south. The male ran just in front of their vehicle and had an unknown black object in one of his hands.

Soon after running past their vehicle, M.T. heard between five to ten more gunshots. M.T. was unsure who fired those gunshots as M.B. was driving the van in reverse. M.T. said they were involved in a minor traffic accident with a truck that was behind them. The male she saw run across the street then fell onto the ground just prior to the sidewalk, on the northside of the street. M.T. then observed officers attempting to perform CPR on the male.

J.L.

Fit detectives interviewed J.L. on the day of the incident. J.L. is a teacher at Clark High School. He was outside with another teacher, J.V., at the northeast portion of the school, loading items into his truck. J.L. observed a police vehicle parked on the property, not far from where he and J.V. were located. While J.L. was outside, he heard what he believed to be fireworks. J.L. saw the police vehicle leave the school at a high rate of speed.

As J.L. and J.V. prepared to leave the school, J.L. drove his truck onto a driveway that led out to Pennwood Avenue. As they neared Pennwood, J.L. heard more of what he believed were fireworks and he observed flashes of light in the courtyard of the apartment complex located across the street. J.L. observed a man wearing a dark shirt walking westbound on Pennwood Avenue. The subject appeared to be ducking or hiding behind cars that were parked on the street. J.L. also observed a marked police vehicle with lights and siren heading westbound toward them on Pennwood. J.L. told J.V. that he believed the man across the street had a gun, and then he heard a police officer yell, "Drop it!" The male turned and fired a gun at the police officer and the officer returned fire.

J.V. yelled at J.L that they needed to get out of the area. As J.L began to drive in reverse, he observed the male running east on Pennwood Avenue. J.L saw another police officer from

the courtyard area fire multiple rounds at the male. J.L. and J.V. returned to the school and notified school officials.

J.V.

FIT detectives interviewed J.V. on the day of the incident. J.V. is a teacher at Clark High School and was with J.L. during the incident. The two were outside working and heard what sounded like possible fireworks in the area. As they prepared to leave the work area, they heard more of what they believed were fireworks. They were closing a gate on school property when he observed an LVMPD police vehicle that was parked by the portable classrooms leave at a high rate of speed.

J.V. was in J.L.'s truck leaving toward Pennwood when he observed either a Black male or Hispanic male, with a dark shirt and khaki pants, acting suspiciously. The male appeared to be hiding behind vehicles, then he approached a car and J.V. believed the male was talking to a person in the car when the car "zoomed" away. As the car drove away, the male pulled out a black handgun and began shooting east on Pennwood Avenue. J.V. believed the male was shooting at a police officer.

The male crossed the street toward their direction. J.L. reversed out of that area and went toward the school. J.V. stated he did not witness any other details.

PUBLIC SAFETY STATEMENT/SCENE WALK-THROUGH

Both Officer Blasko and Officer Young provided a public safety statement and did a walk-through of the scene with FIT detectives.

Officer Young

During his public safety statement, Officer Young stated that he believed the suspect fired at him twice initially but fired an unknown amount later. He was not able to state how many times he fired at the suspect. He believed Officers Calder and Gross were witnesses to the incident.

During the walk-through, Officer Young stated that he received information that a vehicle had evaded other officers earlier that day. The vehicle was located in the alley by Pennwood, and surveillance was being conducted by other officers. He was later informed that a domestic dispute occurred. Officer Young and his partner arrived in the alley via their marked LVMPD vehicle and saw Decedent by a white Chevrolet Avalanche. Decedent pointed a gun at him and fired several times. Officer Young returned fire. Decedent fled and Officer Blasko chased him.

Officer Young ran a different way, while doing so he heard additional gunfire. As he reached Pennwood Avenue, Officer Young saw Decedent running eastbound toward him with a gun still in his hand. Officer Young believed Decedent fired at him again and he fired his weapon to protect himself and several people in the area. After Decedent fell to the ground, Officer Young attempted to provide medical aid to him.

Officer Blasko

During the public safety statement, Officer Blasko stated that he believed the suspect fired at him five (5) to ten (10) times while in the alley. Further, Officer Blasko stated he believed he fired his own gun four (4) times during the incident. The only witness he was aware of was C.S.

During the walk-through, Officer Blasko stated that he was the passenger in Officer Young's marked police vehicle. They had responded to the alley to assist plain clothes officers. They were immediately fired upon by the Decedent as they arrived at the scene. Officer Blasko heard the gunfire and was struck in his leg by shrapnel. Officer Blasko chased Decedent toward Pennwood after he fled.

At Pennwood, Officer Blasko saw Decedent near a truck with a gun in his hand. Officer Blasko announced himself as an officer and the Decedent turned toward him with the gun. Officer Blasko fired several rounds at Decedent to protect himself and other people in the area. Decedent fled and Officer Blasko saw him fall to the ground further east on Pennwood. He attempted to render medical aid to Decedent.

OFFICER WEAPON COUNTDOWNS

On October 4, 2021, Officers Blasko and Young had their duty firearms counted down at 4291 Pennwood Avenue in the LVMPD Mobile Command Vehicle. Officer Blasko's firearm magazine held seventeen (17) cartridges plus one (1) in the chamber of the firearm. At the end of the countdown, it was determined that Officer Blasko's firearm had fourteen (14) cartridges in the magazine plus one (1) additional round in the chamber of the firearm. The investigation revealed a total of three (3) rounds had been fired from Officer Blasko's firearm

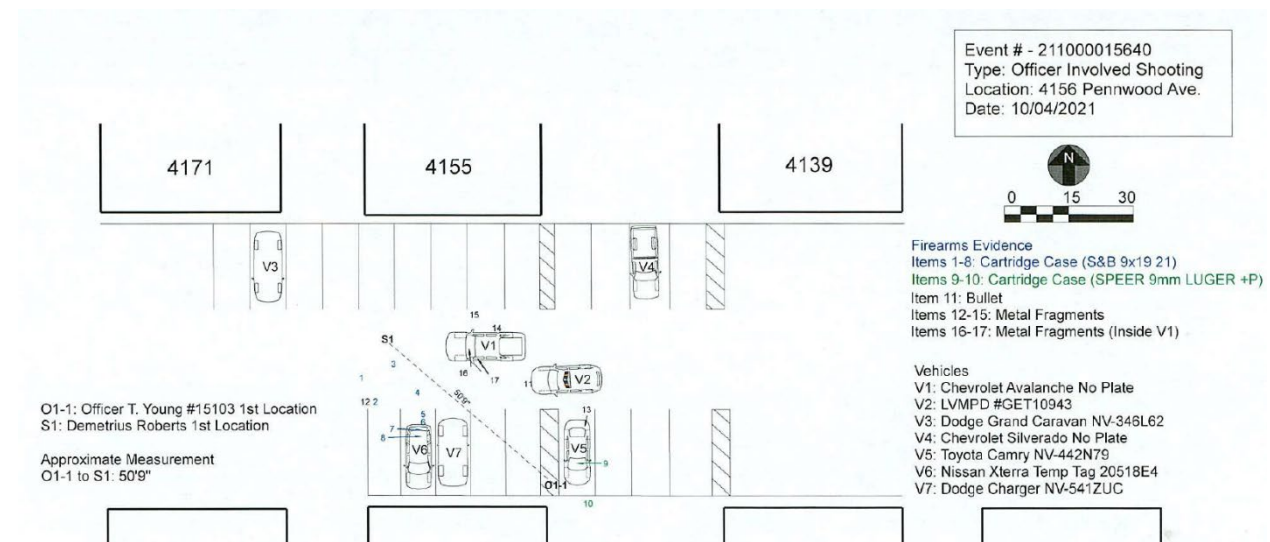
Officer Young's firearm held twenty-two (22) cartridges in the magazine plus one (1) in the chamber in the firearm. Officer Young executed two reloads after having two separate malfunctions with his firearm during the shooting. After inspections of Officer Young's multiple magazines and casings found at the scene, it was determined that Officer Young fired his weapon sixteen (16) times total. One additional live cartridge that was ejected by

Officer Young as he was trying to clear his firearm after the second malfunction was found at the scene.

DESCRIPTION AND EVIDENCE FROM THE SCENE

The scene can be split up into two parts: 1) the north alley (“First OIS scene”); and 2) Pennwood (“Second OIS scene”)

North Alley Scene



Part of a crime scene diagram by CSA Scott of the First OIS scene

The north alley is situated between Pennwood Avenue and Silver Dollar Avenue. The alley runs east to west and has parking spots on the north and south side for residences.

C.M.’s Chevrolet Avalanche was in the center of the alley. The vehicle had several apparent bullet holes and gunfire related damage to its exterior including the front windshield below the roof trim, a ricochet on the passenger side of the hood, two (2) bullet holes in the front passenger window and a hole to the front passenger door. Several metal fragments were found around and near this vehicle. No other vehicles in the area had any apparent gunfire related damage. Based on the trajectory, the bullet strikes and damage to C.M.’s vehicle were

likely due to Decedent's firing at Officer Young from the front area of the Chevrolet Avalanche.



Photograph depicting where Officer Young's and Blasko's vehicle was located in comparison to C.M.'s Chevrolet Avalanche. Decedent was in front of the Chevrolet Avalanche when he initially fired at officers.



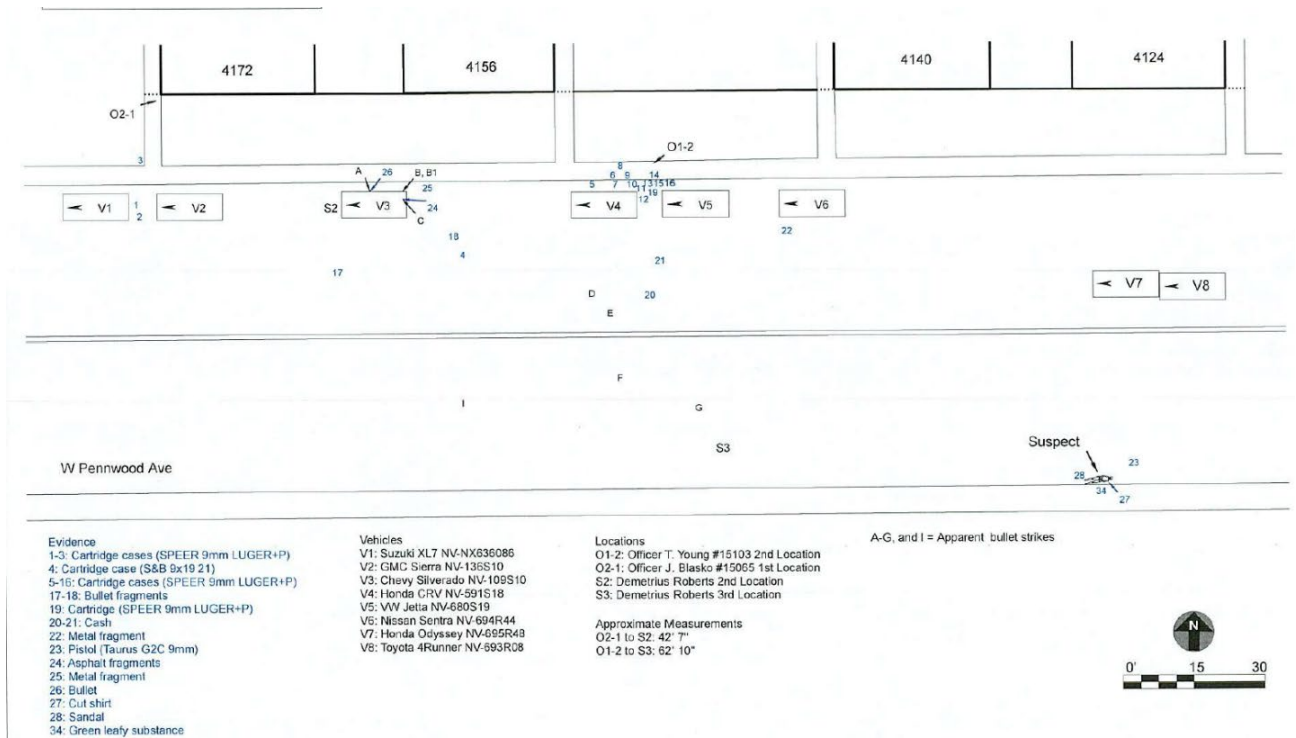
Photograph depicting some of the firearm damage to C.M.'s Chevrolet Avalanche caused by Decedent firing at officers.

A total of eight (8) expended cartridge cases with the headstamp “S&B 9x19 21” were found to the immediate south of where the Decedent was originally standing when approached by officers. Those rounds were forensically traced back to the Taurus 9mm firearm found in Decedent’s possession. Two (2) expended cartridge cases with the headstamp “Speer 9mm Luger +P” were found to the south of Officer Young’s original position. A metal fragment was also found near Officers Young’s original position of cover during the gunfire exchange with Decedent. There was also a fired bullet recovered directly in front of the officers’ vehicle.



Photograph depicting the eight (8) rounds fired from Decedent’s Taurus 9mm handgun in the first OIS scene. The Dodge Charger in the far left of the photograph was the vehicle of interest that Decedent was seen in earlier when officers initially tried to conduct a traffic stop.

Penwood



Penwood is an east-west oriented street with sidewalks on the north and south sides. There are apartments on the north side of the street. There was a total of eighteen (18) expended cartridge casings found primarily on the north side of the street. Seventeen (17) of the expended casings had the head stamp, "SPEER 9mm Luger +P". This was the ammunition used by both Officer Blasko and Officer Young. There was one (1) expended cartridge casing with the head stamp "S&B 9x19 21", which was the ammunition used by Decedent. That specific casing was forensically linked to the Taurus 9mm firearm found next to Decedent. There was apparent firearm damage to a Chevrolet Silverado (labeled as V3 in the above diagram) parked on the north side of the street. There were apparent bullet strikes found in the pavement under the rear end of V3. There were several other apparent bullet strikes found in the middle of the street.



This photograph depicts OIS scene 2. Decedent was located near the patrol vehicles on the south side of the street.

The Decedent was located in the eastbound lane, adjacent to the south sidewalk with a black Taurus 9mm semi-automatic firearm slightly northeast of him. The slide of the firearm was locked back, the safety was off and an empty twelve (12) round magazine was in the magazine well. Decedent had an apparent gunshot wound to his left side.



Taurus 9mm recovered next to Decedent. Firearm was purchased by C.S. about a month before this incident

FIREARM EXAMINATION

On November 10, 2021, LVMPD Forensic Laboratory issued a ballistic report for this matter. Officers Blasko's and Young's firearms were test fired with the submitted magazines and found to be in operating condition with no noted malfunctions. The Taurus 9mm associated with Decedent was also found to be in operating condition with no noted malfunctions. Two cartridge cases with the headstamp "S&B 9x19 21" that were impounded from this incident, one from each OIS scene, were examined and microscopically compared to each other and to test fired cartridge cases from the Taurus 9mm. It was determined that both of these casings were fired from the Taurus 9mm firearm. A fired bullet recovered from the front of Officers Young's and Blasko's vehicle was forensically identified as having been fired from Decedent's Taurus 9mm.

BODY WORN CAMERA EVIDENCE

Officer Young had his body worn camera (“BWC”) activated during this event. Officer Blasko did not activate his body worn camera until after Decedent was taken into custody. This section sums up what can be seen upon view of the BWC.

Officer Young Body Worn Camera:

Officer Young was wearing a BWC at the time of the incident and the camera was activated. Officer Young activated his BWC as he was driving in a marked LVMPD vehicle. However, the sound is not on for the first thirty (30) seconds of footage, which is typical for LVMPD BWC. Per the video, Officer Young stopped his vehicle behind a white Chevrolet Avalanche. C.S. can be seen standing near the driver’s side door of a white truck. As he arrived, Officer Young quickly exited his vehicle and immediately ran for cover. He drew his firearm and fired westbound of the alley toward Decedent’s position. It is at this point that the sound from the BWC begins to record, Officer Young cleared a malfunction to his firearm and informed dispatch that officers fired shots in the alley. He also stated that he was in pursuit of a suspect. Officer Young can be seen running through the courtyard toward Pennwood.

On the BWC, Officer Young took cover behind a vehicle parked on the north side of Pennwood. The vehicle Officer Young was using for cover moved and Decedent can be seen heading toward Officer Young. Officer Young fired one shot but has another malfunction with his firearm. Officer Young worked quickly to clear his malfunction and reloaded his firearm with another magazine to fix the malfunction. Afterwards, Officer Young fired multiple rounds in quick succession toward Decedent. He informed dispatch that Decedent was down. Officer Young’s BWC showed Decedent being taken into custody and provided medical aid.

Officer Blasko Body Worn Camera:

Officer Blasko was wearing a BWC at the time of the incident however it was not activated during the officer involved shooting. The BWC was activated when officers were taking Decedent into custody and does not capture anything relevant to the investigation.

Officer Calder Body Worn Camera:

Officer Calder was wearing BWC at the time of the incident and the camera was activated during the Pennwood OIS. In the BWC footage, Officer Calder can be seen putting on his gear, exiting his vehicle and approaching C.S. who has a small, crying child with her. C.S.

got on her phone and told someone, “man man just shot me.” As Officer Calder contacted C.S., multiple gunshots can be heard in the background.

Officer Calder had C.S. and the child stay by the wall of the residential building as cover from gunfire. Officer Young is heard over the radio saying that the suspect is down. Officer Calder and other officers observed C.S. had a gunshot wound to her arm and called for medical. After additional officers took over C.S.’s medical treatment, Officer Calder cleared C.S.’s residence with other officers.

Afterwards, Officer Calder told other officers he witnessed the shooting in the alley. He informed officers that Decedent was shooting from the front of the white truck and officers returned fire. C.M. can also be seen in the video sitting on the back bumper of her truck. She told officers, on the BWC footage, that she “did not see anything, I ducked down.” Officer Calder proceeded to walk through the scene with a flashlight looking for casings and impacts.

Later in the video, Officer Calder told another officer that Decedent got into argument with a female by the Dodge Charger, that a marked police vehicle pulled up and Decedent immediately produced a firearm and gunfire was exchanged.

Officer Gross Body Worn Camera:

Officer Gross was wearing BWC at the time of the incident and the camera was activated during the Pennwood OIS. In the BWC footage, Officer Gross exited his vehicle with his firearm and looked around the alley. As Officer Gross searched the alley, gunfire can be heard in the background. Officer Gross ran toward Pennwood and located Decedent on the ground with a couple of other officers. He assisted the officers with taking Decedent into custody and did chest compressions on Decedent for about four minutes. Officer Blasko took over chest compression for Officer Gross for about a minute; however, Officer Gross went back to doing chest compressions for another three minutes until paramedics arrived and took over treatment.

AUTOPSY

October 5, 2021, an autopsy was completed on the body of Decedent by Forensic Pathologist Ben Murie. Dr. Murie identified Decedent’s injury as a gunshot wound of the left flank of the torso. The pathway of the bullet injured several of Decedent’s internal organs including his heart. A single projectile was recovered from the anterior aspect of Decedent’s chest. After the completion of the autopsy, it was determined that Decedent was shot one time and Dr. Murie ruled the cause of death as a gunshot wound to the torso.

LEGAL ANALYSIS

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

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

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

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

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

NRS 200.160(1).

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

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

¹ NRS 200.120(3)(a) defines a crime of violence:

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

1. That there is imminent danger that the assailant will either kill him [or the other person] or cause him [or the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in self-defense [or defense of another] force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to himself [or the person 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 that a [killing was in self-defense or defense of another exists], the State must prove beyond a reasonable doubt that defendant did not act in self-defense [or defense of another]. *Id.* at 1051-52.

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

In this case, Officers Young and Blasko were responding to a potential physical altercation involving a suspect that had recently fled from other LVMPD officers. As they arrived at the location in question, near Pennwood, they were immediately fired upon by Decedent who had taken cover behind his mother's white Chevrolet Avalanche. The Chevrolet Avalanche also had his small child in it. Evidence from the scene showed that Decedent fired at least eight (8) times at officers endangering not only Officers Young and Blasko

but also the occupants of the white Chevrolet Avalanche and other individuals in the residential alleyway. In fact, C.S., who was standing near Decedent when he started firing at officers, was heard on body worn camera footage stating that she believed “man man”, not the police, shot her while he was shooting at officers. There is no question, Officer Young was justified in returning gunfire at Decedent to protect himself, his partner, the occupants of the Chevrolet Avalanche and other individuals who were in the area.

After the initial gunfire exchange, Decedent fled to Pennwood. Officer Blasko did not have body worn camera footage on while in pursuit of Decedent. However, during his walk-through with investigators, Officer Blasko told them that once he reached Pennwood, Decedent turned and pointed his firearm at him. Decedent had just fired multiple rounds at Officer Blasko’s partner with the same firearm, so Officer Blasko had no choice but to fire his weapon at Decedent in order to protect himself and other individuals in the area. This version of events is corroborated by witnesses in the area, who stated Decedent pointed his firearm at officers and fired at them while on Pennwood. There were no witnesses or other evidence that contradict or cast doubt on Officer Blasko’s statement during his walk-through. While Officer Blasko was unlikely the officer to have shot Decedent, even if he was, his actions are justified under Nevada law regarding self-defense and defense of others.

The body worn camera footage from Officer Young at Pennwood showed Decedent in close proximity to the officer. While the body worn camera footage of Officer Young discharging his weapon on Pennwood was blocked by his arm when he fired at Decedent, two eyewitnesses at Clark High School told investigators that Decedent pointed his firearm and fired at officers. At least one (1) round recovered from the Pennwood scene was forensically linked to Decedent’s firearm. While Officer Young fired multiple times from his handgun, Decedent was only struck once, which led to him falling to the ground and ending the threat to officers and other individuals in the area. Once recovered, Decedent’s firearm was empty with the slide locked back, which indicated that Decedent fired the gun in his possession until he ran out of ammunition. Based upon the evidence at the scene, body worn camera footage, and eyewitness testimony, there does not appear to have been any way for officers to have known that Decedent ran out of ammunition. Thus, Officer Young’s actions were justified under the law.

Based on Decedent’s actions, Officers Young’s and Blasko’s choice to fire at Decedent in order to protect themselves, each other, and other individuals in the area was reasonable. While considering the totality of their actions, both officers were justified under Nevada self-defense law.

II. JUSTIFIABLE HOMICIDE BY A PUBLIC OFFICER

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

In this case, the facts demonstrate that at the time Officers Young and Blasko fired their duty weapons, they had probable cause to believe that Decedent posed an immediate deadly threat to themselves and others. The officers arrived to detain Decedent based on a physical altercation with a female victim that was witnessed by plain clothes officers, as well as previously fleeing from officers earlier in the day. Once they arrived, Decedent, armed with a 9mm handgun, fired at officers numerous times without regard to his surroundings. He showed no signs of surrendering. If anything, Decedent’s actions, like shooting into his mother’s vehicle, showed that if he was able to escape from officers, he would have been a danger to the community at large. The circumstances demonstrate Officers Young and Blasko fired their weapons with a reasonable belief that Decedent was a threat to their lives and the lives of others. In light of this evidence, Officers Young and Blasko actions were legally justified and appropriate in the discharge of a legal duty.

CONCLUSION

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

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