

# REPORT ON USE OF FORCE



## Legal Analysis Surrounding the Death of Robert Pitcher on November 25, 2023

### INTRODUCTION

On November 25, 2023, Las Vegas Metropolitan Police Department ("LVMPD") Officers Gregory Kyle Corso, Philippe Dinh, and Oscar Nuno-Reynoso discharged their firearms toward 51-year-old Robert Shane Pitcher who died on scene from gunshot wounds. The use of force incident occurred on South Seaton Place and in an alleyway in a residential neighborhood south of Viking Road and Chaparral High School.

### SYNOPSIS

On November 25, 2023, at approximately 0255 hours, F.M. called police to report that her son, Robert Pitcher ("Decedent"), was feeling suicidal. F.M. explained that Decedent left their residence on foot and that he was armed with a knife. Officer Cristian Mojarro was dispatched to the call at 0314 hours, and he responded to 3929 Landsdown Place, Las Vegas, Nevada 89121.

Officer Mojarro arrived at Forest Hills, a residential complex consisting of single-story and two-story buildings. Officer Mojarro contacted F.M. who informed him that Decedent may have walked to the US-95-freeway overpass at Viking Road. Decedent's son, C.P., died under the overpass on October 12, 2023. Officer Mojarro drove to the overpass and was unable to locate Decedent at the location.

Officer Mojarro returned to 3929 Landsdown Place, where he contacted F.M. and Decedent's wife, D.M. Both F.M. and D.M. spoke with Officer Mojarro and showed him a drawer in the kitchen and confirmed there was a knife missing.

Officer Mojarro was informed that Decedent was possibly suffering from a mental health crisis due to his son C.P. recently passing away. Decedent had not been diagnosed with a mental illness, but he was on pain medication. Decedent had been involved in a motorcycle accident in March of 2023.

Decedent left the residence with the knife in his back pocket, but he did not take his cellular phone with him. As Decedent left the residence, F.M. heard him state that he “wanted to go with [C.P.],” and “I’m going with [C.P.].” D.M. also stated she believed Decedent may have been near the pool in the complex as C.P. used to spend time there. Officer Mojarro then exited the residence and began walking west towards the pool area. D.M. began walking behind Officer Mojarro as he walked through the complex.

Officer Mojarro located Decedent at approximately 0340 hours at Seaton Place and Edgemoor Way. Decedent was holding a knife towards his neck area. Officer Mojarro informed dispatch and requested additional officers to respond to the scene. Officer Mojarro attempted to create dialogue with Decedent and created distance as he waited for assisting officers to arrive.

Numerous officers were assigned and responded to his location. As assisting officers began arriving, they formed two incident action teams, a North Action Team (north of Decedent) consisting of seven officers and an East Action Team (east of Decedent) consisting of nine officers.

Officers issued verbal commands to Decedent for him to drop the knife, but Decedent refused. Decedent was in between two vehicles on Seaton Place just south of an alleyway south of Edgemoor Way. Decedent, while holding the knife in his right hand, raised the knife near his shoulder area, pointed towards officers and began taking steps towards the officers. Officer Corso, who was part of the East Action Team, fired his low-lethal shotgun as Decedent advanced towards his team. Officers James Pennington and Alyssa Flaxa, who were part of the North Action Team fired their low-lethal shotguns toward Decedent as he turned in a circular motion multiple times.

Decedent moved towards a blue trashcan receptacle, knocked it to the ground and began pushing the receptacle towards the officers on the East Action Team. The East Action Team officers were in an alleyway that had garage doors for multiple residential units to the north and south sides. The alleyway was off Seaton Place and south of Edgemoor Way. Decedent still had the knife in his right hand as he pushed the receptacle. Officers retreated eastbound as they yelled verbal commands to Decedent for him to drop the knife. D.M. was behind the East Action Team and officers could hear her screaming throughout the incident. Decedent then stepped to the side of the receptacle and held the knife near the right side of his head in a thrusting motion.

Officer Gabriel Mazon fired a standoff cartridge from an electric control device (“ECD”) that was unsuccessful. Decedent continued to advance towards the officers as Officer Mazon fired a second standoff cartridge. Officer Mojarro fired an ECD cartridge and Officers Corso,

Dinh and Nuno-Reynoso fired their handguns multiple times. Decedent fell to the ground facing away from the officers as Officer Mazon informed dispatch of the officer-involved shooting.

Officers approached Decedent and placed him into handcuffs, began life-saving measures and requested medical assistance. Medic West # 482 arrived at the location, continued life saving measures and placed Decedent on a gurney and then in the back of their ambulance. While inside the ambulance, Decedent succumbed to his injuries.

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

This report explains why criminal charges will not be forthcoming against LVMPD Officers Corso, Dinh, and Nuno-Reynoso. 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 April 17, 2025.

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

## **TIMELINE OF EVENTS**

The following table, based on computer aided dispatch ("CAD") records, provides a timeline of events which started at approximately 0255 hours on Saturday, November 25, 2023. The timeline starts when Decedent's mother called LVMPD and continues until Decedent was pronounced deceased at 0419 hours in an ambulance located on Seaton Place.

<b>Time (hours)</b>	<b>Description of Event/Action</b>	<b>Source</b>
0255	F.M. called Communications and stated Decedent was suicidal and armed with a knife.	CAD
0314	Officer Mojarro was assigned to the call.	CAD
0321	Officer Mojarro arrived at the location and contacted F.M.	CAD and body-worn camera ("BWC")
0340	Officer Mojarro located Decedent armed with a knife and holding it to his throat. Officer Mojarro requested additional officers to respond.	CAD and BWC
0346	Multiple low-lethal bean bag rounds were deployed at Decedent and struck him, but they were deemed ineffective.	CAD and BWC
0347	Taser™ fired at Decedent and was ineffective.	BWC
0347	Shots fired was broadcasted.	CAD and BWC
0349	Decedent was placed into custody. Life-saving measures were provided.	CAD and BWC
0350	Medical personnel arrived, continued life-saving measures and placed Decedent inside the ambulance.	BWC
0419	Decedent was pronounced deceased at the scene.	Provided by Medic West personnel from Dr. Lovinger

## DESCRIPTION OF THE SCENE

### Overview

The use of force event occurred in an alleyway to the east of Seaton Place. Seaton Place is in a residential neighborhood to the south of Viking Road and Chaparral High School.



Satellite map of OIS location.



LVMPD drone photograph of OIS location.

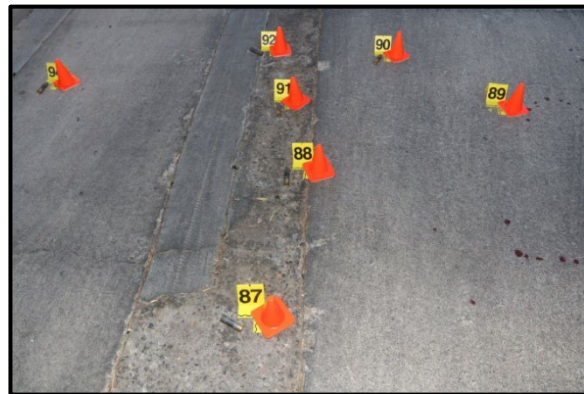


## Evidence

On November 25, 2023, at approximately 0639 hours, Senior Crime Scene Analysts ("SCSA") Jennifer Strumillo, Kristina Thomas, and Gabrielle Haugh as well as Crime Scene Analysts ("CSA") Ashlea Mongrut and Nina Egbalic all responded to Seaton Place and Edgemoor Way to photograph and document the scene and to photograph and collect evidence. CSA Mongrut also completed Leica scans to create a computerized diagram of the scene.



Above left: South facing view of Seaton Place showing low-lethal shotgun shells and bean bag rounds.  
Above right: Medic West ambulance parked facing south on Seaton Place south of Edgemoor Way.



Above left: Low-lethal shotshells located in between overturned trashcan and ambulance.  
Above right: Cartridge cases in the alleyway east of Seaton Place.



LVMPD drone photograph of OIS location. For orientation, the top of the photograph is south. At the time of the OIS event, subject officers were located near the east edge of the photograph as Decedent charged the officers from behind the overturned garbage can to the west.



Above left: Medical intervention equipment in the alleyway at Seaton Place and Edgemoor Way.

Above right: Wooden handle knife bearing apparent blood located in the alleyway where the OIS took place.

## **Decedent's Knife**

CSA Strumillo and CSA Mongrut located, photographed, and impounded the knife Decedent brandished as he charged toward officers in the alleyway. The knife is a wooden handled knife with a blade approximately 8 inches in length. Apparent blood was on the knife blade.

## **Low-Lethal Shotgun Shells**

CSA Strumillo and CSA Mongrut located, photographed, and impounded the numerous spent low-lethal shotshells located at the crime scene. In total, 18 spent low-lethal shotshells were recovered from the scene as well as a corresponding number of green bean bag projectiles.

## **Tasers**

CSA Strumillo and CSA Mongrut located, photographed, and impounded from scene multiple Taser components including 6 pieces of yellow plastic, 2 taser cartridges, taser probes, and taser wires. Additionally, CSA Egbalic impounded 2 attached fired taser cartridges with wires directly from Officer Mojarro who had picked up the items from the scene and placed them in his pocket.

## **DNA ANALYSIS**

LVMPD Forensic Scientist Allison Rubino performed DNA analysis using samples taken from the knife officers removed from Decedent's hand immediately after the OIS event. First, Forensic Scientist Rubino concluded that Decedent was individually included as a contributor to the sample taken from a swabbing of the knife handle. Second, Forensic Scientist Rubino concluded that a stain on the tip of the knife blade was presumptive positive for blood and that Decedent was individually included as a contributor to that stain.



## **SCENE WALK-THROUGHS**

### **Officer Nuno-Reynoso**

On November 25, 2023, at approximately 1105 hours, Officer Nuno-Reynoso provided a walk-through of the scene. During the walk-through, Officer Nuno-Reynoso relayed through his attorney the following information:

- Officer Nuno-Reynoso responded to the location and saw the subject (Decedent) holding a knife.
- Officers gave verbal commands, but Decedent would not drop the knife.
- Decedent advanced towards the officers and the officers used low-lethal options to include a taser and low-lethal shotguns.
- Decedent continued to advance towards officers and made furtive movements when Officer Nuno-Reynoso fired his firearm.
- Officer Nuno-Reynoso felt his life and his partners' lives were endangered.

### **Officer Dinh**

On November 25, 2023, at approximately 1118 hours, Officer Dinh provided a walk-through of the scene. During the walk-through, Officer Dinh relayed through his attorney the following information:

- Officer Dinh responded to assist an officer who was out on a person with a knife.
- Officers gave Decedent verbal commands that he disobeyed as he continued to advance towards officers.
- Officers used low-lethal options to include low-lethal shotguns and a taser.
- Officers continued to issue verbal commands, but Decedent continued advancing and made a furtive movement with the knife.
- Officer Dinh fired his firearm to protect himself and his partners as he felt their lives were endangered.

### **Officer Corso**

On November 25, 2023, at approximately 1132 hours, Officer Corso provided a walk-through of the scene. During the walk-through, Officer Corso relayed through his attorney the following information:

- Officer Corso arrived on scene, where Decedent was holding a knife.
- Officers gave Decedent multiple verbal commands to drop the knife, but he refused.
- Officers deployed low-lethal shotgun rounds as Decedent advanced towards officers as he held the knife in a threatening manner.
- Officer Corso used deadly force as he felt his life and his partners' lives were endangered.

## **OFFICER PUBLIC SAFETY STATEMENTS**

### **Officer Dinh**

On November 25, 2023, at approximately 0721 hours, Detective Jason Leavitt interviewed Sergeant Tanner Schmidt in reference to the Public Safety Statement ("PSS") he obtained from Officer Dinh.

Note: Detective Leavitt is designated by (JL) and Sergeant Schmidt by (TS).

JL: *Operator this is Detective J. Leavitt, L-E-A-V-I-T-T P# 5814 with the LVMPD Force Investigation Team. I'll be conducting one Public Safety Statement under event 231100087088. Uhh person giving Public Statement--Safety Statement will be Sergeant Tanner T-A-N-N-A-R Schmidt S-C-H-M-I-D-T, P# 13112. Also present will be PMSA representative Krumme and Porter. Uhh the statement will be given on November 25<sup>th</sup>, 2023, at approximately 0721 hours. Uhh Sergeant Schmidt, uhh, can you go through, you conducted a Public Safety Statement today?*

TS: *I did.*

JL: *Umm, and we're actually gonna do a few of them. Who's the first one that you have?*

TS: *Officer Dinh.*

JL: *Officer Dinh? That's D-I-N-H?*

TS: *Correct.*

JL: *Uhh P# 18888?*

TS: *Yes.*

JL: *Can you go ahead and just read to me uhh the questions you asked and the responses he gave you?*

TS: *Yup, uhh first question I asked him was, did you discharge your firearm? Officer Dinh responded, yes. I then asked him if so, in what direction? He stated east of the suspect in the alley. I then asked him, approximately where were you loc—I'm sorry I misread the question. He responded with west for in what direction. Uhh when I asked him approximately where were you located when you fired? He said east of the suspect in the alley. Then I asked him how many shots do you think you fired? He said unknown, maybe four. I then asked him is anyone injured? He stated yes, the suspect. I then asked him if so, where are they located? He said on the street uhh, near Seaton. Uhh, I then asked him are there any outstanding suspects, he stated no. I then asked him is it possible the suspect fired rounds at you? He stated, no. I asked Officer Dinh, do you know if any other officers discharged their firearms? He stated yes. I asked him, if so, who are they? He said Officer Corso and Officer Nuno. Uhh, I asked him approximately where were the officers located when they fired? He stated unknown. I then asked him, are there any weapons or evidence that need to be secured or protected? He said yes. I said if uhh, if so, where are they located? He said there was a knife uhh – he said the knife was located where I last saw the suspect. I then asked him are you aware of any witnesses? Uhh he said no, just the officers that were on the scene.*

JL: *Was that the end of the Public Safety Statement?*

TS: *Yes.*

JL: *Ok, we're going to end the recording, same persons are present, time is 0734.*

## Officer Nuno-Reynoso

On November 25, 2023, at approximately 0727 hours, Detective Leavitt interviewed Sergeant Schmidt in reference to the PSS he obtained from Officer Nuno-Reynoso.

Note: Detective Leavitt is designated by (JL) and Sergeant Schmidt by (TS).

JL: *Operator this is Detective J. Leavitt, L-E-A-V-I-T-T P# 5814 with the LVMPD Force Investigation Team. I'm gonna be conducting one Public Safety Statement under event 231100087088. Uhh person being interviewed will be Sergeant Schmidt S-C-H-M-I-D-T, P# 13112. It's gonna be reference an officer-involved shooting that occurred on November 25<sup>th</sup>, 2023. Uhh, the date is currently November 25<sup>th</sup>, 2023, at 0727 hours. Uhh Sergeant Schmidt, uhh, you took the Public Safety Statement?*

TS: *I did.*

JL: *Uhh Can you go ahead and just tell me who it was you took that from and then read the questions and their responses for me?*

TS: *It was officer Nuno-Reynoso, and the first question I asked him was, did you discharge your firearm? He stated, yes. I asked him if so, in what direction? He stated west. I asked him, approximately where were you located when you fired? He stated in the alley. I asked him how many shots do you think you fired? He stated two. I asked him is anyone injured? He said the suspect. I asked if so, where are they located? He said the hospital. Uhh, I asked him are there any outstanding suspects, he stated no. I then asked him is it possible the suspect fired rounds at you? He stated, no. I asked him, do you know if any other officers discharged their firearms? He stated yes. I said if so, who are they? He said unknown, I heard other shots. I then asked him approximately where were the officers located when they fired? Uhh he said, to my left in the same stack. I then asked him, are there any*



*weapons or evidence that need to be secured or protected? He said yes, a knife. I said if so, where are they located? He said on the floor next to the suspect. I asked him are you aware of any witnesses? He state-- he said yes, I asked him if so where is their location? He said it was other officers and uhh unknown civilians and he did not know where their location was.*

*JL: And was that the end of the interview?*

*TS: It was.*

*JL: Ok, we're gonna conclude this interview, uhh time is now 0729.*

## **Officer Corso**

On November 25, 2023, at approximately 0730 hours, Detective Leavitt interviewed Sergeant Schmidt regarding the PSS he obtained from Officer Corso.

Note: Detective Leavitt is designated by (JL) and Sergeant Schmidt by (TS).

*JL: Operator this is Detective J. Leavitt, L-E-A-V-I-T-T P# 5814 with the LVMPD Force Investigation Team. I'm gonna be conducting one Public Safety Statement uhh interview under event 231100087088. Uhh it's going to be with Sergeant Schmidt, that's P# 13112. Uhh also present for the interview will be PMSA representative (unintelligible) Krumme and Porter. Uhh the interview's being conducted on November 25<sup>th</sup>, 2023, at approximately 0730 hours. Uhh Sergeant Schmidt, did you uhh take a Public Safety Statement today?*

*TS: I did.*

*JL: Uhh, would you go ahead and just state the name of the person that gave that interview with you, and then read the questions and the responses you have them ready.*

TS: OK uhh it will be an officer Kyle Corso, and the first question I asked him was, did you discharge your firearm? He stated yes. I asked and if so, in what direction? He stated west. I asked him, approximately where were you located when you fired? He said in between two buildings east of the suspect. I asked him how many shots do you think you fired? He stated three to five. I asked Officer Corso is anyone injured? He said yes, the suspect. I asked him uhh, if so, where are they located? He stated in the alley. I asked Officer Corso are there any outstanding suspects, he stated no. I then asked Officer Corso is it possible the suspect fired rounds at you? He stated, no. I asked Officer Corso, do you know if any other officers discharged their firearms? He said uhh, yes, one other. I said if so, where are they? Uhh, I'm sorry for that last question uhh he said it was Officer Dinh and one other unknown. I asked where were they located when they fired? Uhh he said unknown. I then asked him, are there any weapons or evidence that need to be secured or protected? He said no, just the knife. I asked him, uhh, if so, where is it located? He said, approximately six feet from the suspect after we took it away from him. I asked him, are you aware of any witnesses? He said officers and there were two or three women behind the officers several yards back. I asked, if so, what was their location? He said 20-30 yards behind the officers and unknown their current location.

JL: And was that the end of the interview?

TS: Yes.

JL: We're going to end this interview, same persons are present, time is 0732.

## **OFFICER WEAPON COUNTDOWNS**

On November 25, 2023, Officers Corso, Dinh, and Nuno-Reynoso had their duty weapons counted down at Viking Road and Edgemoor Way to determine the number of rounds each officer fired during the incident.

### **Officer Corso**

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

Officer Corso's firearm was a Glock 17 Gen5 9mm handgun and was loaded with 9 cartridges in the magazine and one cartridge in the chamber, all Speer 9mm Luger +P cartridges, for a total of 10 cartridges at the time of the countdown. Officer Corso also carried 2 spare magazines each with a capacity of 17 cartridges, and each was at full capacity at the time of the countdown.

At the completion of the countdown, it was determined Officer Corso discharged his firearm 8 times during this incident. Officer Corso's firearm, magazine used during the OIS, and cartridges were photographed and impounded by SCSA Haugh.

### **Officer Dinh**

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

Officer Dinh's firearm was a Glock 17 Gen5 9mm handgun and was loaded with 11 cartridges in the magazine and one cartridge in the chamber, all Speer 9mm Luger +P cartridges, for a total of 12 cartridges at the time of the countdown. Officer Dinh also carried 3 spare magazines each marked with a capacity of 24 cartridges. Two of the spare magazines contained 24 cartridges each, and the third magazine contained 25 cartridges.

At the completion of the countdown, it was determined Officer Dinh discharged his firearm 6 times during this incident. Officer Dinh's firearm, magazine used during the OIS, and cartridges were photographed and impounded by SCSA Haugh.

## **Officer Nuno-Reynoso**

Prior to countdown, Officer Nuno-Reynoso stated he carried 20 cartridges in the magazine loaded in his firearm and one cartridge in the chamber for a total of 21 cartridges.

Officer Nuno-Reynoso's firearm was a Staccato P 9mm handgun and was loaded with 17 cartridges in the magazine and one cartridge in the chamber, all Speer 9mm Luger +P cartridges, for a total of 18 cartridges at the time of the countdown. Officer Nuno-Reynoso also carried 2 spare magazines each with a capacity of 20 cartridges, and each was at full capacity at the time of the countdown.

At the completion of the countdown, it was determined Officer Nuno-Reynoso discharged his firearm 3 times during this incident. Officer Nuno-Reynoso's firearm, magazine used during the OIS, and cartridges were photographed and impounded by SCSA Haugh.

## **FIREARM EXAMINATIONS**

LMVPD Forensic Scientist Austen De Vlaeminck Fletcher examined each of Officer Corso's, Dinh's, and Nuno-Reynoso's firearms. Per his report dated January 5, 2024, all three firearms were examined, test fired and were found to be operational with no noted malfunctions.



## **SUMMARY OF RELEVANT WITNESS STATEMENTS**

### **Witness Officers:**

#### **Sergeant Tannar Schmidt**

On November 25, 2023, at approximately 0800 hours, Detective Leavitt conducted an audio-recorded interview with Sergeant Schmidt at 3850 Annie Oakley Drive.

Sergeant Schmidt was aware that Officer Mojarro had responded to a missing person call. Officer Mojarro advised via radio that he had located the person (Decedent) who was holding a knife to his neck. Sergeant Schmidt assigned himself to the call, asked for additional resources to include K9 and responded to the location. Sergeant Schmidt arrived at the location and began looking for the officers. As he exited his patrol vehicle, he heard what sounded like low-lethal shotgun rounds being fired.

Sergeant Schmidt ran towards the sound of the low-lethal shotguns being fired and located the officers. Sergeant Schmidt observed one of the officers (Officer Corso), firing low-lethal shotgun rounds at Decedent. Other officers were issuing verbal commands to Decedent that included for him to drop the knife and for him to get on the ground.

Sergeant Schmidt observed Decedent holding a large kitchen knife in his right hand, waving it around and acting erratically. Sergeant Schmidt noticed a Republic Services trashcan lying on its side in the alleyway. Decedent began pushing the trashcan towards the officers closing the distance. Officers were in a life-threatening situation. Sergeant Schmidt ordered officers to tase Decedent but acknowledged that they were too far from him to utilize a standard cartridge. Sergeant Schmidt deployed his taser, loaded a "standoff cartridge," then handed it to Officer Mazon. Officer Mazon fired the taser towards Decedent, but the probes did not achieve "NMI" (Neuromuscular Incapacitation).

Decedent continued to advance towards the officers and was still holding the knife in his right hand. Several officers fired their firearms, and Decedent fell on the ground. A custody plan was devised, and as officers approached Decedent, Sergeant Schmidt noticed he was still holding the knife. Decedent was taken into custody, and officers began to provide him with life-saving measures. Medical arrived and took over life-saving measures. Sergeant Schmidt began coordinating with officers to contain the scene and preserve the evidence.

During the incident, Sergeant Schmidt noticed family members were behind his team of officers. Sergeant Schmidt added that they could not back up very far because they didn't want to give Decedent access to family members as he was holding the knife. Sergeant Schmidt believed that the officers did all they could in order to deescalate the situation and had the officers not acted the way they did, officers or others could have been harmed.

## **Officer Vance Ferron**

On November 25, 2023, at approximately 0931 hours, Detective Brittney Tomaso conducted an audio-recorded interview with Officer Ferron at 3850 Annie Oakley Drive.

Officer Ferron advised he was driving to Southeast Area Command to meet with his supervisor. Officer Ferron heard an officer say on the radio that a subject (Decedent) was armed with a knife and holding it to his neck. Officer Ferron was unsure if this officer was alone, so he responded to the call to assist.

When Officer Ferron arrived, he found five or six other officers already on scene. One of the officers stated they should create two separate teams. Officer Ferron was unable to see Decedent, as he was behind a car. When Decedent stepped out from behind the car, he was holding a knife and raised it above his head. As Decedent began walking towards officers, some officers fired their low-lethal shotguns. The low-lethal shotgun rounds struck Decedent who continued to walk towards officers. Decedent then grabbed a trashcan and continued to walk towards the officers.

Officer Ferron did not use force during the incident. Officer Ferron stated that he felt that Decedent could have stabbed officers had they not used force to stop him. As officers were placing Decedent in custody, he noticed he still had the knife with him, and officers had to remove it from him. Officer Ferron described the knife as a large, steak knife.

## **Officer Alyssa Flaxa**

On November 25, 2023, at approximately 0725 hours, Detective Perez conducted an audio-recorded interview with Officer Flaxa at Seaton Place and Edgemoor Way.

Officer Flaxa stated Officer Mojarro was dispatched to a call of a missing person armed with a knife. Officer Mojarro located the suspect (Decedent) with a knife and observed him as he placed the knife to his neck. Due to the details of Decedent being armed with a knife, Officer Flaxa responded to the location and utilized the lights and sirens of her vehicle. As Officer Flaxa drove to the location, she heard a request for any arriving officer to deploy their low-lethal shotgun.

When Officer Flaxa arrived, she deployed her low-lethal shotgun and responded with other officers east of where Decedent was located. Officer Flaxa observed Decedent positioned west of the target address as he stood between vehicles. Officers determined that there were too many officers facing westbound in the east alleyway. Officer Flaxa and other officers repositioned themselves north of Decedent and had visual of him from two different angles.

Officer Flaxa observed Decedent emerge between vehicles wielding a large butcher style knife in his right hand. Decedent had the knife up near his head and made short stabbing motions. Officer Flaxa fired her low-lethal shotgun four times to de-escalate the situation

and possibly prevent an officer-involved shooting. Officer Flaxa noticed that one of her partners on the North Action Team had also fired his low-lethal shotgun. Both Officer Flaxa's and her partners rounds were ineffective.

Officer Flaxa and other officers on both teams issued verbal commands to Decedent for him to drop the knife but he refused. Officer Flaxa and her team had to continuously create distance as Decedent closed that distance as he held the knife. Decedent knocked over a trashcan and was utilizing it as a barrier. Officer Flaxa then heard officers from the East Action Team fire their handguns, but she was unable to see. Officer Flaxa then responded to the alleyway and brought a trauma kit as other officers began providing life-saving measures on Decedent.

## **Officer Jose Grullon**

On November 25, 2023, at approximately 2312 hours, Detective Todd Fasulo conducted an audio-recorded interview with Officer Grullon at 3675 East Harmon Avenue.

Officer Grullon explained he learned about the call for service when he heard the primary officer (Officer Mojarro) go over the air needing assistance due to a subject (Decedent) with a knife to his throat. Once he arrived at the call, Officer Grullon began looking for Officer Mojarro. Officer Grullon located Officer Mojarro as he issued verbal commands to Decedent. Officer Mojarro was telling Decedent to drop the knife that he was holding in his right hand, but he was not complying with the verbal commands.

Officer Grullon explained that Decedent was initially between two vehicles, a black SUV and a white SUV. Decedent held the knife in his right hand, then he raised the knife above his shoulder and head and pointed it towards the officers in a stabbing motion.

Officer Grullon added he was a part of the East Action Team, and he was specifically located in the rear of the stack of officers. Officer Grullon stated while Decedent was being issued verbal commands to drop the knife, a low-lethal shotgun was deployed by an officer. Decedent advanced towards the North Action Team who also deployed low-lethal shotgun rounds at Decedent. Officer Grullon added that the rounds struck Decedent, but they did not appear to affect him. Decedent turned in circles to avoid being hit by the bean bag rounds. Decedent continued to advance towards officers and ultimately grabbed a trashcan to use as cover so the bean bag rounds would not hit him.

Officer Grullon stated that Decedent moved the trashcan forward and advanced towards the East Action Team. Two officers deployed their tasers as Decedent continued to advance towards them. The tasers were ineffective and Decedent continued to advance forward. Decedent got close to the officers who utilized lethal action. Officer Grullon added Decedent was close enough to the officers and he had the ability and opportunity to significantly harm officers. Decedent fell to the ground as officers advanced towards him and took him into custody. Officer Grullon turned around and noticed two of Decedent's family members (F.M. and D.M.) were within close proximity to the scene.

Officer Grullon asked F.M. and D.M. to move back and remained with them as other officers began to render aid to Decedent until medical personnel arrived.

## **Officer Gabriel Mazon**

On November 25, 2023, at approximately 0835 hours, Detective Tomaso conducted an audio-recorded interview with Officer Mazon at 3850 Annie Oakley Drive.

Officer Mazon and Officer Flaxa were on a call in the area of Flamingo Road and Perry Street. Officer Mazon heard an officer (Officer Mojarro) call out on the radio he had found a missing subject (Decedent) who he believed was armed with a gun. He later learned it was a knife. Officer Mazon and Officer Flaxa arrived in the area and located Officer Mojarro along with other officers.

Officers created two separate action teams, but he remained with the East Action Team. Officer Mazon observed Decedent standing near a white SUV. Decedent came out from behind the vehicle holding a large butcher knife. Officers began issuing verbal commands for Decedent to drop the knife. Decedent raised the knife and made stabbing motions. Decedent moved the knife back and forth in a stabbing motion as he began to walk towards Officer Mazon and his partners.

Officers fired their low-lethal shotguns to stop Decedent from hurting himself or officers. Officers continued to issue verbal commands for Decedent to drop the knife as he walked towards officers. Decedent then grabbed a trashcan, and he used it to create a barricade and prevent himself from being struck by the low-lethal shotgun rounds.

Officer Mazon communicated with the arriving sergeant (Sergeant Schmidt) and took his stand-off cartridge taser. When Decedent walked out from behind the trashcan, Officer Mazon announced, "taser," and deployed the taser to de-escalate the situation. Officer Mazon was unsure if the Taser struck Decedent as it was ineffective.

Some officers were attempting to use low-lethal options at the same time as the other officers utilized deadly force to stop Decedent. Decedent was then taken into custody and medical was requested.

Officer Mazon stated if officers had not intervened and attempted to stop Decedent, others could have been hurt. Officer Mazon added that he noticed Decedent's family was behind them and he believed officers were unable to back up anymore, as this may have put the family in danger.

## **Officer Devlin McDaniels**

On November 25, 2023, at approximately 0913 hours, Detective Tomaso conducted an audio-recorded interview with Officer McDaniels at 3850 Annie Oakley Drive.



Officer McDaniels heard Officer Mojarro call out on his police radio about a person armed with a knife (Decedent). Officer McDaniels responded, arrived, and joined other officers on the North Action Team. Officers issued verbal commands to Decedent who was standing near a white vehicle. Decedent walked out from behind the vehicles while holding a kitchen knife to his side. The knife appeared to have a light-colored brown handle.

Officer McDaniels stated that one of the officers that he stood by struck Decedent with low-lethal shotgun rounds. Decedent began moving towards the East Action Team as the low-lethal rounds were ineffective. Decedent then grabbed a trashcan and used it as cover as he continued moving towards the East Action Team.

Officer McDaniels lost visual of Decedent and the East Action Team as they moved further East in the alleyway. Officer McDaniels heard deadly force used on Decedent, but he was unable to observe what occurred as he did not want to move forward and get into a crossfire situation. Officer McDaniels added that during the incident, he never heard Decedent say anything.

## **Officer Cristian Mojarro**

On November 25, 2023, at approximately 0730 hours, Detective Tomaso conducted an audio-recorded interview with Officer Mojarro at 3850 Annie Oakley Drive.

Officer Mojarro was dispatched to a call of a missing person who may have been armed with a knife. The missing person, (Decedent) was described to be a white male who was wearing a black shirt and gray pants. As he was arriving, Officer Mojarro was hailed down by a female (F.M.) on Viking Road. F.M. informed Officer Mojarro that her grandson, C.P., had recently died under the overpass of the US-95 freeway and Viking. F.M. believed that her son Decedent may have walked to that location.

Officer Mojarro drove his vehicle to that area and confirmed Decedent was not there. Officer Mojarro drove to the residence where he met with F.M. and Decedent's wife (D.M.) F.M. and D.M. confirmed that there was a knife missing from the kitchen area. Officer Mojarro was informed that Decedent had been going through some stuff since his son C.P. passed away. Before leaving the residence, Decedent stated that he wanted to go with C.P. D.M. informed Officer Mojarro that Decedent was suffering from depression. She believed she observed the knife in his back pocket as he left and that he may have gone to the pool within the complex. When C.P. was alive, he would always spend time in the pool area. Officer Mojarro began walking towards the pool area and D.M. joined him as she gave him directions.

As Officer Mojarro was walking down an alleyway, he observed a subject who matched the description. Officer Mojarro confirmed it was Decedent and noticed he was holding a

knife near his neck area. Officer Mojarro told D.M. to return to her residence then notified dispatch that he located Decedent and that he was armed with a knife and was holding it near his neck. Officer Mojarro asked for a code red, updated his location, and heard that officers were on their way towards him.

Officer Mojarro created distance from Decedent and attempted to build a rapport with him. Officer Mojarro asked Decedent to drop the knife, but Decedent would not respond and just, “shook his head, no.” Officer Mojarro advised that Decedent held the knife to his neck and, at times, would wave it around.

Officers began arriving to assist Officer Mojarro and two action teams were created. Decedent began walking towards the North Action Team while holding the knife. One of the officers deployed a low lethal option. Decedent refused to drop the knife as he walked towards Officer Mojarro and the East Action Team. The East Action Team backed up to create distance, but Decedent kept advancing towards them. Decedent picked up a trashcan to avoid being hit with the low-lethal shotgun rounds and kept closing the distance between him and the officers. Decedent was struck with low-lethal shotgun rounds numerous times.

Officer Mojarro saw Decedent get out from behind the trashcan, as he held the knife and continued to walk towards officers. Officer Mojarro deployed and fired his taser as other officers fired their firearms. Officer Mojarro believed one of the prongs may have struck Decedent. Officer Mojarro felt that if the officers had not intervened, Decedent may have harmed officers.

## **Officer Giovany Mota**

On November 25, 2023, at approximately 0846 hours, Detective Leavitt conducted an audio-recorded interview with Officer Mojarro at 3850 Annie Oakley Drive.

Officer Mota heard Officer Mojarro advise that he had located a missing person who was holding a knife to his neck. Officer Mota and his partner, Officer McDaniels, responded to the location and found Officer Mojarro. Once at the location, he noticed a white male (Decedent) holding a knife who appeared to be agitated. The knife appeared to be a large kitchen knife with a silver blade. Officers issued Decedent verbal commands to “drop the knife” and “don’t do this.”

Officer Mota advised that he was part of the North Action Team and added that there was a second action team east of Decedent. Two officers from his North Action Team fired their low-lethal shotguns. One of the East Action Team officers also fired his low-lethal shotgun towards Decedent. Decedent was struck with the low-lethal rounds numerous times, but he was unfazed, and the impacts did not seem to affect him. Decedent kept advancing towards both action teams. Decedent then moved towards the East Action Team while still holding the knife. Officer Mota lost sight of Decedent once he moved further east in the alleyway. Officer Mota then heard numerous gunshots being fired.

## **Officer Johnny Patino**

On November 25, 2023, at approximately 0919 hours, Detective Nicholas Perez conducted an audio-recorded interview with Officer Patino at Viking Road and Annie Oakley Drive.

Officer Patino was at the Southeast Area Command when he heard the missing person call broadcasted over the air. The missing person (Decedent) was located by Officer Mojarro who broadcasted that he had a knife to his neck and was possibly suicidal. Other officers arrived and broadcasted over the radio the suspect was armed with a knife and was not following lawful verbal commands. Due to the severity of the call, Officer Patino and his partner responded with a code three response and utilized their lights and sirens.

Once Officer Patino and his partner arrived at the property, they were waived down by a female (D.M.) Both officers ran towards her and noticed Officer Mojarro and Decedent. Officer Patino noticed Decedent walking around with a large kitchen knife in his right hand. Decedent was given multiple verbal commands to drop the knife, but he was non-compliant. The other officers on scene were also in readily identifiable LVMPD tan uniform. Officer Patino was the fourth or fifth person in the action team facing west bound.

Officer Patino was assigned to be taser and hands on while in the Immediate Action Team. While in the action team, Officer Patino heard officers issuing Decedent multiple verbal commands to drop the knife. Officer Patino observed the suspect hide behind a vehicle, then come back out. Decedent was holding the knife by the handle and had the blade facing down. Decedent stood in between both action teams who utilized a tactical "L."

Decedent did not comply with any of the officers' commands and began closing the distance and demonstrated an intent to do harm to officers. Due to his intent, officers began deploying low-lethal shotgun rounds at Decedent. The bean bag rounds fired at Decedent were ineffective. Decedent continued to advance at the action team that faced south, then turned east towards Officer Patino and his action team. Decedent then picked up a trashcan and attempted to use the trashcan as a shield, while advancing towards officers.

Decedent then threw the trashcan aside and began closing the distance on officers again. Officers deployed a taser at Decedent, which was also ineffective. Decedent continued to close the distance towards officers while carrying the knife and making a stabbing type of motion.

The low-lethal shotgun rounds and the taser deployed were all ineffective. Due to the low-lethal options being ineffective, officers used deadly force as a last resort. Officer Patino had his taser in his hand but was unable to fire it due to Decedent being too far. Officer Patino believed if the officers did not use deadly force, Decedent would have caused life threatening harm to himself, other officers, and bystanders whom he observed standing behind his action team.

Once deadly force was used, officers slowed the momentum and made a plan to take Decedent into custody. Officer Patino assigned himself as hands on and approached Decedent. Officers used a shield to pin Decedent's arm down, while Officer Patino grabbed Decedent's right hand. Officer Patino noticed Decedent was still in possession of the knife. Officers handcuffed Decedent and began providing him life-saving measures.

## **Officer James Pennington**

On November 25, 2023, at approximately 0725 hours, Detective Ryan Balint conducted an audio-recorded interview with Officer Pennington at 3850 Annie Oakley Drive.

Officer Pennington was at Chaparral High School on a call for service when he heard Officer Mojarro give radio traffic that he had located the missing person (Decedent) who was now armed with a knife.

Officer Pennington responded to Seaton Place and Edgemoor Way and arrived within moments after the broadcast. Officer Pennington parked his vehicle, deployed his low-lethal shotgun and joined the action team that was north of Decedent. Officer Pennington observed Decedent holding a "steak knife" in his hand. Decedent held the knife level to his chest and advanced towards one of the action teams. One of the officers fired their low-lethal shotgun at Decedent. Officer Pennington also fired his low-lethal shotgun multiple times as Decedent still had the knife in hand and was still advancing towards the East Action Team in an aggressive manner.

Decedent advanced back and forth towards both arrest teams and seemed undecided on what he wanted to do. Decedent continued advancing towards the East Action Team, and he pushed over a trashcan and used it as concealment. Officer Pennington fired another low-lethal shotgun round towards Decedent and then lost sight of him. Officer Pennington then heard a volley of fire being discharged from handguns but was unable to observe the officer-involved shooting.

## **Officer Carlos Perez**

On November 25, 2023, at approximately 0839 hours, Detective Fasulo conducted an audio-recorded interview with Officer Perez at 3850 Annie Oakley Drive.

Officer Perez explained he heard over the radio, Officer Mojarro had a subject (Decedent) with a knife, and dispatch immediately placed a code red on the channel. Officer Perez responded, deployed his rifle, and joined the East Action Team. Officer Perez observed Decedent holding the kitchen knife in his right hand. Decedent raised the knife and made a stabbing or slashing motion with it. Decedent held the knife with the blade pointed

towards the ground with the sharp side facing the officers. Decedent raised the knife multiple times. The knife had a stainless-steel blade, and the handle was possibly black.

Officers issued verbal commands at Decedent for him to put down the knife. Decedent continued to close the distance on officers while still armed with the knife. Officers communicated amongst themselves to create distance and to move back as much as they could.

Officers utilized low-lethal shotgun rounds that struck Decedent. Decedent would wince in pain when he was struck, but he never fell to the ground or dropped the knife. Officers attempted to use a “standoff” taser cartridge along with a standard taser cartridge. Both tasers and the low-lethal shotgun rounds were ineffective. Officer Perez added that due to de-escalating tactics being ineffective and due to Decedent closing the distance on officers while holding the knife, officers were forced to use deadly force to stop the threat.

After the officer-involved shooting officers slowed the momentum down, they placed Decedent into custody and began life-saving measures.

## **Officer Carlos Saldivar Colon**

On November 25, 2023, at approximately 0915 hours, Detective Fasulo conducted an audio-recorded interview with Officer Saldivar Colon at Viking Road and Edgemoor Way.

Officer Saldivar Colon was driving to a call when he heard Officer Mojarro on the radio advise he had a male (Decedent) with a knife to his throat. Officer Saldivar Colon assigned himself to the call and responded to assist Officer Mojarro. When Officer Saldivar Colon arrived, he joined the North Action Team and immediately heard low-lethal shotgun rounds being used. Officer Saldivar Colon positioned his vehicle and placed it in the area where officers could use it for cover. While in his vehicle, Officer Saldivar Colon could hear officers issuing verbal commands to Decedent for him to stop and drop the knife. Decedent did not comply with the verbal commands issued by the officers.

Officer Saldivar Colon observed Decedent holding a knife in his right hand, just south of his location. Decedent flung the knife around and pointed it at officers. As officers deployed low-lethal shotgun rounds, Decedent took steps towards them. Officers continued to fire low-lethal rounds at Decedent, as he advanced towards them and moved his knife up and down in a stabbing motion. Decedent refused to go down, moved back and forth, and stepped towards officers who would then fire their low-lethal shotgun rounds. The rounds appeared to be ineffective.

A second action team was located east of Decedent, and Decedent began advancing towards them. Decedent was still armed with a knife in hand and continued swinging the knife in a stabbing motion. Decedent used a blue trashcan as if he was using it to shield himself from being struck by the low lethal options. Officer Saldivar Colon could hear officers issuing verbal commands to include, “drop the knife, stop, stop.”

Officer Saldivar Colon lost sight of Decedent as he continued east towards the East Action Team. Officer Saldivar Colon explained, approximately five seconds after that, more commands were issued then he heard shots from a firearm being fired. Officer Saldivar Colon remained on the north side until he heard over the radio that Decedent was in custody.

## **Officer Kelsi Theobald**

On November 25, 2023, at approximately 0809 hours, Detective Perez conducted an audio-recorded interview with Officer Theobald at Viking Road and Annie Oakley Drive.

Officer Theobald was driving to a call for service with her partner Officer Saldivar when she heard Officer Mojarro over the police radio. Officer Mojarro advised he had located the missing person (Decedent), who was armed with a knife and was holding it to his neck. Officer Theobald arrived and joined the north action team on the north end of Edgemoor Way and Seaton Place.

Officer Theobald observed Decedent in the middle of the street as he waved a knife towards her and her fellow officers. Decedent held the knife in his right hand as he closed the distance on officers. Decedent appeared as if he was going to charge towards officers and cause harm with the knife. Officers issued verbal commands to Decedent to drop the knife, but he was being non-compliant. Decedent displayed a clear intent to cause harm, so officers fired low-lethal rounds at him. After the deployment of the low-lethal rounds, Decedent continued to walk towards the action team east in the alleyway. Officer Theobald and her partners lost visual of Decedent as he advanced further east down the alleyway.

Officers from the East Action Team used deadly force against Decedent, but Officer Theobald was unable to observe any portion of the officer-involved shooting. By the time Officer Theobald arrived in the alleyway Decedent was already in custody and officers were providing him with life-saving measures.

## **Civilian Witnesses:**

### **D.M.**

On November 25, 2023, at approximately 0825 hours, Detective Jose Lopez conducted an audio-recorded interview with D.M. at Viking Road and Edgemoor Way.

D.M. had been married to Decedent for a year and a half. Decedent was involved in a motorcycle accident in March of 2023, and had been under psychiatric care since then. Decedent's son, C.P., lost his life in October due to a methamphetamine overdose. C.P. was found deceased under the bridge of the US-95 freeway and Viking Road.

Decedent had been acting strange, erratic, and depressed over the last couple of days. D.M. stated that Decedent was not coping well with C.P.'s death. On the evening of November 24, Decedent left the residence and D.M. noticed a kitchen knife missing.

D.M. and Decedent's mother (F.M.) were concerned due to suicidal statements he made throughout the week. Decedent also told D.M. to be quiet because there were people inside the residence listening to them. D.M. and F.M. believed Decedent may have been having a mental crisis and they decided to call the police for assistance. D.M. and F.M. were also concerned that Decedent might hurt himself due to him taking the missing kitchen knife.

An officer arrived (Officer Mojarro) and she suggested for him to look for Decedent near the pool area. C.P. hung out by the pool area when he was alive. Officer Mojarro began walking towards the pool area and D.M. followed behind him. Officer Mojarro observed Decedent and flashed him with his flashlight. Decedent was holding the knife to his neck area. Officer Mojarro asked Decedent to put the knife down and additional units arrived.

D.M. added that other officers arrived on scene, and they attempted to speak with Decedent and asked him to put the knife down. Decedent attempted to throw a trashcan at the officers who then shot him. Officers then asked D.M. to leave the area.

## **F.M.**

On November 25, 2023, at approximately 0825 hours, Detective Balint conducted an interview with F.M. at 3929 Landsdown Place.

F.M. was initially reluctant to speak with detectives as she was extremely distraught and kept repeating that officers did not have to kill her son. F.M. stated she was trying to get Decedent help due to her grandson C.P. passing away.

F.M. had arrived in Las Vegas on November 20, 2023, so she could attend services for C.P. who died from a drug overdose on October 13, 2023. F.M.'s son, Decedent, was very depressed, and he became more distraught after the services. F.M. spent the night at Decedent's house so she could be with Decedent. F.M. was asleep on a living room couch as Decedent slept in a second couch near her.

At approximately 0100 hours, F.M. noticed that Decedent woke up and she believed he was trying to climb to the roof of the residence. F.M. exited the residence, but she was unable to locate Decedent. F.M. then called the police.

F.M. became extremely emotional and refused to answer any more questions, and the interview was terminated.



## **BODY-WORN CAMERAS**

The Axon Flex BWC worn by LVMPD officers record videos that contain time stamps in Zulu Time, also known as Greenwich Mean Time. Accordingly, time stamps referenced that are Zulu Time include a "Z."<sup>1</sup>

### **Officer Mojarro**

Officer Mojarro was wearing a BWC at the time of the incident and the camera was activated. Officer Mojarro's camera footage depicted the following:

Officer Mojarro activated his BWC at time stamp 11:17:09Z as he was driving towards the call. Officer Mojarro was observed driving his patrol vehicle and pulled over to the side of Viking Road and contacted a female (F.M.), at time stamp 11:18:46Z. F.M. explained that she had called the police as she was looking for her son, Decedent, and she had already walked to the freeway overpass where they had previously located Decedent's deceased son, C.P.

F.M. can be heard stating that she was here from New York, and she had attended her grandson C.P.'s memorial. Her son, Decedent, had been acting erratic, he was paranoid, he hadn't been eating or sleeping and he thought his wife was undercover. F.M. added that Decedent needed help, and she last saw him in the driveway near the residence. F.M. confirmed that Decedent had a bald head, he was wearing a black top and gray pants.

Officer Mojarro informed F.M. that he was going to drive around the area looking for Decedent, and he would then drive back to the residence to meet with her. Officer Mojarro drove his vehicle around the surrounding surface streets then drove back to the residence. At time stamp 11:27:49Z, Officer Mojarro had parked his vehicle, walked towards the front door, and contacted the family. Officer Mojarro asked the family if Decedent had his cell phone on his person, and F.M. stated that he did not have his cell phone as they had just located his cell phone inside the residence.

Officer Mojarro walked inside the residence and noticed that there was a camera outside the front door to the residence. Officer Mojarro asked if they had noticed the direction that Decedent had walked away. A second female (D.M.) asked Officer Mojarro if he spoke Spanish. Officer Mojarro acknowledged, and D.M. began to explain that Decedent walked towards her left, as she pointed her right index finger across her body towards her left.

D.M. informed Officer Mojarro, in Spanish, she was Decedent's wife, and she confirmed his date of birth. D.M. added that Decedent was born in New York and that he did have a Las Vegas driver's license. D.M. explained that on March 17, 2023, Decedent had been

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<sup>1</sup> Numerous LVMPD officers responded to the event and had their BWCs activated. However, as much of the footage is similar/duplicative among the responding officers, not all available BWC summaries are included here.

involved in a motor vehicle accident where he nearly died. Decedent's son C.P. had also recently died from a drug overdose. The family just had a celebration of life for C.P. on November 24, 2023. D.M. noticed a change in Decedent's demeanor since the service. Decedent had not been sleeping or eating well, was depressed and had been drinking and taking strong pain medication.

F.M. added that Decedent had previously attended Alcoholic Anonymous meetings and that they wanted him to attend grief counseling. F.M. explained that Decedent needed to do something because he was "not there." Decedent had stated that "he wants to go with C.P.," and "I want to go with C.P." As Decedent walked out today, he stated "I'm going with "C.P."

D.M. then stated when Decedent left today, he had a knife in his back pants pocket. Officer Mojarro followed the family to the kitchen area, and they confirmed that there was a missing knife. D.M.'s juvenile daughter pulled up the footage on a cellular phone and they confirmed that Decedent had not been recorded on camera when he left the residence today.

F.M. then explained that Decedent had been paranoid and that he believed D.M. was an "undercover." When Decedent got up, he looked at F.M. and told her to "shhh" as he put his index finger to his mouth. Decedent then informed F.M. that he believed someone was recording them inside the residence.

D.M. then informed Officer Mojarro in Spanish, when C.P. was alive, he used to like to hang out in the pool area. D.M. explained that Decedent might be in that area, and she described where the pool was within the complex.

At time stamp 11:37:51Z, D.M. put on her shoes and walked outside the residence with Officer Mojarro. At time stamp 11:39:00Z, D.M. explained where she last observed Decedent walking. Officer Mojarro can be heard asking D.M. in Spanish if the person he saw at the moment was Decedent. Officer Mojarro then turned on his flashlight and lit up an area in front of them as D.M. stated that she didn't believe it was Decedent. Officer Mojarro informed her that he thought it was Decedent and began walking in the same direction that his flashlight was illuminating.

Officer Mojarro turned off his flashlight and was observed walking down an alleyway in between garage doors. Officer Mojarro began running in the same direction (west) and reached the furthest west garage, took out his flashlight and illuminated it towards two vehicles parked across Seaton Place. Officer Mojarro stated "Robert" as he illuminated his flashlight in the direction of both vehicles. Officer Mojarro stated, "hey Robert, you're not in trouble sir."

At time stamp 11:39:28Z, as Officer Mojarro approached a white SUV, Decedent appeared in front of the vehicle and was standing on an elevated grassy area. Officer Mojarro notified dispatch that he located Decedent, that he had a knife, was holding it up to his neck, and asked for additional units to respond.

Officer Mojarro continued telling Decedent that he was not in trouble, to put the knife down and to calm down. Decedent walked forward and stepped down from the elevated grassy area and to the street. Officer Mojarro began retreating and told D.M., in Spanish, to walk over there.

Officer Mojarro walked back in the alleyway and continued telling Decedent that he was not in trouble as D.M. was observed walking in the alleyway behind the officer. D.M. could occasionally be heard speaking, but she was unintelligible. Officer Mojarro updated his location through dispatch advising that he was west of the target address.

At time stamp 11:41:50Z, patrol vehicle sirens can be heard as Officer Mojarro continued trying to create dialogue with Decedent. The sirens from the patrol vehicles sounded closer and closer as Decedent remained near the white SUV. At time stamp 11:43:11Z, Officer Mojarro turned his flashlight east down the alleyway and began illuminating and then gave radio traffic, advising officers to come west down the alley from where they were located.

At time stamp 11:44:25Z, officers can be heard approaching Officer Mojarro as he continued creating dialogue with Decedent. One of the officers then stated, "I got lethal." Officer Mojarro acknowledged the officer by stating, "alright." Other officer voices can be heard, speaking amongst themselves, and coordinating their roles. Officer Mojarro continued speaking at Decedent who stood in between the white SUV and a black van. Decedent had his left hand in his pocket, and he held a knife in his right hand down near his side.

At time stamp 11:45:41Z, Decedent can be observed looking to his left northbound on Seaton Place. Other officers' voices can be heard coming from the same northern direction as Officer Mojarro continued attempting to speak with Decedent. Decedent lifted the knife to his shoulder area with the blade pointed towards Officer Mojarro. An officer's voice can be heard stating, "Robert don't do it."

At time stamp 11:45:54Z, Decedent, who was wielding the knife, began moving towards Officer Mojarro and his team in a northeast direction. A low-lethal projectile can be heard being fired from a member of Officer Mojarro's team. Decedent began circling as he continued to move in a northern direction. Decedent turned his body in circular motions at least ten times as officers fired multiple low-lethal rounds at him. The low-lethal projectiles were being fired by officers who were positioned north and east of Decedent.

At time stamp 11:46:25Z, Decedent wielded the knife and began moving east towards a blue trashcan container. Officer Mojarro began yelling at officers to move back and to create distance as Decedent turned over the trashcan container. Officers continued to fire low-lethal projectiles from both directions as Decedent moved the trashcan container on Seaton Place in the alleyway. Decedent began pushing the trashcan container east on the alleyway towards Officer Mojarro and his team. Officers on the team can be heard telling each other to back up and to create distance. The officers who were north of Decedent were no longer involved once Decedent moved east down the alleyway.

At time stamp 11:47:00Z, Decedent pushed the trashcan container further east towards the officers and then stood upright and moved just south of it. He wielded the knife above his right ear and continued advancing towards the officers. Officers continued yelling verbal commands towards Decedent. One of the officers can be heard yelling, "taser, taser!" An Electronic Control Device (ECD) can be heard being fired. Decedent continued advancing towards the officers. Officer Mojarro can be observed holding his ECD in his left hand.

At time stamp 11:47:07Z, Officer Mojarro fired his ECD as other officers' handguns can be heard being discharged. Decedent fell on the ground in the alleyway facing westbound. An officer was then heard stating, "shots fired, shots fired." Officer Mojarro then informed his partners that the knife was still in Decedent's hand. The officers formulated a plan to place Decedent into custody. Officer Mojarro told Decedent to let go of the knife numerous times.

At time stamp 11:48:30Z, Officer Mojarro and his team began moving forward towards Decedent. Officers then approached Decedent and placed him into handcuffs. Officers began performing life-saving measures on Decedent as Officer Mojarro illuminated them with his flashlight. The officers continued life saving measures until medical personnel was observed arriving at time stamp 11:51:47Z.

At time stamp 11:52:24Z, officers assisted medical personnel in lifting Decedent onto a rolling gurney. Medic West personnel then rolled Decedent and the gurney towards the ambulance then placed him inside. Officer Mojarro deactivated his BWC at 11:54:03Z.



Above: Still photograph from Officer Mojarro's BWC showing Decedent as he wielded the knife.

## **Officer Corso**

Officer Corso was wearing a BWC at the time of the incident and the camera was activated. Officer Corso's camera footage depicted the following:

While assigned to another event, Officer Corso assigned himself to the incident involving Decedent at time stamp 11:40:20Z. Officer Corso arrived on scene and exited the patrol vehicle at time stamp 11:42:22Z. As Officer Corso exited the patrol vehicle, the body worn camera he was wearing became obstructed. Due to Officer Corso's BWC being obstructed, only audio was available for most of the incident. At timestamp 11:45:11Z Officer Corso stated to the officers he was grouped with, "Do we have a low-lethal in this stack?"

At time stamp 11:45:15Z, an officer stated, "Put the knife down." Officers could be heard advising Decedent to drop the knife. An officer stated, "Don't do it Robert" at time stamp 11:45:54Z which is followed by the sound of a low-lethality shotgun being fired. Additional low-lethality shotgun rounds were heard being discharged. At time stamp 11:46:29Z, an officer stated, "get back, get back, get back." Officers can be heard advising Decedent to "Drop it" and at time stamp 11:46:41Z an officer stated, "We need a stand-off, we need a stand-off".

At time stamp 11:46:47Z, an officer stated, "Hey, back up, back up, back up guys, back up" which was followed by another officer who stated, "Create distance, create distance". Officers continued to instruct Decedent to drop the knife multiple times. At time stamp 11:47:03Z, an officer stated, "Taser, taser, taser!" which was followed by the sound of a taser being discharged. After the taser is deployed, a female is heard stating, "Robert, stop it" at time stamp 11:47:05Z.

As officers continued to instruct Decedent to "drop it", a series of gunshots were heard. That occurred at time stamp 11:47:08Z. Immediately after the gunshots, an officer stated, "Drop the knife" as another officer stated, "Shots fired." At time stamp 11:47:24Z, an officer stated, "Hey I got the shield. Wait, wait, I got the shield. Wait." At time stamp 11:47:47Z, an officer instructed Decedent to let go of the knife. An officer planned to utilize a shield and at time stamp 11:48:32, an officer stated, "Move up, move up." At time stamp 11:48:55, an officer announced, "I got the knife, I got the knife." At time stamp 11:49:04Z, an officer said, "Hey, grab a medical kit".

At time stamp 11:49:16Z, Officer Corso's BWC becomes unobstructed. Multiple officers can be observed as they provided medical aid to Decedent. At time stamp 11:49:23Z, Officer Corso announced, "I shot." Officer Corso appeared to be a short distance from Decedent and the officers who provided medical aid. At time stamp 11:51:35Z, medical personnel can be observed approaching Decedent with a gurney. At time stamp 11:52:23Z, officers picked up Decedent to place him on the medical gurney. At the same time, Officer Corso walked away from the immediate incident location. His body worn camera was deactivated at time stamp 11:52:43Z.

## **Officer Dinh**

Officer Dinh was wearing a BWC at the time of the incident and the camera was activated. Officer Dinh's camera footage depicted the following:

At time stamp 11:43:08Z, Officer Dinh arrived on scene and exited his patrol vehicle. Shortly after, officers can be heard discussing their roles of assignment (lethal coverage, low lethal shotgun, and taser). Officer Dinh ran through the alleyway, towards Officer Mojarro. At time stamp 11:44:25Z, Officer Dinh arrived at Officer Mojarro's location and observed Decedent standing by a white SUV and a black van. Officer Dinh stated out

loud, "oh, he has a knife bro." An officer was heard asking Decedent to put the knife down multiple times. Shortly after, an officer advised Decedent he was not in trouble and officers were only there to help him. An officer was heard continuously asking Decedent to put the knife down. At time stamp 11:45:54Z, Officer Dinh stated, "Don't do it Robert" as Decedent emerged from between both vehicles. At the same time, the first low-lethality shotgun round was deployed. Decedent was then observed advancing towards a group of officers who were to the north of his location. This group of officers became visible on Officer Dinh's body-worn camera during Decedent's advancement.

As Decedent advanced towards the group of officers, additional low-lethality shotgun rounds were deployed. Decedent was observed spinning in circles as the low-lethal shotgun rounds were deployed. Officer Dinh was heard stating, "Drop it" multiple times while other officers stated, "Drop the knife." Decedent was observed raising the knife with his right hand above his shoulder with the blade pointed at officers. Decedent was then observed moving towards the civilian vehicles where he located a trashcan. Additional low-lethality rounds are deployed as Decedent placed the trashcan between himself and officers. Decedent then began to push the trashcan towards officers. Officer Dinh and another officer were heard stating, "Back up". Officer Dinh was observed creating distance between Decedent and himself. As Decedent continued to push the trashcan, he began to advance towards Officer Dinh and the officers within his immediate vicinity. Officer Dinh's body-worn camera footage indicated he was in an alleyway between garage doors to residences.

At time stamp 11:47:02Z, an officer was heard announcing, "Taser, taser, taser!" followed by the deployment of the first ECD cartridge. As he stood, Decedent was then observed advancing towards Officer Dinh with his right hand raised above his right shoulder, still holding the knife. At time stamp 11:47:07Z, a second deployment of the ECD was applied followed by Officer Dinh discharging lethal force with his handgun. Officer Dinh then discharged his handgun at Decedent as he fell to the ground with his back towards officers. At time stamp 11:47:14Z, a patrol radio is heard, and an officer stated, "Shots fired."

At time stamp 11:47:57Z, officers were heard formulating a plan to utilize a shield to take Decedent into custody. At time stamp 11:48:34Z, officers were observed approaching Decedent and taking him into custody. After Decedent was taken into custody, at 11:49:03Z, officers announced, "Grab a medical kit." Officers were also observed rendering aid to Decedent and at 11:49:26Z, Officer Dinh stated, "Hey Sarge, I shot." At time stamp 11:50:59Z, medical personnel were observed arriving on scene. Officer Dinh was then observed removing himself from within the immediate scene at 11:53:00Z and his body-worn camera was deactivated at time stamp 11:53:17Z.

## **Officer Nuno-Reynoso**

Officer Nuno-Reynoso was wearing a BWC at the time of the incident and the camera was activated. Officer Nuno-Reynoso's camera footage depicted the following:

Officer Nuno-Reynoso arrived on scene at time stamp 11:43:10Z. Officer Nuno-Reynoso approached additional officers who had arrived, at which point assignments were announced. Officer Nuno-Reynoso stated, "I'll be lethal as well" when assignments were discussed. Officer Nuno-Reynoso ran through an alleyway and approached Officer Mojarro. Officer Nuno-Reynoso stopped near a residence behind Officer Mojarro and another officer at time stamp 11:44:27Z. An officer also stated, "I got lethal. Oh, he has a knife bro." Shortly after, another officer stated, "Hey Robert, just put the knife down" and "Robert, just put the knife down man. You're not in trouble. We're just here to talk to you." Multiple officers advised Decedent to drop the knife prior to him emerging from behind a vehicle. At time stamp 11:45:47Z, an officer stated, "Robert, don't do it."

At time stamp 11:45:56Z, an officer discharged the first round of the low-lethality shotgun. Decedent was observed advancing towards a team of officers, north of his location. Additional rounds of the low-lethality shotgun were deployed. As Decedent continued to advance towards a team of officers, he was observed spinning in circles. While the low-lethality shotgun was being utilized, officers advised Decedent to drop the knife multiple times. Officer Nuno-Reynoso also advised Decedent, "Drop the knife" at 11:46:11Z. At the same time Officer Nuno-Reynoso announced, "Drop the knife," Decedent was observed with his right hand raised above his shoulder with a knife in hand. Decedent then moved away from the group of officers north of his location while holding the knife in his right hand above his shoulder. The blade of the knife was observed pointed down to the ground and towards officers. At that time, additional low-lethality shotgun rounds were deployed at Decedent.

At time stamp 11:46:28Z, Decedent can be observed changing direction and beginning to advance towards Officer Nuno-Reynoso. Decedent was observed with the knife still raised above his shoulder and crouches behind a blue trashcan. At time stamp 11:46:31Z, Decedent was observed pushing the trashcan towards Officer Nuno-Reynoso and the group of officers he was with. Additional low-lethality shotgun rounds were deployed while Decedent pushed the trashcan towards officers.

At time stamp 11:46:41Z, an officer stated, "Hey, we need a stand-off. We need a stand-off." Decedent was observed pushing the trashcan towards officers into the alley way. At the same time, an officer stated, "Hey, back up, back up, back up guys." At time stamp 11:46:52Z, Officer Nuno-Reynoso stated, "Create distance, create distance, back up."

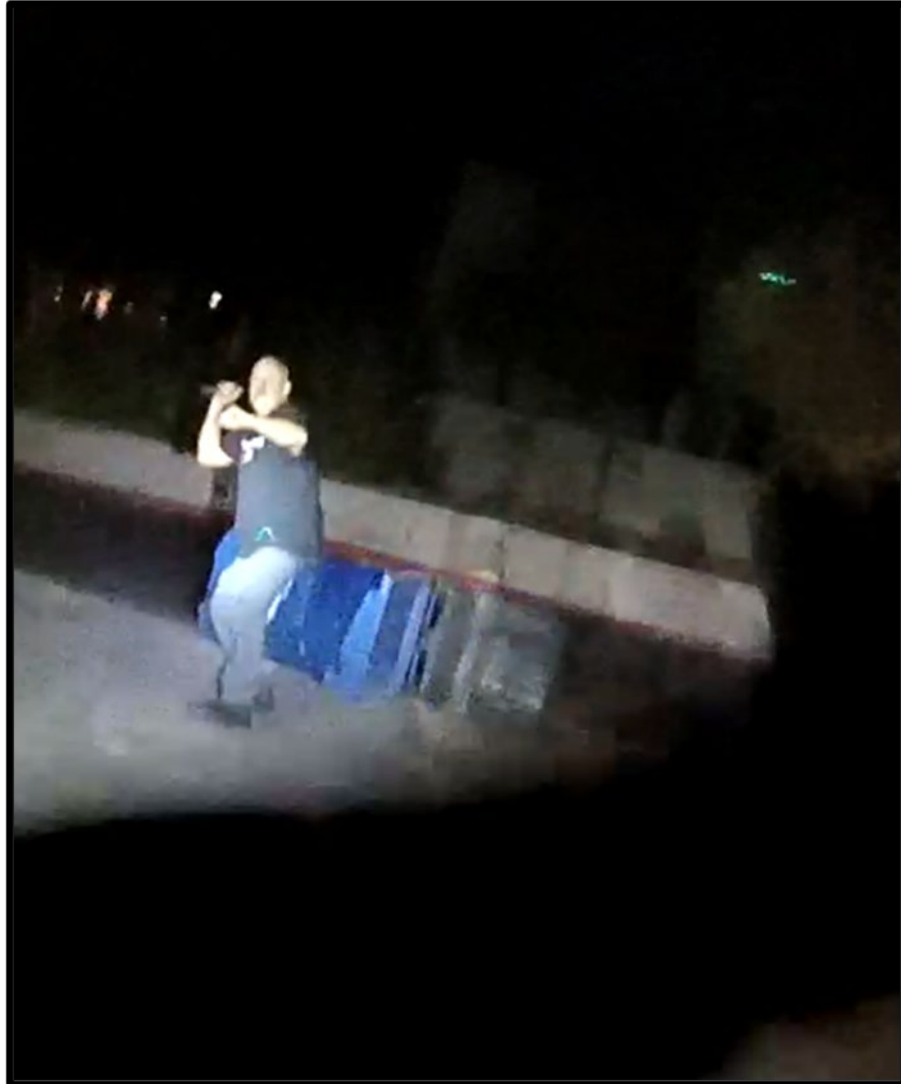
Multiple officers continued to instruct Decedent to drop the knife. Decedent was observed stepping away from the trashcan and at 11:47:04Z, an officer stated, "taser, taser, taser!" which was followed by the first deployment of the ECD. Decedent was observed advancing towards officers with his hand raised above his right shoulder while holding the



knife. At time stamp 11:47:08Z, Officer Nuno-Reynoso used lethal force by discharging his firearm at Decedent. Decedent immediately fell to the ground after the application of lethal force. Officer Nuno-Reynoso appeared to discharge his handgun at Decedent as he fell to the ground with his back towards officers. An officer stated, "Shots fired" after Decedent fell to the ground.

Officers were observed formulating a plan by utilizing the shield to take Decedent into custody. At time stamp 11:48:36Z, officers approached Decedent and placed him in handcuffs. At time stamp 11:49:04Z, an officer stated, "Hey, grab a medical kit out of the uh car." At time stamp 11:49:16Z, officers started rendering aid to Decedent. Officer Nuno-Reynoso was observed providing a 'chest seal' to an officer who subsequently applied it to Decedent.

At time stamp 11:51:29Z, Officer Nuno-Reynoso applied a tourniquet to Decedent's right arm. At time stamp 11:51:55Z, a medical gurney was rolled towards Decedent. Shortly after, Officer Nuno-Reynoso assisted medical personnel and another officer and placed Decedent onto the gurney. At time stamp 11:52:38Z, an officer was observed removing the handcuffs from Decedent. After the handcuffs were removed and Decedent was secured to the gurney, medical personnel took him to an ambulance. At time stamp 11:55:00Z, Officer Nuno-Reynoso's body-worn camera was deactivated.



Above: Still photograph from Officer Nuno-Reynoso's BWC showing Decedent wielding the knife.

## **Officer Mazon**

Officer Mazon was wearing a BWC at the time of the incident and the camera was activated. Officer Mazon's camera footage depicted the following:

At time stamp 11:39:46Z, Officer Mazon activated his BWC that showed him and his partner (Officer Flaxa) driving to the location. Officers Mazon and Flaxa arrived at the location, and he retrieved the orange low-lethality shotgun from inside the patrol vehicle. Officer Mazon handed the low-lethal shotgun to Officer Flaxa.

At time stamp 11:44:32Z, Officer Mazon stated, "We're going to need a shield up here", as they met with four other officers who were staged by a garage door. At 11:45:14Z

Decedent was observed standing in between a white SUV and a black van. Officers can be heard issuing Decedent verbal commands telling him to put the knife down and that they were there to help him. Decedent was holding a knife in his right hand as he had his left hand inside his left front pocket.

At time stamp 11:45:43Z, Decedent was observed advancing towards the officers and Officer Mazon can be heard telling Decedent to "Drop it." Other officers were heard telling Decedent to just put the knife down. Decedent raised the knife near his right shoulder and continued to advance towards Officer Mazon and his team. One of the officers was heard stating, "Robert don't do it." Officer Mazon then stated, "He's coming. Get ready. He's coming towards us. He's coming towards us. Hit him."

At time stamp 11:45:54Z, an officer fired a low-lethality round at Decedent. Decedent continued to close the distance on officers as he held the knife in his right hand and placed it near his neck. Decedent began spinning in circles as officers fired low-lethal rounds at him. Officers were heard issuing verbal commands for Decedent to drop the knife.

At time stamp 11:46:17Z, Decedent raised the knife at shoulder height and began moving towards his right. An officer stated, "Hit him again". Numerous low-lethality shotgun rounds were fired towards Decedent who held on to the knife.

At time stamp 11:46:32Z, Decedent grabbed a blue trashcan, turned it over and placed it between himself and the officers east of him. Decedent began pushing the trashcan towards the officers as he held on to the knife. An officer fired low lethality rounds at Decedent who then stood upright and moved towards his right. Officer Mazon stated that they needed a standoff cartridge.

At time stamp 11:46:58Z, Sergeant Schmidt was observed handing Officer Mazon a ECD. Officer Mazon stated he had the standoff ECD and pointed it towards Decedent. Officers can be heard issuing verbal commands for Decedent to drop the knife.

At time stamp 11:47:03Z, Decedent advanced towards the officers and wielded the knife up near his shoulder area. Officer Mazon announced "Taser, taser, taser!" and discharged his ECD at the Decedent. The ECD appeared to be ineffective, and Decedent continued to advance toward officers. Officers continued to issue verbal commands. Officer Mazon discharged a second ECD round as other officers can be heard discharging their firearms towards Decedent. Decedent fell to the ground and Officer Mazon can be heard stating that shots were fired.

Officer Mazon can be heard advising the officers to calm down and to stay back from Decedent. Officers formulated a plan and advanced forward towards Decedent. Officer Mazon had his handcuffs in hand and Officer Patino assisted him in placing Decedent into custody. Officers began rendering life-saving measures on Decedent. An ECD prong can be observed lodged towards the front of Decedent's pants as officers tended to Decedent.

At time stamp 11:51:53Z, Medic West personnel were observed with a gurney near Decedent. Officer Mazon handed the ECD back to Sergeant Schmidt and advised him that he shot it off. Officers and Medic West personnel lifted Decedent onto the gurney. Decedent was rolled towards the ambulance and then placed inside by Medic West personnel. Officer Mazon walked to the rear of the ambulance asked Medic West personnel for their names and wrote information on his note pad. Medic West personnel are observed continuing life-saving measures on Decedent. Officer Mazon deactivated his BWC at 11:56:26Z.

## **Officer Flaxa**

Officer Flaxa was wearing a BWC at the time of the incident and the camera was activated. Officer Flaxa's camera footage depicted the following:

At time stamp 11:42:57Z, Officer Flaxa arrived on scene with additional officers. The low-lethality shotgun was removed from the patrol vehicle and handed to Officer Flaxa by another officer. Officer Flaxa arrived with the group of officers who were in contact with Decedent at time stamp 11:44:41Z.

Officers can be heard attempting to talk with Decedent asking him to put the knife down. Officer Flaxa moved to the north of Decedent and stated, "I'm gonna go grab our car." While on the street, Officer Flaxa walked around a corner and yelled, "Bring your car over here." Officer Flaxa turned around and began to move back toward the area where officers were dealing with Decedent.

At time stamp 11:45:46Z, an officer stated, "Robert, don't do it." Shortly after, at time stamp 11:45:54Z, the sound of the first low-lethality shotgun being fired was heard. Officer Flaxa ran towards a group of officers who were north of Decedent's location. Additional low-lethality shotgun rounds were heard being fired, which were seen striking Decedent. Decedent was also observed spinning in a circle while holding a knife in his right hand.

At time stamp 11:46:07Z, Officer Flaxa discharged her low-lethality shotgun at Decedent. Additional low-lethality shotgun rounds can be heard being discharged at Decedent by Officer Flaxa and other officers. Decedent was observed holding the knife in his right hand while raising it above his shoulder.

At time stamp 11:46:25Z, Decedent was observed advancing towards the group of officers to the east of his location. Decedent moved towards a blue trashcan and lowered his body behind it. Decedent pushed the trashcan down towards the group of officers to the east. An officer stated, "Get that taser" while another officer stated, "Get back. Get back. Get back guys. Hey, get back." Additional low-lethality shotgun rounds were heard being fired. Officer Flaxa and additional officers appeared to move to a patrol vehicle that was parked behind them.

At time stamp 11:46:51Z, an unknown object obstructed part of Officer Flaxa's body worn camera. Half of the field of view of Officer Flaxa's body worn camera was obstructed and only captured video to the right of her position. At time stamp 11:47:02Z, an officer was heard saying, "Taser" which was followed by the sound of an ECD being deployed. At time stamp 11:47:07Z, multiple gunshots were heard. Shortly after, Officer Flaxa stated, "Back up. Back up."

Officer Flaxa and additional officers moved from their location to the south where Decedent and the other group of officers were located. An officer retrieved a patrol vehicle and moved it towards the location of Decedent and the group of officers to the east. At time stamp 11:48:58Z, Decedent was observed on the ground and an officer stated, "Grab the medical kit." Officers were observed providing medical aid to Decedent. At time stamp 11:51:38Z, medical personnel were observed arriving next to Decedent with a gurney. At time stamp 11:53:17Z, Officer Flaxa's body-worn camera is deactivated.

## **Officer Pennington**

Officer Pennington was wearing a BWC at the time of the incident and the camera was activated. Officer Pennington's camera footage depicted the following:

At time stamp 11:42:17Z, Officer Pennington arrived on scene with additional officers. As Officer Pennington exited his vehicle, the sound of multiple emergency vehicle sirens can be heard. Officer Pennington retrieved the low-lethality shotgun from his patrol vehicle prior to joining additional arriving officers.

Officers were heard stating what equipment they were going to utilize (i.e., lethal coverage, low-lethal coverage, 40mm) as they walked through the residential neighborhood. Officer Pennington walked in-between residences as he approached a group of officers standing near a garage. When Officer Pennington approached the officers, one of them stated, "Robert, you're not in trouble. We are here to talk to you."

At time stamp 11:45:13Z, Officer Pennington left the group of officers and positioned himself to the north of Decedent's location with a second group of officers. At time stamp 11:45:46Z, an officer stated, "Robert, don't do it" followed by another officer who said, "Hit him now".

For unknown reasons, Officer Pennington's body worn camera was pointed at the ground when he shouldered his low-lethality shotgun. At time stamp 11:45:55Z, the first round of a low-lethality shotgun round was fired by an unknown officer. Immediately after, Officer Pennington discharged his low-lethality shotgun. Additional low-lethality shotgun rounds were discharged while officers stated, "Drop it" multiple times. Officer Pennington walked backwards as an officer stated, "Keep going back. Keep going back. Keep going back." Additional officers stated, "Drop the knife" and "Drop it." At time stamp 11:46:19Z, Officer Pennington started to reload his low-lethality shotgun.

At time stamp 11:47:03Z, an officer stated, "Taser, taser, taser!" which was followed by the deployment of the ECD. At time stamp 11:47:07Z, a series of gunshots were heard. Shortly after, an officer stated, "Shots fired." Officer Pennington moved south along a residence towards the incident location with a group of officers. At time stamp 11:48:13Z, Officer Pennington appeared to run around a residence and through a pathway between residences. When Officer Pennington went around a corner of a residence, a group of officers were observed approaching Decedent who was down on the ground.

At time stamp 11:49:03Z, an officer stated, "Hey, grab a medical kit out of the, uh, car." Officers were observed providing medical aid to Decedent. Officer Pennington left the OIS location, ran back to his patrol vehicle, and retrieved a roll of yellow crime scene tape. Officer Pennington began putting up crime scene tape. As he did so, an ambulance can be seen on Seaton Place.

At time stamp 11:53:31Z, Decedent can be seen on a gurney being pushed towards the ambulance by medical personnel. At time stamp 11:55:01Z, Officer Pennington's body worn camera is deactivated.

## **Sergeant Schmidt**

Sergeant Schmidt was wearing a BWC at the time of the incident and the camera was activated. Sergeant Schmidt's camera footage depicted the following:

At time stamp 11:42:20Z, Sergeant Schmidt activated his BWC and was observed driving towards the location. As Sergeant Schmidt was arriving to the scene, he heard an officer on the radio asking for someone to bring a shield to the location. Sergeant Schmidt arrived and grabbed his shield from the back of his patrol vehicle and carried it as he ran towards the direction of the officers.

At time stamp 11:46:35Z, as Sergeant Schmidt was arriving in the alleyway, the sound of a low-lethality shotgun can be heard. A female voice can also be heard screaming. Sergeant Schmidt arrived at the alleyway and joined officers east of where Decedent was located. Decedent was observed standing upright behind a blue trashcan that was turned over. An officer was heard stating, "we need a standoff," and Sergeant Schmidt responded by saying that he had the taser with a standoff cartridge.

Sergeant Schmidt stood behind the group of officers who were pointing their firearms towards Decedent. Sergeant Schmidt handed his ECD to Officer Mazon. Decedent stepped to his right, cleared from the trashcan as he wielded the knife near his shoulder area. Officers could be heard issuing him verbal commands that included for him to drop the knife. Decedent advanced towards the officers as Officer Mazon yelled "taser" and then fired the standoff cartridge, that was deemed ineffective.

At time stamp 11:47:08Z, Decedent continued to advance towards the officers who then fired their handguns. Decedent fell on the ground faced in a westbound direction, away

from the officers. Officer Mazon can be heard advising dispatch that shots were fired. Sergeant Schmidt yelled at officers to slow the momentum down. Sergeant Schmidt instructed officers to issue Decedent verbal commands for him to drop the knife. An officer can be heard issuing the verbal commands.

Officers approached Decedent who was still holding the knife in his right hand. Officers approached with the shield, Officer Corso removed the knife from Decedent's hand, and Decedent was placed into custody. Sergeant Schmidt requested officers to bring a medical kit to begin rendering aid. Sergeant Schmidt requested medical to respond to the location, asked other officers to grab yellow crime scene tape and to keep any witnesses away. Sergeant Schmidt identified the officers who discharged their firearms and less than lethal weapons. Officers were observed providing Decedent with life-saving measures. Medical arrived on scene and parked the ambulance on Seaton Place, west of the alleyway. They rolled a gurney towards Decedent and officers and medical personnel lifted Decedent onto the gurney.

Medical personnel rolled the gurney towards the ambulance and placed Decedent inside. Sergeant Schmidt coordinated with officers and had them secure the scene. Sergeant Schmidt deactivated his body worn camera at 11:56:26Z.

## **AUTOPSY**

On November 26, 2023, at approximately 0700 hours, under Clark County Office of the Coroner and Medical Examiner ("CCOCME") Case 23-07071, Stacey Simons, M.D., performed an autopsy on Decedent's body. Dr. Simon's report noted multiple blunt force "beanbag" type wounds and multiple gunshot wounds to Decedent's body.

After a complete autopsy and medical investigation, Dr. Simons opined that Decedent died as a result of multiple gunshot wounds. The manner of death was homicide.

## **LEGAL ANALYSIS**

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

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

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

The authority to kill another in self-defense or defense of others is contained in NRS 200.120 and 200.160. "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... another person, against one who manifestly intends or endeavors to commit a crime of violence ..." against the person or other person.<sup>2</sup> NRS 200.120(1). Homicide is also lawful when committed:

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

NRS 200.160(1).

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

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

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

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<sup>2</sup> 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.



the other person, 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 the slayer did not act in self-defense [or defense of another]. *Id.* at 1051-52.

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

The known facts and circumstances surrounding this incident indicate that Decedent posed an imminent danger to Officers Corso, Dinh, and Nuno-Reynoso as well as the other police officers in the immediate area. Officers initially kept a safe distance from Decedent and attempted to talk Decedent into dropping his knife. Officers also repeatedly utilized less-than-lethal force options in an attempt to apprehend Decedent. However, Decedent, armed with a large knife, abruptly altered the dynamic as he raised his knife and charged quickly in the direction of multiple officers including Officers Corso, Dinh, and Nuno-Reynoso. At that point, Officers Corso, Dinh, and Nuno-Reynoso discharged their firearms.

The totality of the evidence, to include BWC video and witness statements, illustrates that Officers Corso, Dinh, and Nuno-Reynoso had a reasonable belief that Decedent would cause great bodily harm or death to themselves and/or other officers in the immediate area. The officers were confronted with the appearance of imminent danger and acted out of a reasonable belief that someone was about to be stabbed or cut by Decedent. The officers reasonably acted in defense of themselves and other officers. Consequently, the shooting of Decedent is justifiable under this legal theory.

## **B. Justifiable Homicide by a Public Officer**

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

In this case, the evidence shows that Officers Corso, Dinh, and Nuno-Reynoso had probable cause to believe that Decedent posed a threat of serious physical harm to themselves and/or other officers in the immediate area. Immediately preceding the shooting, Decedent refused to comply with their lawful orders to drop his knife, resisted multiple uses of less-than-lethal force, and instead charged toward the officers while brandishing his knife. Officers Corso, Dinh, and Nuno-Reynoso and the other officers were in close proximity to Decedent who was moving quickly. Officers Corso, Dinh, and Nuno-Reynoso could have been seriously injured or killed. At the point that the officers fired their weapons at Decedent, all three officers had a reasonable belief that Decedent could cause serious physical harm to themselves or other officers in the immediate area. Thus, the use of deadly force by Officers Corso, Dinh, and Nuno-Reynoso is legally justified and appropriate under NRS 200.140(2).

## **CONCLUSION**

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, we conclude that the actions of Officers Corso, Dinh, and Nuno-Reynoso were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. See 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 against Officers Corso, Dinh, or Nuno-Reynoso.