

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

January 22, 2019



REPORT ON THE DECEMBER 7, 2016, OFFICER INVOLVED  
SHOOTING AT PROCTOR R. HUG HIGH SCHOOL

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## INTRODUCTION

On December 7, 2016, a fight occurred between two juvenile students at Proctor R. Hug High School (hereinafter "Hug High School") at the end of the lunch break. The fight started on an outdoor stairway in the vicinity of a courtyard area occupied with students and school staff.

One of the two juveniles (hereinafter "JUVENILE A"<sup>1</sup>) had two large knives in his possession. Upon being struck by the other juvenile (hereinafter "JUVENILE B"), JUVENILE A produced the two knives. JUVENILE A cut JUVENILE B on the face and then began to chase him throughout parts of the courtyard.

Seeing the altercation, multiple students surrounded the area. Several students began to video the altercation with their smartphones. School staff responded attempting to clear the students and deescalate the incident. Washoe County School District (hereinafter "WCSD") Police Officer Cory Coombes (hereinafter "Officer Coombes") also responded to the scene.

Despite efforts by school staff and other students to calm JUVENILE A, he continued to chase JUVENILE B in a circular pathway through the courtyard. During this time, he violently swung the knives at JUVENILE B and in close proximity to other students and school staff. JUVENILE B used his backpack and courtyard structures to shield himself from the knives. Many students fled the area out of fear of being stabbed.

Upon arrival in the courtyard, Officer Coombes observed JUVENILE A aggressively chasing JUVENILE B with the knives. Officer Coombes immediately thought that JUVENILE A was going to harm or kill another student. As such, he pointed his gun at JUVENILE A, called out to him by name, and ordered him to stop and drop the knives. JUVENILE A refused to do so and advanced towards Officer Coombes. Officer Coombes stepped backwards to create more distance and again demanded JUVENILE A to stop and drop the knives.

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<sup>1</sup> This report contains information about and provided by numerous juveniles. The District Attorney's Office generally does not utilize the names of juveniles in public documents and has opted to utilize abbreviations (JUVENILE A & B) of specifically-identified juveniles in lieu of their names in this report.

JUVENILE A continued to advance towards Officer Coombes getting within 10-15 feet while stating words to the effect of "do it, do it, shoot me!" Fearing for his own safety and the safety of the students and faculty around, Officer Coombes fired one shot incapacitating JUVENILE A. Officer Coombes then began life-saving measures on JUVENILE A. JUVENILE A was rushed to the hospital. He survived.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (hereinafter "RPD") led the investigation into the shooting of JUVENILE A. The Washoe County Sheriff's Office (hereinafter "WCSO") provided secondary investigative support, the Sparks Police Department (hereinafter "SPD") provided further needed support, and the Washoe County Crime Laboratory (hereinafter "WCCL") provided forensic services. The Washoe County District Attorney's Office provided legal assistance.

During the investigation over 100 witnesses were interviewed or provided written statements. Video footage was collected from witness' smartphones and the school's surveillance system. The investigation also included collecting physical evidence and photographing the shooting scene. All investigatory evidence largely corroborated the consistent accounts of the witnesses and Officer Coombes.

Upon completion of the entire investigation, all police reports along with WCCL forensic reports, collected documentation, video recordings, photographs, witness statements, 911 and dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office on May 24, 2018, for a final legal determination of whether the shooting of JUVENILE A was legally justified. No criminal charges against the shooting officer were recommended by RPD.

The District Attorney's evaluation included reviewing hundreds of pages of reports and witness statements. It further included the review of photographs, diagrams, video recordings of the incident and witness interviews, and examination of the scene of the shooting. This report follows.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the

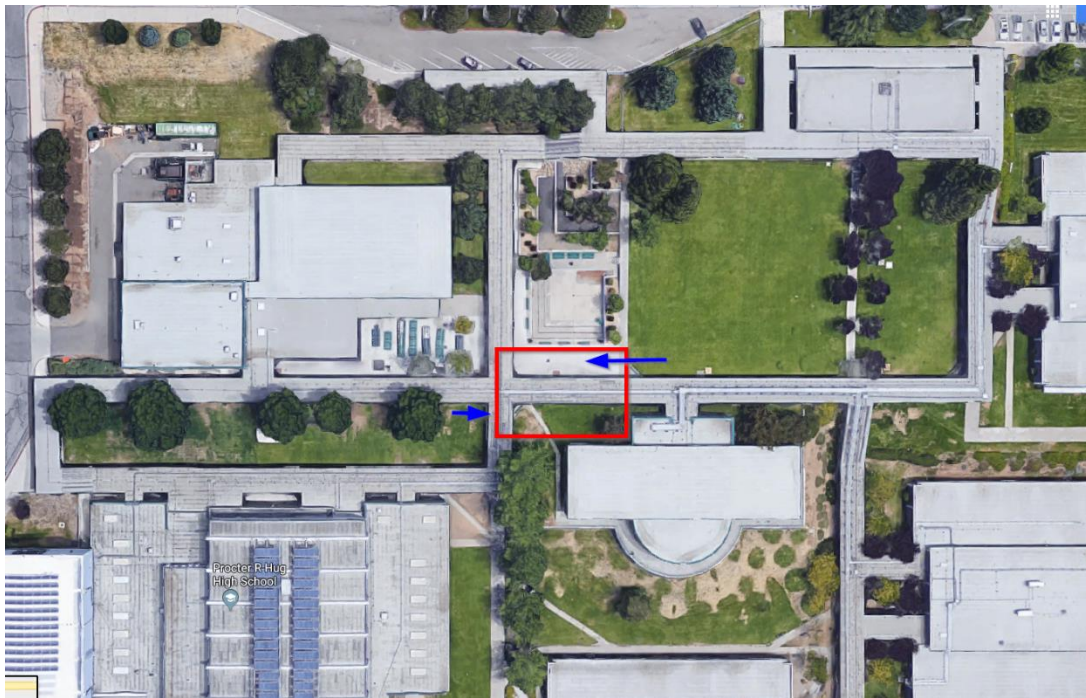
shooting of JUVENILE A by Officer Coombes was justified and not a criminal act.

## I. STATEMENT OF FACTS<sup>2</sup>

### A. Area Overview

Hug High School is located in Washoe County at 2880 Sutro Street. It is a public high school accommodating grades 9-12 and has a student body of approximately 1,500 students. It consists of nine buildings set on a multi-level series of terraces. Most of the buildings are connected by a covered outdoor walkway. In the interior of the campus is a courtyard.

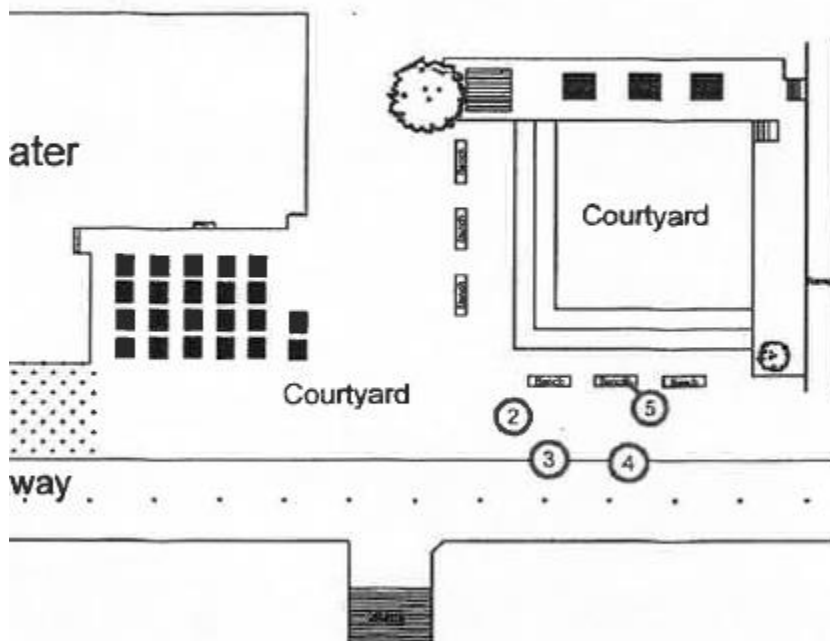
The image below provides an aerial view of a large portion of the campus. In the center of the image is the courtyard. The red square depicts the approximate area where the incident involving JUVENILE A occurred. Running through the middle of the red square is the east/west covered walkway. The smaller blue arrow points to the staircase where the initial fight between the two juveniles began. The interior of the red square encompasses much of the area where JUVENILE A pursued JUVENILE B. Lastly, the larger blue arrow points to the approximate position of Officer Coombes when he shot JUVENILE A.



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<sup>2</sup> The Statement of Facts is synopsised from witness interviews, videos, and police reports.

Below is a diagram created by WCCL. It depicts the cafeteria (top left corner), the courtyard, the east/west covered walkway (marked by a series of dots), and the covered stairs leading away from the courtyard (shaded area at the bottom of the diagram). Relevant pieces of evidence are marked by numbers representing placards placed at the scene immediately after the shooting. Their description is explained in the legend.<sup>3</sup>



RPD # 16-23696  
 12/07/2016  
 Hug High School, 2880 Sutro Str., Reno NV  
 Diagram by E. Koeder #3774

Not to scale



Legend

- Placard 1: One copper colored and white metal fired bullet
- Placard 2: One pair of broken earbuds
- Placard 3: Red staining on walkway ground
- Placard 4: One white metal spent shell casing with the headstamp "FC 9 mm Luger"
- Placard 5: One "Diamond Cut" knife and one unknown brand knife with red staining

<sup>3</sup> The bullet fired by Officer Coombes marked by Placard 1 was discovered in the parking lot on the west side of campus.

## B. Video Recordings

Hug High School has a surveillance camera that films a portion of the courtyard, the covered walkway and the staircase involved in this incident. It provides a northwestern view. On December 7, 2016, it captured a portion of the fight and subsequent actions by JUVENILE A.

The screenshot image below shows numerous students outside as the lunch hour ended. The red arrow points to JUVENILE A and JUVENILE B on the stairway as the fight starts.



After JUVENILE B batters JUVENILE A (explained in more detail in the next section of the report), JUVENILE A removes the two knives and pursues JUVENILE B up the stairs and under the covered walkway near the courtyard.

The next screenshot picture is 14 seconds after the initial battery. It shows JUVENILE A swinging one of the knives towards JUVENILE B who is wearing a green coat and holding his backpack.

JUVENILE A is wearing white pants and a blue shirt. The crowd of students watching the altercation begins to gather in the background.



After the above screenshot, JUVENILE A and JUVENILE B drift north into the shadow of the covered walkway. JUVENILE A continues to pursue JUVENILE B with the knives. Assistant Principal Bradley Bodine approaches the two from the west and attempts to calm the situation.

Additionally, some gathering students begin to record the incident on their smartphones. These recordings in addition to the school's surveillance footage provide views of the incident from several angles.

The below screenshot image captured approximately 9 seconds after the screenshot above, is taken from the opposing angle from a student's smartphone. Assistant Principal Bodine is seen



trying to calm JUVENILE A. JUVENILE B is pictured to Assistant Principal Bodine's right holding his backpack.



Immediately after the image in the above screenshot, JUVENILE A re-engages JUVENILE B. JUVENILE A crosses his arms with the knives in front of him and begins to approach JUVENILE B. This was filmed by another student from an opposing view. The image below is a screenshot from that video.



Once closer to JUVENILE B, JUVENILE A aggressively swings the knives towards him. The following three screenshots taken from different vantage points all capture this attack.







After swinging the knives at JUVENILE B, JUVENILE A continues to pursue him. JUVENILE B circles in a clockwise direction. He goes from underneath the covered walkway to the south grass area and then back underneath the covered walkway towards the courtyard area. JUVENILE A continues to follow JUVENILE B as he maneuvers around benches and through the bystanders.

The below screenshot taken from the school's surveillance camera depicts JUVENILE B (red arrow) circling back towards the covered walkway as JUVENILE A follows him.



The next screenshot recorded on a student's smartphone from a different angle further shows JUVENILE A's pursuit of JUVENILE B through the grassy area and nearby bystanders.



The next screenshot image taken from the same smartphone shows JUVENILE A as he re-enters the covered walkway in his pursuit of JUVENILE B.





Once JUVENILE A passes the benches and is back on the concrete of the covered walkway, he encounters Officer Coombes who had responded from the east and had witnessed JUVENILE A's pursuit of JUVENILE B. Officer Coombes engages JUVENILE A and begins to demand that he stop and drop the knives. Officer Coombes points his firearm at JUVENILE A. JUVENILE A does not stop nor does he drop the weapons (explained in further detail in the next section). Instead, he made comments to the effect of "do it, do it, shoot me" while he continued to advance towards Officer Coombes.

The next screenshot image depicts JUVENILE A as he is facing Officer Coombes. Officer Coombes is never within the screenshot until after the shooting. This image shows JUVENILE A stepping towards Officer Coombes with the knives in his hand. It is at this moment that Officer Coombes fires his firearm striking JUVENILE A. Of all the video recordings, none capture Officer Coombes as he shoots JUVENILE A.



Officer Coombes fired one round that immobilized JUVENILE A. The next screenshot image comes from a student's smartphone video that was recorded immediately after Officer Coombes shot JUVENILE A. The video provides a west facing perspective of the incident.



Upon shooting JUVENILE A, Officer Combes began administering life-saving measures and reported the situation to dispatch. This is captured in the screenshot image below taken from a witnesses' smartphone video.



### C. Witness Accounts

1. Washoe County School District Police Officer Cory Coombes  
Officer Coombes was interviewed at the WCSD Police Department on December 7, 2016, at approximately 6:45 p.m. He was interviewed by RPD Detective Dave Millsap.

On the date of the OIS, Officer Coombes had been employed with WCSD for approximately 7 months. Prior to his employment with WCSD, he worked as a police officer for SPD from 2007-2016. He also worked as a Jail Deputy in Indiana from 2003-2005. In December of 2016, he was assigned as the permanent officer at Hug High School.

His shift is from 7:30 a.m. until 3:30 p.m., Monday through Friday. During a typical shift Officer Coombes is regularly mobile on campus particularly when students arrive in the morning, are out at lunch, and are in between classes. He actively works with the school administration and regularly interacts with the students.

According to Officer Coombes, December 7, 2016, started out as a typical day. During the lunch hour he was in the cafeteria speaking to some students when the school's principal alerted him to a fight outside. As Officer Coombes was making his way out of the cafeteria to check the reported fight, he heard over his radio school staff yelling that "There's a knife on campus, there's a knife on campus, there's a student with a knife on campus!"

Officer Coombes removed his duty weapon and hurried towards the fight. As he exited the southeast corner of the cafeteria he could see a large crowd of students gathering together consistent with a fight. As he moved around the crowd from the northwest, Officer Coombes saw an upset JUVENILE A "with a big knife" in the south area of the courtyard. He further noticed that JUVENILE A was "swinging it at someone" and going after the person. Moreover, Officer Coombes noticed that JUVENILE A was within 3 feet of other students.

Officer Coombes did not immediately place JUVENILE A at gunpoint as he was concerned about all the students surrounding the area. Officer Coombes moved into the courtyard area. As JUVENILE A circled back from the grassy area to the east/west covered

walkway, the crowd of students parted giving Officer Coombes the opportunity to place JUVENILE A at gunpoint.

Officer Coombes knew JUVENILE A from previous interactions at school. Officer Coombes had attempted to provide positive reinforcement in JUVENILE A's life. He would often encourage JUVENILE A to become more involved in sports and checked on him when he saw him on campus asking if things were alright. Such an interaction had just occurred days before the shooting. It is obvious when reviewing the video of Officer Coombes' interview that this relationship had compounded the emotional impact of the shooting on the officer.

Upon placing JUVENILE A at gunpoint, Officer Coombes called him out by name repeatedly stating, "don't do this, stop, put it down." JUVENILE A did not comply and advanced towards Officer Coombes while holding the knives out. Officer Coombes recalled that JUVENILE A gnarled his teeth and "looked right through me." He further described JUVENILE A's aggressive affect as something he has seldom seen in his law enforcement career. It scared him. JUVENILE A stated "do it, do it." Officer Coombes took a step back and again ordered JUVENILE A to stop and drop the weapon. JUVENILE A did not comply.

JUVENILE A was within 12-15 feet when he again advanced towards Officer Coombes with the knives. In his interview, Officer Coombes recounted, "I just saw him swinging this knife at other kids. And then he's coming at me and he's refusing. And I was afraid he was going to stab me." Officer Coombes then fired one shot that incapacitated JUVENILE A. Officer Coombes then began administering life-saving measures on JUVENILE A until paramedics arrived.

## 2. Assistant Principal Trina Olsen

Assistant Principal Olsen was interviewed at the WCSO by Detective Kimberley Vandersyde. She is the Assistant Principal at Hug High School who oversees school safety.

On December 7, 2016 during the lunch hour she was outside talking with Assistant Principal Bradley Bodine when their attention was drawn to the fight between JUVENILE A and JUVENILE B. Assistant Principal Bodine ran towards the fight. Assistant Principal Olsen followed. She then saw two large knives in JUVENILE A's hands that he was swinging around. She immediately

called out on her radio multiple times that there was a student on campus with knives.

Assistant Principal Olsen then saw Assistant Principal Bodine trying to get JUVENILE B away from the fight. She began to yell at the gathering students to leave. Around that time, JUVENILE A came right by her with the knives. She was "terrified" and fearful for the safety of the students. She then began to loudly yell at the students to get away from the fight.

Officer Coombes then arrived from the north. She saw him draw his weapon. She then heard Officer Coombes call out JUVENILE A by name and order him multiple times to put down the knife. She then saw JUVENILE A advance towards Officer Coombes. She estimated the distance between the two to be 10-15 feet. Officer Coombes then fired one shot.

In characterizing her perception of JUVENILE A during the incident she stated, "I don't know that we would have been able to stop him. He looked pretty crazed. I think he was out of control."

### 3. Assistant Principal Bradley Bodine

Assistant Principal Bodine was interviewed at SPD by SPD Detective Scott Valenti. Assistant Principal Bodine has worked at Hug High School for 27 years.

On December 7, 2016, Assistant Principal Bodine was outside supervising students on lunch duty when he saw some students gathering in a group leading him to believe there may be a fight. As he directed his attention to that area, he could see JUVENILE B flailing his backpack towards JUVENILE A. He could see two objects in JUVENILE A's hands.

Assistant Principal Bodine got between JUVENILE A and JUVENILE B and pushed JUVENILE B aside. He then noticed that the objects in JUVENILE A's hands were knives. Assistant Principal Bodine faced JUVENILE A and put his hands out to try to calm JUVENILE A down (this is depicted in the 3<sup>rd</sup> picture in the "Video Recordings" section *supra*). JUVENILE B continued to engage JUVENILE A. Assistant Principal Bodine again shoved JUVENILE B back and yelled at him to leave. As he returned his attention to JUVENILE A he observed him "flailing his knives."

JUVENILE A was still going after JUVENILE B with the knives. Assistant Principal Bodine believed that JUVENILE A posed a definite danger to JUVENILE B and felt like he may be harmed as well. Assistant Principal Bodine was not making any progress in his efforts to get JUVENILE A to put down the knives.

He then noticed Officer Coombes in the area and heard him yell, "Put down the knives." Despite the command, he then observed JUVENILE A "going right towards him (Officer Coombes)."

Assistant Principal Bodine estimated that JUVENILE A was 10-15 feet away from Officer Coombes when he fired one shot.

#### 4. Assistant Principal Rhonda Clark

Assistant Principal Clark was interviewed at SPD by Detective Shawn Congdon. On December 7, 2016, she was in the courtyard at lunchtime with Assistant Principal Bodine. Her attention was alerted to a commotion that she believed to be a fight. She followed Assistant Principal Bodine towards the fight.

Once closer, she saw JUVENILE A with two knives. She also saw Assistant Principal Bodine pushing students away. She began trying to move students away. She observed JUVENILE A slashing with the knives. In her opinion, he did not look fixed on one student in particular but was lunging indiscriminately with the knives.

As she was directing students away, she heard Officer Coombes yelling "stop." She then heard the shot and saw JUVENILE A on the ground.

#### 5. JUVENILE B

JUVENILE B is a student at Hug High School and was interviewed on December 7, 2016, and again on December 14, 2016, by RPD Detective Ernie Kazmar.

According to JUVENILE B on December 7, 2016 he saw JUVENILE A in the cafeteria during the lunch hour. JUVENILE B stated that JUVENILE A called him a "bitch." As a result of this comment, JUVENILE B confronted JUVENILE A on the outdoor stairs leading away from the courtyard.<sup>4</sup> JUVENILE B challenged JUVENILE A to a

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<sup>4</sup> Other theories exist as to what caused the fight between JUVENILE A and JUVENILE B including an allegation that JUVENILE B was attempting to steal JUVENILE A's belt and the existence of a feud between some of JUVENILE A's friends and JUVENILE B's friends. Although thoroughly investigated, it is



fight. JUVENILE A did not back down. JUVENILE B punched JUVENILE A in the face and the two then began fighting. During this time, JUVENILE B "felt something" on his face and looked down to see a knife in JUVENILE A's hand. JUVENILE B was superficially cut on his face by JUVENILE A.

After seeing the knife, JUVENILE B retreated back up the stairs and swung his backpack at JUVENILE A in an effort to knock the knife out of his hands. As the two reached the east/west covered walkway area, he then saw JUVENILE A remove the other knife from under his shirt. JUVENILE B opined that both knives were originally tucked in JUVENILE A's waistband and hidden under his shirt. JUVENILE B then tried to use his backpack as a shield from the knife as he was chased throughout the courtyard area by JUVENILE A.

JUVENILE B then heard Officer Coombes ordering JUVENILE A to put down the weapon. He saw Officer Coombes with his firearm drawn and then the shot was fired.



The above picture shows the superficial cuts to JUVENILE B's face

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difficult to ascertain which, if any, of the theories are true. In either event, the circumstances leading up to the fight are largely irrelevant to this review of whether or not Officer Coombes actions were justified.

## 6. JUVENILE A

Due to complications from the gunshot, detectives did not attempt to interview JUVENILE A until February 14, 2017. At that time, JUVENILE A indicated he did not want to talk about the incident at Hug High School.

## 7. Student witnesses

Over 100 witnesses were interviewed and/or provided written statements to investigators. A large majority of those witnesses were students who witnessed various stages of the incident from the time the fight started between JUVENILE A and JUVENILE B until after the shooting. Many of the students fled when they saw JUVENILE A violently swinging the knives or when school staff ordered them to leave the area. Others, only heard the shot and saw the ensuing events. Nevertheless, the student accounts are generally consistent with each other, with the captured videos, and with the witness statements already detailed in this report. These accounts paint a picture of chaos, emotion, and fear.

Below are excerpts from some of the students' statements.<sup>5</sup>

"A student, (JUVENILE A) came from the bottom of the stairs and another student (JUVENILE B) punched JUVENILE A twice (sic) in the mouth. JUVENILE A pulled out a knife and cut JUVENILE B on the side of the face. JUVENILE B ran up the stairs trying to get away from JUVENILE A. JUVENILE A did not put the knives down he still tried chasing JUVENILE B and trying to stab him. The officer came and told JUVENILE A 'to put the knives down' and the officer said I going to shoot you and JUVENILE A said 'shoot me' and the officer had to shoot him."

"I see the him the boy swinging to (sic) big kitchen knives with the intent to hurt someone and that's when he was shot and I saw him hit the floor grabbing his chest while the officer got down next to him to help him"

JUVENILE A "already had the knives in his hands as JUVENILE B, the student he was fighting, and the teacher were trying to move away from him, but he kept following them. He kept swinging the

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<sup>5</sup> JUVENILE A and JUVENILE B are used to replace actual names written in the statements.

knives at them. I started walking away as he was getting closer. I heard the shot."

"I saw JUVENILE A get punched in the nose and JUVENILE A pulled out two kitch (sic) knives out of his pockets and started approaching everybody around them, administration tried calming him down then a cop ran to the boy with the knives with his gun out. Cop tried telling him to stop and he would approach the and the cop shot his shoulder/collar bone."

"All I saw a kid with 2 knives (sic) swing at everybody and then he got shot. That's all I saw. I was scare for other to get hurt because of him."

"JUVENILE A pulls the two knives out the other kid was still trying to fight him. The teachers came running towards both. While a teachers was trying to hold the other kid back he was still trying to get at him. The teachers tried to go towards JUVENILE A but he was swinging the knives out so that no one could go close to him. He wouldn't put the knives down. There was a point where he was trying to stab or slit the other kid. The cop told asked him to put them down or he would shoot. JUVENILE A said 'shoot me then.' The cop holding his gun out with two hands pointing the gun straight at him, shot him."

"saw the kid with the knives swinging at the other kid and kids around the scene the other kid with no weapons try to defend. Then the officer came down warning him to drop his weapons and he refused to do so and charged towards the officer and the officer shot."

"After being punched the kid dropped his backpack and pulled out two fille (sic) knives ment (sic) for cutting meat. The white male proceeded to follow the hispanic male while 3-4 teachers and school police officers tried to stop him. The white male refused to listen and continued after the Hispanic male. When the Hispanic male ran off to Mckarren (sic) the white male proceeded to the officer I didn't get the officers name but the officer asked 5 times for the white male to stop. The white male continued to walk. The officer drew his weapon and asked a few more times. The white male did not stop so the officer fired off one shot into the left shoulder of the white male."

"JUVENILE A dropped his backpack and dig through it drawing 2 felle (sic) knives and started to proceed after the hispanic

male. When teachers intervened he continued after the hispanic male. Teachers pushed him away and the white male JUVENILE A started going after the staff and teachers. When the officer arrived he aske (sic) multiple times for JUVENILE A to drop the knives. When he didn't he drew his weapon and ask more times. When JUVENILE A proceeded after the officer took one shot and hit his left shoulder area."

"a student in white pants a blue t-shirt walked right passed (sic) me. The student was wielding two large knives and was only a few feet away from me, I could have touched him. Once I quickly realized the gravity of the situation I ran further into the courtyard in the opposite direction of the knife wielding student who proceeded to walk around swinging his knives at other students. The student then started to walk back in my direction where he was instructed by officer Coombes to drop his weapons, after he did not oblige he was then shot in the chest."

## D. Photographs

### 1. Shooting scene



The above photograph is an eastward looking picture of the courtyard area. The wheelchair in the center of the picture marks the approximate location where JUVENILE A lay until removed by paramedics. The wheelchair was brought to the area by school staff as a mechanism to move JUVENILE A but was never used. The building on the right houses the school surveillance camera that filmed much of the incident. Its approximate location is above the green garbage can.



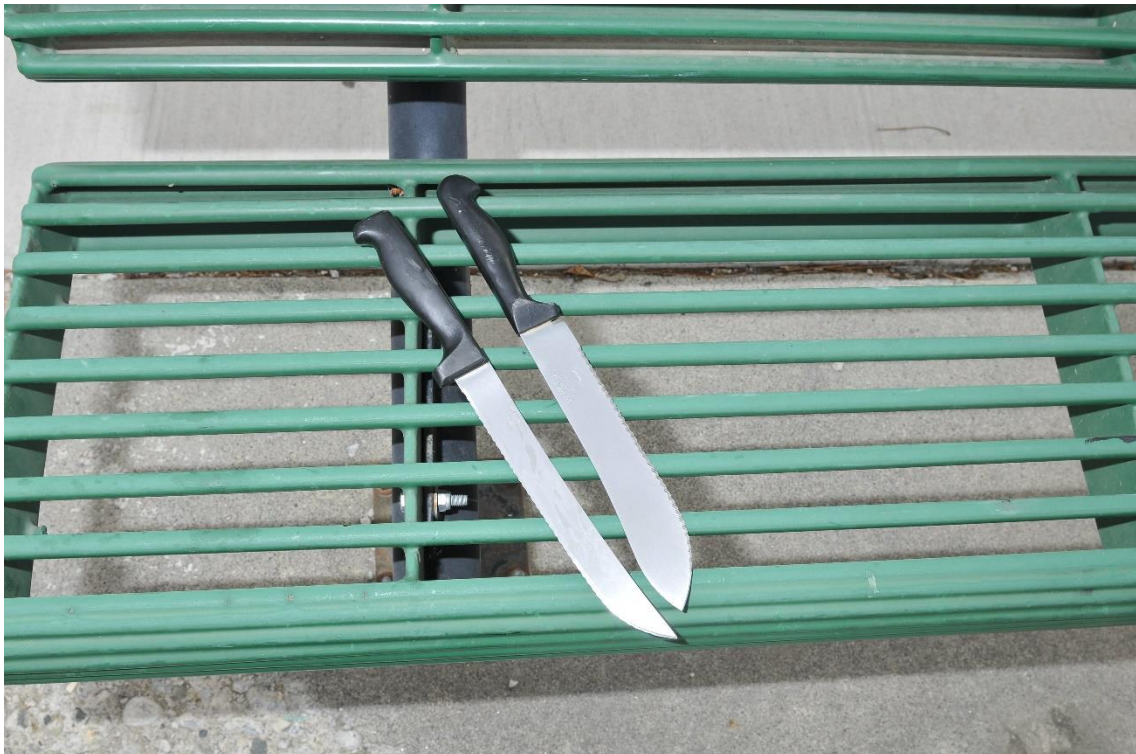
The photograph above provides a westerly view of the shooting scene. To the left of the east/west covered walkway you can see the covered staircase where the fight between JUVENILE A and JUVENILE B began.



The photograph above provides a southwesterly view of the shooting scene.



After the shooting, JUVENILE A's knives were picked up by the school's principal for safety reasons. She set them on a nearby bench shown in the above photograph.



## 2. Officer Coombes Uniform



The photograph above depicts the uniform, radio, and duty belt worn by Officer Coombes on December 7, 2016. Officer Coombes possessed the following duty equipment: two sets of handcuffs, flashlight, oleoresin capsicum spray, expandable baton, radio, keys, two handgun magazines, and a loaded handgun containing a magazine with thirteen rounds of ammunition. The photograph was taken the day of the shooting.



### 3. Physical Evidence

Both knives possessed by JUVENILE A were collected from the scene. They each measured 13 inches in length.



### III. LEGAL PRINCIPLES

The Washoe County District Attorney's Office is tasked with assessing the conduct of the officer involved and determining whether any criminality on his part existed at the time of the shooting. Although JUVENILE A survived this officer involved shooting, in order to conduct the appropriate assessment the District Attorney's review is controlled by the relevant legal authority pertaining to justifiable homicides. This is because the analysis rests upon the decision to use deadly force, not the result.

In Nevada, there are a variety of statutes that define justifiable homicide (see NRS 200.120, 200.140, and 200.160). There is also a statute that defines excusable homicide and one that provides for the use of deadly force to effect arrest (see NRS 200.180 and NRS 171.1455). Moreover, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in depth explanation:

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

NRS 200.120 provides in relevant part that "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of...person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony..." against the other person. NRS 200.160 further provides in relevant part that "Homicide is also justifiable when committed...in the lawful defense of the slayer...or 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".

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). In Runion, the Court set forth sample legal instructions for consideration in reviewing self-defense cases as follows:

The killing of another person in self-defense 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 him or cause him great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in self-defense force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to himself.

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, 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. 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 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 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 of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable doubt that the

defendant did not act in self-defense, you must find the defendant not guilty.

Id. 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer...when 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" and "When necessary...in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person".<sup>6</sup>

C. Use of Deadly Force to Effect Arrest

NRS 171.1455 provides in relevant part "If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person...poses a threat of serious bodily harm to the officer or to others.

IV. ANALYSIS

The videos, pictures, accounts of witnesses, and other evidence in this tragic case are consistent and clearly portray a very dangerous incident occurring at a high school. What initially appeared to be a typical fight between students, escalated into a potentially deadly circumstance. The physical harm a persistent JUVENILE A was capable of inflicting on other students, staff, and Officer Coombes was strikingly real.

On December 7, 2016, WCSD Officer Cory Coombes whose duty is to protect those on campus, particularly the students, encountered a grim situation. Upon notification of a reported fight, Officer Coombes found JUVENILE A wielding two large knives in the courtyard area of Hug High School. JUVENILE A, who had already cut the face of JUVENILE B, was violently swinging the knives while pursuing JUVENILE B. Moreover, there was a large congregation of students and faculty all within harm's way of

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<sup>6</sup> A 1985 Nevada Attorney General Opinion limited the interpretation of NRS 200.140 to situations where the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others.

JUVENILE A. All indications are that Officer Coombes confronted JUVENILE A to deescalate the situation and protect all those present.

Upon placing JUVENILE A at gunpoint, he called out to him by name and ordered him to stop and drop the weapons multiple times. JUVENILE A did not yield and continued to advance towards Officer Coombes causing the officer to step back in an effort to maintain a safe distance. Despite Officer Coombes' additional commands, JUVENILE A continued his advance while stating words to the effect of "do it" or "shoot me."

Officer Coombes had just seen JUVENILE A pursuing JUVENILE B while violently swinging two large knives in the vicinity of multiple students and school staff. He had attempted to stop JUVENILE A by drawing on a personal acquaintanceship between them and used clear verbal commands. Instead of compliance, Officer Coombes received further aggression.

JUVENILE A, with "gnarled teeth", "looked right through" Officer Coombes in a chilling way the officer had seldom seen in his lengthy law enforcement career. JUVENILE A's appearance was noted by others. As Assistant Principal Olsen stated, "I don't know that we would have been able to stop him. He looked pretty crazed. I think he was out of control." With this obvious demeanor and two 13 inch knives, JUVENILE A continued his advance towards Officer Coombes to within 10-15 feet. While doing so, JUVENILE A was verbally evincing an intent to force Officer Coombes into a potentially deadly encounter ("do it, do it, shoot me").

In that instant and under those circumstances, Officer Coombes reasonably believed there was imminent danger that JUVENILE A would either kill him or cause him great bodily injury. The circumstances were sufficient to excite the fears of a reasonable person placed in a similar situation. As such, it was necessary for Officer Coombes to use deadly self-defense for the purpose of avoiding death or great bodily injury to himself.

Furthermore, Officer Coombes prior personal interactions with JUVENILE A are noteworthy. In reviewing Officer Coombes' account of these interactions in his interview, it's obvious that he had developed concern for JUVENILE A and wanted to help

him find a positive path in life. This fact, as supported by Officer Coombes' observable emotions during his interview, led to a measured decision to use deadly force and further bolsters the reasonableness of that decision.

#### V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the December 7, 2016, officer involved shooting of JUVENILE A, the actions of Officer Coombes were warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.