

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

April 18, 2019



REPORT ON THE JANUARY 24, 2018 OFFICER INVOLVED SHOOTING
OF HUMBERTO VERA-MUNOZ

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INTRODUCTION

On January 24, 2018 Officers Andrew Lindsey and Bryan Wisneski of the Sparks Police Department (SPD) were patrolling together as a double unit in the area of Prater Way and Rock Boulevard when they observed a white 2011 Cadillac 4-door sedan bearing Nevada license plate 691 D01 driving at a high rate of speed on a neighborhood surface street. They tried to follow after the vehicle but it was travelling at too fast of speed. When they lost sight of it, the officers began searching the area for the vehicle in an effort to conduct a traffic stop.

They spotted the vehicle less than a mile away and tried to catch up to it but the vehicle increased its speed in an apparent attempt to elude the officers. The officers activated their emergency lights and siren, in an attempt to stop the vehicle.

The officers followed the vehicle as it pulled into "1100 Place Apartments" located at 1100 15th Street in Sparks. Officers Lindsey and Wisneski continued to follow the vehicle into the complex with emergency lights and siren activated indicating to the Cadillac's driver that they were trying to conduct a traffic stop. The vehicle continued to travel through the parking lot before coming to a stop.

According to both officers and the patrol vehicle camera system, the Cadillac came to an abrupt stop in the east end of the apartment complex. Both officers exited the patrol vehicle in order to make contact with the driver. At the same time the driver of the vehicle, later identified as Humberto Vera-Munoz (hereinafter "Vera-Munoz"), immediately exited the driver's side of the Cadillac.

Due to the circumstances of the stop and Vera-Munoz' actions, both officers contacted him at gunpoint and began yelling commands for him to show his hands. Within seconds Vera-Munoz raised a pistol and fired a single shot at Officer Wisneski. The bullet missed officer Wisneski and struck the apartment building. In response, both officers returned fire. Vera-Munoz was struck multiple times and fell to the ground. The officers immediately radioed that shots had been fired. Other SPD Officers immediately responded to the scene and were able to secure Vera-Munoz and provide him with emergency medical treatment. However, he did not survive his injuries.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (hereinafter "RPD") led the investigation into the shooting of Vera-Munoz. 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. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, and interviewing the officers involved in the shooting.

All investigation reports along with WCCL forensic reports, photographs, videos, and recorded interviews were then submitted to the Washoe County District Attorney's Office in November of 2018 for a determination of whether the shooting of Vera-Munoz was legally justified. No criminal charges 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 Vera-Munoz by Officers Wisneski and Lindsey was justified and not a criminal act.

I. WITNESS STATEMENTS

A. Officer Bryan Wisneski

Officer Wisneski was interviewed by RPD and WCSO detectives in the early morning hours of January 25, 2018. In summary, he related the following.

Officer Wisneski was working the graveyard shift as a double unit with Officer Lindsey in the patrol division of Sparks Police Department. They began patrolling shortly after their 9:00 p.m. briefing. Officer Lindsey drove the patrol vehicle with Officer Wisneski in the passenger seat. At the intersection of Prater Way and Rock Boulevard they observed a white Cadillac sedan travelling northbound on Rock Boulevard through the intersection at a high rate of speed. Officer Wisneski estimated the speed to be 50mph in a marked 30 mph zone. They tried to follow after the vehicle but it was travelling at too high a rate of speed. They began to lose sight of the white Cadillac as it turned westbound onto Merchant Street from 15th Street. They continued to try and catch up to the vehicle as it drove westbound and activated their emergency lights in hopes of signaling the vehicle to slow down or stop. However, the Cadillac continued at such a high rate of speed that they lost sight of it. The Officers turned off their emergency lights and relayed a description of the vehicle to dispatch.

As they continued onto Oddie Boulevard they spotted the Cadillac headed eastbound approaching 15th Street. They were able to catch up to the vehicle where they again activated their emergency lights to signal the driver to pull over. Officer Wisneski noticed that the driver's side tire was damaged and he could see sparks flying from the vehicle's rim as it drove. He surmised that several large speed bumps in the area the Cadillac had been travelling may have caused the damage.

They followed the Cadillac with lights and sirens on as it turned into 1100 Place Apartments. They updated dispatch of the situation. At a slow speed, the officers followed the Cadillac through the parking lot to the northeast corner of the complex. Due to the low speed and vehicle damage, Officer Wisneski suspected that the driver was going to attempt to flee from the vehicle.

After the Cadillac turned the corner it suddenly stopped and the driver exited from the driver's side door. The officers stopped the patrol vehicle on the passenger side and rear of the Cadillac. The officers exited the vehicle and yelled commands for the driver to show his hands. Officer Wisneski took a position in front of the patrol vehicle with Officer Lindsey positioned to the rear of the patrol vehicle. Vera-Munoz faced the officers and looked back and forth between both of them. Suddenly, Officer Wisneski heard one shot and saw a muzzle flash from the driver. He saw Vera-Munoz' arm extended over the vehicle pointed directly at him and felt the suspect was firing at him.

Officer Wisneski returned fire as he ducked and fell backwards. Officer Wisneski estimated that he fired 4 or 5 total times back at the driver. Once the driver went down, he and Officer Lindsey made their way around the Cadillac and approached the driver, who was lying face up on the ground. He noticed a gun on the ground next to the driver's right hand. They quickly checked the car for any other threats and maintained their cover on the driver as other officers began to arrive on scene. The other officers immediately secured the driver and began emergency medical aid. Officer Wisneski and Officer Lindsey were relieved from the scene and separated from the incident.

B. Officer Andrew Lindsey

Officer Lindsey was interviewed by RPD and WCSO detectives in the early morning hours of January 25, 2018. In summary, he related the following.

Officer Lindsey was partnered with Officer Wisneski due to Wednesdays being an overlapping night for the graveyard shift. Officer Lindsey drove the patrol vehicle while Officer Wisneski was the passenger. Shortly after the shift began, Officer Lindsey and Officer Wisneski were traveling

westbound on Prater way just past 15th Street, approaching Rock Boulevard. Officer Lindsey saw a white four door Cadillac traveling at a high rate of speed northbound on Rock Boulevard through the intersection of Rock Boulevard and Prater Way. The officers decided to follow the Cadillac to determine if it was speeding or if there were any other traffic violations.

Officer Lindsey tried to catch up to the Cadillac which was five to six city blocks away. He accelerated but could only get close enough to see the tail lights. Officer Lindsey estimated the vehicle was traveling approximately 50 miles per hour in the 30 miles per hour zone. The Cadillac turned left on Commerce Street and then left on Merchant Street. Officer Lindsey followed the vehicle and by the time they were on Merchant Street, the Cadillac was even farther ahead.

Officer Lindsey activated his emergency red and blue lights and siren in an attempt to get the driver of the Cadillac to slow down or stop. The Cadillac did not stop and instead took a right on Sullivan Lane. Officer Lindsey continued in the same direction and then lost sight of it. Officer Lindsey turned off the red and blue emergency lights and siren as they could no longer see the vehicle. He radioed dispatch the vehicle description and its last known location.

As Officer Lindsey stopped at the intersection of Sullivan Lane and Oddie Boulevard, he looked left and right and only saw tail lights in each direction. He could not make out what type of vehicles he was seeing. Officer Wisneski then told Officer Lindsey to turn east on Oddie Boulevard as he believed he saw the Cadillac traveling in that direction.

Officer Lindsey then confirmed Officer Wisneski was correct, it was the Cadillac. The Cadillac turned right on Rock Boulevard and was swerving left and right, like something was wrong with the vehicle. Officer Lindsey noticed severe damage to the driver's side of the vehicle and it appeared to have a flat tire. Officer Lindsey again activated the emergency red and blue lights, as well as the siren. The driver of the Cadillac accelerated, failing to stop or yield to the officers. The Cadillac then turned left into the 1100 Place Apartment Complex (the 15th Street side of the complex). At this time, Officer Lindsey believed the driver of the Cadillac knew the police were trying to stop him and was actively failing to yield. Officer Lindsey explained that the Cadillac entered the complex through the exit of the apartment complex. At that time, they called out on the radio that they had located the vehicle and it was not stopping.

The Cadillac continued to travel through the apartment complex. Officer Lindsey stated the vehicle was driving slower now as it was driving on the

rims. Officer Lindsey said he had a feeling the driver was going to "foot bail" (get out and run). The Cadillac kept "veering" and looked like the driver was going to "stop and ditch it. Looking for a place to run." He prepared for a foot pursuit by slightly opening his driver's side door.

The Cadillac continued through the complex and eventually came to an area on the east side of the complex, adjacent to 12th Street, where tenants did not park. The Cadillac tried to turn right but "drifted" to the left due to tire damage. The Cadillac then suddenly stopped.

Officer Lindsey did not want to pull ahead of the Cadillac to block it in as he was not sure what the driver was going to do. Instead, he decided to pull up right next to the passenger's side of the Cadillac, where the driver's door of the patrol vehicle was right next to the passenger side trunk of the Cadillac. He put the patrol vehicle in park and jumped out of the car with his gun drawn, pointed at the Cadillac.

Officer Lindsey yelled verbal commands to the effect of ordering the driver to show his hands and exit the vehicle. While yelling the verbal commands Officer Lindsey could see through the Cadillac's back passenger window into the driver's area. He saw the driver quickly reaching around in the front passenger area.

Suddenly, Vera-Munoz came out of the car with a gun in his hands. He recalled seeing the gun "clear as day" in Vera-Munoz' hand. Then he saw a muzzle flash from Vera-Munoz' gun and heard one shot. Vera-Munoz was pointing a black semiauto handgun over the top of the Cadillac as he fired. Perceiving that the driver was firing at Officer Wisneski, Officer Lindsey fired at Vera-Munoz until Vera-Munoz fell to the ground, moving towards the rear of the patrol vehicle as he fired. He saw Vera-Munoz go down approximately 5-10 feet away from the Cadillac. Officer Lindsey believed that he fired six or seven times at Vera-Munoz.

Officer Lindsey then called out on the radio, "shots fired!" He walked to the front of the patrol vehicle to check on Officer Wisneski. After checking to make sure there were no other occupants in the vehicle, the two officers covered the downed subject and waited for backup officers. Officer Lindsey saw a black semiauto handgun with an extended magazine on the ground near Vera-Munoz. A short time later backup officers arrived and began life saving measures on Vera-Munoz.

C. Family Interviews

Detectives interviewed family members of Mr. Vera-Munoz. They described a history of DUI arrests, a suspicion that Mr. Vera-Munoz was selling marijuana, and that they had seen him with a pistol described as having an

"extended clip". They described the Cadillac as belonging to Mr. Vera-Munoz' brother.

D. Decedent's Background

On September 18, 2013 Vera-Munoz had pleaded guilty to felony DUI and entered into the Second Judicial District Court DUI Court program. At the time of his death he was still in that program and scheduled to graduate. Also at the time of his death, Vera-Munoz was scheduled to go to trial for the felony offense of Domestic Battery Causing Substantial Bodily Harm and related charges on March 12, 2018.

II. DASH MOUNTED CAMERA

The patrol vehicle is outfitted with a dash camera that recorded audio and video of the incident. A summary of the footage follows.

The video starts as the patrol vehicle drives northwest in the 1000 block of Rock Boulevard approaching Commerce Street trying to catch up to the white Cadillac sedan. It is raining and the roads are wet. The patrol vehicle then turns north onto Commerce Street and then west onto Merchant Street. The video shows the officers activating their emergency lights and sirens as they continue to pursue after the white Cadillac westbound on Merchant. The tail lights of the white Cadillac travel away from the officers at a high rate of speed and continues to create distance. The camera loses sight of the white Cadillac as it turned north onto Sullivan Lane.

The officers turn off their emergency lights and sirens and continue to drive west towards Sullivan Lane. They turn north onto Sullivan Lane towards Oddie Boulevard as they continue the search for the Cadillac. A vehicle turns east onto Oddie Boulevard traveling at a normal speed and as they get closer to the vehicle it appears to be the white Cadillac. It is then apparent that they confirm that it is the suspect vehicle and accelerate to catch up to the white Cadillac.

The white Cadillac turns south onto Rock Boulevard from Oddie Boulevard and the officers follow after the vehicle. As soon as the white Cadillac turns south it appears to slow and nearly come to a stop.



Video still: Cadillac at Rock Boulevard and Oddie Boulevard



Video still: Cadillac at Oddie Boulevard and Rock Boulevard

As the officers turn onto Rock Boulevard the white Cadillac is approximately 20-30 yards in front of them. The Cadillac accelerates and abruptly turns into the driveway of 1100 15th Street Apartments. The officers again activate their emergency lights and siren. The Cadillac continues driving through the apartment complex parking lot eventually reaching the northeast corner of the complex.



Video still: Cadillac turning into 1100 15th Street Apartments



Video still: Cadillac in parking lot of apartment complex, sparks visible

The white Cadillac turns south around the corner of the northeastern most apartment building and then stops. The officers stop their patrol vehicle and exit. Officer Wisneski quickly advances from the passenger side of the patrol vehicle around to the front of the patrol vehicle and directly in front of the camera. His gun is drawn and pointed in the direction of the Cadillac, which is not visible. Verbal commands to get out of the car and show your hands are heard.



Video still: Cadillac stopping, northeast corner



Video still: Officer Wisneski giving verbal commands.

Officer Wisneski makes a motion to holster his firearm. As he does this a single shot is heard, causing Officer Wisneski to flinch and duck. Officer Wisneski returns fire multiple times as he falls backwards to the ground. Multiple other shots are heard off camera.



Video Still: Officer Wisneski begins to holster his duty pistol



Video still: Officer Wisneski reacts as suspect gunshot is heard



Video still: Officer Wisneski returns fire, falling backwards



Video still: Officer Wisneski falls backwards, returning fire



Video still: Officer Wisneski falls backwards, returning fire



Video still: Officer Wisneski returns fire from seated position

After returning fire, Officer Wisneski stands and is seen operating his radio and heard announcing "shots fired" as he advances off screen towards the Cadillac. Seconds later he announces "I've got one down". In subsequent radio traffic an officer announces his location, the suspect is down, that "we need medics", and that shots were fired by both the suspect and officers. Backup officers arrive and run to the scene. Shortly thereafter they approach the scene with medical equipment.

Based on the video, approximately (7) seconds lapse from the time the officers exited their patrol vehicle to the driver firing the first shot.

III. SCENE EVIDENCE

A. Scene

The suspect vehicle was located in the northeast corner of 1100 15th Street in Sparks. The officers' patrol vehicle stopped immediately to the west and slightly to the north of the suspect vehicle. Washoe County Sheriff Forensic Investigation Section personnel documented and photographed the scene and collected evidence.

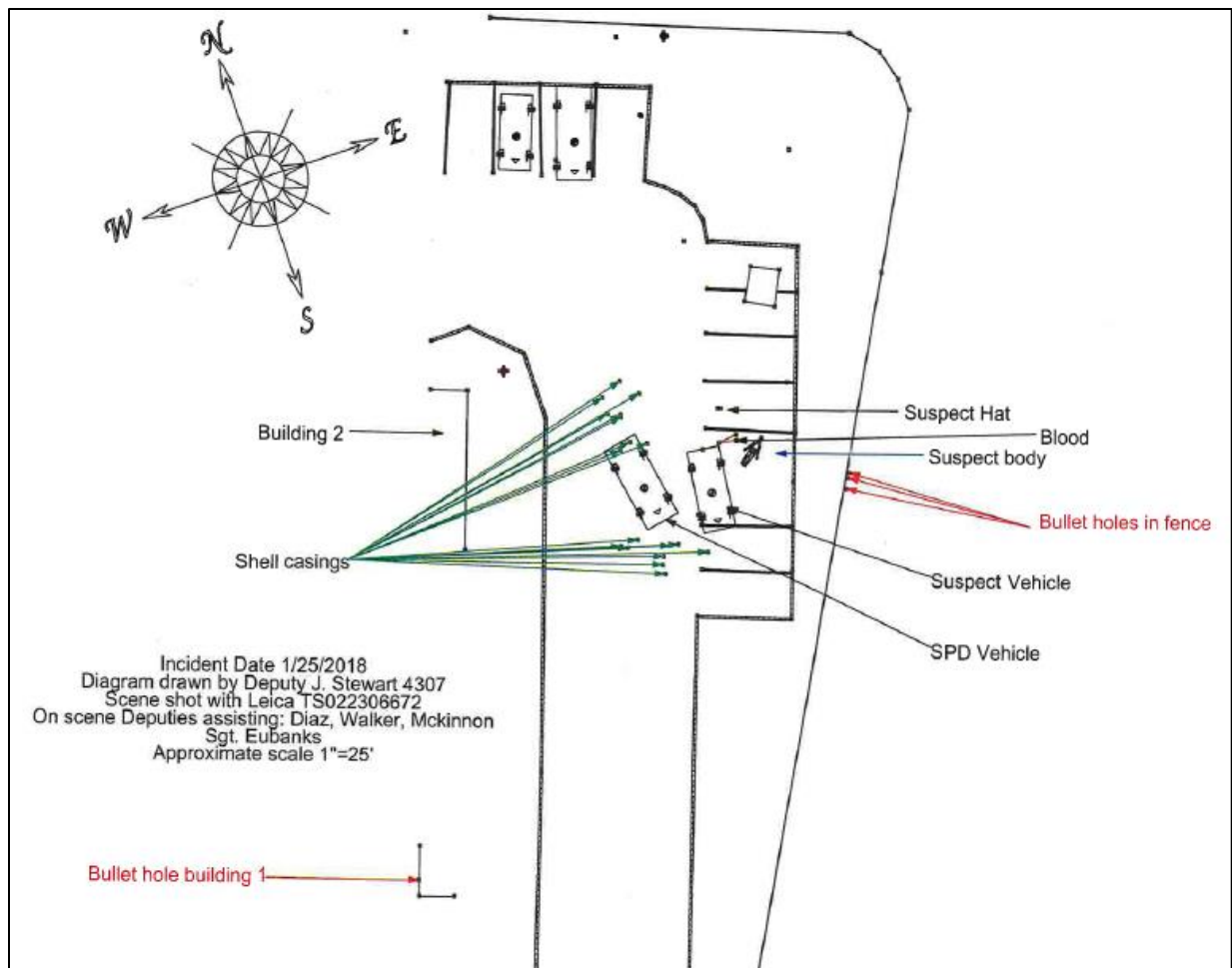


Diagram: Scene overview

The suspect vehicle was identified as a 2011 Cadillac CTS bearing NV license plate 691D01, registered to Miguel Angel Vera-Munoz. The driver's side door was ajar. The driver's side front wheel was damaged to the point of the tire being off the wheel and spokes of the rim being broken. This damage was consistent with driving on a flat or damaged tire. The driver's side rear tire was partially flat and there was no obvious damage. The engine was running and the transmission was in drive. There were several bullet strikes to the vehicle.

Sparks Police patrol vehicle 2203 is a Chevrolet Tahoe bearing NV license plate EX54765. Its front driver's, front passenger, and rear cargo doors were open.

A total of 19 fired cartridge cases (expended casings) were located on scene, as follows: 9 bearing the head stamp "FC 9 mm +P" (from the area in front of the patrol vehicle), 9 bearing the head stamp "FC 9 mm Luger" (from the area behind the patrol vehicle), and one bearing the head stamp "MaxxTech 9mm Luger" (from the suspect's firearm).

Several bullet holes were located in the area, to include in a wooden fence to the east of Vera-Munoz. It appeared that the fence was struck by 4 projectiles, which is consistent with having been fired by Officer's Wisneski and Lindsey. A single bullet strike was located in the apartment building to the south of the scene consistent with having been fired by Vera-Munoz. One bullet fragment was located within the wall and one bullet fragment was located on the ground in the area of the building strike.



Photo: Scene overview, looking south



Photo: Scene overview, looking north

The body of Mr. Vera-Munoz was located to the east of the Cadillac. He lay on his back and his shirt and jacket had been cut open in the style of medical intervention. A pop up style canopy was erected over Mr. Vera-Munoz due to the active rain and snow. Around him lay evidence of attempted lifesaving efforts to include latex gloves and a medical kit. A pair of handcuffs was secured to his right wrist. A cell phone lay near his right shoulder and a pack of cigarettes and lighter were near the body. The suspect's silver and blue Dallas Cowboys ball cap lay several feet away from him. \$200 in US currency was located in the pockets of Mr. Vera-Munoz' gray sweat pants.



Photos: recovery of bullet core from exterior wall of apartment.



Photo: recovered bullet fragment from exterior wall of apartment

B. Cadillac

At least seven apparent bullet strikes were located on the front passenger side of the Cadillac. The front passenger window was shattered in the shooting. There was a single apparent bullet hole in the windshield. The apparent path of the bullet strikes are consistent with the position of Officer Wisneski at the time of the shooting. Several expended bullets were located within the car. Both driver's side tires were damaged/flat. It appeared that the front driver's wheel and tire had been damaged by extensively driving on a flat tire.

A search warrant was executed on the Cadillac. Inside, investigators located the suspect's wallet with various identifications cards and mail in the name of Mr. Vera-Munoz.



Photo: Damage to driver's front tire



Photo: Detail approximate trajectory of shots fired by Officer Wisneski



Photo: Detail approximate trajectory of shots fired by Officer Wisneski

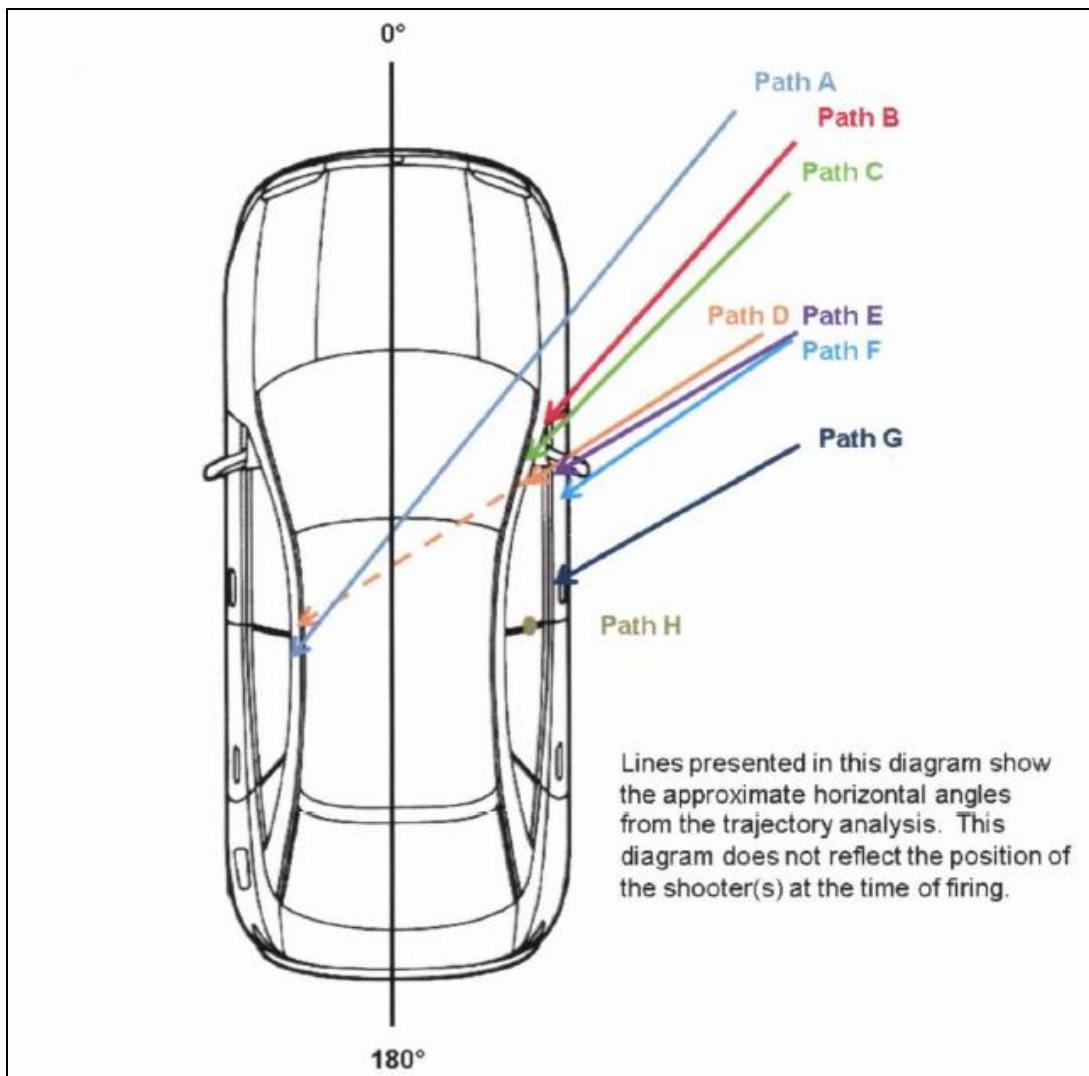


Diagram: trajectory of bullet strikes to Cadillac

C. Suspect Firearm

Responding Officer Patterson recovered a pistol from near Vera-Munoz. Officer Patterson cycled the slide of the firearm and noted that an empty shell casing was ejected in the process. This condition indicates that the firearm failed to eject the fired casing after the first shot and may explain why Vera-Munoz only fired one shot. Officer Patterson placed the firearm, magazine, and shell casing on the trunk of the Cadillac. The firearm was later identified as a 9mm Glock model 17 pistol. A 30 round extended magazine was inserted into the pistol and contained 19 cartridges bearing the head stamp "Maxx Tech 9mm Luger". The expended casing contained the same head stamp.



Photo: Suspect firearm on trunk of Cadillac



Photo: Glock 17 9mm pistol with weapon light, expended cartridge case, extended magazine, and live rounds

D. Officers' Firearms

A complete countdown of Officer Wisneski's service pistol (a 9mm Glock model 17) and magazines revealed that nine "FC 9mm +P" rounds had been fired. Officer Lindsey's service pistol (a 9mm Glock model 17) revealed that he had fired nine "FC 9mm Luger" rounds.

E. Autopsy

An autopsy was conducted on January 25, 2018 by Dr. Katherine Callahan, Assistant Medical Examiner. Dr. Callahan ruled Vera-Munoz's death a homicide due to multiple gunshot wounds. Her investigation revealed a host of injuries to the head and neck, to include; penetrating gunshot wounds of the head, perforating gunshot wound of neck/chin, penetrating gunshot wounds of the anterior-interior right neck, perforating gunshot wounds of the right paramedian upper back. In total there were six entrance wounds with five projectiles (bullets) recovered: three from Vera-Munoz' body and two from within the body bag.

Toxicology results from the autopsy revealed the presence of alcohol, cocaine, and cocaine metabolites in the decedent's blood in the following amounts: 1) alcohol concentration (BAC) of .177ng/mL, nearly twice the legal driving limit, 2) 320 ng/mL of cocaine, which is six times the legal driving limit, and 3) 840 ng/mL of the active cocaine metabolite benzoylecgonine, over sixteen times the 50ng/mL statutory limit for driving.

IV. LEGAL PRINCIPLES

A homicide is the killing of another human being, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of justifiable or excusable homicide which are lawful. The Washoe County Medical Examiner's Office has deemed the death of Vera-Munoz to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and determining whether any criminality on their part existed at the time of the shooting.

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, case law authority interprets justifiable self-defense and defense of others. All of the aforementioned authorities are intertwined and require 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 guidelines in 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".¹

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."

V. ANALYSIS

In this case, the facts illustrate that both officers had a reasonable belief that Vera-Munoz posed an immediate threat of serious physical harm or death. After a prolonged pursuit that resulted in Vera-Munoz refusing to stop and damaging his own vehicle in the process, he exited his vehicle with a heavily loaded 9mm pistol and fired from close range at Officer Wisneski. Clearly, Officer Wisneski acted in defense of his own life when he returned fire at Vera-Munoz and is justified in doing so. Moreover, Officer Lindsey was justified in his actions. He shot Vera-Munoz under the reasonable belief that Vera-Munoz was attempting to shoot Officer Wisneski. Moreover, that belief was accurate.

¹ 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.

VI. CONCLUSION

Based upon a review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the January 24, 2018 officer involved shooting of Humberto Vera-Munoz, the actions of Officer Wisneski and Officer Lindsey are warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundations upon which this decision is made, the District Attorney's review of this case is closed.