

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

June 29, 2020



REPORT ON THE JANUARY 5, 2020 OFFICER  
INVOLVED SHOOTING OF MICIAH LEE

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WASHOE COUNTY DISTRICT ATTORNEY**

# Table of Contents

I.	INTRODUCTION.....	1
II.	STATEMENT OF FACTS.....	4
A.	Area Overview.....	4
B.	Decedent Miciah Lee.....	7
C.	911 Call.....	7
D.	Timeline of events - January 5, 2020.....	8
E.	Scene at 15 <sup>th</sup> Street and Rock Boulevard.....	9
F.	Crash and Shooting Scene at Rock Boulevard and North McCarran Boulevard.....	10
G.	Witness Accounts.....	14
1.	Officer Eric DeJesus.....	14
2.	Officer Ryan Patterson.....	16
3.	Officer James Hammerstone.....	19
4.	Lieutenant James Ahdunko.....	20
5.	Susan Clopp.....	21
6.	J.L.....	23
7.	Belinda Morrigna.....	24
8.	Leon Swear.....	24
9.	Jason Wood.....	25
10.	William Clark.....	25
11.	Jeremy Johnson.....	26
12.	Julia Garcia.....	26
13.	Larisa Renner.....	27
III.	PHYSICAL EVIDENCE.....	27
A.	Body Worn Camera and Dash-Camera Footage.....	27
1.	Officer Patterson.....	27
2.	Officer DeJesus.....	32
3.	Officer Hammerstone.....	33
4.	Lieutenant Ahdunko.....	35
B.	Lee's Firearm.....	36
C.	Officers' Firearms.....	38

1.	Officer Patterson .....	38
2.	Officer DeJesus .....	39
D.	40MM Less-Lethal Single Shot Launchers .....	39
E.	2004 Silver Pontiac Grand Prix .....	41
F.	Autopsy .....	42
IV.	LEGAL PRINCIPLES .....	43
A.	The Use of Deadly Force in Self-Defense or Defense of Another .....	43
B.	Justifiable Homicide by Public Officer .....	45
C.	Use of Deadly Force to Effect Arrest .....	45
V.	ANALYSIS .....	45
VI.	CONCLUSION .....	47

## I. INTRODUCTION

On January 5, 2020, at 5:48 p.m., a 911 call was received by Sparks Police Emergency dispatch from Susan Clopp (hereinafter "Clopp"), informing them that her son, Miciah Lee (hereinafter "Lee"), was suicidal and located in front of Chuck's Boulevard Pizza, a popular restaurant on Rock Boulevard in Sparks, Nevada. Clopp added that Lee was armed with a handgun and was threatening to kill himself or "die by cop." She further informed the dispatcher the she and her two other sons were attempting to block Lee's car with their bodies so he could not leave, but felt Lee may run her or her sons over with his vehicle. Clopp also stated that Lee was mentally unstable and had a history of drug use. The information provided by Clopp, about Lee's location, his mental state, his suicidal ideation, and the fact that he was armed with a handgun was then broadcast to Sparks Police Department (hereinafter "SPD") Officers who responded quickly to the emergency.

Lee had already fled in his vehicle when the first officers arrived, with Clopp and her sons attempting to follow the vehicle on foot. Responding officers initially located and met with Clopp on 15th Street near Sparks High School and received additional information directly from her that Lee was in a silver Pontiac, that he had a gun, and that he had a bipolar disorder and other mental health issues. Clopp was in obvious distress, adding that Lee had threatened to "die by cop" or commit suicide. While several SPD officers remained on scene with Clopp and her family, additional SPD officers continued their search for Lee's vehicle.

Minutes later, SPD Officer Ryan Patterson (hereinafter "Officer Patterson") located Lee's vehicle near the intersection of 13th Street and G Street. The vehicle had its lights off and as Officer Patterson slowed to see the license plate, Lee sped away. Officer Patterson called out over the radio that he had located Lee and then watched as Lee turned his vehicle around and travelled towards 15th Street, where he turned northbound heading towards the location of Clopp, her son, and several SPD officers. Due to the nature of the call and Lee's approach towards other officers and family members, Officer Patterson initiated his lights and siren to stop Lee. Lee did not stop. Instead, he increased his speed, first to 40 miles per hour, and then to approximately 48 miles per hour in a 25 miles per hour residential area. Lee sped past his family members and SPD Officers who were taking cover from his approach on 15<sup>th</sup> Street.

At the intersection of 15th Street and Rock Boulevard, Lee struck the rear end of an occupied blue sedan that was waiting

at the stop sign. Seeing this, Officer Patterson pushed his patrol vehicle against the rear of Lee's vehicle in order to block him in and to secure Lee, thereby preventing him from causing further danger. Officer Patterson and other responding officers exited their patrol vehicles and began shouting multiple verbal commands at Lee to shut off his vehicle, to exit his vehicle, and to show his hands. However, Lee disregarded these commands and for a period of approximately 1 minute, revved his engine and repeatedly hit the occupied vehicle in front of him, in an apparent effort to physically push it out of the way. Due to the position of the blue sedan, this would have caused the vehicle to be pushed into oncoming Rock Boulevard traffic. As Lee continued to thrust into the back of the blue sedan, his own vehicle's tires began to spin and squeal as he began to create an avenue for escape.

Hoping to get a way into Lee's vehicle and gain control of him before he broke free of the vehicle block, an SPD officer fired a 40mm less-lethal foam round through the driver's side window in an attempt to shatter it and be able to physically remove Lee. However, it did not shatter, ostensibly because of the tinting on the window. Lee continued to ignore officer commands and attempt to flee. Also during this time, SPD officers began looking for a way to safely remove the driver of the blue sedan to get him out of harm's way.

By the time the foam round had penetrated the window, Lee had created enough space to maneuver his vehicle from the vehicle block and sped away northbound on Rock Boulevard into a residential neighborhood. For approximately three-quarters of a mile, Lee drove in excess of 70 miles per hour through what is a densely populated area, with a posted 25 mile per hour speed limit. At the intersection of Rock Boulevard and North McCarran Boulevard, Lee attempted to make a left-hand turn onto North McCarran Boulevard where numerous vehicles were traveling in both directions.

Lee was traveling at an excessive speed and was unable to negotiate the turn. He crashed into a brick retaining wall located along North McCarran Boulevard before his vehicle careened back across two lanes of travel where it stopped crossways on the center median of North McCarran Boulevard between both the east and west travel lanes.

Multiple officers who had been pursuing Lee arrived at the crash site and again blocked Lee's potential for travel by hitting the front and rear driver's side of Lee's vehicle. The officers quickly exited their vehicles, drew their firearms and approached Lee's vehicle, shouting numerous verbal commands at

Lee to show his hands. The commands were again disregarded. Officer James Hammerstone (hereinafter "Officer Hammerstone") and Officer Patterson approached Lee's vehicle from the driver's side door. Officer Patterson directed Officer Hammerstone to open Lee's door, which he was able to do, thereby exposing Lee.

Now able to see Lee, both officers continued to give Lee verbal commands to exit the car and show them his hands. However, Lee remained in the driver's seat, with only his right hand visible resting on the upper part of his left leg. Lee made no attempt to show his hands, exit the vehicle or respond to the officers. Instead, his left hand remained concealed near his lap area as officers continued instructing Lee to show his hands.

In response to Lee's failure to follow commands, and the potential for him being armed, Officer Patterson made the decision to release his police dog, "Cabo" (hereinafter "K9 Cabo") to help gain compliance and remove Lee from the vehicle. As trained, K9 Cabo bit Lee's left forearm. Officer Patterson then leaned into the vehicle and attempted to physically remove Lee from the driver's seat. While struggling to remove Lee, Officer Patterson saw a handgun tucked between Lee's legs. Rather than break contact, Officer Patterson, who was extremely close to Lee, made the decision to attempt to grab the gun to secure it for his and Lee's safety. As he did so, Officer Patterson saw Lee immediately slouch forward and reach for the gun.

Fearing for his life, Officer Patterson abandoned his attempt to secure the handgun, pushed off and away from Lee and drew his own firearm. As he did this, Officer Patterson yelled, "He's got a gun! He's got a gun!" and discharged five shots at Lee, striking him multiple times.

Simultaneously to what was occurring with Officers Hammerstone and Patterson, Officer Eric DeJesus (hereinafter "Officer DeJesus") had approached Lee's vehicle on the passenger side and had unsuccessfully tried to open it. Officer DeJesus watched as Officer Patterson engaged in the struggle with Lee before hearing Officer Patterson yell "gun" followed shortly by gunfire. Hearing this and believing that Lee had fired at Officer Patterson, Officer DeJesus discharged two rounds from his firearm, also striking Lee. Immediately following the shooting, SPD officers requested medical assistance for Lee. However, Lee was subsequently pronounced dead at the scene.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (hereinafter "RPD") led the investigation into the shooting of Lee. The Washoe County Sheriff's Office (hereinafter "WCSO") provided secondary

investigative support, and the Washoe County Sheriff's Office Forensic Science Division (hereinafter "FIS") provided forensic services. The Washoe County District Attorney's Office responded to the scene and was available to provide legal assistance during the investigation.

The investigation included interviewing witnesses, canvassing the shooting area for additional witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, obtaining available video evidence, reviewing medical records of Lee, and interviewing multiple officers to include those involved in the shooting.

Upon completion of the entire investigation, all police reports, along with FIS forensic reports, collected documentation, photographs, witness statements, recorded audio and video of the incident, dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office on or about May 11, 2020 for a final determination of whether the shooting of Lee was legally justified under the law. No criminal charges against Officers Patterson or DeJesus were recommended by RPD.

The District Attorney's evaluation included reviewing approximately 1000 pages of reports and documents, which included interviews of police and civilian witnesses. It further included the review of all photographs, hours of video and audio recordings, 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 Miciah Lee by Sparks Police Officer Patterson and Sparks Police Officer DeJesus was justified and not a criminal act.

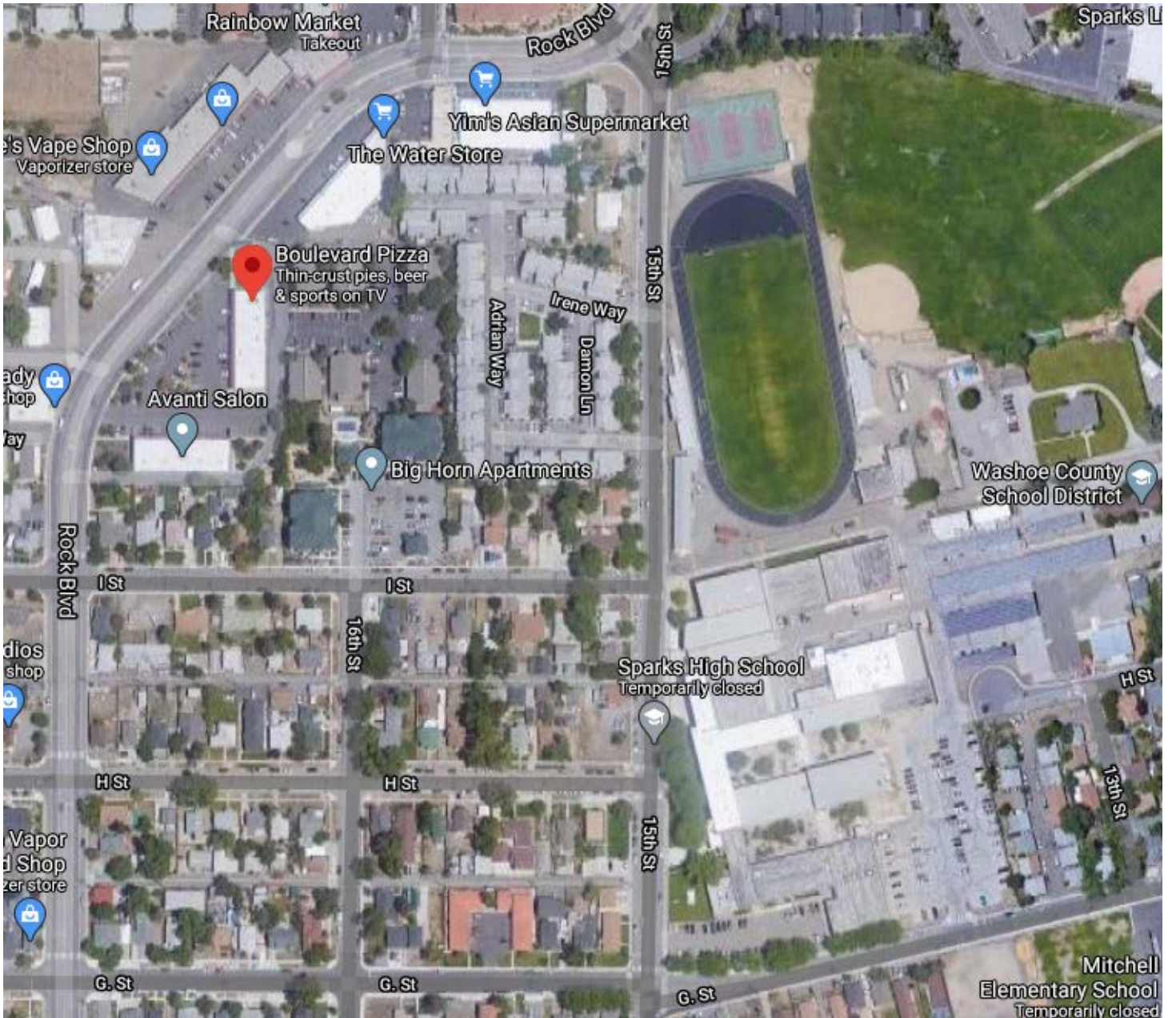
## **II. STATEMENT OF FACTS**

### **A. Area Overview**

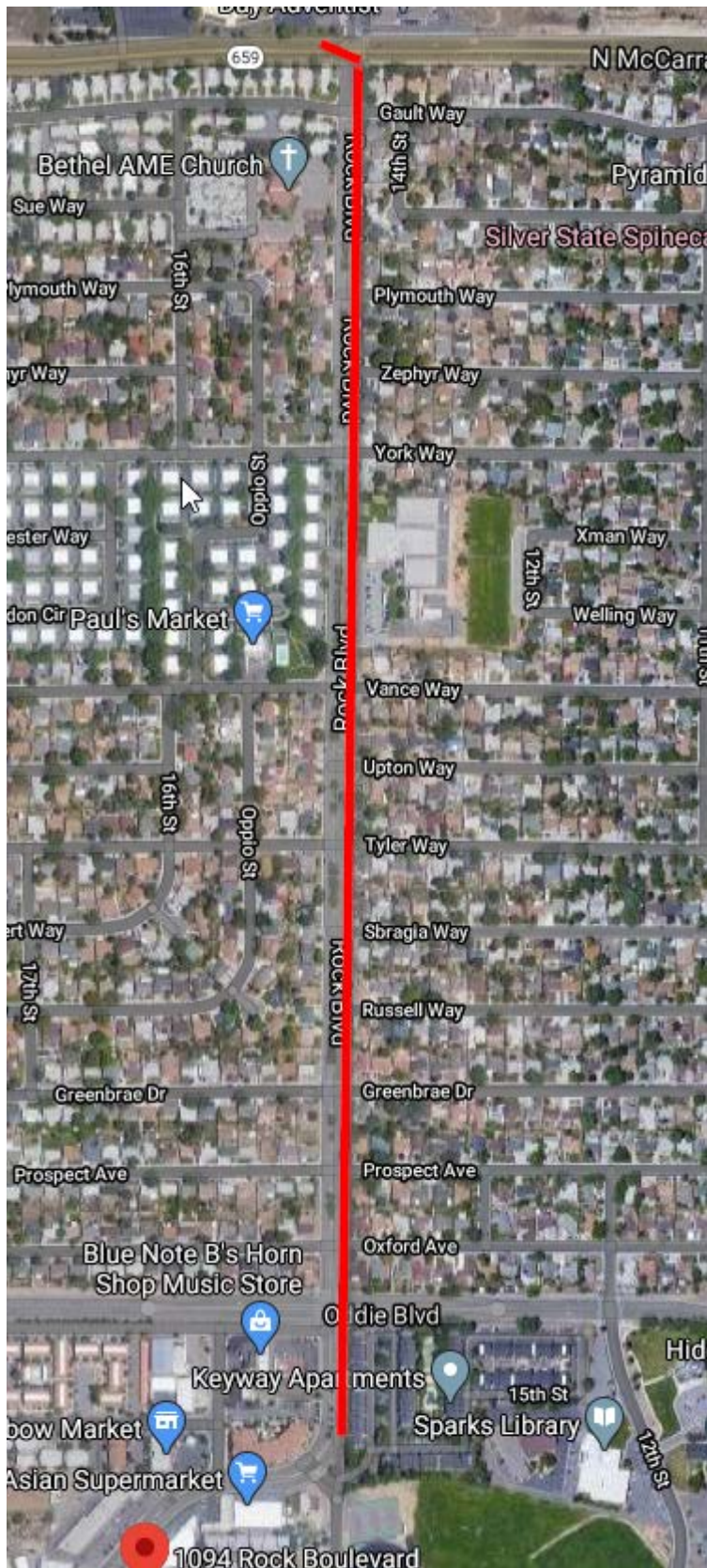
Chuck's Boulevard Pizza is a popular restaurant located on Rock Boulevard. On the evening of January 5, 2020, it was open and occupied by patrons and staff. The commercial property where it is located also houses numerous other commercial businesses. Clopp's residence where Lee had been staying for days is the apartment building immediately east of "Chuck's".

Moving south 3 blocks from that commercial property is I street, H Street, and G Street. Moving East 3 blocks from Rock Boulevard and the commercial property housing "Chuck's" is 16<sup>th</sup> Street, 15<sup>th</sup> Street, 13<sup>th</sup> Street. These intersecting blocks

contain densely populated residential areas including houses, condominiums, a senior living center, and large apartment complexes. Additionally, the Sparks High School Campus is on the east side of 15<sup>th</sup> Street. Except for Rock Boulevard, the speed limit in these densely populated areas is 25 miles per hour. Rock Boulevard is a 30 miles per hour zone until it crosses Oddie Boulevard to the North, where it decreases to 25 miles per hour.







From the intersection of 15<sup>th</sup> Street and Rock Boulevard, the location of the initial vehicle crash, Lee drove his vehicle nearly a mile on Rock Boulevard to North McCarran Boulevard (path of travel highlighted in red).

From Oddie Boulevard to North McCarran Boulevard, Rock Boulevard travels through a densely populated area consisting largely of residential homes, apartments and townhome complexes. There is also an Elementary School, a church, and a park within this area along Rock Boulevard. This stretch of street is poorly lit with a total of 8 pedestrian crosswalks and multiple intersections.

B. Decedent Miciah Lee

Miciah Lee was born May 12, 2001. His biological mother is Clopp. His biological father is Mr. Paris Fridge (hereinafter "Fridge").

Lee resided with his mother in the Reno-Sparks area until the approximate age of 10, at which time he went to live with his father in Colorado. At age 16, he left Colorado and lived with his paternal grandmother in Mississippi; however, he ultimately returned to the northern Nevada area. At 17, he was sent to Winnemucca to reside with a best friend of his paternal grandmother, Belinda Morrigna (hereinafter "Morrigna"). Morrigna was also given guardianship of Lee until he reached the age of 18. On New Year's Day, 2020, Lee returned to the Reno-Sparks area and was residing with Clopp and two of her other children at 1094 Rock Boulevard. Morrigna had allowed Lee to use her 2004 silver Pontiac Grand Prix, which would be the vehicle involved in the subsequent pursuit.

By all accounts, Lee had an unfortunate past. It was reported to law enforcement by Clopp on the evening of January 5, 2020, that Lee was threatening suicide or to "die by cop", had a handgun, and was mentally unstable. As part of this investigation, it was learned that Lee had previously threatened "suicide by cop" in the past as well. Subsequent interviews with family members and caretakers reveal a history of mental illness, misbehavior, threats of violence, drug use, and paranoia. The interviews also show indications that Lee was abused and neglected as a child.

C. 911 Call

Sparks Police Dispatch received a 911 call for service at 5:48 p.m. from Clopp, who initially reports;

"My son has a gun in the car. He's trying to leave and he's saying he's going to kill himself. He's mentally unstable, and he said he's going to die by cop or by himself...(Clopp then identifies her location as in front of Chuck's Boulevard Pizza on Rock Boulevard)."

"He's in his car trying to leave. We're trying to stop him from leaving right now...He's in a Pontiac. I have one of my kids behind and I'm standing in front... He's mentally unstable. I can't do anything. He's either going to run me or my son over...He thinks he's wanted by you guys and he's leaving. I don't know what to do...He said he's going to kill himself either by you guys or by himself."

She later informed dispatch that Lee has a history of drug use.

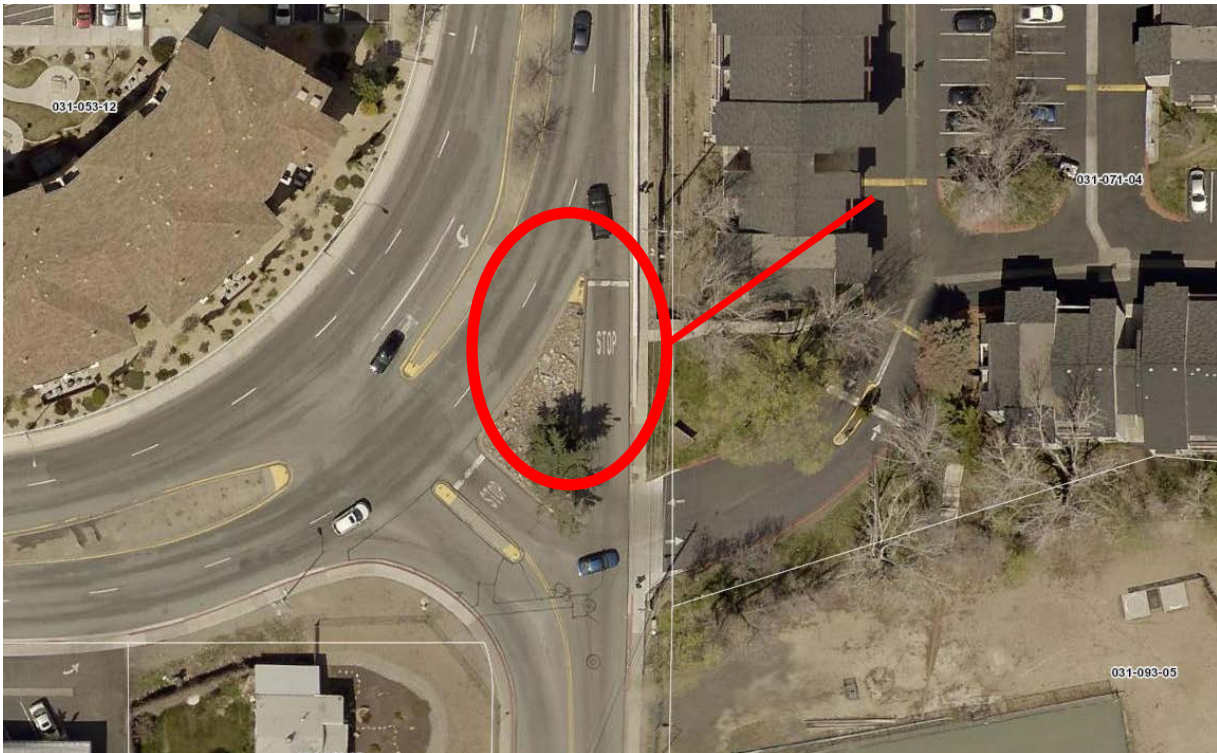
D. Timeline of Events - January 5, 2020

- 5:48 p.m. 911 call from Clopp.
- 5:52 p.m. Officers begin arriving to the area of Chuck's Boulevard Pizza to search for Lee, but officers are unable to locate him because he had fled the area.
- 5:53 p.m. Officers meet with Clopp at 15th and I Street.
- 6:01 p.m. Officer Patterson locates Lee in his silver Pontiac sedan in the area of 13th and G Street and calls out that Lee is "trying to lose me."
- 6:02 p.m. Lee is failing to yield to Officer Patterson, who has now initiated his lights and siren, and is traveling northbound on 15th Street at speeds increasing from 40 miles per hour. Officers remove Clopp for her safety slightly off 15<sup>th</sup> Street as the vehicles speed past their location. Lee then crashes into the rear of a blue sedan driven by Leon Swear at the stop sign of the intersection of 15th Street and Rock Boulevard. Officer Patterson uses his patrol truck to block Lee in.
- 6:03 p.m. Officers give multiple commands for Lee to show his hands, turn off the car, and exit the vehicle. Lee does not comply. Lee revs his engine and begins trying multiple times to push the blue sedan in front of him onto Rock Boulevard. Officers then fire foam rounds from a 40mm less-lethal single shot launcher (described in greater detail in section III(D)) at the driver's side window in an effort to facilitate the removal of Lee from the vehicle resulting in a large hole in the window. Lee then manages to maneuver out of the block between the two vehicles and flees northbound on Rock Boulevard at a high rate of speed, estimated at over 70 miles per hour in a 25 miles per hour zone.

- 6:04 p.m. Lee crashes his vehicle at Rock Boulevard and North McCarran Boulevard. Officers arrive and give verbal commands to show his hands. Lee does not comply.
- 6:05 p.m. Shots fired and medics called.
- 6:09 p.m. Lee is pronounced dead by responding emergency medical personnel.

E. Crash Scene at 15<sup>th</sup> Street and Rock Boulevard

North 15th Street ends at Rock Boulevard. 15th Street splits to a left-turn lane for southbound Rock traffic, and a yield onto northbound Rock Boulevard traffic. The left-turn lane and the other lane are separated by a triangular-shaped median.



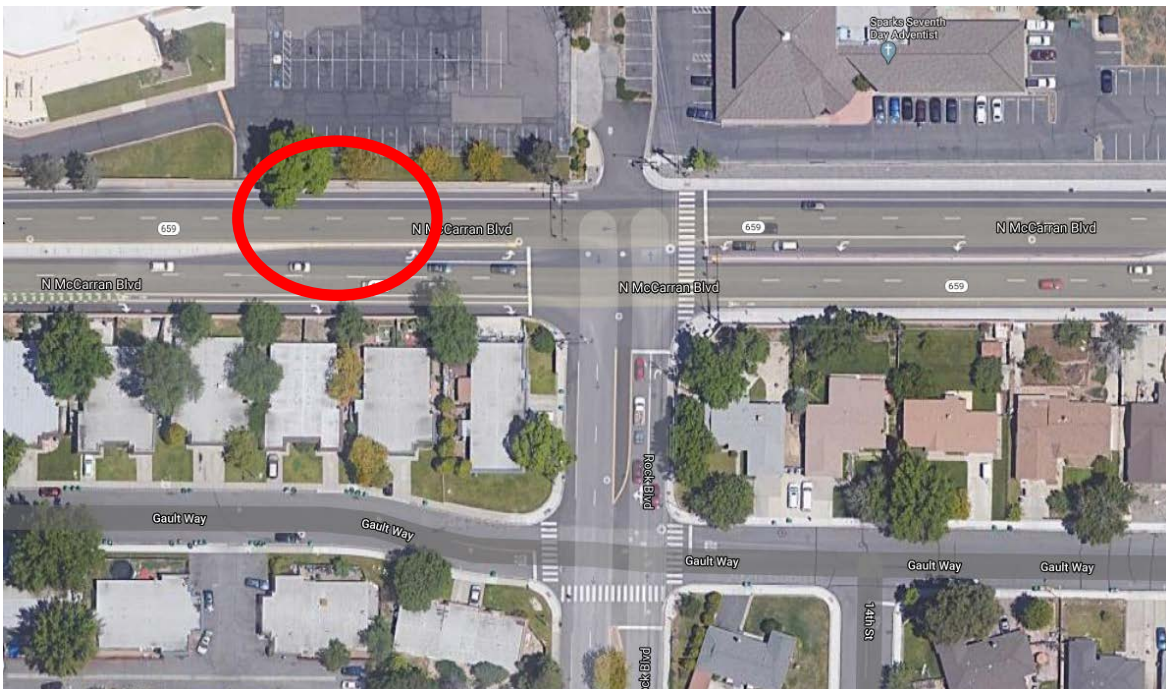
Map showing location of first crash involving Lee and Swear's vehicles.

A crash investigation and report for the area of 15th Street and Rock Boulevard was conducted and prepared by the Nevada Highway Patrol (hereinafter "NHP"). NHP concluded that both the driver of the blue Chevrolet Cobalt sedan, Leon Swear, and Lee in his 2004 Silver Pontiac Grand Prix were stopped northbound on 15th Street at Rock Boulevard at the stop sign controlling traffic entering northbound Rock Boulevard. Lee was behind Swear.

Lee moved forward, causing the front of his vehicle to strike the rear of Swear's vehicle. Both vehicles were moved prior to NHP's arrival. NHP noted minor damage to the rear of Swear's vehicle, and minor damage to the front of Lee's vehicle attributed to this crash.

#### F. Crash and Shooting Scene at Rock Boulevard and North McCarran Boulevard

North McCarran Boulevard at Rock Boulevard is an east-west directional highway, with two lanes in each direction. Northbound Rock Boulevard ends at the intersection with North McCarran Boulevard. Two churches are on the north side of the intersection. Residential housing is along the south side of the intersection.

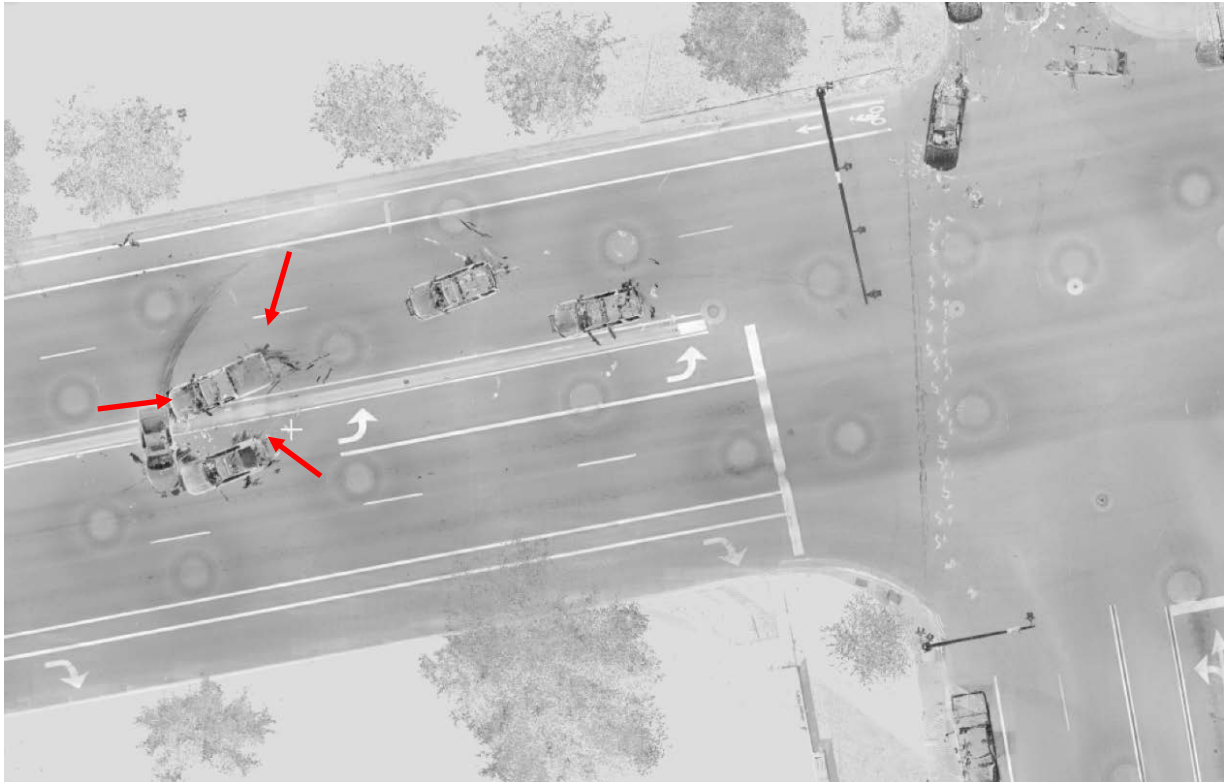


Map showing (in red circle) the approximate location of the crash and shooting.

RPD conducted a crash investigation and prepared a report related to this location. This report determined that Lee was traveling northbound on Rock Boulevard and had a steady green light at the intersection with North McCarran Boulevard. He attempted to execute a left-hand turn entering the westbound lanes of North McCarran Boulevard. Due to Lee's failure to use due care and decrease his speed his vehicle left the roadway, striking a property wall on the north side of the road with the front right of his vehicle. As he careened off the wall, the rear left portion of his vehicle also came into contact with the wall. Lee reentered the westbound travel lanes in a southbound

direction traveling across both lanes. The front of his vehicle traveled up and over the curbed center median where it ultimately came to rest with the front partially in the eastbound travel lanes of McCarran and the rear partially in the westbound travel lanes.

RPD used a scanner to take images of the scene.



3-D Imaging of the crash scene. Lee's vehicle is on the left. To the direct driver-side rear is Officer Patterson's truck. To the direct driver-side front is Officer Hammerstone's vehicle. The remaining vehicles depicted in the image represent other SPD responding patrol vehicles.



A closer view of the crash. The red arrow identifies markings on the road following Lee's course of travel, showing a path from the brick wall on the north side of McCarran.



The brick wall on the north side of McCarran where Lee crashed.



Photograph depicting road markings consistent with Lee's path of travel. Officer Patterson's truck is in the left of this image.



Photograph depicting Lee's vehicle and SPD patrol vehicles.



## G. Witness Accounts

*Witness accounts are summaries taken directly from the recorded interviews conducted as set forth in this narrative.*

### 1. Officer Eric DeJesus

Officer Eric DeJesus provided a voluntary interview on January 5, 2020, beginning at 11:20 p.m. He was interviewed by detectives from the Reno Police Department and the Washoe County Sheriff's Office. Prior to the interview, Officer DeJesus was attended to by another officer. He did not discuss the incident with that officer and he did not view his body-worn camera (hereinafter "BWC") footage prior to the interview.

Officer DeJesus is a four-year veteran of the Sparks Police Department, currently assigned to the patrol division. He is also a SWAT team member and a field training officer. On January 5, 2020, Officer DeJesus was working the swing shift, from 2:00 p.m. to 2:00 a.m. He was wearing his full police uniform, identifying him as an officer, and driving a Sparks Police-marked patrol vehicle. Officer DeJesus was carrying his firearm as more fully described in Section III(C)(1) below. He was also carrying a taser and pepper spray. His actions on January 5, 2020, were captured by his issued BWC, which was removed from his person moments after the shooting by SPD Sergeant Jason Edmonson who preserved it for use in this investigation.

That evening Officer DeJesus was carrying out general patrol duties in the area of Lincoln Way and Scheels Drive when "tones" went out over radio, an alert indicating a critical incident near the Boulevard Pizza. Officer DeJesus recalled that the caller had indicated that the subject (Lee) was threatening suicide by cop and that he was armed with a firearm. Officer DeJesus understands suicide by cop to mean that a subject is going to make some threatening action towards law enforcement, such as shooting at, attacking, or crashing into, to induce law enforcement to hurt the subject.

Officer DeJesus responded with lights and sirens to the area of 15<sup>th</sup> Street and I Street and contacted Clopp, who was in distress. She informed Officer DeJesus that her son, Lee, was in a silver Pontiac, that he had a gun, and that he had a bipolar disorder and other mental health issues.

Shortly thereafter, Officer Patterson called out on the radio that he had located the Pontiac but that Lee was not stopping and was heading northbound on 15th Street. Officer DeJesus saw Lee's vehicle driving fast with Officer Patterson behind it with his lights and sirens activated. Officer DeJesus described

Lee's speed as traveling "way over" what normal traffic speeds were in that area, but it was not "flying."

As Officer DeJesus turned his truck around, he heard that Lee's vehicle had crashed at the intersection of 15<sup>th</sup> Street and Rock Boulevard. He pulled in behind Officer Patterson's patrol truck, and at the request of another officer, he obtained his less-lethal 40mm launcher from the back of his truck. Officer DeJesus described the 40 mm launcher as a substitute for lethal cover that has a foam tip round. One of its uses is breaking windows and that was Officer DeJesus' understanding of its need in this incident.

Officer DeJesus noted that Lee had crashed (rear-ended) his vehicle into another vehicle and Officer Patterson's patrol vehicle was blocking him in from behind. Officer DeJesus described the scene as "chaos." Lee's engine was revving, and the tires were screeching as he tried to push the other vehicle forward and free his own. At no time did Lee indicate compliance. He saw Officer Hammerstone had deployed a 40mm foam round at the window of the vehicle. Officer DeJesus also fired a 40 mm foam round at the back-driver's side window with the idea that if they could break out the window then they could send Officer Patterson's K9 Cabo inside. Officer DeJesus fired one shot but did not believe he hit the window.

Lee was able to maneuver his vehicle away from the crash and vehicle block, then headed northbound on Rock Boulevard. Officers pursued, and at the McCarran intersection, an officer called out that Lee had crashed his vehicle again. Upon his arrival, Officer DeJesus saw Lee's vehicle over the median, with Officer Patterson's vehicle "right up on it." Officer DeJesus parked his vehicle to the right (passenger) side of Officer Patterson's vehicle, drew his handgun and approached to the trunk of Lee's vehicle.

Officer DeJesus explained that he drew his gun because Lee had already crashed into a car, had crashed into other property, had fled from officers giving chase, was armed with a handgun, and was not complying with officer commands. Officer DeJesus also felt as though Lee was putting lives in danger by his driving pattern.

As he approached Lee, Officer DeJesus recalled yelling multiple commands to Lee to show his hands, to which there was no response. Officer DeJesus moved to the passenger side of Lee's vehicle for a strategic viewpoint. He attempted to open the passenger-side door, but it was locked.

By this time Officer Patterson had sent in K9 Cabo via the driver-side door and began actively "wrestling" with Lee to get him out of the vehicle. He heard Officer Patterson yell, "he has a gun" multiple times. Officer DeJesus next heard multiple gunshots. Officer DeJesus recalled thinking that Lee was shooting at Officer Patterson, and he responded by firing two rounds through the passenger door window towards Lee.

Moments after the shooting, Officer DeJesus was able to open the passenger-side door and see that Lee was not moving. Officer Hammerstone came around the vehicles and removed Officer DeJesus from the situation.

## 2. Officer Ryan Patterson

Officer Ryan Patterson provided a voluntary interview on January 6, 2020, beginning at 12:39 a.m. He was interviewed by detectives from the Reno Police Department and Washoe County Sheriff's Office. Prior to the interview, Officer Patterson was attended to by another SPD officer. He did not discuss the incident with that officer and he did not view his BWC footage prior to the interview.

Officer Patterson has served with SPD for six years. He was on the SWAT team for approximately three years and as of April 2019, has been assigned to the K-9 Unit and K9 Cabo. K9 Cabo is considered a less-lethal tool and another option that can be used to disrupt a person's decision-making ability and give the officers time to gain compliance of an individual.<sup>1</sup>

On Sunday, January 5, 2020, Officer Patterson was working the swing shift, from 5:00 p.m. to approximately 2:00 or 3:00 a.m. During his shift he was wearing his full police uniform clearly identifying him as an officer with the Sparks Police Department. He was also driving his marked Sparks Police truck. Officer Patterson was carrying a firearm as described in section III(C)(2) below. His actions on January 5, 2020, were captured by his BWC, which was removed from his person moments after the shooting by Sergeant Christopher Bare, whereupon it was preserved for use in this investigation.

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<sup>1</sup> SPD's website describes its K-9 Unit as follows: The K-9 Unit was formed in 2005 with two handlers and two K-9's. The K-9's unique and superior sense of smell makes them an ideal tool for locating suspects, drugs, and other evidence that could possibly be overlooked by officers. They are trained to bite as an apprehension tool, but only in specific circumstances. They are also used to deter individuals who may otherwise choose to run from or obstruct police officers. They have proven to be highly effective at gaining compliance from resistant individuals, thereby saving officers from injury sustained by foot pursuits or physical confrontations.

Officer Patterson had just cleared from a domestic disturbance investigation and was on his way back to the Sparks Police Station to finish paperwork related to another matter when a call came out regarding a mother's suicidal son with a gun at Boulevard Pizza. He noted this is a concerning situation because the subject is suicidal with a gun in a public area during a busy time. He drove to the area with his lights and sirens activated.

Officer Patterson located Clopp on 15th Street, who he described as acting "pretty frantic." She confirmed with him that her son was "suicidal by cop." Officer Patterson understands "suicidal by cop" to mean that a person is planning to "engage an officer in a way to make us use lethal force," by doing something "that's life-threatening."

Officer Patterson continued searching for Lee. As he drove eastbound on G Street, he observed a matching silver Pontiac vehicle parked on the side of the road on 13th Street, with its lights off. Officer Patterson stopped his vehicle and backed up to look at the license plate. Lee then turned his lights on and "took off" northbound on 13th Street, away from Officer Patterson, who began following him. Lee then turned left (west) into a small housing complex that turns south and exits back onto G Street. Lee turned right, heading westbound on G Street, and then turned right, heading northbound on 15th Street, towards the location where officers were located with Clopp and Clopp's other sons.

Officer Patterson became concerned at this point given the nature of the call and the uncertainty of Lee's mental state. Specifically, he was worried about the possibility that Lee may be "crazy enough to like drive into other people." Furthermore, considering that Lee was reportedly "suicidal by cop" he feared that Lee's escape created potential for a future incident with other officers from a different agency who may be unaware of his situation. Consequently, Officer Patterson decided at that point to initiate a traffic stop by activating his emergency lights, hoping Lee would stop prior to reaching the location of the other officers and Clopp. Instead, Lee increased his speed. First to 40 miles per hour, and then increasing to approximately 48 miles per hour, in a 25 mile-per-hour zone. Officer Patterson requested permission over the radio to perform a PIT maneuver in order to destabilize Lee's vehicle.<sup>2</sup> However, Officer Patterson never utilized the PIT technique.

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<sup>2</sup> The PIT maneuver (pursuit intervention technique) is a pursuit tactic by which a pursuing car can force a fleeing car to turn sideways abruptly, causing the driver to lose control and stop.

Lee continued to flee and did not stop his vehicle. As Lee reached the intersection with Rock Boulevard, a smaller blue-colored sedan was stopped at the stop line and Lee struck it. Officer Patterson decided to strike Lee's vehicle and block him in, in an effort to contain the vehicle to the area and have "a chance of getting this guy out and resolving the issue."

Officer Patterson exited his patrol vehicle, drew his firearm, identified himself, and gave verbal commands to Lee to put his hands up and get out of the car. Lee was not heeding commands or indicating any sign of compliance. Instead, Lee began revving his engine and spinning and smoking his front wheels, as well as actively trying to push the blue vehicle forward and disengage from the vehicle block. While still cognizant that Lee possessed a firearm, Officer Patterson called for another officer to block in the blue sedan so that its driver could be safely removed. Officer Patterson also called to other officers for a 40mm foam launcher. He hoped to shatter the window thereby giving an avenue for K9 Cabo to enter Lee's vehicle, giving officers more options to diffuse the situation. Officer Patterson recalled Officer Hammerstone's third shot with the 40mm launcher going completely through the window instead of shattering it due to the tint holding the glass together. At this point Lee was able to squeeze out of the block and speed away northbound on Rock Boulevard.

On Rock Boulevard, Lee was traveling approximately 70 miles per hour. Upon navigating the left, westbound turn onto North McCarran Boulevard, Officer Patterson observed Lee's vehicle had either spun out or was struck by another vehicle, since it was stopped across the median resting in both directions of travel lanes. Officer Patterson believed that if this situation continued the public was at great risk. Specifically, he noted that Lee had already slipped his car from a block, refused to comply with commands, and had driven over 70 miles per hour on Rock Boulevard. As such, he decided to strike Lee's vehicle with his own to "jar" him and slow his decision making so officers could execute a plan.

Officer Patterson immediately exited his vehicle and drew his firearm. He directed Officer Hammerstone to open the driver-side door so that he could try using K9 Cabo. He then holstered his firearm and pulled K9 Cabo from his kennel. As Lee's door was opened, Officer Patterson stated he could see Lee's left hand, but his right hand was partially hidden. Officer Patterson gave additional commands for Lee to show his hands, but these were ignored. He gave K9 Cabo the bite command and "threw" him onto Lee.

While K9 Cabo engaged Lee, Officer Patterson made contact with him and attempted to physically pull him from the vehicle. While doing so, he looked down and discovered a firearm, described as a Glock, pointing towards Lee's crotch with the handle pointing up. Officer Patterson described what happened next as follows:

"it (the gun) was in a position where if he were to reach down and grab it, it would be easy for him to point it at me or someone else or him, so as soon as I saw the gun, um... I was like okay, this is a perfect time to try and grab it cause my dog is on the bite and so I go to grab the gun and he has the like wherewithal to not even like... he doesn't even hesitate, he like slumped... slouches over, like his arm shoots this way and I don't even remember getting ahold of the gun at all um... so I yell out, 'He's got a gun! He's got a gun,' and when he went for it and I wasn't able to grab it, I'm like okay, well this isn't a fight that I even wanna try and win. He's already threatened suicide by cop and I felt like he was gonna freaking kill me, the way like... he was so committed. He didn't even say anything when my dog was on the bite, he didn't react at all and he immediately reacted to me going for the gun..."

Officer Patterson then pushed off, drew his firearm, and fired "four to five" times. Officer Patterson was not aware of any other officers having fired shots.

Officer Patterson holstered his weapon and returned K9 Cabo to his kennel inside his vehicle.

### 3. Officer James Hammerstone

Officer James Hammerstone was interviewed at the Sparks Police Station on January 5, 2020, at 11:19 p.m. by a detective from the Reno Police Department and a detective from the Washoe County Sheriff's Office.

On January 5, 2020, Officer Hammerstone was finishing a trespassing call when he heard "tones" regarding a mother reporting that her son was armed with a handgun and was suicidal at Boulevard Pizza. Officer Hammerstone responded to that location and arrived with two other officers. He obtained his 40mm foam launcher and began searching for a Pontiac, pursuant to the call.

After a few minutes of searching, he learned that the reporting party, Clopp, and Lee had already left the area of Boulevard Pizza. Officer Hammerstone returned to his vehicle and

continued canvassing the area. Upon learning over the radio that Officer Patterson had located Lee, Officer Hammerstone began driving northbound on Rock Boulevard, parallel with Lee and Officer Patterson's travel direction on 15th Street. Officer Hammerstone arrived at the crash scene at 15th Street and Rock Boulevard with his overhead lights activated.

Officer Hammerstone, who had exited his vehicle, had drawn his handgun and was in a position 90 degrees to the west of Lee's vehicle. Other officers were shouting commands at Lee. Lieutenant James Ahdunko (hereinafter "Lieutenant Ahdunko") directed him to use his 40mm launcher to shoot the window. His third shot punched a hole in the window, but it did not shatter it.

Lee was able to squeeze out of the block by turning his wheel and revving his engine, allowing his vehicle to push the vehicle in front of it and slide the bumper sufficient to escape. Lee then headed northbound on Rock Boulevard, with Officer Hammerstone in chase, behind Officer Patterson, who was behind Lieutenant Ahdunko. At the intersection with North McCarran Boulevard, Officer Hammerstone took a left turn and found Lee's vehicle straddling the median. He decided to strike the driver's side front bumper so that Lee would be unable to escape in the vehicle and the threat of further harm was removed. Officer Hammerstone exited his vehicle with his firearm drawn. Officer Patterson directed him to open the front driver-side door. Officer Hammerstone made his way around the rear of his vehicle and towards Lee's. He could see Lee looking at him through the hole in the window of his vehicle with a "weird stare in his eyes."

Officer Hammerstone opened the door and observed Lee's right hand underneath his legs. For that reason, Officer Hammerstone kept his firearm aimed at Lee. While Officer Patterson tried to physically remove Lee from the vehicle, Officer Hammerstone still noticed Lee's hand was down. At that time, he heard Officer Patterson and Officer DeJesus fire several rounds at Lee.

Officer Hammerstone jumped between the vehicles and removed Officer DeJesus from the situation, who was still covering Lee with his firearm. A Sergeant removed and preserved Officer Hammerstone's BWC, and he was directed to drive Officer DeJesus back to the Sparks Police Station.

#### 4. Lieutenant James Ahdunko

Lieutenant James Ahdunko was interviewed by detectives with the Reno Police Department and the Washoe County Sheriff's Office on January 5, 2020, at 9:07 p.m. Lieutenant Ahdunko is a 15-year veteran with the Sparks Police Department. He is the Watch

Commander for the swing and graveyard shifts. His uniform identified him as Sparks Police, as did his fully-marked patrol vehicle.

Lieutenant Ahdunko recalled hearing the radio call from a mother reporting that her son was suicidal, wanted "suicide by police," had a firearm, and he was sitting in the parking lot of Boulevard Pizza. Lieutenant Ahdunko described this as a "red flag" because Lee was out in public in front of a potentially crowded restaurant. He therefore directed units to respond to ensure Lee did not enter that restaurant. He responded as well.

When Officer Patterson located Lee, Lieutenant Ahdunko pulled over on 15<sup>th</sup> Street as Lee and Officer Patterson drove by heading northbound towards Rock Boulevard. Lieutenant Ahdunko estimated Lee was traveling at approximately 40 miles per hour.

Lieutenant Ahdunko began to follow and came upon the crash at 15th Street and Rock Boulevard. He then observed Lee spinning his tires and creating a gap between the blue car Lee had struck and Officer Patterson's patrol vehicle. He believed based on his experience that Lee would soon "pop" out of the block so he directed Officer Hammerstone to shoot a window out with a 40mm foam launcher. He was also concerned for the driver in the vehicle in front of Lee's. Lieutenant Ahdunko's thought was to break out the window and send the K-9 into the vehicle to control Lee before he could drive again. Officer Hammerstone's third shot struck the window, putting a hole in it, but the tint prevented it from shattering.

At that point Lee broke loose from the block and headed north on Rock at a high rate of speed. Lieutenant Ahdunko was concerned for the safety of the public. He'd received information that Lee had a firearm and was suicidal. Lee was in a public place ignoring commands and had just broke out of a police "block."

Lieutenant Ahdunko was the first behind Lee as he drove on Rock to North McCarran Boulevard. At the intersection with McCarran, Lieutenant Ahdunko blocked traffic to allow others a safe pursuit around the corner, at which time he could see that Lee had crashed. Officers Patterson and Hammerstone both engaged Lee's vehicle. After Lee's door was opened, the K-9 was deployed. Lieutenant Ahdunko then saw Officer Patterson take a step back and fire what he described as four-to-five rounds. He recalled that Officer DeJesus shot once. Lieutenant Ahdunko then observed that Lee was alone in the vehicle and was deceased. Medics responded thereafter and Lee was pronounced dead.



5. Susan Clopp

Clopp was interviewed on January 5, 2020, at approximately 9:00 p.m. at the Sparks Police Station by investigating detectives from the Reno Police Department and the Washoe County Sheriff's Office.

Clopp is the mother of five children, including Miciah Lee. She resides with two of her sons, Jovanni (23) and J.L. (16). Lee had been staying with Clopp for "three or four" days leading up to January 5. Prior to that, he was staying in Winnemucca with a friend of Lee's paternal grandmother, Morrigna.

Lee's father is Fridge. Clopp and Fridge do not have a speaking relationship, but Clopp stays in contact with Fridge's mother, Angela, in Mississippi. Lee was raised by Clopp from birth to age 10. At that point, he went to live with Fridge in Colorado until he was 16 years of age. Then Fridge had Lee stay with Fridge's mother in Mississippi.

According to Clopp, Lee had a troubled past with mental health and drug abuse challenges. Clopp stated his mental health issues manifested at an early age. Clopp identified Lee as having a "history of manic depressant and bipolar." Clopp shared her knowledge of Lee's drug usage, including marijuana, cocaine, and heroin. Clopp also shared her concerns with Lee's "anger issues" and aggression. She explained that Lee has told her several times in the past that he would fight with the police if he's ever being apprehended, and that "they're gonna have to kill me." He said that he would not go to prison and that he would "fight it out" with police, and they would have to shoot him.

During the "three or four" days that Lee had been staying with Clopp prior to January 5, 2020, she could see that Lee was not "okay, like he was high." Lee was acting paranoid and had an ideation that police were looking for him, although he would not elaborate. Lee felt bad that Clopp and Jovanni were working hard and paying the bills and Lee did not feel as though he deserved to stay with them.

The day prior, on January 4, 2020, Clopp found Lee with a gun tucked in his waistband while he was sleeping. Clopp and Jovanni tried to remove the gun, but Lee woke up and held onto it. Later, Clopp asked Lee to keep the gun in his backpack. She did not see the gun again until January 5, 2020. Clopp believed that Lee brought the gun from Winnemucca.

On the evening of January 5, 2020, Jovanni called Clopp as she was leaving work. He was emotional, stating that Lee was trying to leave with the gun and that he was going to kill himself.

Jovanni informed Clopp that Lee was in his car, a 2004 silver Pontiac GT that Morrigna had purchased for him. After being dropped off at her apartment after work, Clopp found Jovanni standing at the back of Lee's vehicle and J.L. blocking Lee's vehicle at the front. At some point, Clopp said she could see through Lee's window that he had a gun laying on his lap. She described it as a 9mm with a clip. Clopp told Lee she was not going to let him leave with a gun in the car, but he only responded with a "blank" look on his face, "like he didn't care, like he was shut off emotionally."

Clopp called Lee's paternal grandmother, Angela, and explained the situation. Angela urged Clopp to call the police, fearing that "he's gonna hurt himself or somebody else." Clopp tried calling her husband several times and then the police.

As Lee continued "inching" his vehicle forward, he shouted through the window for Clopp to "get out of my fuckin' way, bitch!" Ultimately Clopp moved "because I didn't know if he was gonna hit me." Jovanni continued holding onto the side of the vehicle and followed it for some time as Lee tried to get onto Rock Boulevard. Lee eventually drove onto 15<sup>th</sup> Street by Sparks High School and drove away. Clopp attempted to follow Lee on foot, but he sped off.

Officers contacted Clopp on 15th Street, near Sparks High School. She stated that she told them that Lee was suicidal, that he had mental health issues, that he wasn't "goin' to willingly go," and that she asked them to not shoot Lee. She stated that she told officers Lee had a gun, and that it was in his lap. Later, she saw Lee drive by their location. Other officers with her directed her to get out of the street as Lee was approaching.

Clopp was thereafter picked up by her husband, Deon. They listened to a police scanner from Deon's phone and heard a call out of "shots fired."

#### 6. J.L.

J.L. was interviewed on January 5, 2020, at approximately 10:30 p.m. by detectives with the Washoe County Sheriff's Office and the Reno Police Department. J.L. is the juvenile half-brother of Lee.

On the evening of January 5, 2020, Lee was acting paranoid and wanted to leave. J.L. described that "he wasn't in the right mind place" and that he had a "distant look." Lee told J.L. that he would not see him again. Lee felt as though few people loved him, that everyone was against him, and that people were "watching" him. Lee went to his car, and J.L. and his other

brother Jovanni followed. J.L. sat in the backseat and Jovanni sat in the front passenger seat, trying to talk him out of leaving. Lee lamented that his "life's over," that he had "fucked up" and "ruined everyone else's life." Earlier in the day J.L. explained that Lee talked about wanting to hurt himself.

Both brothers urged Lee to stay. Both brothers then got out of the vehicle and blocked it in with their bodies. Jovanni even followed Lee around the parking lot while holding on to the vehicle.

J.L. stated that Lee had a gun, but he did not see it on the evening of January 5<sup>th</sup>.

#### 7. Belinda Morrigna

Belinda Morrigna was interviewed by phone on January 7, 2020, by a detective with the Reno Police Department. Morrigna was Lee's most recent guardian, until he was to turn 18 years of age. She is also Lee's paternal grandmother's best friend.

Morrigna met Lee when he was only two years old. When Lee returned to Reno after living in Mississippi, Clopp tried to find another place for him to go and ultimately signed guardianship over to Morrigna in Winnemucca. She felt that Lee was paranoid, depressed and suicidal. She relayed concerns of abuse and neglect faced by Lee when he was young.

Just before Thanksgiving 2019, Morrigna believed that Lee was noticeably different, in that he was deeply depressed, malnourished and suicidal. Lee informed her of his drug use. He also told her he would not live beyond the year 2020, though he never overtly expressed a plan to kill himself. He told her that he had done things to deserve going to prison, but did not specify. He stated that he would rather die than go to prison.

Morrigna stated that Lee had shown her a "police gun" that he had in his possession, around Christmas time, 2019. Lee then expressed a desire to return to Reno to see his brothers, so Morrigna allowed him to take her silver Pontiac Grand Prix and he left on New Year's Day.

#### 8. Leon Swear

Leon Swear (hereinafter "Swear") was interviewed on January 5, 2020 at 8:47 p.m. by a detective from the Reno Police Department and a detective from the Washoe County Sheriff's Office. Swear was the driver of the blue sedan involved in the first crash at 15th Street and Rock Boulevard.

Swear had stopped at a 7-Eleven convenience store and was heading home, driving northbound on 15th Street toward the

intersection with Rock Boulevard, when he saw headlights and police lights approaching from behind. Swear stopped at the stop sign at that intersection. The approaching vehicle from behind him did not appear to slow down significantly and rear-ended his vehicle. Swear continued to hold the brakes while the vehicle behind him continued striking, "ramming" or otherwise pushing his vehicle forward approximately 8 times. Swear felt that if he were to release his brake, he could have been pushed out into travel lanes of Rock Boulevard. Also, he felt that he needed to keep his brake engaged to help officers attempting to remove the driver of the other vehicle.

While this was transpiring, Swear could hear officers yelling at the other driver (Lee) to exit his vehicle, to stop, and to turn off the vehicle. Swear also saw officers utilize what he believed to be a "non-lethal" device to shoot at Lee's window.

After Lee had fled and officers pursued him, Swear drove his vehicle north to Rock and McCarran, where he waited for officers to contact him. Swear did not see any percipient events from that second scene.

#### 9. Jason Wood

Jason Wood (hereinafter "Wood") was interviewed on January 5, 2020, at 9:21 p.m. by a detective from the Reno Police Department and a detective from the Washoe County Sheriff's Office. Wood is a sergeant with the Washoe County Sheriff's Office, who was off-duty during these events.

On the evening of January 5, 2020, Wood was at the intersection with Rock and McCarran, traveling eastbound. Wood heard screeching of tires and looked up to see a vehicle (Lee) traveling at a high rate of speed trying to turn west onto McCarran from Rock. He estimated the speed of that vehicle to be 80 miles per hour. Wood saw the vehicle strike the concrete wall on the north side of McCarran and ended up on the center median. He made a u-turn (now facing west) to assist, and as he prepared to call 911 he heard approaching sirens.

Wood watched as one patrol vehicle "smacked" into the rear of Lee's vehicle. Officers exited their vehicle and ordered Lee out of his vehicle several times. Officer Patterson removed his K9 and returned to Lee's vehicle as the commands to exit the vehicle continued. Wood also heard one officer yell, "He's got a gun," and after a brief pause, he heard shots fired.

#### 10. William Clark

William Clark (hereinafter "Clark") was interviewed on January 9, 2020, by a detective with the Reno Police Department.

On the evening of January 5, 2020, Clark was on North McCarran Boulevard in the eastbound travel lane at the intersection with Rock, stopped for a red light. He looked up when he heard the sound of a "car losing control." Clark watched the vehicle (Lee) slam into a retaining wall, careen off it, and ultimately come to a rest over the median.

At this time, he heard and saw sirens and flashing lights. He watched a police vehicle ram Lee's vehicle. Clark saw several other police vehicles arrive and several officers begin shouting commands to show his hands and to exit the vehicle. He could also hear a K9 barking, though he did not see it. Moments later, Clark heard gunshots.

11. Jeremy Johnson

Jeremy Johnson (hereinafter "Johnson") was interviewed at his residence on January 9, 2020, by a detective with the Reno Police Department. Johnson was near the scene of the crash and shooting. He recorded a part of the incident. The video had been posted on social media. Consequently, detectives identified and located Johnson, to inquire whether he could add substantively to their investigation.

Johnson explained that he was driving and watched a car (Lee) crash in front of him, so he "slammed" on his brakes. After the crash, multiple police vehicles came around the corner. Johnson stated he watched them "smash" into Lee. Officers then exited their vehicles and for approximately 30 seconds were giving commands with their guns drawn. Johnson relayed that his video did not capture this part, but that he began recording after officers had been giving commands. Johnson felt as though he heard a first gunshot that sounded different than the officers' gunshots, and he assumed that the driver shot at the officers, but admitted he was not sure of that.

As he passed by, he believed several officers appeared upset, having observed "a couple of cops leaning over the side of their car with their heads down."

12. Julia Garcia

Julia Garcia was interviewed on January 7, 2020, by a detective with the Reno Police Department. Garcia was on North McCarran Boulevard on January 5, 2020 during the shooting. Near the intersection of Rock Boulevard and North McCarran Boulevard, Garcia stated that several police cars passed her with lights and sirens on. She saw Lee's vehicle facing south. A Sparks police truck slammed into the vehicle, and then she could hear officers yelling loud verbal commands, but she could not decipher their exact words. She then heard several gunshots.

### 13. Larisa Renner

Larisa Renner (hereinafter "Renner") was interviewed by detectives with the Reno Police Department and the Washoe County Sheriff's Office on January 5, 2020, at 9:38 p.m. Renner is part of the Mobile Outreach Safety Team (hereinafter "MOST") and was riding with Sparks Police Officer Casey Foster (hereinafter "Foster") on the night of January 5, 2020. Members of MOST ride with officer from the three major law enforcement agencies in Washoe County to assist with mental health crisis calls.

When a call came out for the incident described herein, Officer Foster responded as he was one of the closest in proximity. They had previously been nearby at Deer Park Apartments resolving a separate matter. After not locating Lee in the parking lot of Boulevard Pizza, they left and began searching in their police vehicle. Officer Patterson then located Lee, and Officer Foster and Renner followed. At the first crash scene, Renner stayed in the vehicle, but could see Lee spinning his tires trying to leave. She could hear as officers gave verbal commands to Lee. Once Lee broke free, he fled north on Rock Boulevard and they followed. At the crash scene at Rock Boulevard and North McCarran Boulevard, she heard officers again giving verbal commands, she saw Officer Patterson get the K9 from his vehicle, and then she heard approximately five shots.

Renner then tended to a vehicle to her right with a witness (Garcia) who was noticeably shaken. Renner spent a few minutes with the witness and helped arrange for her to leave after officers obtained her contact information.

### **III. PHYSICAL EVIDENCE**

#### A. Body Worn Camera and Dash-Camera Footage

##### 1. Officer Patterson

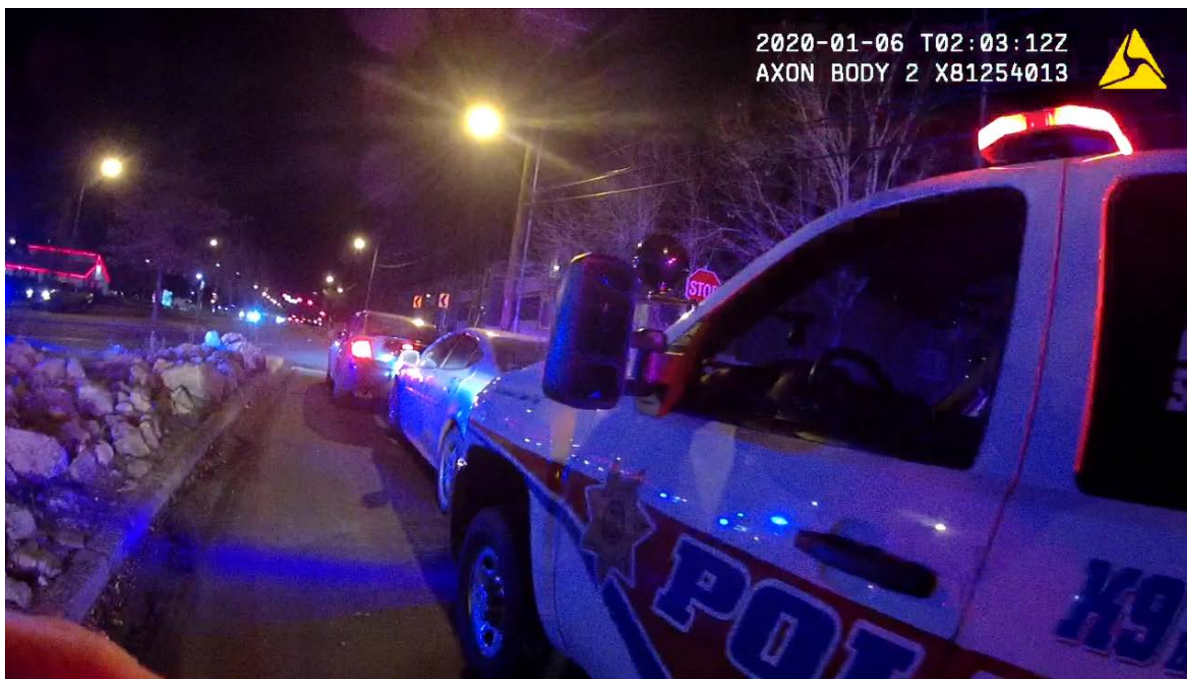
Officer Patterson's BWC was activated during all pertinent events related to this investigation. The BWC was taken from Officer Patterson after the shooting and preserved by Sergeant Christopher Bare. The BWC was provided by investigating detectives as part of this investigation.

The BWC footage confirms Officer Patterson's initial contact with Clopp, including her statements that Lee had a gun and the threat of suicide by cop. The BWC footage shows Officer Patterson following Lee, but the exact locations are not seen on camera while he drives his vehicle, as the camera position is low on the officer's chest. Nevertheless, Officer Patterson is heard giving his location changes while following Lee.

At the scene of the initial crash at 15th Street and Rock Boulevard, from the time that Officer Patterson arrives to the crash to the time that Lee breaks out of the block is 1 minute, 7 seconds. Upon arrival at the crash, Officer Patterson yells the following commands:

- "Sparks Police K9, stick your hands up right now!"
- "Sparks Police K9, get out of the car!"

At this point Lee begins revving his engine. It is apparent he is attempting to push the vehicle in front of him out of the way. His tires are squealing as he repeatedly hits the vehicle in front of him.



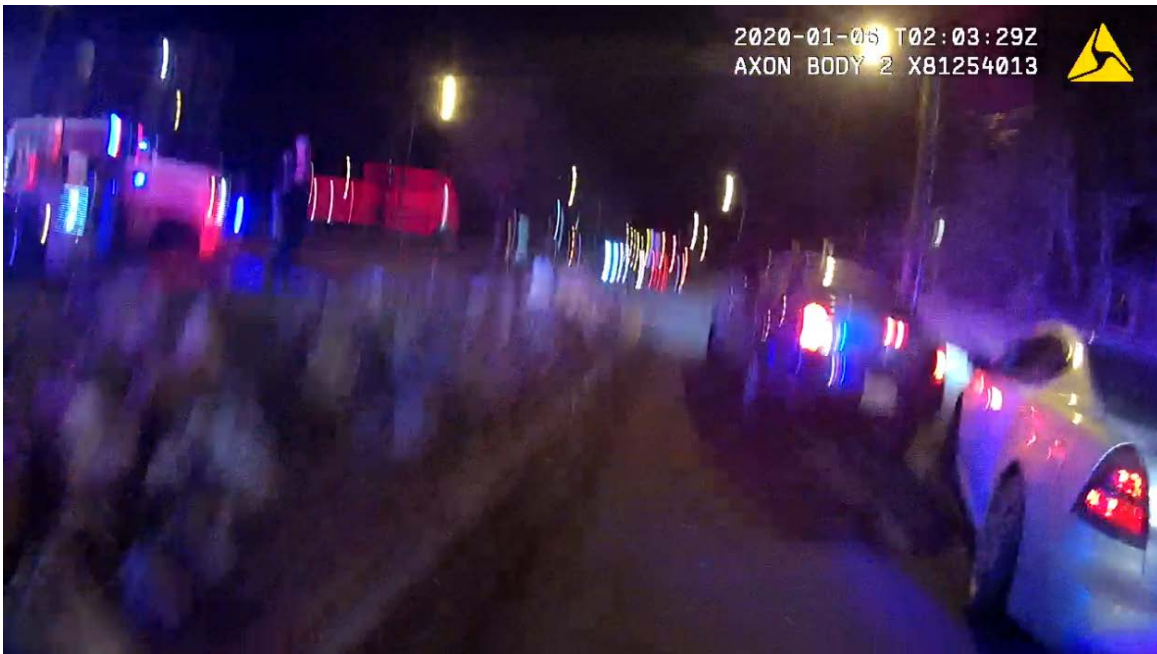
View from Officer Patterson's BWC showing Lee's Pontiac Grand Prix blocked in. During this time Lee is actively revving his engine and squealing his tires trying to push the blue sedan forward.

Officer Patterson yells the following additional commands, but they are unheeded and the vehicle continues revving its engine and squealing its tires.

- "Sir, stick your hands up right now!"
- "Sparks Police K9!"
- "Sparks Police K9, stop right now!"
- "Hey, get out of the car right now! Let me see your fucking hands!"

Officer Patterson removes K9 Cabo from the vehicle after verbalizing these commands, while Lee is still squealing his

tires. Lee slips from the block 16 seconds after this last command, and the pursuit continues northbound on Rock Boulevard.



View from Officer Patterson's BWC depicting the moment Lee was able to slip out of the block and begins heading north on Rock at over 70 mph.

Officer Patterson's vehicle is seen traveling at high speeds on Rock Boulevard in pursuit of Lee. After Lee crashes on North McCarran Boulevard, Officer Patterson makes contact with the rear of Lee's vehicle. Officer Patterson exits and makes the following commands within a span of 15 seconds, all of which go unheeded by Lee.

- "Let me see your fucking hands right now!"
- "Let me see your fucking hands, now!"
- "Let me see your fucking hands!"
- "Give me your hands, now!"
- "Let me see your fucking hands right now!"





View from Officer Patterson's BWC immediately after he struck Lee's vehicle and as he began shouting verbal commands. The hole in Lee's window from the 40mm foam projectile is visible.

During these 15 seconds, Officer Hammerstone has opened the driver-side door of Lee's vehicle so Lee could be seen.



View from Officer Patterson's BWC showing Officer Hammerstone approaching Lee's vehicle to open the door.

Lee still does not comply with the commands of Officer Patterson or the other officers on scene and kept one hand hidden. From the BWC, at the time the door is opened, Lee's right hand appears to be showing, but his left hand is tucked away and hidden from view.



View from Officer Patterson's BWC. Officer Hammerstone is seen in the left of the image. Lee's right hand is showing, but his left hand is hidden.

After the 15-second period, Officer Patterson gives K9 Cabo a signal and K9 Cabo engages Lee. At that point, Officer Patterson also engages Lee and additional commands are given.

- "Let me see your fucking hands!"
- "Get out of the fucking car!"
- "Get out of the car!"

Officer Patterson's firearm is not out at this time; however, after this final command, Officer Patterson calls out, "He's got a gun! He's got a gun!" Officer Patterson steps back, removes his firearm from its holster and fires five shots. After these initial five shots, two additional shots are heard being fired by Officer DeJesus.

Officer Patterson immediately controls K9 Cabo and places him back into his kennel within the vehicle. Eleven seconds after the shots were fired, Officer Patterson verbally explains, "He was reaching for his gun." Officer Patterson removes himself to the rear of his vehicle and becomes audibly emotional.

Sergeant Christopher Bare subsequently removes Officer Patterson's BWC for preservation.

Officer Patterson's truck is equipped with a forward-facing camera; however, it did not capture the pertinent events. The camera normally activates when the vehicle's overhead lights are activated. It appears to have activated as Officer Patterson initially responded to the call, but as he approached the area, he shut off his overhead lights momentarily, thus deactivating the camera. It did not activate again upon contact with Lee.

## 2. Officer DeJesus

Officer DeJesus' BWC was activated during all pertinent events related to this investigation. The BWC was taken from Officer DeJesus after the shooting by Sergeant Jason Edmonson. The BWC was provided by investigating detectives as part of this investigation.

Officer DeJesus arrives at the location where Clopp is found and speaks with her. The BWC footage confirms Officer DeJesus' initial contact with Clopp, including her statements that Lee has a handgun and the threat of suicide by cop. Officer DeJesus enters his vehicle after approximately three minutes on scene with Clopp. At this time, Officer Patterson has called out that he has discovered Lee's location. He drives northbound on 15th Street briefly and then turns around after learning more of Lee's location, to head southbound. Lee, with Officer Patterson following, passes Officer DeJesus on 15th Street, who again turns his vehicle around.

Officer DeJesus arrives at the crash scene on 15th Street and Rock Boulevard and obtains his 40mm launcher from the back of his police truck. Lee's vehicle is heard revving its engine with tires squealing. Officer DeJesus deploys one shot from the 40mm launcher before Lee's vehicle slides out of the block and heads northbound. Officer DeJesus reenters his vehicle and chases at an obvious high speed.

Officer DeJesus arrives at the crash scene and parks to the north (passenger side) of Officer Patterson's vehicle. He exits, draws his firearm, and approaches the rear of Lee's vehicle.



View from Officer DeJesus' BWC showing his approach at the rear of Lee's vehicle with his firearm drawn. The driver-side door has just been opened and officers are shouting verbal commands for Lee to show his hands. This view also shows the high amount of traffic on North McCarran Boulevard at that time.

Other officers can be heard shouting commands. Officer DeJesus shouts, "Let me see your fucking hands!" and "Hands!" As Officer DeJesus makes his way to the passenger side of Lee's vehicle, Officer Patterson can be heard shouting, "He's got a gun! He's got a gun!" After hearing five shots, Officer DeJesus fires two rounds towards Lee.

After another officer unlocks the doors, Officer DeJesus opens the front passenger-side door and waits to be cleared by Officer Hammerstone. After he is cleared, Officer DeJesus shouts audibly, "Fuck" two times.

Officer DeJesus' patrol vehicle is equipped with a forward-facing camera. The camera depicts all pertinent events as described above, including Officer DeJesus' meeting Clopp, the driving patterns and directions referenced above, his arrival at the initial crash at 15th and Rock Boulevard, and his arrival at the ultimate crash scene. The shooting is heard, but not captured by the angle of the camera.

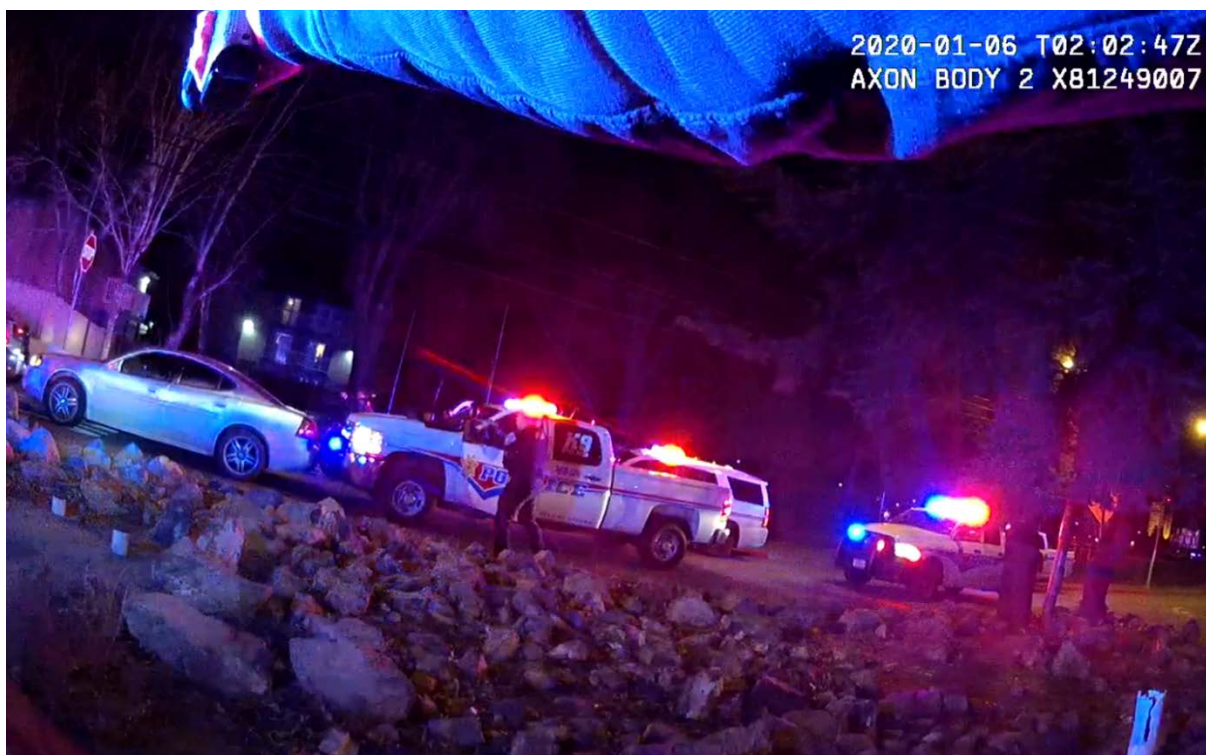
### 3. Officer Hammerstone

Officer Hammerstone's BWC was activated during all pertinent events of this investigation. Afterwards, the BWC was taken from Officer Hammerstone by Sergeant Jason Edmonson and

preserved. It was then provided by investigating detectives as part of this investigation.

From the initial call, Officer Hammerstone responded to Boulevard Pizza. He obtained his 40mm launcher from his trunk upon his arrival and searches the area. Not finding Lee or Clopp, he clears from that area and continues searching for Lee in his vehicle.

He arrives at the initial crash scene at 15th and Rock and parks his vehicle to the west, or passenger side of Lee's vehicle, on Rock. As Lee is revving his vehicle's engine and squealing the tires, Officer Hammerstone is heard shouting, "Shut off the car!" three times in succession. He is then directed to use his 40mm launcher. He obtains it from his front seat and ultimately fires three rounds from it within an 18-second span in an attempt to break the window of Lee's vehicle. It appears that his third shot strikes the window, as a large hole can be seen as Lee continues revving the engine and slips from the block.



View from Officer Hammerstone's BWC, depicting Lee's vehicle blocked in by Swear's blue sedan and Officer Patterson's truck. Lee is actively revving his engine trying to push the blue sedan forward.

Officer Hammerstone gives chase, along with other officers. Upon arrival at the second crash scene at Rock Boulevard and North McCarran Boulevard, Officer Hammerstone uses his vehicle to ram the front quarter panel area of Lee's vehicle. Officer Hammerstone immediately exits his vehicle with his gun drawn.

Officer Patterson then directs Officer Hammerstone to "get the door." Officer Hammerstone approaches Lee's vehicle with his firearm drawn and opens the door, as officers can be heard shouting commands. The hole in the window from the previously fired 40mm launcher can be seen. Officer Patterson is seen releasing K9 Cabo into the vehicle, after which Officer Patterson is seen struggling with Lee. Officer Patterson yells, "He's got a gun!" and fires his weapons five times. Two additional shots are heard from Officer DeJesus.

Officer Hammerstone then moves to check on and stays with Officer DeJesus.

Officer Hammerstone's vehicle is equipped with a forward and rear-facing camera. The rear-facing camera only captures the back seat of the patrol vehicle; the front captures more of the incident. In the relevant parts of the recording, Officer Hammerstone drives northbound on Rock Boulevard approaching the intersection with 15th Street. He arrives at the intersection at the same time as Officer Patterson's truck, which is seen still approaching Lee's vehicle. Officer Patterson's truck slows and then bumps the rear of Lee's vehicle. For 54 seconds, Lee is almost continuously pushing against the rear of Swear's blue sedan. Lee continuously revs his engine, causing the tires to squeal and his vehicle to push against Swear's. Swear's vehicle is seen in the video rocking back and forth as Lee tries to push him out of the way.

Once Lee flees northbound on Rock Boulevard, Officer Hammerstone pursues, behind Lieutenant Ahdunko and Officer Patterson. At the intersection with McCarran Boulevard, Lieutenant Ahdunko is seen blocking traffic to the right, allowing Officer Patterson to first make the turn, followed by Officer Hammerstone. Officer Patterson strikes the rear of Lee's vehicle with his vehicle, while Officer Hammerstone positions his vehicle to the front driver-side bumper of Lee's vehicle. As is already captured by the BWC footage described above, Officer Hammerstone opens Lee's door. Officer Patterson's commands are heard and Officer Patterson is seen attempting to physically remove Lee from the vehicle, although the full camera view is obstructed by Lee's door. Officer DeJesus is seen at the passenger-side door. The camera captures audio of Officer Patterson's shots, and as this occurs, Officer DeJesus is seen jumping to the side and firing his weapon.

#### 4. Lieutenant Ahdunko

Lieutenant Ahdunko's BWC begins recording approximately four minutes following the shooting. For an unknown reason it did

not record prior to that time; however, his vehicle's forward-facing camera did record during the pertinent times.

Lieutenant Ahdunko's forward-facing vehicle camera captures him driving southbound on 15th Street as Lee's vehicle speeds past, with Officer Patterson pursuing. Lieutenant Ahdunko turns his vehicle around and follows. At the intersection with Rock Boulevard, Lieutenant Ahdunko turns onto Rock Boulevard and positions his vehicle in front of Hammerstones, facing north, northwest.

Lee's vehicle is seen as it speeds northbound onto Rock Boulevard. Lieutenant Ahdunko re-enters his vehicle and begins pursuing. He is the first officer behind Lee, but even driving at an apparent fast speed Lee's vehicle is still much further ahead. As Lieutenant Ahdunko crosses York Way, he calls out that Lee just turned west on McCarran. York Way is approximately 1/4 mile south of McCarran.

Upon his arrival at the intersection with McCarran, Lieutenant Ahdunko blocks traffic, allowing other officers to continue the pursuit. He calls out that Lee crashed. Once parked, Lieutenant Ahdunko runs toward the crash scene. The shooting is heard shortly thereafter.

#### B. Lee's Firearm

During the search of the scene, a handgun was located between Lee's legs, up against his groin area. Only the butt of the handgun was visible, with the magazine pointed up and the muzzle pointed toward the back of the vehicle. The handgun was removed by detectives, who determined it to be a Glock model 23C, .40 caliber semi-automatic. A magazine was found inserted in the gun, with a 10-round capacity. The gun and magazine were empty.



The Glock model 23C .40 caliber handgun is seen between Lee's legs in the vehicle.



A photograph of the Glock model 23C .40 handgun found tucked between Lee's legs in the vehicle.



Lee's firearm was examined by a firearms examiner from the Washoe County Crime Lab, Forensic Science Division. It was test fired and determined to be in normal operating condition with safety features functional.

Investigation into the origins of the handgun revealed that it was originally purchased in 1998 in Winnemucca, Nevada, by Randy Owen ("Owen"). With assistance from the Humboldt County Sheriff's Office, contact was made with Owen, who advised that he normally kept the gun in a magnetic holster mounted underneath his coffee table, but around Thanksgiving time of 2019, he noticed it missing. He did not report it as stolen, as he thought that perhaps he had only misplaced it.

According to Morrigna, who saw Lee with the gun around the time of Christmas, 2019, Lee stated that he stole the gun from a "dealer" in Reno. Morrigna did not know what Lee meant by "dealer."

With the conflicting information, it remains unknown how Lee came into possession of the Glock 23C.

#### C. Officers' Firearms

Examinations of the firearms used by Officer Patterson and Officer DeJesus on January 5, 2020 indicate that seven shots were fired between the two officers. This is consistent with evidence collected at the scene. The individual examinations are as follows.

##### 1. Officer Patterson

Officer Patterson's primary duty weapon on January 5, 2020, was a Smith and Wesson, model M&P 9, 9mm semi-automatic handgun. The carrying capacity of the magazine in his handgun is 17 rounds, and Officer Patterson had additionally loaded one round in the chamber, for a total of 18 rounds in the handgun. Officer Patterson carried two additional spare magazines, each with a capacity of 17 rounds.

A collection and examination of Officer Patterson's firearm on January 5, 2020, revealed one round in the chamber and 12 rounds in the magazine. Based upon the examination, it was determined that Officer Patterson fired his primary weapon five times during the shooting.

The firearm was subsequently examined by a firearms examiner from the Washoe County Crime Lab, Forensic Science Division. It was test fired and determined to be in normal operating condition with functional safety features. Furthermore, after a microscopic comparison, five of the seven fired Speer-brand 9mm cartridge cases located at the shooting scene were identified as

having been fired from Officer Patterson's firearm. This is consistent with BWC footage and eye-witness accounts from the scene.

## 2. Officer DeJesus

Officer DeJesus' primary duty weapon on January 5, 2020, was a Heckler & Koch, model VP 9, 9mm semi-automatic handgun. The carrying capacity of the magazine in his handgun is 20 rounds. Officer DeJesus did not load an additional round in the chamber, giving a total of 20 rounds in the handgun. Officer DeJesus also carried three additional magazines, each with a 15-round capacity.

A collection and examination of Officer DeJesus' firearm on January 5, 2020, found one round in the chamber and 17 rounds in the magazine. Based upon the examination, it was determined that Officer DeJesus fired his primary weapon two times during the shooting.

The firearm was subsequently examined by a firearms examiner from the Washoe County Crime Lab, Forensic Science Division. It was test fired and determined to be in normal operating condition with functional safety features. A microscopic comparison of the fired Speer-brand 9mm cartridge cases located at the shooting scene revealed that two of the seven were identified as having been fired from Officer DeJesus' firearm. This is consistent with BWC footage and eye-witness accounts from the scene.

## D. 40MM Less-Lethal Single Shot Launchers

The 40mm less-lethal single shot launchers fire a 40mm round through a rifled barrel. The rounds are fired via a primer igniting a smokeless powder and launching a projectile which may contain various payloads. The projectiles fired in this case were a foam (sponge) round that uses rifling and high velocity for accurate fire.

The scene of the initial crash on 15th Street and Rock Boulevard was examined by Reno Police Detectives and criminalists from the Washoe County Sheriff's Office, Forensic Science Division. A total of three blue "less-than-lethal" foam projectiles and a blue and black "less-than-lethal" foam projectile were collected from the area. One black "less-than-lethal" ammunition component was collected and four "less-than-lethal" fired cartridge cases were collected.



Officer Hammerstone's 40mm less-lethal launcher that fires foam rounds.



A 40mm foam round collected from the scene at 15th Street and Rock Boulevard.

E. 2004 Silver Pontiac Grand Prix

A silver 2004 Pontiac Grand Prix GTP, bearing Nevada license plate 382H07 was collected, transported to the Washoe County Sheriff's Office, and examined by criminalists with the Washoe County Sheriff's Office, Forensic Science Division. The examination was by consent of the registered owner, Morrigna. The vehicle's damage was most significant at the front passenger side. Debris from the vehicle had been scattered at the crash site in both directions of travel lanes on McCarran.



Photograph depicting the crash and shooting scene, showing significant damage to the front passenger side of the Pontiac Grand Prix driven by Lee.



Closer view of damage to Lee's vehicle.

#### F. Autopsy

The autopsy of Miciah Lee was conducted on January 6, 2020, by Washoe County Chief Medical Examiner Laura Knight, M.D. (hereinafter "Dr. Knight") Dr. Knight determined the cause of death to be ascribed to multiple gunshot wounds. Her examination of Lee revealed a total of six gunshot wounds to the head/neck, left upper back, and right hip/thigh region. The manner of death was determined to be homicide. Homicide is defined in the section below.

Toxicology results from the autopsy revealed the presence of alcohol and marijuana, in the following amounts: 1) blood alcohol concentration of 0.021 g/100mL; 2) Delta-9 Carboxy THC (inactive metabolite) of 35 ng/mL, and 3) Delta-9 THC (active ingredient of marijuana) of 5.0 ng/mL.<sup>3</sup>

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<sup>3</sup> In Nevada, it is unlawful for any person to operate a motor vehicle on a highway with more than 2 nanograms of marijuana or 5 nanograms of marijuana metabolite in his or her blood or breath. Consequently, Lee was over the legal limit to operate a motor vehicle.

#### IV. LEGAL PRINCIPLES

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 Lee 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 *e.g.* 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 *e.g.* 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 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>4</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.

**V. ANALYSIS**

On January 5, 2020, Miciah Lee armed himself with a firearm, and entered his vehicle in an occupied public parking lot outside a popular local restaurant. He was suicidal, threatening to kill himself or "die by cop". Despite efforts by his family to contain Lee and deescalate his emotions, he was undeterred. Fearing for his safety and that of her family, Clopp called 911. Her reports to the 911 operator that Lee was armed, suicidal, intent on dying by cop, mentally unstable, a user of drugs, and in a public location, was relayed to responding SPD officers.

The officers responded in haste from throughout the city. Upon arrival in the area, they found a distressed mother who confirmed directly with them what she had previously told the 911 operator and discovered that Lee had driven away from the area. It was with this information that Officer Patterson first encountered Lee. Immediately, and without any affirmative actions from Officer Patterson to stop Lee, such as turning on his overhead lights or siren, Lee drove off through a neighborhood street trying to lose Officer Patterson.

Only when Lee turned north on 15th Street, toward the area where other officers were staged with Clopp, did Officer Patterson's concern for the safety of others grow to the point he decided to attempt to stop Lee. However, Lee did not yield. He increased his speed to approximately 45 miles per hour in a 25 miles per

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<sup>4</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.



hour residential area. At this point, he was endangering others. This was no more evident than when he crashed into the vehicle occupied by Swear and began trying to push Swear's vehicle into Rock Boulevard and its oncoming traffic. Lee was revving his engine and thrusting his vehicle into Swear's for over a minute despite the multiple verbal commands shouted and less-lethal actions employed by numerous officers trying to end the incident.

When Lee maneuvered out of the vehicle block and sped north on Rock Boulevard, the risk to the public increased. For nearly a mile, Lee drove at speeds over 70 miles per hour through a densely populated, poorly lit, residential area marked as a 25 miles per hour zone. During this time, he crossed through numerous intersections and over several pedestrian crosswalks. As he attempted to turn left onto North McCarran Boulevard, the risk to the public continued to heighten as there were many vehicles traveling on the roadway at that time.

Lee's crash into the retaining wall and subsequent ricochet across the lanes of travel onto the median finally caused his vehicle to stop. To stop the risk to the public, Officers Patterson and Hammerstone again blocked him in with their patrol vehicles. They immediately ordered Lee to again show his hands and exit the vehicle, but Lee still did not comply. When Officer Hammerstone opened the driver-side door, Lee appeared cognizant and was concealing one hand from view.

Upon releasing K9 Cabo to gain compliance of Lee, Officer Patterson, without his firearm drawn, tried to physically remove Lee from the vehicle by hand while still ordering Lee to show his hands and get out of the car. In the struggle, Officer Patterson discovered a firearm between Lee's legs. Officer Patterson attempted to seize the firearm, but Lee also reached for the weapon even though he was being physically engaged by a police dog. Fearing for his safety, Officer Patterson immediately pushed off, stepped back, drew his weapon and fired five shots at Lee.

In that instant, Officer Patterson reasonably believed that there was an imminent danger that he could be killed or suffer great bodily injury. In a matter of minutes leading up to that moment, Officer Patterson had witnessed significant public risk unfold due to Lee that demonstrated his willingness to act dangerously. Lee consistently ignored Officers' commands to exit his vehicle and show his hands. Lee repeatedly thrust his vehicle into another occupied by a citizen, attempting to push it into another roadway. Lee then drove recklessly through a densely populated residential neighborhood, ultimately resulting

in a serious crash on a busy street. Officer Patterson bore witness to all this, while also knowing that Lee was armed and mentally unstable.

These circumstances leading up to the shooting were sufficient to excite the fears of a reasonable person in a similar situation. As such, Officer Patterson reasonably believed that it was absolutely necessary for him to use deadly force for self-defense.

Officer DeJesus was aware of the same information about Lee and witnessed the same public risk unfold due to Lee's behavior leading up to the second crash. At the time of the shooting, his vantage point of Lee was through the tinted passenger side window of Lee's vehicle. He observed the physical struggle between Lee and Officer Patterson and then hears Officer Patterson yell out that Lee has a gun. Officer DeJesus then hears shots being fired. Fearing for his safety and Officer Patterson's safety he fired two rounds at Lee.

In that moment, Officer DeJesus reasonably believed that there was an imminent danger that he or Officer Patterson could be killed or suffer great bodily injury. The circumstances leading up to the shooting were sufficient to excite the fears of a reasonable person in a similar situation. As such, Officer DeJesus reasonably believed that it was absolutely necessary for him to use deadly force for self-defense or defense of Officer Patterson.

Although Lee's firearm was ultimately determined to be unloaded, Officers Patterson and DeJesus had no way of knowing this fact at the time they fired their weapons. A person has a right to defend from apparent danger to the same extent as he would from actual danger.

## **VI. CONCLUSION**

Based upon consideration of the entire investigation presented by the Reno Police Department, and after applying Nevada law to the known facts and circumstances surrounding the January 5, 2020, officer involved shooting death of Miciah Lee, the actions of Officer Patterson and Officer DeJesus have been determined to be legally justified. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.