

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

January 18, 2018



REPORT ON THE DECEMBER 21, 2016, OFFICER  
INVOLVED SHOOTING OF RAYMOND SALAIZ

**CHRISTOPHER J. HICKS**

**WASHOE COUNTY DISTRICT ATTORNEY**

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## INTRODUCTION

On December 21, 2016 at approximately 5:18 p.m. Doyle Hart, a Gold Dust West Security Supervisor, called the Reno Police Department (hereinafter "RPD") to report a wanted subject inside the casino. Mr. Hart recognized the subject inside the casino as that of Raymond Salaiz (hereinafter "Salaiz") from an ATL (Attempt to Locate) flier distributed by the Sparks Police Department (hereinafter "SPD") which provided information that Salaiz had an active misdemeanor warrant out of Elko, Nevada and was wanted for questioning related to charges of burglary and arson stemming from an SPD case which occurred on December 6, 2016 at the Sparks Nugget. Salaiz had gone to the customer service desk inside the Gold Dust West and when an employee pulled up his file on the computer they saw instructions to notify security regarding Salaiz' presence inside the casino. The employee notified Mr. Hart who in turn called RPD to report Salaiz.

At approximately 5:27 p.m. RPD Officer Javen Lindsay responded to the Gold Dust West, entered the casino and met with Mr. Hart. Salaiz was present in the casino when Officer Lindsay arrived and Mr. Hart immediately pointed him out. Officer Lindsay made contact with Salaiz while he was seated at a gaming machine and asked for identification. Salaiz told Officer Lindsay that he did not have identification but verbally identified himself as Edgar Morales and provided a date of birth. Salaiz told Officer Lindsay that his identification was located in his vehicle which was situated in the southwest parking lot. Officer Lindsay accompanied Salaiz to his vehicle, a white Dodge Avenger, to retrieve the identification.

It was later discovered that Salaiz, who had been using methamphetamine for a number of days, had his wallet and identification along with a knife in his pocket. This fact coupled with a subsequent interview with Salaiz' girlfriend who was with him in the days leading up to the shooting, reveal that he intended to flee if encountered by law enforcement because he did not want to be incarcerated again.

While Officer Lindsay walked with Salaiz to his vehicle, fellow RPD Officer Kent Laskin arrived on scene to provide backup to Officer Lindsay. Salaiz sat in the driver's seat and looked around the vehicle for identification but told Officer Lindsay

that he could not locate any. Officer Lindsay communicated to Officer Laskin that Salaiz could not produce identification. In response, Officer Laskin went into the Gold Dust West Casino and spoke with the casino manager, Joe McLaughlin, who was able to provide a copy of a California Identification Card provided by Salaiz to the casino for the issuance of his Player's Card. Additionally, Mr. McLaughlin, provided Officer Laskin with the ATL flier sent to the casino by SPD which contained a photograph of Salaiz.

Officer Laskin returned to the parking lot with the flier and observed Officer Lindsay situated at the driver's side door speaking with Salaiz. Officer Laskin approached and communicated to Officer Lindsay that Salaiz was in fact the wanted person. When Salaiz overheard this information his demeanor changed abruptly and he attempted to shut the driver's side door. However, Officer Lindsay was able to grab the door and keep it from shutting all the way. Salaiz began moving about in his vehicle and was able to grab his car keys. Officer Lindsay produced his firearm and placed Salaiz at gunpoint while giving him commands to get out of the car. Salaiz ignored the commands and upon Officer Lindsay observing that Salaiz had the keys to the vehicle in his hand he attempted to kick the keys away from Salaiz but was unsuccessful. Meanwhile, Officer Laskin had pulled his Taser and was attempting to utilize it to stop Salaiz from starting the vehicle and escalating the situation. However, prior to Officer Laskin administering the Taser, Salaiz placed the car key in the ignition, started the vehicle and then placed it in reverse. Salaiz backed out of the marked space knocking both officers to the ground. Officer Lindsay was knocked to the ground by being struck by the front of Salaiz' vehicle and Officer Laskin was drug backwards by the open driver's side door. Officer Lindsay, after being knocked to the ground, looked up and saw Salaiz' vehicle pointing directly at him and could hear Officer Laskin screaming. Believing Salaiz had run over Officer Laskin, Officer Lindsay, after further hearing Salaiz' vehicle being placed into gear, drew his service weapon, a Glock 17 9mm handgun, and fired multiple rounds into the vehicle where he believed Salaiz to be located.

Officer Laskin, who believed as he lie on the ground, that he was going to be run over by Salaiz, was able to push himself off the vehicle as it drove by. Officer Laskin believed either Officer Lindsay or civilians were in imminent danger from Salaiz' erratic behavior so he stood up, pulled his service weapon, a Glock 31, .357 handgun, and fired two rounds at Salaiz as the vehicle proceeded northbound through the parking lot of the Gold Dust West. Salaiz' vehicle exited the Gold Dust West and immediately struck a vehicle occupied by a lone female travelling westbound on 5<sup>th</sup> Street. The force of the crash pushed the vehicle off the roadway. Both officers ran after the vehicle and Officer Lindsay was able to communicate to dispatch that shots had been fired and that they had been struck by Salaiz.

Upon arriving at the vehicle, the officers determined that Salaiz was no longer a threat and attempted to extricate him from his vehicle. They also tended to the female in the struck vehicle. Paramedics transported Salaiz, as well as the two officers, to Renown Regional Medical Center. Salaiz, who suffered two gunshot wounds, succumbed to his injuries and was pronounced dead at the hospital. Officer Laskin suffered injuries to his shoulder that required surgery.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the SPD led the investigation into the shooting of Salaiz. The Washoe County Sheriff's Office (WCSO) provided secondary investigative support, and the Washoe County Crime Laboratory (WCCL) provided forensic services. 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, and recorded interviews were then submitted to the Washoe County District Attorney's Office for a determination of whether the shooting of Raymond Salaiz was legally justified. No criminal charges were recommended by SPD. The District Attorney's evaluation included reviewing over 2400 pages of reports and documents which included interviews of police and civilian witnesses, photographs, diagrams, video surveillance

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 Raymond Salaiz by Reno Police Department Officers Javen Lindsay and Kent Laskin was justified and not a criminal act.

## I. STATEMENT OF FACTS<sup>1</sup>

### A. Witness Accounts

#### 1. RPD Officer Javen Lindsay

Officer Lindsay was interviewed at the Reno Police Department on December 22, 2016, at 2:14 p.m. by SPD Detective Nick Pagni and WCSO Detective James Cox. Javen Lindsay has been employed as a police officer with the Reno Police Department for three years.

On December 21, 2016, Officer Lindsay was assigned to Patrol and was working a shift from 2:00 p.m. to midnight. Officer Lindsay had gone to the main police station to drop off paperwork and after completing that task he reviewed the pending calls and noticed that the highest priority call was a wanted subject at the Gold Dust West. Officer Lindsay drove a police vehicle to the Gold Dust West and parked on the west side of the casino near the entrance doors.

Officer Lindsay entered the casino to meet with the security officer who had called RPD. Upon entering the casino a security officer approached Officer Lindsay and immediately pointed out Salaiz who was seated at a gaming machine just inside the west doors. Believing that the individual might have seen the security officer point him out, Officer Lindsay initiated a conversation with Salaiz and attempted to keep the conversation low key until back up could arrive. Officer Lindsay asked Salaiz what his name was and Salaiz responded by inquiring why the police wanted his name. Officer Lindsay explained that he might be a person they were looking for. Salaiz then provided a verbal identification with a last name of Morales. Officer Lindsay told Salaiz that if that was truly his name then he had nothing to worry about because that was not the individual they

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<sup>1</sup> The Statement of Facts is synopsised from recorded witness interviews, photographs, police reports, and forensic reports.

were looking for. Officer Lindsay ran the name through dispatch but received no return, meaning that no person came back with the identifiers provided by Salaiz. Officer Lindsay noticed an abundance of tattoos on Salaiz' person and he attempted to verify with Salaiz a couple of the tattoos so that he could use them in determining the true identity of the person seated before him.

At one point, while speaking inside the casino, Salaiz offered to retrieve identification from the vehicle which he drove to the casino. Officer Lindsay agreed to let him retrieve his identification and accompanied Salaiz to a vehicle parked in the west parking lot. As Officer Lindsay walked with Salaiz to the vehicle, Officer Kent Laskin arrived in a police vehicle and parked near the location of Officer Lindsay's vehicle. Officer Laskin walked over to Salaiz' vehicle and began to inquire of Salaiz whether he was the wanted person. Salaiz told the officers that he was not the person they were looking for and for the second time provided a name other than the wanted person. At this point, Salaiz was seated in the driver's seat of his vehicle and looking in the glove box and around the car for his identification which raised the suspicions of the officers as he had earlier told Officer Lindsay that he did in fact have identification in his vehicle.

In an effort to determine the true identity of the person in the driver's seat Officer Laskin left the parking lot and entered the casino to meet with security to determine if they could provide any identifying documents for Salaiz. Meanwhile, Officer Lindsay was providing dispatch with more information concerning Salaiz to include a tattoo located under his left eye and requested that dispatch run the original name provided in the call (Raymond Salaiz) with the observed tattoos in an attempt to confirm Salaiz' true identity.

Officer Laskin returned to the vehicle with a piece of paper and stated to Officer Lindsay that the person seated in the vehicle was in fact the wanted person. As soon as Officer Laskin made that statement Salaiz attempted to slam the door shut. Officer Lindsay stuck his hand out and was able to stop the door from closing and ripped the door back open. Salaiz immediately began digging for something so Officer Lindsay pulled out his firearm and held Salaiz at gunpoint, verbally telling Salaiz that he was

now at gunpoint. Salaiz did not react to being placed at gunpoint but instead continued to look for something in his vehicle, eventually retrieving his keys. Officer Lindsay, who was still situated at the open door, attempted to kick the keys out of Salaiz' hand but was unsuccessful. Salaiz was able to place the key in the ignition and start the vehicle. Officer Laskin told Officer Lindsay to move out of the way and that he was going to tase Salaiz. Officer Lindsay saw the red light associated with the Taser and attempted to move but believed he was caught on the door and could not get out of the way. Officer Lindsay continued to hold the door open while Salaiz attempted to place the car into gear. Salaiz got the vehicle into gear and Officer Lindsay heard the engine revving. The vehicle then lurched backwards with the driver's side door still ajar. Officer Lindsay was knocked to the ground and believed it was the open door that caused him to fall. Officer Lindsay rolled onto his side and heard Officer Laskin screaming or yelling. After Officer Lindsay was knocked to the ground, he came up on his side and was facing the Gold Dust West. He looked to his right and saw that the vehicle's passenger light was directly in front of him. Believing that Officer Laskin had already been run over coupled with the facts that the vehicle's engine was revving in what appeared to be an attempt to get the vehicle into gear so that it could move forward and knowing that he was about to be run over, Officer Lindsay positioned his gun up over the hood of the vehicle and began firing in the direction of the driver's seat. The rounds appeared to make contact with the driver's side front windshield.

While Officer Lindsay fired his weapon he heard Officer Laskin yell his name which caused him to stop shooting. The vehicle then lurched forward, swerved, and the passenger side of the vehicle passed in front of Officer Lindsay. Once the vehicle passed, Officer Lindsay saw Officer Laskin located to the rear of the vehicle. Officer Lindsay, believing that Salaiz was going to run over a pedestrian in the parking lot, stood up and pointed his gun towards Salaiz' vehicle and fired two additional rounds as the vehicle reached the west entrance doors to the Gold Dust West. Once Officer Lindsay saw that no pedestrians were at risk, he ran after the vehicle and notified dispatch that shots had been fired. While running after the vehicle



Officer Lindsay released the magazine from his firearm and loaded a fresh magazine.

The vehicle was traveling at a fast rate of speed towards the north entrance of the Gold Dust West and as the vehicle exited it impacted a vehicle traveling west on 5<sup>th</sup> Street.

Upon reaching Salaiz' vehicle Officer Laskin attempted to enter the vehicle while Officer Lindsay continued to hold the vehicle at gunpoint as it was unknown if Salaiz was a continued threat. After verifying that Salaiz was no longer a threat, Officer Lindsay holstered his weapon and was taken away from the scene by other arriving officers. Officer Lindsay was transported to the hospital for medical care.

## 2. RPD Officer Kent Laskin

Officer Laskin was interviewed at the Reno Police Department on December 22, 2016, at 1:24 p.m. by WCSO Detective Jim Cox and SPD Detective Nick Pagni. Officer Laskin has been employed by RPD for approximately 13 years and has been in law enforcement as a peace officer for approximately 21 years. While with the RPD Officer Laskin has performed different assignments to include patrol, five years with the K9 unit and working as a Field Training Officer for the last six years.

On December 21, 2016 Officer Laskin was working a patrol shift from 2:00 p.m. to midnight and was assigned to the downtown corridor. He was outfitted in an RPD uniform and vehicle. Officer Laskin had received a call for an unwanted subject at the Gold and Silver Casino which is adjacent to the Gold Dust West. While at that call Officer Laskin became aware that Officer Javen Lindsay had responded to the Gold Dust West for a wanted subject. As soon as Officer Laskin cleared from the Gold and Silver he responded to the Gold Dust West to provide back up.

Upon arrival at the Gold Dust West, Officer Lindsay was in the parking lot with an individual who was seated in the driver's seat of a vehicle. Officer Laskin walked to that location and met up with Officer Lindsay who told him that he was fine but having difficulties verifying whether the individual currently situated in the driver's seat was in fact the wanted subject, Raymond Salaiz.

In an attempt to assist with the identification Officer Laskin went inside the Gold Dust West and met with the manager who was able to access Salaiz' player's card information including a form of identification. The manager provided a printed copy of Salaiz' California Identification card.

With the identification in hand, Officer Laskin returned to the parking lot and provided the information to Officer Lindsay. Officer Laskin inquired whether this was consistent with the information that the individual had provided to him. Immediately Salaiz' demeanor changed and he attempted to close the driver's door. Officer Lindsay was able to place his hand on the door and prevent it from shutting. The officers began giving commands to Salaiz to get out of the car. Officer Lindsay attempted to get Salaiz out of the vehicle while Officer Laskin pulled his Taser. Officer Laskin told Officer Lindsay to get out of the way so that he could deploy his Taser but Salaiz started the vehicle and placed it into gear. At that point Officer Laskin made the decision not to tase Salaiz because he was concerned that Salaiz might lock up and endanger the public. Officer Laskin recalled that once Salaiz had started the vehicle and got the vehicle into gear he immediately reversed it.

When Salaiz reversed the car with the driver's side door open both Officers Laskin and Lindsay were stuck in the "V" of the open door. In Salaiz' attempt to flee he knocked both officers to the ground. The next thing Officer Laskin recalled was that he was lying on his back in the parking lot. While lying on his back he heard his Taser clicking but it was not in his hand. Upon looking up, Officer Laskin observed the bumper of Salaiz' vehicle directly in front of him and he heard several shots being fired but could not determine if the shots were emanating from Salaiz or Officer Lindsay. Believing that he was about to be run over, Officer Laskin placed his feet on the bumper of Salaiz' vehicle thinking that he could somehow push himself out of the way. As the vehicle proceeded forward Officer Laskin pushed off the bumper and rolled away as the car proceeded forward. Officer Laskin stood up and after fixing his radio which had fallen off when he struck the ground, he pursued the vehicle as it drove through the parking lot. Believing that Salaiz just tried to kill both he and Officer Lindsay and that there was a chance he could hurt or kill a person in the parking

lot Officer Laskin produced his duty weapon, a Glock 31 Gen4 .357 handgun, from his holster, got the vehicle in his sights and shot two rounds.

The vehicle continued northbound through the parking lot where it exited and struck a vehicle headed west on 5<sup>th</sup> Street. Officer Laskin ran to Salaiz' vehicle to determine if Salaiz was still a threat to the public. The windows were clouded over with dust as the air bags had deployed. Officer Laskin noted that the woman who was struck by Salaiz' vehicle had her hands up in her vehicle, indicating to him that she was okay. Officer Laskin, while attempting to determine if Salaiz was still a threat or if he needed medical attention, tried to break open the driver's side window and then the passenger side window with his baton. Neither window would break. Officer Laskin was able to open one of the doors and observe Salaiz motionless, still seated in the driver's seat. At that point other units arrived and began providing medical attention to Salaiz. Officer Laskin was relieved from the scene and taken to the hospital for treatment of his injuries.

In April of 2016 Officer Laskin underwent surgery on his right shoulder for injuries sustained as a direct result of being struck and thrown to the ground by Salaiz' actions of backing up his vehicle in the process of fleeing from police.

### 3. RPD Officer Benjamin Wright

On December 21, 2016 Officer Benjamin Wright was assigned to a motor unit within the traffic division but due to the bad weather Officer Wright was riding in a double unit with fellow police officer Vanessa Maddox. At approximately 5:44 p.m. a call came over the radio for shots fired at the Gold Dust West. The officers headed with lights and siren to the call and upon arriving Officer Wright went to Salaiz' vehicle. Officer Wright noted that the vehicle had front end damage and parts were littered in the street. The vehicle also had no back window. Officer Wright observed one male in the driver's seat. The male was later positively identified as that of Raymond Salaiz. Officer Wright, along with other RPD Officers, firefighters and REMSA personnel, began trying to extricate the male from the driver's seat. As soon as Salaiz was free from the vehicle, he was placed on a backboard then onto a gurney and into the back of an ambulance.

Officer Wright rode in the ambulance with Salaiz while he was transported to Renown Regional Medical Center assisting the medics by performing chest compressions on the way. RPD Officer Sean Zint also rode with Officer Wright and the paramedics to the hospital. During the ride Officer Zint searched the person of Salaiz to attempt to locate identification. Within Salaiz' right pants pocket Officer Zint located a wallet with identification belonging to Raymond Salaiz. After reaching the hospital Officer Zint searched the jacket worn by Salaiz and located an unsheathed 7-9 inch fixed blade knife and an empty knife sheath in a pocket of the jacket. The items were booked into evidence.

Salaiz arrived at the hospital at approximately 6:02 p.m. and was moved into a trauma bay. Salaiz received treatment first in the emergency room and was then admitted to the Sierra Intensive Care Unit at 6:40 p.m. Salaiz' condition declined and at 6:51 p.m. he was pronounced deceased.

#### 4. Doyle Hart

Doyle Hart is the Security Supervisor for the Gold Dust West and was interviewed by WCSO Detective Casey Andrews on December 22, 2016. Mr. Hart told Detective Andrews that on December 21, 2016 at approximately 7:10 p.m. while working at the Gold Dust West Mr. Hart received a call from Miguel Ramos, a Cashier Supervisor at the Gold Dust West. Mr. Ramos relayed that they currently had a customer at the counter whose account reflected a note to notify police if the customer appeared inside the casino. Mr. Ramos provided the customer's information to Mr. Hart. Mr. Hart then pulled up an e-mail sent by the Sparks Police Department which contained an ATL for Raymond Salaiz. The ATL contained information that Salaiz had a misdemeanor warrant for his arrest and that he was wanted for questioning regarding an SPD burglary and arson case. The ATL contained identifying information as well as a photograph of Salaiz. Mr. Hart compared the ATL photograph to Raymond Salaiz' California Identification attached to his Gold Dust West player's card and believed the individual to be one in the same. Mr. Hart then called the Reno Police Department non-emergency dispatch line and notified the dispatcher that an individual believed to be Salaiz was in the Gold Dust West Casino.

A short while later a Reno Police Department Officer arrived at the casino. Mr. Hart met with the officer and told him about the issuance of the ATL by Sparks Police Department and that his belief was that Salaiz was in fact the person pictured in the ATL. Mr. Hart pointed out where Salaiz was seated inside the casino which was just inside the west entrance doors. Mr. Hart watched as the officer approached Salaiz and began speaking with him. Mr. Hart was approximately 30 feet away and could not hear the conversation. Eventually Salaiz and the officer exited the casino and approached a vehicle in the parking lot.

A second Reno Police Officer arrived on scene and after a few minutes entered the casino and met with Mr. Hart. The second officer told Mr. Hart that they believed the individual was providing a fake name and inquired whether the casino had a copy of his identification. Casino Manager Joe McLaughlin printed out a copy of Salaiz' identification and provided it to the second officer who then exited the casino. Mr. Hart and Mr. McLaughlin stepped outside and observed the officers speaking with the individual at a vehicle. Both Mr. Hart and Mr. McLaughlin then returned inside the casino. Upon hearing a commotion the men returned outside and saw a vehicle accident on 5<sup>th</sup> Street. Mr. Hart then looked to the parking spot where Salaiz' vehicle had been located and noted that the vehicle was no longer parked in the space.

#### 5. Joe McLaughlin

Joe McLaughlin, the Gold Dust West Casino Manager, was interviewed by SPD Detective Schreiber. Mr. McLaughlin told Detective Schreiber that he was working on December 21, 2016 at the Gold Dust West when he received a call from one of his security officers regarding Salaiz' account being flagged with instructions to notify police. The non-emergency dispatch line was called and a short time later Officer Javen Lindsay arrived and began speaking with Salaiz while he played a gaming machine. Mr. McLaughlin observed Officer Lindsay walk outside with Salaiz and he followed them. He saw the two men walk to a white sedan in the southwest parking lot where Salaiz opened the door and sat inside the driver's seat. Officer Lindsay was shining his flashlight into the vehicle while Salaiz appeared to be looking around in the car.

A second officer, Kent Laskin, arrived while Mr. McLaughlin was standing outside near the west entrance doors to the Gold Dust West. Mr. McLaughlin pointed out where Salaiz and Officer Lindsay were located. Officer Laskin headed towards that direction and Mr. McLaughlin returned inside the casino.

A short time later, Officer Laskin entered the casino and met with Mr. McLaughlin who inquired whether the police were going to arrest Salaiz. Officer Laskin told Mr. McLaughlin that he was not sure yet as they were still attempting to confirm his identity. Mr. McLaughlin told Officer Laskin that he had photo identification of Salaiz on file in the computer system. Mr. McLaughlin went to his office and obtained the print out of Salaiz' California identification card which Salaiz had provided to the Gold Dust West in order to obtain a player's card. Officer Laskin told Mr. McLaughlin that this was in fact the person outside and Officer Laskin exited the casino.

Mr. McLaughlin decided that he would go outside to see what would happen but stopped to get something to drink first. Upon exiting the casino he heard a banging noise and looked to the right where he observed that the white sedan was involved in an accident just north of the casino. Mr. McLaughlin saw one of the officers pounding on one of the windows of the vehicle and another officer was holding his elbow. Shortly thereafter numerous police vehicles arrived. Mr. McLaughlin made note that there was property damage to the side of the casino where it appeared the white sedan had made contact while exiting the parking lot.

#### 6. Merri "Kim" Street

Merri "Kim" Street was interviewed at the Sparks Police Department on the afternoon of December 22, 2016. Ms. Street had been present at the Gold Dust West on December 21, 2016. She entered the Gold Dust West parking lot at approximately 5:40 p.m. from the 4<sup>th</sup> Street entrance. Ms. Street parked her vehicle approximately 2 to 3 spaces south of where Salaiz' vehicle was already parked, facing the same direction. Ms. Street was the sole occupant of her vehicle and went to the Gold Dust West to meet her daughter's boyfriend, Joseph Love, to provide household items to him which she had stored in her vehicle. Mr. Love arrived at the casino and parked parallel to Ms. Street's vehicle, in the spot just south of her parked car. The two

exited their vehicles and began transferring items from one vehicle to another.

As they were transferring items Ms. Street observed two police officers interacting with a male subject sitting in a white sedan nearby. The voices of the officers became increasingly louder in what appeared to be an escalating altercation. Ms. Street heard commands being given by the police officers and at one point she moved into the open area of the parking lot near her vehicle to get a better look at what was going on. She thought she heard a Taser deploying and the officers shouting at the occupant to turn the car off and get out. The occupant of the white sedan did not comply. Ms. Street then saw the white vehicle back up in a stuttered fashion with the engine revving. In the process of backing the white sedan out of the parking space both officers were struck by the vehicle and thrown to the ground.

After the white car backed out of the parking space the front of the vehicle was now facing north. The back of the car was facing south towards Ms. Street which caused her concern so she hid behind a nearby black SUV. She then observed one of the police officers lying on the ground next to the driver's side of the vehicle. Ms. Street described that police officer as balding or shaved head and stockier than the other officer.<sup>2</sup> The second police officer was lying on the ground near the passenger side of the white sedan. The driver of the vehicle then shifted out of reverse and began driving forward northbound. Ms. Street believed that the vehicle struck the officer who was on the passenger side and recalled observing the left front tire almost strike the head of the second officer who was situated near the driver's side as the vehicle proceeded northbound through the parking lot. Each police officer was able to get to their feet and she saw each officer draw their weapon and begin shooting at the vehicle as it drove northbound. Ms. Street saw the shorter officer get to his feet moments after the taller officer stood up. Each officer fired in the direction of the vehicle as it sped off.

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<sup>2</sup> It should be noted that Officer Kent Laskin has a shaved head and is approximately 5'9" tall and 185 pounds. Officer Lindsay is approximately 6'4" and 205 pounds.

The white sedan continued northbound through the parking lot exiting onto 5<sup>th</sup> Street where it T-boned a dark pickup truck. The officers ceased firing and attended to the vehicle accident. Ms. Street walked over to the initial scene and moved the officer's flashlight with her foot because a vehicle was attempting to drive through the area. She then realized that she should not move the items. While walking near the scene she observed a white piece of paper lying on the ground and saw that it was a print out of an e-mail containing a photo of a male subject's California Identification card. Ms. Street walked toward the casino, entered and spoke with several individuals about what had just occurred.

#### 7. Joseph Love

Joseph Love was interviewed at the Sparks Police Department on December 23, 2016 based on his presence at the Gold Dust West on the night of the incident. Mr. Love drove to the Gold Dust West on December 21, 2016 to meet with his girlfriend's mother, Merri Street. Mr. Love drove past two officers talking to a guy in a Dodge Charger<sup>3</sup> as he attempted to locate the whereabouts of Ms. Street and her vehicle. The driver's side door was open and a male was seated in the driver's seat. One officer was standing inside the door speaking with the man and the other officer was standing behind the first officer. Mr. Love located Ms. Street's vehicle and parked directly next to her vehicle which was approximately three spaces south of where the male was speaking with police.

Mr. Love exited his vehicle and began transferring items from Ms. Street's vehicle and after approximately two minutes he became aware that things began to escalate between the police and the male subject. As he and Ms. Street were standing near the rear of their vehicles he heard the officers' state, "turn off the car" and "get out of the car." At that point the subject's vehicle turned on and the white car began reversing from the parking stall. As the vehicle reversed both officers "tumbled" off of the car and it appeared that the officers were being dragged by the vehicle. Mr. Love described the "bald" officer ended up near the front passenger side of the vehicle

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<sup>3</sup>Although Mr. Love reported to police that the vehicle was a white Dodge Charger, the vehicle was actually a White Dodge Avenger.



and the other officer ended up on the driver's side. As Mr. Love watched the situation unfold he believed that the officers would be run over by the vehicle.<sup>4</sup> The officer on the passenger side was able to get to his knees first, and then his feet. The other officer took longer to get to his feet because he had fallen to the ground after the second officer. Love was confident that at least one of the officers, the bald officer, fired at the vehicle after he got to his feet. The vehicle proceeded northbound and crashed into a truck that was headed westbound on 5<sup>th</sup> Street.

After the shots were fired, the officers ran towards the vehicle and one officer went to the passenger side and attempted to break the window and the other officer went to the driver's door and attempted to open the door. Love did not want to stay at the scene so he left the area immediately and drove to his home. He later agreed to speak with police about what he witnessed.

#### 8. Zachary Bottini

Zachary Bottini was interviewed at the Reno Police Department on the evening of December 21, 2016. He had driven into the Gold Dust West Casino parking lot earlier that evening in order to obtain money from the ATM inside the casino prior to picking up his son from a babysitter in the area.

Mr. Bottini was alone in his vehicle and pulled into the Gold Dust West parking lot off of 5<sup>th</sup> Street looking for handicap parking. While attempting to find a parking place Mr. Bottini noticed a police officer standing in the open doorway of a vehicle speaking to someone in a white or silver looking vehicle. Mr. Bottini looped around the parking lot twice until he finally located a handicap space in the southeast portion of the parking lot.

Mr. Bottini had stopped paying attention to the officer and the light colored vehicle until he exited his own vehicle and heard a series of pops which caused him to drop his cane. He bent down to pick up his cane and looked up in the direction of where he had formerly seen the police officer. He now saw two police officers, one standing in the open doorway of the vehicle and

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<sup>4</sup>It is possible, based on the officer's interviews as well as other eyewitness accounts, that Mr. Love mistakenly reversed the positioning of the officers after the vehicle struck them and they fell to the ground.

one on the outside of the door struggling to get the individual to stop. At first glance, the white vehicle was stationary but then the car began moving and he saw both officers holding onto the driver's side door which was still ajar. The officer inside the open door appeared to be running with the vehicle but the officer on the outside of the door fell onto the hood and then fell to the ground as the car continued to drive. Mr. Bottini believed the officers were in danger and started moving in their direction.

As Mr. Bottini started heading in the direction of where the white car was originally parked, the vehicle and both the officers were now moving northbound through the parking lot and due to the position of the Gold Dust West, Mr. Bottini lost sight of the vehicle and the officers. Prior to reaching the southwest corner of the building he heard loud pops but never saw the officers fire their weapons. Once Mr. Bottini reached the corner of the building he saw that the white vehicle appeared to have crashed and was stopped on 5<sup>th</sup> Street. The officers were looking in the windows of the car and one officer yelled for a flashlight. Mr. Bottini went towards the officer to offer a flashlight but was told to get out of the street.

#### 9. Claudia Ramirez-Hernandez

Claudia Ramirez-Hernandez was interviewed on December 21, 2016 by SPD Detective Jaime Ahdunko and WCSO Detective Robert Markin. Ms. Ramirez-Hernandez had been gambling at the Gold Dust West on December 21, 2016 along with her brother and mother. Ms. Ramirez-Hernandez and her two family members left the casino via the west doors to walk to their vehicle. As she exited she heard a commotion and looked to the left (south) and saw two police officers yelling at someone to turn off the car and get out of the car. She then heard a vehicle peel out and heard popping noises. Prior to hearing the popping noises Ms. Ramirez-Hernandez observed the white vehicle pull out and saw an officer, the individual by the driver's side door of the suspect vehicle, on the ground and a second officer, on the passenger side, appeared to be getting up from the ground as the car peeled out. Ms. Ramirez-Hernandez told detectives that it was her impression that the vehicle knocked the officers to the ground. The officers, after being knocked to the ground, ran after the vehicle.

Ms. Ramirez-Hernandez then heard what she believed to be a crash. Ms. Ramirez-Hernandez did not see the entirety of the incident as she took cover between vehicles in the parking lot after hearing the gunshots. After what she believed was a car accident she saw the same two officers banging on the windows of the same white car and ordering the suspect to get out.

10. Sara Castro-Martin

Sara Castro-Martin was the girlfriend of Salaiz and was present at the Gold Dust West on December 21, 2016 when the shooting of Salaiz occurred. She was interviewed by police on January 16, 2017.

Castro-Martin acknowledged to police that on December 21, 2016 she and Salaiz were aware that police were looking for them related to earlier criminal conduct. Salaiz told Castro-Martin that he was not going to go back to prison. She knew this to be true as earlier in December the two had contact with the Reno Police Department while they were at a local residence. During the police contact Salaiz told Castro-Martin that he was prepared to run if the police discovered their true identity. That contact with police concluded when Salaiz provided false information to an officer regarding his identity and the two were let go. Additionally, Castro-Martin told police that Salaiz had previously described an incident that occurred in Los Angeles, California when he was confronted by police. Salaiz, confronted by law enforcement, attempted to escape from the contact and broke his leg in the process.

As of December 21, 2016 Castro-Martin and Salaiz were living out of a friend's car because of the media release put out by the Sparks Police Department regarding crimes they were suspected of committing at the Nugget Casino earlier in time. She and Salaiz were sleeping in a friend's car in a local church parking lot when Salaiz made the decision to go to the Gold Dust West to get something to eat and use their bathroom to shave and clean up. Castro-Martin told police that they had been smoking methamphetamine and had not slept for days. Once they reached the Gold Dust West Castro-Martin felt uncomfortable being there because she was fearful they would be contacted by police and urged Salaiz to leave after eating but he refused. Castro-Martin got upset with Salaiz and left the casino. Originally she was going to walk to her mother's house but she changed her

mind and made the decision to go to a nearby store and then return to the casino.

After visiting the store Castro-Martin returned to the Gold Dust West and noticed that police were now present. She walked to where Salaiz had parked the vehicle but it was no longer there. A bystander told her that there had been a shooting and pointed out casings located next to where the vehicle they arrived in had been located. Castro-Martin left the scene prior to police speaking with her.

#### 11. Debra Anderson

Debra Anderson was interviewed at the Reno Police Department on the evening of December 21, 2016 by SPD Detective Jose Zendejas and WCSO Detective Sean McVickers.

Earlier that evening Ms. Anderson had been travelling in her red pickup truck near the area of the Gold Dust West Casino. Ms. Anderson had driven her vehicle south on Washington Street and then turned west onto Fifth Street where her vehicle was positioned in the left lane of the two westbound lanes. Ms. Anderson had been heading towards Savemart when around the area of the Gold Dust West she heard sounds that she believed to be snow falling off of a roof.

As she approached the Gold Dust West's northwest driveway she became aware of a vehicle exiting the Gold Dust West very rapidly. She recalled seeing two very bright lights heading in her direction and then her vehicle was struck in the driver's side door and the air bags activated. Ms. Anderson described the other vehicle as a white two door coupe. After the vehicle accident, Ms. Anderson saw two police officers approach the white vehicle and give orders to the occupant to get out.

She was unable to exit her vehicle through the driver's side door but crawled over to the passenger side and opened the door. While she stood on the sidewalk she was attended to by REMSA personnel and a police officer.

#### B. Countdown of Officer Lindsay's Firearm

Officer Lindsay's primary weapon on December 21, 2016, was a Glock 17 Gen4 9mm semi-automatic pistol. The carrying capacity of the magazine used in his firearm was 17 rounds. Officer Lindsay carried two additional magazines for his primary firearm. Officer Lindsay told investigators that he loads his firearm with one bullet in the chamber and seventeen bullets in the magazine.

On December 21, 2016 Washoe County Forensic Investigator Toni Leal-Olsen collected Officer Lindsay's equipment worn and used during the shooting. The collection of Officer Lindsay's firearm and its contents revealed 1 bullet in the chamber and 17 bullets in the magazine of Winchester 9mm Luger ammunition. A magazine taken from Officer Lindsay's duty belt contained 17 rounds of Winchester 9mm Luger ammunition. A third magazine belonging to Officer Lindsay was recovered at the scene and contained 6 rounds of Winchester 9mm Luger ammunition. All items were booked into evidence at the Washoe County Sheriff's Office.

#### C. Countdown of Officer Laskin's Firearm

Officer Laskin's primary weapon on December 21, 2016, was a Glock 31 Gen4 .357 semi-automatic pistol. The carrying capacity of the magazine used in his firearm was 15 rounds. Officer Laskin carried two additional magazines for his primary firearm. Officer Laskin told investigators that he loads his weapon with one round in the chamber and 14 rounds in the magazine.

On December 21, 2016 Washoe County Forensic Investigator Toni Leal-Olsen collected Officer Laskin's equipment worn and used during the shooting. The collection of Officer Laskin's firearm and its contents revealed 1 bullet in the chamber and 12 bullets in the magazine of Winchester .357 SIG ammunition. Two magazines were taken from Officer Laskin's duty belt and both magazines contained 15 bullets of the same aforementioned ammunition. All items were booked into evidence at the Washoe County Sheriff's Office.

## II. PHYSICAL EVIDENCE

### A. Shooting scene

The Gold Dust West Casino is located at 444 Vine Street and consists of the entire 400 block. The casino is situated on Vine Street between 4<sup>th</sup> Street to the south, 5<sup>th</sup> Street to the north and Washington Street to the east. The casino is surrounded on three sides by parking areas to the west, south and east areas of the casino. The north side of the casino is situated on 5<sup>th</sup> Street. There are two entry/exit driveways located on 5<sup>th</sup> Street, the first will be referred to as the northeast driveway and the second driveway, located directly across from the Plaza Apartments, will be the northwest driveway.



(Satellite view of the Gold Dust West Casino and surrounding parking areas.)

Directly north of the Gold Dust West Casino are residential buildings to include the Plaza Apartments, an apartment complex located at 777 W. 5<sup>th</sup> Street and additional residences as well as several small businesses.

The shooting scene is divided into two parts: the initial encounter which took place in the southwest parking lot in the first parking space just south of the casino. The parking space

in which Salaiz parked the white Dodge Avenger is an east-west facing space. The front of the white Dodge Avenger faced east with a vehicle parked directly in front of it; the second scene was the crash site which was located in the driveway of the Plaza Apartments directly across from the north 5<sup>th</sup> Street exit of the Gold Dust West Casino.



(This satellite photograph shows the parking space that Raymond Salaiz' vehicle would have been parked during police contact and the direction of travel, north through the Gold Dust West parking lot, and eventual crash site after the shooting.)



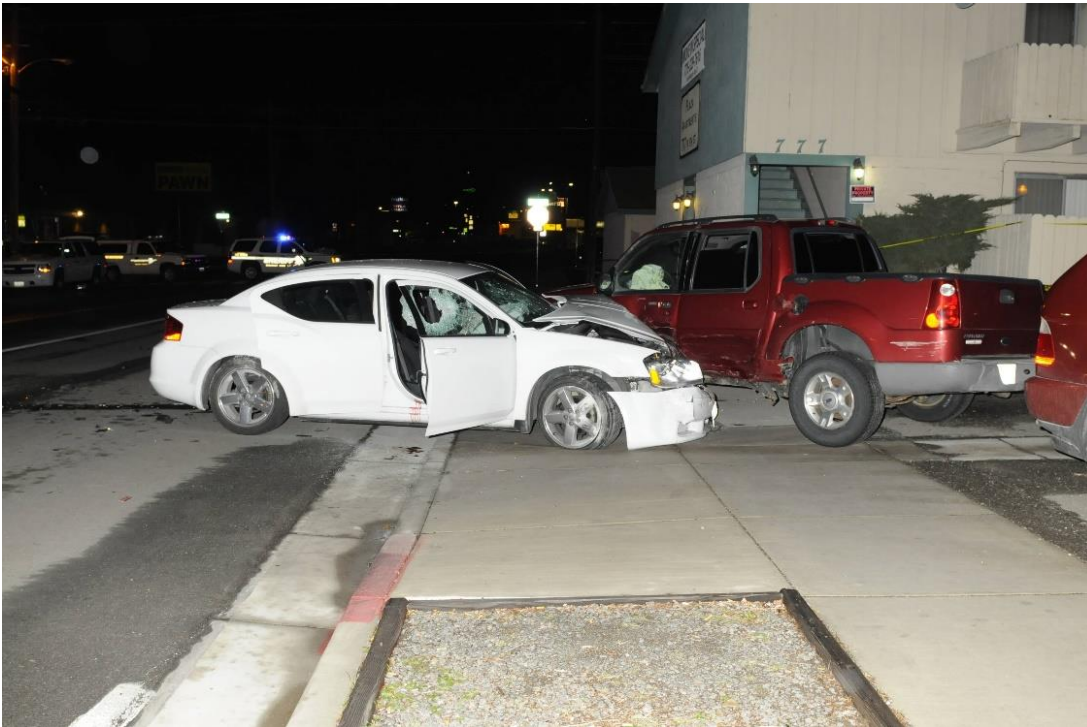
(Gold Dust West Casino west parking lot, with a north facing view of the Plaza Apartments. This photograph depicts the route in which Salaiz drove the vehicle to the crash site.)



(Gold Dust West Casino southwest parking lot, taken from a south facing view of the parking space where Raymond Salaiz' vehicle was parked during contact with police. This photograph is taken after the crash occurred so the white Dodge Avenger is not depicted in the parking space.)

Directly across from the Casino on 5<sup>th</sup> Street are the Plaza Apartments located at 777 W. 5<sup>th</sup> Street. The driveway for the apartment complex exits to the south on 5<sup>th</sup> Street and is directly across from the northwest entry/exit driveway of the Gold Dust West.





(This photograph depicts the white Dodge Avenger after it exits the Gold Dust West parking lot and crashes into Debra Anderson's pickup truck while she is travelling westbound on 5<sup>th</sup> Street. Salaiz' white Dodge pushes Ms. Anderson's red truck from the westbound travel lane into the driveway of the Plaza Apartments.)

## 1. VIDEO SURVEILLANCE

The Gold Dust West Casino has both indoor and outdoor surveillance cameras. The outdoor cameras are of varying quality depending on the location of the incident and the time of day. There were three outdoor cameras that captured evidence of the December 21, 2016 incident. Camera number 6313 is positioned on the northwest exterior of the casino and encompasses a view of the west and partial southwest parking areas. The second camera was number 6416 which is positioned in the parking area itself and faces east with a view of the south end of the casino and the south parking area. This camera, especially at night, is difficult to view based on the lights emanating from the casino which cause issues discerning people and objects on the video. The third camera is 6310 which is mounted to the exterior of the casino on the northwest end. The camera view covers the entry/exit way onto 5<sup>th</sup> Street. The camera is of very poor quality in the evening hours.

The time period from the arrival of Raymond Salaiz at the casino in the white Dodge Avenger to the vehicle accident on 5<sup>th</sup> Street was captured on various cameras located inside and outside the casino. The quality of the outdoor video is poor and captures the events from a distance making clear viewing difficult.

A review of the entirety of the surveillance video demonstrated that Salaiz arrived at the Gold Dust West at approximately 4:50 p.m. in the white Dodge Avenger and parked in the first space just south of the casino.



(Still photo from Gold Dust West surveillance camera 6313 showing where Salaiz parked the white Dodge Avenger just south of the building on the west side of the casino (red arrow points toward vehicle) at approximately 4:50 p.m. The west entrance can be seen on the left side of the photo near the stone pillar.)

Salaiz and Sarah Castro-Martin entered the casino via the west doors at 5:00 p.m. Various cameras caught Salaiz on the gaming floor between 5:00 p.m. and 5:33 p.m. Officer Lindsay first contacted Salaiz at approximately 5:33 p.m. while he was seated at a gaming machine near the west doors. At 5:36 p.m. Officer Lindsay and Salaiz exit the casino through the west doors.



Officer Lindsay contacted Salaiz at a gaming machine just inside the west doors at approximately 5:33 p.m. Salaiz provided Officer Lindsay with false information as to his identity. Moments later after Salaiz told Officer Lindsay that he had identification in his vehicle the two walked to Salaiz' vehicle just outside the west doors in the southwest parking lot. Salaiz had his actual identification in his wallet on his person the entire time. The wallet was later located in the back pocket of his pants.

Salaiz and Officer Lindsay walked to the white Dodge Avenger in the southwest parking lot at approximately 5:37 p.m. Officer Kent Laskin arrived at the Gold Dust West at approximately 5:37 p.m., parked in front of the west doors and met with Officer Lindsay at Salaiz' vehicle. Officer Laskin left Officer Lindsay at Salaiz' vehicle and met with the Gold Dust West security to attempt to secure further identifying information for Salaiz. Officer Laskin entered the casino at 5:39 p.m. and met with Joe McLaughlin. Officer Lindsay can be seen at the driver's side door of Salaiz' vehicle during the time that Officer Laskin is inside the casino.



(Still image from Gold Dust West camera 6313 showing Officer Lindsay at the driver's side door of the white Dodge Avenger. Officer Laskin is inside the casino. The farthest parked police vehicle belongs to Officer Lindsay and Officer Laskin's is the vehicle located just outside the west casino doors.)

At 5:43:05 p.m. Officer Laskin exited the casino and walked back to Salaiz' vehicle to meet up with Officer Lindsay. At 5:43:41 p.m. the rear lights of Salaiz' vehicle can be viewed lighting up and at 5:43:54 p.m. Salaiz backs the vehicle out of the parking space knocking the officers to the ground. The vehicle can then be seen driving northbound through the Gold Dust West parking lot towards the northwest driveway.



(Still photograph from Gold Dust West camera 6313 showing Salaiz backing the white Dodge Avenger out of the parking space. Officers Lindsay and Officer Laskin are no longer visible but based on eye witness accounts this is because both officers were knocked to the ground by Salaiz' vehicle.)

At 5:44 p.m. an officer reappears on the screen as Salaiz drives away. At 5:44:10 p.m. two officers run after the vehicle as it drives through the parking lot to the north exit. Camera 6310 appears to be mounted to the exterior of the casino and covers the 5<sup>th</sup> Street entry/exit. At 5:44:07 the camera depicts a vehicle exit onto 5<sup>th</sup> Street and appears to collide with an object.

It should be noted that Camera 6416, an outside camera positioned in the southwest parking lot, shows another view of Salaiz backing the white Dodge Avenger out of the parking space. The time on this camera is a few seconds different than camera 6313. In this view, the rear lights of the vehicle are visible at 5:43:55 p.m. and the vehicle backs up at approximately 5:43:59 p.m. The driver's side door is clearly open when Salaiz backs the vehicle out of the space. Due to the poor quality of the video the officers' position cannot be determined based on this camera view. This view also depicts vehicles consistent with those of Merri Street and Joseph Love parking in east-west spaces, facing east, just two and three spaces south of Salaiz' vehicle at approximately 5:42 p.m. The footage corroborates the witnesses accounts of where they were located when they heard and observed the officers engage in an altercation with Salaiz. Both Ms. Street and Mr. Love describe

the officers getting knocked to the ground when Salaiz reversed the White Dodge Avenger from the parking space.

## 2. DODGE AVENGER

On December 29, 2016 the white Dodge Avenger was examined by Supervising Criminalist Steven Johnson with the Washoe County Crime Lab. Mr. Johnson made the following observations regarding bullet holes in the Dodge Avenger.

- Eleven (11) bullet holes; Two (2) holes on the hood of the vehicle; One (1) hole in the windshield; Two (2) holes in the front passenger window; Two (2) holes in the rear trunk; One (1) hole in the rear bumper; Two (2) holes in the driver's side front door; and One (1) hole on the front and back plastic portion of the driver's headrest consistent with a single bullet.<sup>5</sup>

The evidence of the bullet holes to multiple areas of the Dodge Avenger corroborates Officer Lindsay, Officer Laskin and other eye witness accounts which state that initial gunshots were fired or could be heard after Salaiz backed the vehicle out of the parking space but prior to the vehicle pulling away. Shots were also fired while the vehicle drove away.

## 3. EVIDENCE COLLECTED

The following relevant evidence was collected and photographed at the Gold Dust West, 444 Vine Street.

- One (1) paper flyer with a photograph of a California Identification card bearing the name of "Salaiz, Raymond" located on the ground south of the casino in the parking space where Raymond Salaiz' vehicle had been parked while he had contact with police.

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<sup>5</sup> The holes represent entry bullet holes and the findings of Steven Johnson are classified as "consistent with" bullet holes. The vehicle contained other defects classified as bullet ricochets and unknown impacts.

- One (1) black "Streamlight Stinger LED" flashlight and one (1) Taser located on the ground near Salaiz' parking space located south of the casino.



- Eleven (11) 9mm Luger fired cartridge cases fired from Officer Lindsay's firearm. The cartridge cases were located south of the casino near the parking space where Raymond Salaiz' vehicle had been parked while he had contact with police.
- Two (2) .357 Sig fired cartridge cases fired from Officer Laskin's firearm. The cartridge cases were located south of the casino near the parking space where Raymond Salaiz' vehicle had been parked while he had contact with police.
- One (1) black plastic "Glock" magazine which contained six copper jacketed white metal Winchester 9mm Luger ammunition located just outside the west casino doors in the parking lot. This is Officer Lindsay's magazine which was ejected during a tactical reload as he pursued Raymond Salaiz' vehicle heading north out of the parking lot. There were no bullets missing from this magazine.

The following relevant evidence was collected and photographed at the accident scene located at 777 W. 5<sup>th</sup> Street.

- One (1) projectile with red stains from the ground east of the White Dodge Avenger.
- One (1) wooden baton from the rear window

The following relevant evidence was collected from Officer Kent Laskin:

- One (1) blue Reno Police uniform long sleeve shirt with dirt on the back and left sleeve and one (1) pair of blue uniform pants and black Velcro type belt with dirt on the back and sides of the legs.

This evidence corroborates Officer Laskin being knocked to the ground and drug by Salaiz' vehicle. Officer Lindsay's clothing and equipment were also collected and scuff marks/damage was noted to the top toe area of his black boots.

#### B. Autopsy

The autopsy of Raymond Salaiz was performed by Washoe County Medical Examiner Laura Knight, who determined that the cause of Salaiz' death was due to multiple gunshot wounds. The autopsy revealed that Salaiz was shot two times.

Toxicology results from Salaiz' peripheral blood revealed 87 ng/mL of Amphetamine and 420 ng/mL of methamphetamine.

### III. 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 Raymond Salaiz 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, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in depth explanation:

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

NRS 200.120 provides in relevant part that "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony . . ." against the other person. NRS 200.160 further provides in relevant part that "Homicide is also justifiable when committed . . . in the lawful defense of the slayer . . . or any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished."

The Nevada Supreme Court has refined the analysis of self-defense and, by implication defense of others, in Runion v. State, 116 Nev. 1041 (2000). In Runion, the Court set forth sample legal instructions for consideration in reviewing self-defense cases as follows:



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

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

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense, the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

Actual danger is not necessary to justify a killing in self-defense. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

If evidence of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable doubt that the defendant did not act in self-defense, you must find the defendant not guilty. Id. 1051-52.

#### B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer . . . when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty" and "When necessary . . . in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person."

#### C. Use of Deadly Force to Effect Arrest

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

### IV. ANALYSIS

In the early evening hours of December 21, 2016, Raymond Salaiz made the decision to drive to the Gold Dust West Casino even though he knew that he had an outstanding arrest warrant and that SPD was looking for him and his girlfriend, Sara Castro-Martin, related to separate felony charges of burglary and arson. Raymond Salaiz ingested methamphetamine at some point prior to driving to the Gold Dust West as evidenced by his postmortem toxicology screen as well as statements by Castro-Martin that the two had been using methamphetamine and not sleeping for days leading up to the Gold Dust West incident.

After arriving at the Gold Dust West it was only a short time before Salaiz was approached by Officer Lindsay. Salaiz knew immediately that if he revealed his true identity he would be arrested. Based on that knowledge he provided a false name and date of birth to Officer Lindsay in order to avoid arrest. According to Castro-Martin, Salaiz knew that he was wanted and had communicated to her that he would not go back to prison.

This was evidenced by an incident earlier in December in which Salaiz and Castro-Martin encountered police, provided false identification and were able to avoid being arrested. Even during that earlier incident, Salaiz told Castro-Martin that he was ready to flee at any time during the police contact.

That was exactly the mindset that Salaiz had on December 21, 2016 when Officer Lindsay contacted him inside the casino. In order to buy more time and create a situation in which he could flee from police Salaiz told Officer Lindsay that he had identification in the Dodge Avenger that he drove to the Gold Dust West. The entire time Salaiz had his wallet in his back pocket with his true identification contained therein. Giving Salaiz the benefit of the doubt and to allow further time for back up to arrive, Officer Lindsay allowed Salaiz to walk to his vehicle. Salaiz complied with Officer Lindsay as long as he still believed that he would be let go. As soon as Officer Laskin arrived with the correct information that Salaiz was in fact the wanted person, Salaiz' demeanor changed and he took whatever actions necessary to escape from police. This included refusing to follow lawful commands provided by both Reno police officers and utilizing his vehicle as a deadly weapon.

Once Salaiz was set on escaping he placed the keys in the ignition and took the steps to flee with complete disregard for the safety of both officers. By his own actions of starting the vehicle and backing up while the officers were still in close contact with the vehicle he caused the vehicle to be used as a weapon and strike both officers causing them to fall to the ground. Without any concern for the positioning of the downed officers, Salaiz placed the car in gear and proceeded forward.

Officer Lindsay had already taken steps to try and deescalate the situation by providing multiple verbal commands to Salaiz during the incident. Officer Lindsay also produced his firearm believing that this action alone would cause Salaiz to stop but neither the commands nor placing Salaiz at gunpoint had any effect on Salaiz. After being knocked to the ground by Salaiz reversing the vehicle and hearing the screams of Officer Laskin, Officer Lindsay, while still positioned on the ground, raised his firearm and shot multiple rounds in the direction of where he believed Salaiz was situated within the vehicle. Even with

Officer Lindsay's actions Salaiz placed the vehicle into drive and proceeded northbound through the parking lot.

During the incident Officer Laskin also provided commands to Salaiz to get out of the car and shut off the vehicle. Officer Laskin attempted to utilize his Taser to force Salaiz to comply in a non-lethal manner. However, after Salaiz escalated the situation by starting the vehicle and attempting to place it into gear, Officer Laskin had no choice but to abandon the use of the Taser as it could have endangered the public. Upon Salaiz getting the car started, placing it into gear and reversing, Officer Laskin was caught in the open driver's side door and thrown to the ground. Officer Laskin was positioned on the ground staring up at the bumper of Salaiz' vehicle and could only focus on trying to save his life by getting out of the way while he heard Salaiz attempting to get the car into gear. Officer Laskin was able to push himself out of the way and after being badly shaken by being knocked to the ground he was able to stand up, pull his firearm, obtain sights on the vehicle and fire two times as Salaiz sped off through the parking lot.

In the moments surrounding Salaiz' actions of starting his vehicle and placing the car in reverse, Officers Lindsay and Laskin reasonably believed that they were in imminent danger of great bodily harm or death. Further, each officer believed that the life of their fellow officer or members of the public were also in imminent danger of death or great bodily injury. It was absolutely necessary for them to use deadly force against Salaiz in order to save their own lives. In short, both officers had the right under Nevada law to use deadly force against Salaiz in defense of their own person as well as others in the discharge of a legal duty.

#### V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the December 21, 2016, officer involved shooting death of Raymond Salaiz, the actions of Officer Javen Lindsay and Officer Kent Laskin were warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.