

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

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REPORT ON THE FEBRUARY 23, 2017, OFFICER
INVOLVED SHOOTING OF STEVEN VALENZUELA

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INTRODUCTION

On February 23, 2017, at approximately 10:42 a.m., Reno Police Department ("RPD") Officers Aaron Flickinger and Mark Griffin were on foot patrol in full uniform when they were contacted by Whittlesea Checker Taxi driver Laura Cosgrove at the intersection of West Street and Second Street. Cosgrove told the officers "Three guys just tried to rob somebody, and I think one of them is armed." When Officer Flickinger asked for a description, Cosgrove stated they all appeared to be juveniles, and one of the suspects was wearing a red baseball cap. Cosgrove told the officers that the suspects were last seen traveling eastbound on 3rd Street on foot.

Officer Flickinger broadcasted the description and direction of travel on his police radio. Almost immediately thereafter, Officer Flickinger saw three subjects that matched the description near the intersection of Commercial Row and Sierra Street. Officer Flickinger used his radio to alert the incoming patrol units and immediately began running toward the suspects. RPD K-9 Officer Thomas White was on duty when he heard the radio traffic and immediately responded to the area.

RPD Officers Kellie Dunn and Brit Pierczynski were on foot patrol when they heard Officer Flickinger's radio transmission. After hearing the radio traffic, they also responded to the area in an attempt to locate the three suspects. When they arrived in the area, they observed the three subjects walking eastbound towards them. When Officer Dunn yelled, "Stop police!" the subject in the red hat (later identified as Steven Valenzuela) turned around and began running westbound on 3rd Street.

Valenzuela entered the Eldorado Casino through a set of doors located near the south side loading dock on 3rd Street. Officer Flickinger organized a perimeter around the exterior of the casino, but the two other subjects who were with Valenzuela at the time of the incident evaded capture and left the scene. When Officer White arrived on scene, he entered the Eldorado through the security doors located near the intersection of 3rd Street and Sierra Street and assisted in the search for Valenzuela.

Video surveillance captured Valenzuela as he entered the Eldorado Casino and followed him throughout. Valenzuela often

had one of his hands inside the front pocket of his sweatshirt attempting to maintain control of an object later identified as a silver revolver.

Valenzuela was originally on the ground level floor of the casino, but he eventually took the escalator to the mezzanine level. Just as he reached the mezzanine level, Sergeant Laura Conklin and Officer Dunn began pursuing him. When Valenzuela reached the third floor (restaurant area), he entered Hidden Pizza, which was closed at that time. By the time Sergeant Conklin and Officer Dunn reached the third floor, Valenzuela was out of their view so they began searching the area located in front of the Brew Brothers Restaurant across from Hidden Pizza.

Valenzuela remained in Hidden Pizza for approximately 20 seconds. He initially tried locating an exit door but was unsuccessful. Thereafter, Valenzuela retreated through the same door he originally entered. As Valenzuela moved through the door he pointed a firearm at Sergeant Conklin and Officer Dunn. Sergeant Conklin and Officer Dunn did not fire at Valenzuela because the area was populated with citizens. After seeing the firearm, Sergeant Conklin used her radio to inform the other officers that Valenzuela was armed.

Valenzuela turned left and ran north toward a set of double doors with the firearm in his right hand. When Valenzuela reached the double doors, he kicked them open and continued in a northbound direction. After making the radio transmissions, Sergeant Conklin and Officer Dunn followed Valenzuela through the doors, temporarily losing sight of him. They mistakenly went down a stairwell instead of continuing northbound in Valenzuela's direction.

Valenzuela then went through the Drinx bar located inside the Silver Legacy Casino. Valenzuela was able to access the Silver Legacy Casino due to an architectural design that connects both casinos above street level. Valenzuela exited the Drinx bar and went down an escalator to the first floor of the Silver Legacy Casino. All the while, Valenzuela had his right hand in the front pocket of his sweatshirt. Once on the first floor, Valenzuela began running southbound through the casino.

Valenzuela exited the southwest doors of the Silver Legacy Casino and began walking east on 4th Street. After

approximately 30 seconds, Valenzuela crossed the street and re-entered the Eldorado Casino through a set of doors located on the north side. Once inside, Valenzuela took the firearm from his sweatshirt and put it into his right rear pants pocket. Once the firearm was inside the pocket, Valenzuela entered the Sierra-Virginia tower elevator and began travelling up to the second floor. After the elevator doors closed, Valenzuela removed the sweatshirt and hat that he was wearing. When the elevator reached the second floor, the doors opened, and Valenzuela saw Officer White standing directly in front of him.

When Valenzuela saw Officer White, he pointed his thumb in the opposite direction of the elevator bank and said, "He just went that way" in an attempt to direct Officer White away from him. Officer White noticed Valenzuela had a blank stare on his face and his right hand was concealed. Suspecting that Valenzuela was armed, Officer White pointed his gun at him and yelled, "Drop the weapon!" Valenzuela immediately pulled a silver colored revolver from his pocket and placed the barrel to his own head. Once the barrel was pointed at his head, Valenzuela stepped back into the elevator and began saying "Shoot me!," "Kill me!," and "I want to die!" Valenzuela asked Officer White, "Why haven't you shot me yet?" and then stated, "I'm going to shoot myself!"

Valenzuela began pushing multiple buttons in the elevator in an attempt to escape, but the doors would not close. Officer White took several steps away from Valenzuela while repeatedly ordering him to drop the gun. Officer White also said, "Don't do this!" and "It's not worth it!"

Valenzuela kept the gun to his head as he laid on the ground and crawled across the floor toward a trashcan that was positioned near the adjacent set of elevators. Once he was behind the trashcan, Valenzuela began advancing toward Officer White and said, "I want to die, are you ready?" Officer White then took seven to ten more steps away from Valenzuela until he reached cover next to a set of stairs. Officer White kept giving verbal commands to Valenzuela.

Valenzuela continued moving forward in the direction of Officer White with the revolver still in his right hand. Officer White, fearing for the safety of himself and the safety of the citizens behind him in the casino, fired two rounds at Valenzuela. The

two rounds struck Valenzuela and caused immediate incapacitation. No other persons were injured during this incident.

Shortly after Officer White fired at Valenzuela, multiple officers arrived on scene and began rendering medical aid to Valenzuela. When REMSA arrived on scene, paramedics assessed Valenzuela and found that he had sustained a fatal injury. REMSA EMS Supervisor Monica Teves contacted Dr. John Sorenson who was working at Renown Medical Center. Teves consulted with Dr. Sorenson and obtained approval to pronounce Valenzuela deceased at 11:04 a.m. It was determined that his body would not be transported from the scene.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Sparks Police Department (SPD) led the investigation into the shooting of Valenzuela. The Washoe County Sheriff's Office (WCSO) provided secondary investigative support, the Washoe County Crime Laboratory (WCCL) provided forensic services, and the Washoe County Medical Examiner's Officer conducted an autopsy. 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 in May of 2018 for a determination of whether the shooting of Steven Valenzuela was legally justified. No criminal charges were recommended by SPD. The District Attorney's evaluation included reviewing over 1,000 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 Steven Valenzuela by Reno Police Department Officer Thomas White was justified and not a criminal act.

I. STATEMENT OF FACTS¹

A. Witness Accounts

1. RPD Officer Thomas White

Officer White was interviewed at the Reno Police Department on February 23, 2017, at 4:22 p.m. by SPD Detective John Vasquez and WCSO Detective James Cox. Thomas White has been employed as a police officer with the Reno Police Department for eleven years.

On February 23, 2017, Officer White was assigned to patrol in the K-9 unit and was working a shift from 8:00 a.m. to 5:00 p.m. Officer White was in the area of Saint Lawrence Avenue and South Virginia Street when he heard radio traffic from Officer Flickinger regarding a subject running on 3rd Street armed with a gun. Officer White immediately responded with lights and sirens towards the area while getting updates over radio traffic that the subject was last seen in the loading dock area of the Eldorado Casino. Officer White recalled the subject wearing some type of red clothing.

Officer White arrived to 3rd Street and noticed several officers searching the area. It was apparent to him upon arrival that the subject had not been located yet. Officer White went to 3rd Street and Sierra Street and parked his vehicle on the west side of the street. Upon exiting the vehicle, he noticed two or three officers running into the Eldorado Casino. At this time, Officer White also recalled over radio traffic that the subject had a gun. Officer White followed the other officers into the Eldorado Casino entering on the Sierra Street side.

Officer White followed the other officers up the escalators to the second floor where he noticed a security guard and asked if he had a location of the subject. While asking, Officer White heard a reference on the radio that the subject was in the basement area. He walked to the elevators to either go down to the basement or take a position outside the elevators to see if the subject would come up to the second floor.

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

Officer White got to Sierra-Virginia tower elevator bank and encountered a subject (Valenzuela) standing in the threshold of an elevator approximately five feet away from him. Valenzuela immediately pointed in a direction indicating that the subject Officer White was looking for went to Officer White's right.

Officer White felt something was not right with Valenzuela. He had a blank stare, and Officer White did not understand how Valenzuela would specifically know that Officer White was looking for a subject as he was just casually walking towards the elevator bank. Additionally, Officer White did not block Valenzuela in any way, yet Valenzuela did not move after his initial interaction with Officer White. All this led Officer White to believe Valenzuela did not really have any intention of getting off the elevator and exiting the area.

Officer White also could not see Valenzuela's right hand. Therefore, based on Valenzuela's behavior, Officer White drew his gun and pointed it at Valenzuela. Valenzuela immediately backed into the elevator and produced a silver revolver and put it towards his head moving it from his chin to his temple.

Valenzuela got down on the ground and at one point was rolling around still holding the revolver. He was yelling "Kill me! Kill me! Shoot me! I want to die!" Valenzuela then left Officer White's view and retreated back into the elevator. Officer White was afraid Valenzuela would peek around the corner and shoot him. In response, Officer White backed up to a corner at the elevator bank. All the while, Officer White was yelling commands to drop the gun telling Valenzuela that killing himself is not worth it.

Valenzuela crawled out of the elevator and hid behind a trash can just feet away from Officer White. Officer White could still see the top of Valenzuela's head as well as the revolver. Officer White was concerned for his own safety as well as those of the citizens behind him.

When Officer White originally approached the elevator bank he noticed several citizens walking around in the area. Officer White was unsure exactly how many people were behind him because he felt it necessary to keep all his attention on Valenzuela holding the revolver.

Officer White then noticed a security guard come within a couple feet of the elevator bank to pick up a phone. Officer White immediately ordered the security guard to get back for his own safety.

Valenzuela began to move the trash can towards Officer White. Officer White knew he needed help but did not feel he could safely let go of his gun to radio for assistance. Officer White made a determination that he would not let Valenzuela get beyond the threshold of the elevator bank for fear that he would kill him or other citizens to escape. Valenzuela had not complied with any of Officer White's commands.

Officer White feared that Valenzuela was going to kill him or the citizens behind him. Officer White felt he could not put his own life or the lives of citizens behind him at risk and therefore fired twice striking Valenzuela in the face with both shots.

Thereafter, several other officers arrived on scene. One of the officers kicked the revolver away from Valenzuela. Officer White had put on rubber gloves to attend to Valenzuela, but he was removed from the scene pursuant to protocol before providing aid.

2. RPD Officer Aaron Flickinger

Officer Flickinger was interviewed at the Reno Police Department on February 23, 2017 at 2:28 p.m. by WCSO Detective James Cox and SPD Detective John Vasquez. Officer Flickinger has been employed by RPD for approximately ten years. At the time of the event Officer Flickinger was working as part of the Downtown Walking Team. The RPD Downtown Walking Team consists of four officers working in pairs with a sergeant. Their duties are to walk the downtown corridor making contact with businesses and citizens. They cover the general area of downtown reaching from Greater Nevada Field on Evans Avenue to Arlington Avenue.

At approximately 10:42 a.m., Officer Flickinger was standing on the southwest corner of Second Street and West Street when he was approached by a female cab driver. She advised that she had just seen three guys try to rob somebody and believed one of them was armed. She mentioned that they looked like juveniles and that one of them may have been Hispanic. She also indicated

one of them was wearing a red ball cap. The cab driver said they walked eastbound on Commercial Row.

Officer Flickinger and his partner RPD Officer Mark Griffin began running northbound on West Street towards Commercial Row and then headed eastbound on Commercial Row. Officer Griffin stopped to talk to a couple of potential witnesses while Officer Flickinger continued running.

Upon approaching Commercial Row and Sierra Street, Officer Flickinger saw what he believed to be the three subjects. One of them was wearing a red cap and seemed to be holding something in his hand that he believed could be a firearm. Officer Flickinger called out an update on the radio that he found the subjects and continued to pursue them across Sierra Street trying to conceal himself behind some brick barriers for his own safety.

While Officer Flickinger could not confirm that it was a firearm, he decided to follow the person in the red cap as he believed that that person was likely armed with a firearm. As a result, Officer Flickinger eventually lost sight of the other two subjects while in pursuit of the person in the red ball cap.

Officer Flickinger saw RPD Officer Kellie Dunn along with other officers chasing the suspect in the red cap (hereinafter "Valenzuela"). When Valenzuela ducked into the loading dock area of the Eldorado Casino, Officer Flickinger advised Officer Dunn to slow down the search for officer safety as he believed Valenzuela was armed with a firearm. Officer Flickinger said he was scared for his own life as he believed Valenzuela was holding a firearm and could be hiding out in the loading dock ready to ambush officers. They began slowly looking in the loading dock area under trucks and in dumpsters but were unsuccessful in locating Valenzuela.

Officer Flickinger called over the radio for more officers to respond to set up a perimeter. Officer Flickinger then decided to enter into the Eldorado Casino. Upon entering, Officer Flickinger got an update over the radio that Valenzuela was in front of Brew Brothers possibly being held at gun point. Officer Flickinger raced up to Brew Brothers and saw Officer Dunn and RPD Sergeant Laura Conklin near the restrooms across from Brew Brothers.

Believing Valenzuela might be hiding out in the restroom, Officer Flickinger went in to clear it but did not find Valenzuela. Officer Flickinger then followed Officer Dunn and Sergeant Conklin down a stairwell at which point he heard radio traffic that shots were fired in front of Millies24.²

Officer Flickinger ran back up the stairwell and went through some doors that led into a large conference room. There were approximately 30 people in the conference room and Officer Flickinger quickly moved through back into the casino area.

Officer Flickinger then ran down a set of stairs towards Millies24 when he noticed RPD Officer Thomas White standing with other officers. Officer Flickinger noticed Valenzuela on the ground a few feet away from Officer White. Officer Flickinger rendered aid to Valenzuela. He noticed an obvious wound to his head and lifted his shirt to see if there were any other wounds. Seeing none, Officer Flickinger began checking Valenzuela's pulse while Officer Dunn and RPD Officer Carlos Valles put pressure on Valenzuela's head with some towels. Officer Flickinger felt a very faint pulse at first that quickly faded away. Officer Flickinger continued aiding Valenzuela until he was relieved by REMSA. Upon being relieved, Officer Flickinger saw the red ball cap and a black sweatshirt that Valenzuela was wearing laying nearby.

3. RPD Officer Mark Griffin

Officer Griffin was interviewed at the Reno Police Department on February 23, 2017, by WCSO Detective Joe Aceves and SPD Detective Bryan Orr. Officer Griffin has been employed at RPD for twelve years. He was assigned to the Downtown Walking Team. Officer Griffin was with Officer Flickinger at the corner of Second Street and West Street when a cab pulled over to the side of the road. The female cab driver told them she believed three young males were possibly trying to rob someone. She described one of them as having a red cap and one of them having a handgun.

² Several witnesses refer to the Millies24 coffee shop as Tivoli Gardens as that was its name prior to a rebranding. For clarity, this report will consistently use the name Millies24.

Both officers headed northbound on West Street while Officer Flickinger put out the information received on radio. Upon approaching Commercial Row, Officer Griffin stopped to talk to a couple with a child to see if they had information regarding the suspects. The adult male advised they saw three kids, one with a red cap going eastbound towards Virginia Street. Officer Griffin then ran towards Virginia Street.

Officer Griffin heard Officer Flickinger call out on the radio that the subjects were heading to the southeast corner of the Eldorado Casino. Officer Griffin then saw an individual in a red cap (Valenzuela) heading westbound from the southeast corner of Sierra Street and 3rd Street. Officer Griffin planned to cut Valenzuela off at Sierra Street at the corner of the Eldorado Casino. He saw Officer Dunn running at Virginia Street and Third Street. Thinking they had Valenzuela triangulated, Officer Griffin saw Valenzuela duck into the loading dock area on the south side of the Eldorado where officers lost sight of him.

Officer Griffin then heard over the radio that Valenzuela went into the Eldorado Casino. Officer Griffin entered the southwest doors of the Eldorado Casino. He joined Officer Matt Daniels along with his trainee, Officer Cervantes. All three went up the escalators towards Brew Brothers and entered into the kitchen area of Hidden Pizza. Upon entering, a couple of employees advised a guy ran through there and down the stairway. The three officers were running down the stairwell when Officer Griffin heard an officer call out over radio that he had Valenzuela at gunpoint at Millies24. The call was then updated to "shots fired" on the radio. Officer Griffin got to Millies24 and saw officers starting first aid on Valenzuela. Officer Griffin was then relieved by Sergeant Conklin.

4. RPD Officer Kellie Dunn

Officer Dunn was interviewed at the Reno Police Department on February 23, 2017 by SPD Detective Nick Pagni and WCSO Detective Gordon Koski. Officer Dunn has been employed by the RPD for two years. She started out on graveyard patrol but then moved to the Downtown Walking Team in October of 2016.

Officer Dunn was at the downtown substation office located on Plaza Street when she heard Officer Flickinger on the radio that

he was hailed by someone who said a robbery had just been committed. Officer Dunn headed out of the substation office and went towards Virginia Street. Officer Flickinger called out a suspect description of three males, one with a red hat and black sweatshirt that was possibly armed with a firearm (Valenzuela).

Officer Dunn was nearing the intersection of Plaza Street and Virginia Street when she observed the three subjects matching the description. She identified herself as police and ordered the subjects stop and sit on the curb. None of the subjects complied and Valenzuela took off running westbound while the other two subjects entered into the Eldorado Casino.

Officer Dunn began pursuing Valenzuela westbound on 3rd Street. She observed Valenzuela run to the loading dock area of the Eldorado Casino. At that time, Officer Flickinger met with Officer Dunn at the dock area but they were unable to locate Valenzuela.

Officer Dunn saw other police units responding to 4th Street and Virginia Street so she began running that direction. She looked through the entrance of the Eldorado Casino and saw Valenzuela running up an escalator inside. Officer Dunn then ran into the Eldorado Casino in pursuit of Valenzuela. She chased him up the escalator but lost sight of him briefly before seeing Valenzuela near the fountains located on the second floor. Officer Dunn was scared while chasing Valenzuela because he was running with his hands in his sweatshirt making Officer Dunn believe he had a firearm.

Officer Dunn pursued Valenzuela as he ran up another escalator to Brew Brothers. Officer Dunn lost sight of Valenzuela, but she heard metal clashing and then saw Valenzuela fall out from inside the doorway at Hidden Pizza located across from Brew Brothers.

At this time, Sergeant Conklin was with Officer Dunn as they both saw Valenzuela raise a silver firearm and point it at them as they were running side by side through slot machines feet away. Officer Dunn called out on the radio that Valenzuela had a gun and yelled at Valenzuela to stop but he did not comply. Officer Dunn was in fear of her life and thought she was going to be shot.

Officer Dunn and Sergeant Conklin lost sight of Valenzuela and decided to go down a stairwell where they eventually met up with Officer Flickinger. Officer Dunn heard a "shots fired" radio call at Millies24. Officer Dunn followed Officer Flickinger as they exited the stairwell into a conference room. The officers then ran to Millies24.

Upon arrival to Millies24, Officer Dunn saw Valenzuela on the ground with a gun-shot wound. Officer Dunn grabbed gloves, attempted life saving measures on Valenzuela, and rolled him on his side to get him to breathe. She applied pressure to his head wound with towels. Officer Dunn remained with Valenzuela until REMSA arrived. Officer Dunn saw the silver revolver in the middle of the elevator bank along with a shell casing.

5. Sergeant Laura Conklin

Sergeant Conklin was interviewed at the Reno Police Department on February 23, 2017 at 4:07 p.m. by WCSO Detective Robert Markin and SPD Detective Jose Zendejas. Sergeant Conklin is the Downtown Walking Team sergeant in charge of four Walking Team Officers.

Sergeant Conklin was at the downtown substation when she heard Officer Flickinger on the radio that he had just been hailed by a witness regarding a possible robbery. Officer Flickinger described one of the subjects as having a red hat and one of the subjects having a silver firearm. Officer Dunn headed out of the office first with Sergeant Conklin following quickly behind.

Upon exiting the office, Sergeant Conklin heard over the radio that a male subject in a red hat possible carrying a firearm (Valenzuela) was running towards the Eldorado. She then heard Officer Dunn update that Valenzuela was at Virginia Street and Commercial Row heading into what Sergeant Conklin described as a truck bay.

As she ran towards the truck bay Sergeant Conklin heard that the subject was now inside the Eldorado. Sergeant Conklin cut across the back side of the Palace Jewelry and Loan and ran across Virginia Street hoping to catch Valenzuela before he entered the Eldorado. She caught up to Officer Dunn at the corner of Virginia Street and Fourth Street on the southwest corner. Sergeant Conklin saw Officer Dunn run into the Eldorado towards an escalator. She presumed Officer Dunn must have seen

the subject based on her decisive action and followed Officer Dunn.

Both Sergeant Conklin and Officer Dunn ran up the escalators and then up the stairs that lead to Brew Brothers. Sergeant Conklin radioed other officers that Valenzuela was at Brew Brothers and they had lost sight of him. They slowed down for their own safety and were trying to locate Valenzuela when Sergeant Conklin saw Valenzuela jump out of the area of Hidden Pizza.

Valenzuela looked directly at Sergeant Conklin pointed the firearm at her and Officer Dunn. He immediately moved to his left. Sergeant Conklin unholstered her firearm and mirrored Valenzuela while running through a set of gaming machines. Both Sergeant Conklin and Officer Dunn gave Valenzuela repeated commands "Police, don't move."

Sergeant Conklin saw Valenzuela popping his head between the machines until he was near the restrooms. Sergeant Conklin feared for her life and others around. She thought about shooting at Valenzuela but was unsure if there were any citizens behind Valenzuela and decided not to. She then called out on the radio that they were at Brew Brothers and Valenzuela had a firearm.

Sergeant Conklin believed Valenzuela went into the women's restroom and called out his suspected location over the radio. Sergeant Conklin was worried Valenzuela had gone into a restroom and potentially taken a hostage. She quickly realized that Valenzuela had instead gone through a set of double doors next to the restrooms.

Sergeant Conklin and Officer Dunn then slowly proceeded through the doors into a hallway repeatedly calling out, "Reno Police." Sergeant Conklin cleared a door in the hallway that turned out to be a storage closet. She then heard someone yell, "He's down here!" so they ran down a corridor that led to a set of stairs that only go down. They began heading down the flights of stairs until they get to a locked gate. They tried unsuccessfully to open the gate and presumed Valenzuela could not have exited through there either.

Sergeant Conklin then heard over the radio that Valenzuela was back upstairs. She asked a nearby security guard for assistance getting back up the stairs. Sergeant Conklin and Officer Dunn

then went back up the stairs to Brew Brothers where they met Officer Flickinger.

Sergeant Conklin heard a "shots fired" call on the radio at Millies24. All three arrived to the area and Officer Dunn and Officer Flickinger immediately began providing aid to Valenzuela. Sergeant Conklin grabbed some towels to stop Valenzuela's bleeding and handed them to Officer Dunn, Officer Flickinger and Officer Carlos Valles, who had also come to assist Valenzuela. Sergeant Conklin then called for REMSA. Sergeant Conklin noticed Valenzuela's hat and sweatshirt piled up just outside one of the elevators.

Sergeant Conklin made contact with Officer White and asked him who the shooter was. Officer White responded, "I am." Officer White then left the scene with RPD Detective Dimitri Kassebaum. At that point, Officer Ron Field approached Sergeant Conklin and advised that he had kicked the gun away from Valenzuela immediately after the shooting.

Sergeant Conklin later assisted in locating the cab driver witness (Laura Cosgrove) who originally hailed Officer Flickinger.

6. Officer Ron Field

Officer Field was interviewed at the Reno Police Department on February 23, 2017, at 3:25 p.m. by WCSO Detective James Cox and SPD Detective John Vasquez. Officer Field has worked for RPD for 16 years and is currently assigned to patrol.

Officer Field was in his marked patrol car at Mill Street and Bible Way when he overheard yelling on radio traffic. He was with RPD Officer Scott Hartze who was also in a marked police vehicle. Both officers responded with lights and sirens to the Eldorado Casino. Officer Field could not make out exactly what was going on due to the radio traffic breaking up.

Upon arrival, they both parked near the southeast entrance to the Eldorado Casino on Virginia Street and Commercial Row. Officer Field then spoke with a Cisco food driver who advised the officers he saw police chasing a subject (Valenzuela). Officer Field heard radio traffic that Valenzuela was cornered in a kitchen area and heard he may be armed.

Officer Field and Officer Hartze then entered the Eldorado through the southeast entrance. Officer Field took out his baton and they ran up the escalators. Upon nearing the top, Officer Field heard two gunshots. Officer Field drew his firearm and he and Officer Hartze came around a corner towards an elevator bank. He saw Valenzuela on the ground with Officer White standing near him. Valenzuela had obvious wounds and was still moving and rolling around. Officer Field saw a firearm near Valenzuela's hand and saw Valenzuela move towards it. Officer Field did not know how many assailants were involved and announced that he was moving the firearm. Officer Field used his foot to kick the firearm approximately five feet away from Valenzuela and stood between Valenzuela and the firearm. Officer Field then saw numerous officers come to the elevator bank area and render aid to Valenzuela.

7. Jael Ninamango

Jael Ninamango was interviewed on February 23, 2017 at the Reno Police Department by SPD Detective Eric Curtis and WCSO Detective James Cox. Ninamango was Valenzuela's girlfriend and was present with him the morning of February 23, 2017.

Ninamango met Valenzuela approximately two years prior after Valenzuela got out of prison on a seven year term for robbery. They met through a mutual friend and Valenzuela eventually moved from Las Vegas, Nevada, to St. George, Utah in late 2016 to be with Ninamango.

Valenzuela moved in with Ninamango and her father. One night in December, Ninamango had friends over that she had not seen in a while. Valenzuela began drinking heavily. Valenzuela left the residence for a few minutes. When he came back he pulled out a large gun and put it on the table. Ninamango and her friends got scared. One of Ninamango's friends then got into an argument with Valenzuela and the police were called. Police showed up and arrested Valenzuela.³

³Incident 16P030904 was obtained from the St. George Police Department. The report describes Valenzuela as being upset with Ninamango's friends for speaking in Spanish. Valenzuela suspected that they were talking about him. He left the area for approximately 30 minutes and came back with a firearm. Valenzuela pointed the firearm at the named victim and demanded money. A struggle ensued over the firearm and Valenzuela was subdued until law

Ninamango's father bailed Valenzuela out of jail. Valenzuela told Ninamango that he knew he was going to serve prison time relating to his recent arrest. Valenzuela threatened Ninamango and forced her to leave St. George with him as he planned to skip his future court date. Valenzuela would not let Ninamango talk to her family or to tell them that they were leaving. Ninamango was scared of Valenzuela as she knew he was a member of the Norteño criminal gang.

Valenzuela and Ninamango left St. George approximately a week prior to the shooting and went initially to Las Vegas, Nevada and then to California. The gun Valenzuela had during the St. George arrest was taken by police but Valenzuela was able to obtain a different gun. The gun was silver in color and older looking. They left St. George in a black Mitsubishi Eclipse registered to Valenzuela and Ninamango's father.

While driving in California, Valenzuela and Ninamango began arguing because Ninamango wanted to go back to Utah. Valenzuela began hitting Ninamango and purposefully crashed the Mitsubishi Eclipse. A citizen who witnessed the crash tried to help Valenzuela and Ninamango. Valenzuela pulled out the silver firearm and robbed the citizen of his white car.⁴

Valenzuela and Ninamango arrived in Reno on February 19 or 20, 2017. They were staying in the stolen white car downtown near

enforcement arrived. Valenzuela was charged with Aggravated Robbery, Intoxicated person with a Weapon, Assault, and Intoxication.

⁴ Incident 917-02508-0621-038 was obtained from the Los Angeles County Sherriff's Office. On February 19, 2017, the reporting victim stated he was exiting a gated parking lot at the Valencia Country Club when he saw a black Mitsubishi Eclipse suddenly lose control and crash into a curb. The victim saw Valenzuela exit the driver's seat holding his left leg saying, "Help me, I'm hurt, call 911!" The victim got out of his vehicle (a white Hyundai Sonata) and told a female adult to call 911. When the victim turned around, Valenzuela pointed a silver revolver at him and said "Give me your keys!" The victim was scared and started walking backwards and tossed his vehicle keys to Valenzuela. The victim then saw a female (Ninamango) exit the front passenger seat of the Eclipse and approach the passenger side of the Sonata saying "I don't want to do this!" to Valenzuela. Valenzuela then told Ninamango, "We have to do this, this is our lives!" Valenzuela then entered the driver's seat of the Sonata and took off with Ninamango. The Eclipse vehicle previously driven by Valenzuela was left behind. Of note, located in the Eclipse was a .32 caliber shell casing recovered under the driver's seat as well as nineteen (19) live .32 caliber bullets recovered from the floor board adjacent to the driver's seat and behind the passenger seat. The Los Angeles County Sheriff's Department sent out a Special Bulletin advising that Valenzuela and Ninamango were Armed and Dangerous and wanted for Carjacking.

the casinos. Ninamango had never been to Reno before and was unfamiliar with street names and landmarks.

Valenzuela was attempting to meet up with fellow Norteño gang members in the Reno area. On the morning of February 23, 2017, Valenzuela left Ninamango with the car in the downtown area between 10:00 a.m and 11:00 a.m. He left with two other Norteño gang members. One of them was Caucasian with a question mark tattoo named "Lightning," the other was a Caucasian/Hispanic named "Mousie." Valenzuela went by the moniker "Shorty." Valenzuela was wearing a black sweatshirt and red hat. He told Ninamango that he would be back as he was going to meet other Norteño gang members in the area. Valenzuela left with the silver gun concealed in his shorts underneath his pants.

Ninamango was left with "Lightning"'s girlfriend. Ninamango never heard from Valenzuela again. She stayed by the car in the downtown area. Ninamango heard about the shooting from Lightning's girlfriend. Ninamango suspected Valenzuela was involved because he had not come back. She wanted to go home and knew that if Valenzuela was not involved that he would be looking for her.

8. Laura Cosgrove

Laura Cosgrove was interviewed at the Reno Police Department on February 23, 2017, at 2:00 p.m. by SPD Detective Eric Curtis and WCSO Detective Casey Andrews. Cosgrove works for Whittlesea Checker Taxi. On February 23, 2017 at approximately 10:30 a.m., Cosgrove was in her taxi at a cab stand on West Street next to the Silver Legacy. Cosgrove saw three subjects walk around the corner of West Street and 5th Street that looked suspicious to her. The three subjects repeatedly looked at Cosgrove which led her to believe they wanted a ride. She saw one subject fidgeting with his jacket pocket. Cosgrove suspected this individual may have a gun. She described this individual as a short, Hispanic male approximately 5'2" to 5'4".⁵ Cosgrove described the other two subjects as taller and wearing black jackets, with one of them being Caucasian.

⁵ It should be noted that Steven Valenzuela is listed as 5'3" on his driver's license.

A few minutes later, Cosgrove saw an African American male adult talking on a walkie talkie in his hand following the three subjects. Cosgrove yelled out her window to the African American male adult and asked him if the subject had a gun. He responded that he thought he did because the three subjects had just tried to rob him in the parking lot as he was getting out of his car. Cosgrove believed the African American male adult was possibly a security worker because of the walkie talkie and insignia on his clothing. Cosgrove observed the African American male adult continue to follow the three subjects down 5th Street.⁶

Cosgrove then got a call to pick up a customer at 100 Arlington Avenue. She turned her cab around and began heading southbound on West Street. Upon approaching West Street and 3rd Street, Cosgrove once again saw the same three subjects crossing the street near Commercial Row. Cosgrove thought something was suspicious as the subjects appeared to be circling back. Cosgrove did not see the African American male adult at this time.

Cosgrove continued southbound on West Street. When she approached West Street and 2nd Street she observed two officers on the side of the street. She went up to them and told them that three guys down by the Silver Legacy supposedly tried to rob a guy and that she thought one of them had a gun.

Cosgrove then went to pick up the customer at 100 Arlington Avenue.

9. Joseph Quinoñes

Joseph Quinoñes was interviewed at the Sparks Police Department on March 30, 2017, at approximately 11:00 p.m. by SPD Detective John Vasquez. Quinoñes goes by the moniker "Lightning."

Quinoñes met Steven Valenzuela while both were in the Nevada State Prison system in Ely, Nevada. In February of 2017, Valenzuela contacted Quinoñes through Facebook Messenger and told him that he was coming through Reno and wanted to hang out. Valenzuela arrived around February 20 or 21 and was with his girlfriend. Valenzuela stayed with Quinoñes at an apartment on

⁶ Efforts to locate the African American male witness were unsuccessful. The Sparks Police Department canvassed the area, checked surrounding surveillance video and sent out a press release asking for information.

Lake Street rented by Quinoñes's girlfriend, Crystal Sandoval. Valenzuela's girlfriend was there the first two nights but then she disappeared.

Quinoñes said that Valenzuela was down on life and was struggling with money and his girlfriend. Valenzuela told Quinoñes he was wanted in Utah for a robbery and planned to stay in Reno for about 30 days before heading either to Mexico or Los Angeles, California. Valenzuela also told him he would run if contacted by law enforcement. Quinoñes was planning to leave Reno with Valenzuela.

Valenzuela was buying methamphetamine and reselling it for a profit to make money. He was also smoking Methamphetamine with Quinoñes while Quinoñes was injecting it. Quinoñes never saw Valenzuela with a gun but knew he had one from Valenzuela's gestures and comments that he had a "banger", a slang term for pistol

On February 23, 2017, both Quinoñes and Valenzuela were coming down from a Methamphetamine high and were drinking alcohol. Valenzuela was drinking what Quinoñes thought was Seagram's gin. They were also drinking several Four Loco alcoholic drinks. Both Quinoñes and Valenzuela were intoxicated the morning of February 23, 2017.

They left together from the Lake Street apartment. Quinoñes denied being with a third individual. They went to the Circus Circus to gamble but Quinoñes did not remember drinking anything there. They left the Circus Circus and were heading towards the Eldorado when Quinoñes saw a female cop coming towards them. He did not remember what the cop was saying but he saw Valenzuela take off running and the cop began to chase him. Quinoñes then casually entered into the Eldorado Casino. Quinoñes never saw Valenzuela again.

Quinoñes denied they were ever with a third individual. He also denied having any kind of altercation with an African American male.

10. Nachele Norman

Nachele Norman was interviewed at the Reno Police Department on February 23, 2017, by SPD Detective Nick Pagni and WCSO

Detective Gordon Koski. Norman has worked at the Eldorado Casino as a cocktail waitress for four years.

Norman was on the first floor of the casino when she noticed several officers coming into the casino from different directions. Norman went up the stairs towards Millies²⁴. She immediately saw an officer (Officer White) with his gun out screaming "Get down, get down." Norman saw Officer White commanding another male (Valenzuela) but her view was obstructed. She saw Valenzuela hiding behind a trash can by the elevator. Norman was scared so she ran into the Swarovski Boutique and began recording the incident with her cell phone.

Norman then saw her friend, Kathleen Downing. Downing told Norman to get down for her own safety because Valenzuela had a gun. Norman crouched down and her phone stopped recording. At that point, Norman heard two gunshots. Norman peeked her head out of her hiding spot and saw officers rendering aid to Valenzuela. Norman then began recording the incident again with her cell phone. Norman provided her cell phone to SPD to be forensically examined.

11. Kathleen Downing

Kathleen Downing was interviewed at the Reno Police Department on February 23, 2017, at 1:07 p.m. by SPD Detective Shawn Congdon and WCSO Detective Joe Digesti. Downing is employed by the Eldorado Casino and works at the Swarovski Boutique located approximately 20 to 50 feet directly south of the elevator bank where the incident occurred.

Downing was alone in the store behind the counter when she saw approximately twelve officers running up the escalator right near Swarovski Boutique towards the fountain to Silver Legacy. She then saw one officer in front of the elevators pull out his gun and yell out "Put your gun down! Put your gun down! Do not make me shoot you! Do not make me shoot you! I don't want to kill you!" Downing said the officer said commands at least 20 times. She then heard another male voice screaming "Leave me alone! Leave me alone! Back off! Leave me alone!" Suddenly, Downing heard two gun shots and she dove behind a wall inside the store.

Downing was then able to see the man (Valenzuela) on the ground as people were trying to render first aid to him.

Downing felt that Officer White seemed surprised that he had located Valenzuela. Downing felt sorry for Officer White because he yelled commands so many times and the fact that he was all alone with Valenzuela.

12. Moneisha Francis

Moneisha Francis was interviewed on February 23, 2017, at the Reno Police Department by WCSO Detective Gordon Koski and SPD Detective Nick Pagni. Francis works at a coffee shop located in the Eldorado Casino. She was in the downstairs area of the Eldorado Casino on a break near the 3rd Street entrance when she saw several RPD officers running into the Eldorado Casino at the 4th Street entrance. Francis decided to follow the officers through the entrance and up the escalators.

When she got to the top of the escalator she saw a male with a gun (Valenzuela) and two people near the elevator bank. Francis was unsure if the two people she saw were RPD officers or Eldorado Security officers. She heard one of them yelling "Put the gun down! It's not worth it!"

Francis initially saw Valenzuela standing with a gun in his hand. Fearing for her own safety, Francis moved behind a corner and was peeking out to observe the events. She peeked out again and saw Valenzuela on the floor on his stomach moving to a corner of the elevator bank behind a garbage can. Valenzuela still had the firearm in his hand and was pointing it towards the hallway going up the stairs into the buffet area. Francis began recording the event with her cell phone. Francis heard Officer White say "Stop moving! Put the gun down!" Valenzuela did not comply with Officer White's commands and kept moving around on the floor.

Francis then heard shots being fired and dropped down to the floor. Francis lost her cell phone on the way down and the phone stopped recording. Francis provided her cell phone to SPD to be forensically examined.

13. Joseph Hanek

Joseph Hanek was interviewed on February 23, 2017, at 1:15 p.m. at the Reno Police Department by SPD Detective John Vasquez and WCSO Detective James Cox. Hanek has been employed as a security officer at the Eldorado Casino for thirteen years.

On February 23, 2017, Hanek was working near the Sierra-Virgina tower elevator bank checking guests for room keys to let people enter and go up to hotel rooms on the elevator. During this time everything appeared normal to Hanek. He saw a Hispanic gentleman walk by him in the lobby but did not think much of it at the time. Shortly thereafter, he saw a female RPD officer go running up the steps toward the fountain area. Soon after, he saw several RPD officers coming from every direction towards the fountain area near Brew Brothers.

Hanek got on his security radio and advised there was some kind of pursuit going on. A couple minutes later an RPD officer (Officer White) approached him and asked which way the other officers went. Just then the elevator came up and the Hispanic individual (Valenzuela) Hanek saw minutes earlier was inside. Hanek heard Officer White tell Valenzuela to "keep your hands where they are." Valenzuela pulled out a pistol and put it to his head. Hanek exited the immediate area for fear of his own safety and lost a visual of the events. Officer White asked Hanek if there was a way to get the elevator shut off so that Valenzuela could not travel to a different floor. As he came back around the corner of the Millies24 counter, Hanek updated security dispatch. Hanek grabbed a security phone land line and saw Valenzuela on the floor of the elevator hiding behind a trash can. Officer White told Hanek to "get back" so Hanek dropped the phone and went into Millies24. Hanek overheard Officer White repeatedly tell Valenzuela to "put the weapon down, you don't wanna do it. Put the weapon down."

Shortly thereafter, Hanek heard two gunshots. He then saw officers coming from every direction. Hanek shut the escalators off to prevent any citizens from coming into the area. Hanek then stood by and tried to direct citizen traffic away from the elevator bank.

14. Kathryne Lawrence

Kathryne Lawrence was interviewed on February 24, 2017, at 12:54 p.m. at the Reno Police Department by WCSO Detective Robert Markin and SPD Detective Jose Zendejas. Lawrence has been employed at the Eldorado Casino for 17 years and is currently a Casino Shift Manager.

On February 23, 2017, Lawrence was working on the casino floor when she saw several RPD officers enter the casino from different doors and run up the escalators towards the fountain area. Lawrence followed the officers up the escalators and when she got to the area of the elevator bank near Brew Brothers she saw only one officer (Officer White) as well as an Eldorado Security Officer (Joseph Hanek).

Lawrence asked Officer White what he was looking for and Officer White responded "A guy with a gun." Lawrence asked what he looked like and at that point Hanek said he had a red hat. Right at that moment, an elevator opened and Lawrence could see the officer out of the corner of her eye commanding a subject (Valenzuela) inside the elevator to put the gun down.

Lawrence then walked around the coffee counter next to the elevator bank. She saw Officer White draw his gun. While she was unable to see whom was inside the elevator, she could hear Valenzuela keep saying "I'm gonna to kill myself, I'm gonna kill myself." Lawrence heard Officer White telling Valenzuela, "You don't wanna do that. It's not worth it. Don't' do that. You don't wanna do that." Officer White kept telling Valenzuela over and over again "Put the gun down. Put the gun down."

Lawrence then saw Officer White backing up from his position but with his gun still drawn. Officer White was calling over the radio "Get some other officers here." Security Officer Hanek went over to grab a security land line phone. Officer White told him to get out of the area and Hanek threw the phone and hurried back. All of a sudden Lawrence saw Officer White fire two shots and call out "Shots fired."

Lawrence felt bad for Officer White as she had seen several other officers present moments before but he was all alone dealing with Valenzuela. Lawrence felt Officer White's life was in danger based on Valenzuela's actions. She said he did everything he could to get Valenzuela to put the gun down and acted very professionally.

After the shots were fired, Lawrence requested to shut the elevators and escalators down to prevent citizens from entering the area.

15. Shane Siebenthall

Shane Siebenthall was interviewed on February 23, 2017 at 12:13 p.m. at the Eldorado Casino by SPD Detective Jose Zendejas and WCSO Detective Robert Markins. Siebenthall was at the Eldorado with his parents at Millies24 eating breakfast.

Siebenthall heard shouting which caught his and his parents' attention. Siebenthall got out his cell phone and began recording. He heard what he thought was an officer (Officer White) yelling commands to "stay down, don't move, stay down, don't do it, it's not worth it." Siebenthall estimated the officer yelled at least 20 commands. Siebenthall was unable to see the confrontation but heard it and it sounded to him like a high stress situation. He believed it was a police officer giving the commands based on his control of the situation and the commands being given. It sounded to Siebenthall as though the officer was in fear of his own life as well as worried for the other person involved.

Siebenthall then heard two gunshots. He got up from his table with his father and moved closer to see the situation. He continued recording on his cell phone. His mother remained seated at the table. He heard more shouting and then saw several police officers enter the area.

Siebenthall was concerned for the officer and asked another officer if the officer involved in the shooting was okay. Once the officer confirmed the shooting officer was okay, he returned to his seat and turned off the cell phone recording. Siebenthall provided his cell phone to SPD to be forensically examined.

16. Everett Vanderwerf

Everett Vanderwerf was interviewed at the Reno Police Department on February 23, 2017 by WCSO Detective Joe Digesti and SPD Detective Shawn Congdon. Vanderwerf is employed at the Eldorado Casino as a Senior Electrician.

On the morning of February 23, 2017, Vanderwerf was coming out of the engineering department of the Eldorado Casino with materials to work on a job. Vanderwerf heard over the Eldorado security radio about some sort of commotion near the restrooms next to Brew Brothers. Just at that time, Vanderwerf saw two RPD officers race by up the stairs going straight. Vanderwerf

advised the officers to go to the second level to find Brew Brothers which the RPD officers heeded.

Vanderwerf was curious and decided to head to the area of the commotion. He walked down the stairs from the Grand Plaza and overheard shouting. Vanderwerf found himself standing approximately six to eight feet behind an officer (Officer White) commanding a person (Valenzuela) to put the weapon down and stop moving.

Vanderwerf heard Officer White yell authoritative commands at least 20 times towards Valenzuela who was armed with a weapon and was not complying. Instead he saw Valenzuela crawl across the elevator bank to a corner. Vanderwerf backed up and began directing guests to stay out of the area.

Vanderwerf then saw Officer White begin to give ground and back up while Valenzuela slowly advanced towards him. Vanderwerf saw Valenzuela appear to be pointing at Officer White. Vanderwerf then heard two shots fired and a call out by Officer White that shots were fired. Shortly thereafter several RPD officers arrived in the area.

Vanderwerf felt that Officer White's actions were righteous and that he did what he had to do to save himself and save other people.

B. Countdown of Officer White's Firearm

Officer White's primary weapon on February 23, 2017, was a Sig Sauer P229 .40 caliber semi-automatic handgun, serial number AM37076. The carrying capacity of the magazine used in his firearm was twelve rounds. Officer White carried two additional magazines for his primary firearm. Officer White told investigators that he loads his firearm with one bullet in the chamber and twelve (12) bullets in the magazine.

On February 23, 2017 Washoe County Forensic Investigator Toni Leal-Olsen collected Officer White's equipment worn and used during the shooting. The collection of Officer White's firearm and its contents revealed one live .40 caliber Smith and Wesson hollow point round in the chamber and ten live .40 caliber Smith and Wesson hollow point rounds in the magazine. Two magazines taken from Officer White's duty belt contained twelve rounds of .40 caliber Smith and Wesson hollow point rounds in each. All

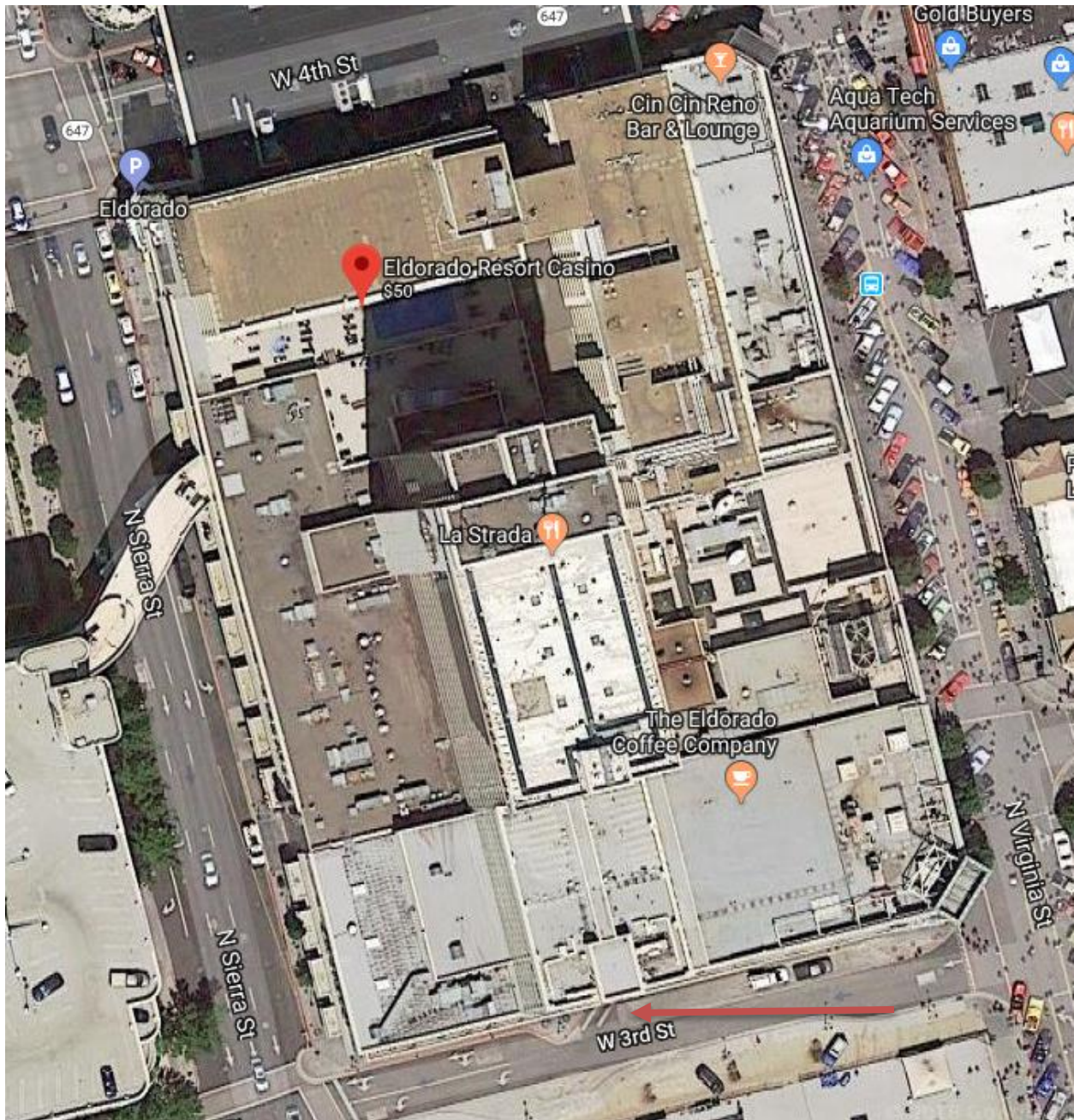
items were booked into evidence at the Washoe County Sheriff's Office.

II. PHYSICAL EVIDENCE

A. Shooting scene

The Eldorado Casino is located at 345 North Virginia Street and consists of the entire 300 block. The casino is situated on North Virginia Street between 3rd Street to the south, 4th Street to the north and North Sierra Street to the east. The casino is connected above ground across 4th Street to the Silver Legacy Casino to the north. Valenzuela travelled between the two casinos during the pursuit.

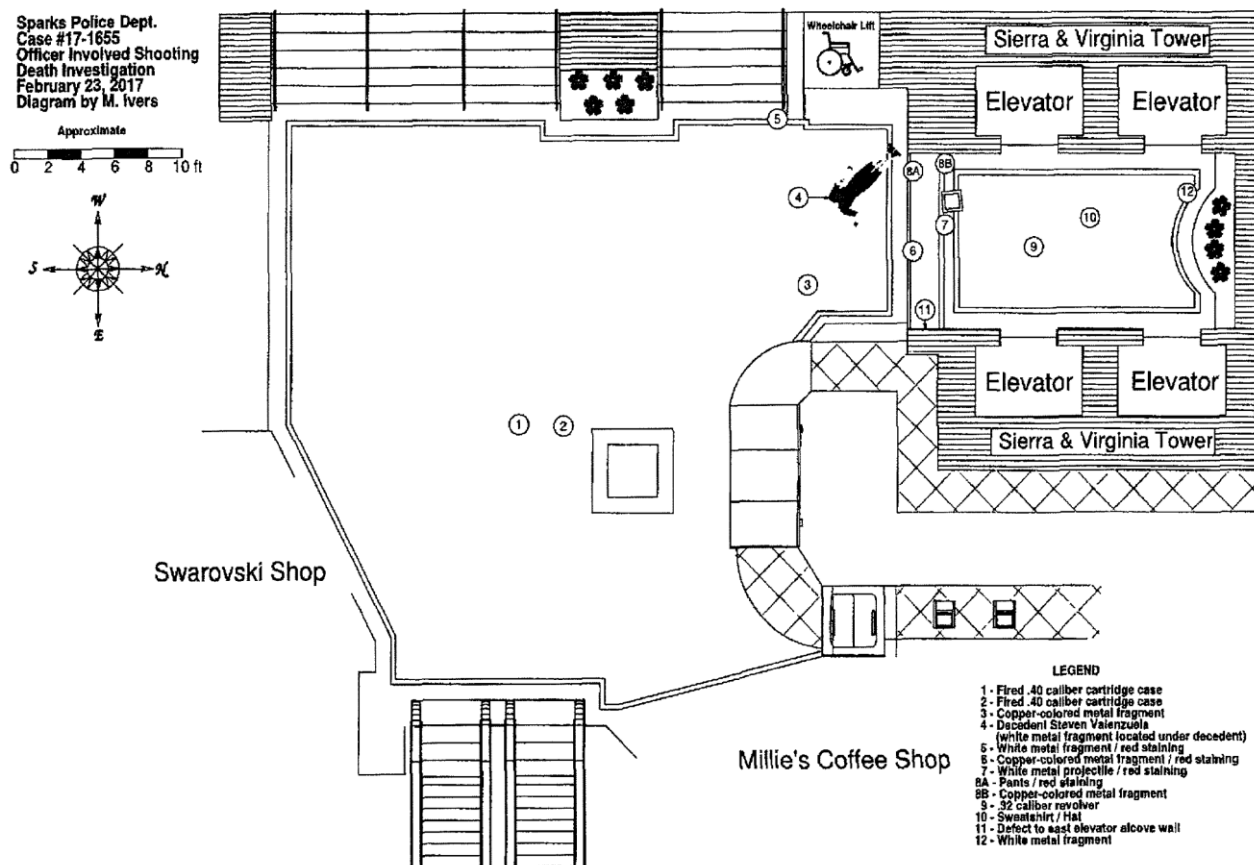
The Eldorado Casino has two entrances on Sierra Street as well as two entrances on 4th Street. In addition, there are diagonal doored entrances on the corners of 4th Street and North Virginia Street as well as 3rd Street and North Virginia Street. On 3rd Street there is a loading dock with an employee only entrance. This is where Valenzuela entered the casino.



(Eldorado Casino with loading dock located on south end on 3rd Street - Google maps)

The shooting scene is located at the Sierra & Virginia Tower elevator bank on the third floor of the casino. The elevator bank has two sets of two elevators facing each other east and west. East of the elevator bank is Millies24 coffee shop. The shop has a rounded display that connects to the elevator bank. Across from Millies24 to the south is the Swarovski Jewelry Boutique shop. Southwest of the elevator bank is a set of

stairs that leads up to a fountain area. At the fountain area there are escalators leading up to Brew Brothers. Across from Brew Brothers is a set of gaming machines. On the south wall is a set of restrooms as well as Hidden Pizza.



(Computer aided diagram of scene created by WCCL Criminalist Michael Ivers on 5/1/17)

B. VIDEO SURVEILLANCE

The Eldorado Casino has both indoor and outdoor surveillance systems. When Valenzuela ran to and entered the Eldorado Casino, he was immediately captured on video surveillance. A large majority of the foot pursuit, the subsequent search, and Valenzuela's eventual confrontation with Officer White is captured on video surveillance. The following table is a summary of what was depicted:

Camera View	Start time	End Time	Description
3rd Street Looking West	10:43:15	10:43:22	Valenzuela running West on 3rd Street
3rd Street Looking East- Receiving/Compactor/Loading Dock	10:43:19	10:44:05	Valenzuela running West on 3rd St. and enters through the casino through the loading dock. Officers follow inside and are given direction by an Eldorado employee. There are three cameras all grouped to the same short period of time
Eldo PTZ Slot Section 2 #150	10:44:40	10:44:48	Valenzuela walking through Slot Section 2 heading north
Eldo PTZ Pit 1 #53	10:45:04	10:45:18	Valenzuela walking north through Pit 1
Escalator 1&2	10:45:43	10:45:34	Valenzuela heading up the escalator to the mezzanine level
Coffee Kiosk PTZ	10:45:50	10:46:01	Valenzuela walking toward the fountain, before heading to the mezzanine
Millies Steps	10:46:03	10:46:50	Valenzuela heading up the Millies24 Steps with Officers Dunn and Conklin following behind
Tivoli Restrooms	10:46:05	10:46:25	Valenzuela walking past the restrooms with Officers Dunn and Conklin following behind
Top Of Fountain	10:46:15	10:46:54	Valenzuela running past the Fountains and into Section 14 with Officers Conklin and Dunn following behind searching the area

Eldo PTZ Slot Section 14 #253/ Eldo Slot Section 14 Fixed/ Eldo PTZ Slot Section 14 #217/ Eldo Hidden Pizza POS	10:46:17	10:47:31	Valenzuela runs through Slot Section 14, into Hidden Pizza, then into the area behind Café Central. Valenzuela then exits through Hidden Pizza and through a set of double doors next the restrooms. Officers Dunn and Conklin cautiously move through the double doors. This shot contains 4 cameras
Drinx Service Hallway/ Drinx Service Bar/ Drinx Bar	10:47:02	10:47:51	Valenzuela runs through the Drinx Service bar and back out onto the mezzanine. There are three cameras all grouped to the same short period of time
W. Casino Escalator/W. Down Escalator/Mezz. W. Escalator/Mezz Central East	10:47:13	10:47:49	Valenzuela running from Drinx Service Bar down the Silver Legacy West Escalator. This shot contains 4 cameras
Aura Podium	10:48:05	10:48:07	Valenzuela running past the Silver Legacy Aura Lounge
SW Entrance Aura Bar	10:48:07	10:48:23	Valenzuela running out the Southwest Entrance onto 4th Street
Casino PER W. 4th Street/ SV Lobby-Casino	10:48:17	10:49:12	Valenzuela exiting the Silver Legacy, running across 4th street, into the Eldorado and into the elevators. This shot contains 2 cameras
Elevator 12	10:49:03	11:12:56	Valenzuela in the elevator removing his hat and sweatshirt. Then the interaction between Officer White and Valenzuela in Elevator 12 and the mezzanine elevator lobby
SV Lobby Mezz	10:48:35	17:48:53	Coverage from the time of engagement until the scene was cleared



(Valenzuela entering the Eldorado Casino through the loading dock - 3rd St Looking East-Receiving camera 10:43:21 a.m.)



(Valenzuela just after exiting Hidden Pizza - ELDO PTZ Slot Section 14 #253 10:46:47 a.m.)



(Sergeant Conklin just after seeing Valenzuela exit Hidden Pizza - ELDO PTZ Slots Section 14 #217 10:46:47 a.m.)



(Valenzuela entering the double doors exit carrying the revolver in his right hand - ELDO Slot Section 14 Fixed 10:46:49 a.m.)



(Valenzuela with the revolver in his left hand moments after being confronted by Officer White in the elevator - Elevator 12 10:50:10 a.m.)



(Valenzuela's original cover position behind the trashcan - SV Lobby Mezz
10:51:01 a.m.)



(Officer White moments before firing at Valenzuela as he advanced out of the elevator bank with the revolver in his right hand - SV Lobby Mezz 10:51:18 a.m.)



(Trash can Valenzuela used to conceal himself as he advanced on Officer White)

C. EVIDENCE COLLECTED

The following relevant evidence was collected and photographed at the Eldorado Casino, 345 North Virginia Street:

- One (1) white metal "Clerke Technicorp", Model Clerke 1st, .32 caliber Smith & Wesson five (5) shot revolver (Serial #807879) with black hand grips and containing four (4) yellow metal "32 S&W CBC" cartridges - from elevator alcove floor



(Valenzuela's Clerke Technicorp, Model Clerk 1st .32 Caliber Smith & Wesson five (5) shot revolver)



(Four yellow metal "32 S&W CBC Cartridges loaded in Valenzuela's revolver)

On June 14, 2017, Criminalist Steve Shinmei with the Washoe County Crime lab reported the results of an examination of the above firearm. Shinmei determined that the Clerk Technicorp Clerke 1st revolver was in normal operating condition with no noted malfunctions.

- One (1) black with white/grey patterns on the hood, sleeves, and pass through pocket, "Asphalt" hooded sweatshirt, size XL, with the sleeves inside the sweatshirt - from the floor of the Sierra-Virginia Tower elevator alcove
- One (1) red with white/black snakeskin patter bill and top button "The Supreme Cap" baseball cap with "49ERS" "SF" on the front - from the floor of the Sierra-Virginia Tower elevator alcove



(Hat and sweatshirt Valenzuela wore throughout the pursuit before he took them off in elevator 12 in an attempt to change his appearance)

- One (1) red stained, clear glass smoking device with white residue - from the left front pocket of Valenzuela's pants

- One (1) red stained, tied closed plastic bag containing white powder (4.85 GGW) - from the right front pocket of Valenzuela's pants

On March 28, 2017, Criminalist Brad Taylor with the Washoe County Crime lab reported the results of an examination on the plastic bag containing the white powder. Taylor determined that the substance was methamphetamine with a net weight of 3.847 grams.

- Two (2) "Winchester 40 S&W" fired cartridge cases fired from Officer White's firearm located on the lobby floor
- Apple iPhone 6 belonging to Nachelle Norman

On February 23, 2017, SPD Detective Adam Harris used Cellebrite Physical Analyzer to perform an advanced logical extraction of Norman's Apple iPhone 6. Detective Harris located a total of 40 videos however most of the videos located were duplicates.

The first video appeared to be a saved video from Snap Chat. In the video, Officer White has his gun pointed towards Valenzuela who is holding the revolver to his head. Officer White is giving verbal commands "Do not move! You don't need to do this! Don't do this!" Valenzuela is seen crawling from an elevator to behind a trash can.

All of the other videos are taken after the shooting occurs and depicts officers blocking off the area and medics on scene.

- Apple iPhone 7 belonging to Moneisha Francis

On February 23, 2017, SPD Detective Adam Harris used Cellebrite Physical Analyzer to perform an advanced logical extraction of Francis's Apple iPhone 7. Detective Harris located four separate videos with multiple duplicates. All the videos appear to be Snap Chat videos as they are all approximately nine seconds long.

The first video shows Officer White with his gun pointed towards Valenzuela who is holding the revolver. Officer White says "You don't need to do this! You don't need to do this!" Then a female voice that appears close to the recording phone is heard saying "Girl, back up. You don't see the gun in his hand? Back up! Oh my fucking god!"

The second video shows Officer White with his gun drawn yelling "Get back, sir!" and then a security guard (Hanek) is seen walking away from the elevator bank. A female voice that appears close to the recording phone says "He has a gun. He has a gun."

The third video shows Officer White with his gun drawn. At the end of the video Officer White is heard saying "Do not..." and ends before the statement is completed.

The fourth video shows several officers standing where the shooting happened with Valenzuela on the floor. A female voice that appears close to the recording says "they sh... oh my God they shot him." Then a different female voice away from the recording says "We have one man down." Finally, the first female voice says "Oh my God his face is bleeding."

- Apple iPhone 6S belonging to Shane Siebenthall

On February 23, 2017, SPD Detective Adam Harris used Cellebrite Physical Analyzer to perform an advanced logical extraction of Shane Siebenthall's Apple iPhone 6S. Detective Harris located one video that started at 10:51:12 a.m. and lasts approximately three minutes.

The video itself shows the inside of Millies24 and does not depict the scene itself. The audio depicts commands from Officer White although much of the exact verbiage is difficult to make out initially. At one point, Officer White says "Stop right there." A male voice close to the phone recorder asks "Do you see something?" with a second male voice close to the phone recorder responding, "No."

Then Officer White is heard saying "Stop". The first male voice then says "You'll be able to hear a gunshot though." Officer White is then heard saying "Get back! Get fucking back!" One second later two gun shots are heard approximately one second apart. A female voice close to the recorder is heard saying "I'm out of here, let's go." Then first male voice asks "Is the cop ok?"

The video then moves from its position within Millies24 towards the scene. The rounded coffee counter is depicted. Officer White is heard saying "Get on the ground." The first male voice close to the recorder then says "Yeah the cop is fine."

The video then shows several officers heading down the step from the fountain area. Officer Dunn is seen and yells "Give me gloves!" Seconds later, Officer Pierczynski is seen entering

Millies24 asking "Do you guys have towels? Do you have a towel?" The first male voice close to the recorder then asks Officer Pierczyski "Are the cops ok?" with Officer Pierczyski responding "Cops are ok."

D. Autopsy

The autopsy of Steven Valenzuela was performed by Washoe County Medical Examiner Julie Schrader who determined that the cause of Valenzuela's death was due to gunshot wounds of the head. The autopsy revealed that Valenzuela was shot two times.

Toxicology results from Valenzuela's peripheral blood revealed .67 ng/mL of Delta-9 THC, 120 ng/mL of Amphetamine, and 710 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 Steven Valenzuela to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officer involved and determining whether any criminality on his part existed at the time of the shooting.

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

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

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

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

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

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

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

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

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

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and

3. A reasonable person in a similar situation would believe himself to be in like danger.

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

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

B. Justifiable Homicide by Public Officer

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

C. Use of Deadly Force to Effect Arrest

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

IV. ANALYSIS

The morning of February 23, 2017, was a culmination of a severe and violent crime spree by Steven Valenzuela. To fully explain the actions of Valenzuela on February 23, 2017, it is important to understand the events leading up to the shooting. Valenzuela was arrested in St. George, Utah on December 10, 2016, for a variety of violent felonies stemming from an incident where he pointed a firearm at a victim and demanded money.

Valenzuela was bailed out of jail by his girlfriend's father but had no intention of appearing in court to face his charges.

Instead he coerced his girlfriend into leaving St. George, Utah in an effort to avoid consequences for his criminal actions.

On February 19, 2017, Valenzuela purposefully crashed the Mitsubishi Eclipse he was driving while striking Ninamango all because she wanted to go home to Utah. Immediately after the crash, Valenzuela feigned injury to lure an unsuspecting victim. Valenzuela pointed a firearm at the victim and stole his white Hyundai Sonata. Of note, the description of the firearm is the same as the one Valenzuela had with him at the Eldorado Casino. Additionally, one spent .32 caliber casing was found in the abandoned Mitsubishi Eclipse along with nineteen (19) live rounds. Inspection of Valenzuela's revolver after the officer involved shooting revealed four live rounds in a five-shot revolver.

Upon arrival to Reno, Valenzuela sought out fellow Norteño criminal gang members to get high with and assist in his concealment from law enforcement. Valenzuela stayed with a friend, Joseph Quinoñes, at Quinoñes' girlfriend's apartment on Lake Street. Valenzuela engaged in the use of methamphetamine and alcohol over the course of two to three days. He planned to stay in Reno for a short time before continuing his flight from law enforcement to either Mexico or Los Angeles, California.

On the morning of February 23, 2017, Valenzuela left the apartment with Quinoñes and another unidentified individual. It is unclear exactly what transpired with the unidentified African American male victim.⁷ However, Valenzuela's behavior was suspicious enough to attract the attention of a cab driver, Laura Cosgrove, while waiting in the cab line at the Silver Legacy. Cosgrove immediately noticed something wrong with the three individuals, especially Valenzuela as she suspected he was armed with a firearm by the way he was concealing his hands.

Cosgrove called out to the African American male and was led to believe that a robbery had just occurred. Cosgrove then hailed down RPD Officers Aaron Flickinger and Mark Griffin. Officer Flickinger called out the situation on police radio bringing in fellow Downtown Walking Team members Kellie Dunn, Laura Conklin, and Brit Pierczynski.

⁷ It bears repeating that significant efforts to locate the described African American male victim were unsuccessful.

Upon spotting law enforcement, Valenzuela immediately fled. What occurs next is a prolonged foot chase throughout the Eldorado Casino and into the Silver Legacy Casino. Valenzuela was clearly avoiding law enforcement as he was wanted in both St. George, Utah, and Los Angeles County, California for two separate violent crimes involving the use of a firearm. Valenzuela had no hesitation throughout the chase, oftentimes heading into areas designated for employees only. At times Valenzuela made efforts to blend in with the crowd by casually walking when officers were not directly behind him.

At one point, Valenzuela aimed the firearm at Sergeant Conklin and Officer Dunn before heading through a set of double doors west of Hidden Pizza. Eventually, Valenzuela made his way out of the Silver Legacy and crossed 4th Street back into the Eldorado to get on an elevator. Once on the elevator, Valenzuela quickly discarded the red hat and black sweatshirt in an effort to change his appearance.

Meanwhile, Officer Thomas White, operating as a K9 officer with the Reno Police Department, responded to the call. Officer White is uninvolved in the initial pursuit of Valenzuela but is getting updates regarding his presence. Officer White entered the Sierra Virginia elevator bank just as Valenzuela's elevator door opened. Valenzuela attempted to divert Officer White by suggesting the person he's looking for was headed in a different direction. Officer White keenly discerns that Valenzuela is the likely suspect. Due to the fact that Officer White cannot see Valenzuela's right hand and believing he was the armed suspect, he immediately commanded Valenzuela at gun point. Officer White's intuition was correct as Valenzuela pulls out the concealed revolver and puts it to his own head as he attempted to escape in the elevator. Valenzuela is unsuccessful as the elevator doors would not close.⁸

Officer White took cover away from the elevator and kept Valenzuela at gun point. While maintaining control, Officer White authoritatively commanded Valenzuela repeatedly to drop the weapon. Valenzuela responded that he wanted Officer White to kill him. At no point does Valenzuela heed Officer White's

⁸ It is unclear whether the elevator malfunctioned or was shut off by Eldorado Security.

commands. Officer White repeatedly tried to not only command Valenzuela to put the weapon down but to also convince him that suicide or forcing Officer White to shoot him was not the answer.

Instead, Valenzuela took a low position and moved out of the elevator to conceal himself behind a trashcan. Officer White retreated to cover behind a stairwell. Valenzuela began to advance towards Officer White while still crouched behind the trashcan. Officer White made the determination that he would not let Valenzuela break the barrier of the elevator bank as he recognized that not only his life was in danger, but those of the Eldorado employees and guests in the immediate area as well.

Once Valenzuela passed the threshold of the elevator bank, Officer White fired twice at Valenzuela. Within seconds, several RPD officers entered the area and the same officers that were chasing him (Officer Kellie Dunn and Officer Aaron Flickinger) immediately rushed to Valenzuela's aid in an effort to save him.

It is clear from Valenzuela's own statements that his intention was to either kill himself or to force Officer White into shooting him. Despite his intention, Valenzuela still attempted to escape capture and advanced on Officer White. All the while, employees and guests were in the area well within range of being shot and killed by Valenzuela.

Several witnesses in the area confirm Officer White's account of the events. Many went out of their way to express fear on Officer White's behalf and their own. They also stated a belief that Officer White made multiple attempts to deescalate the situation.

In the moments surrounding Valenzuela's actions of advancing towards Officer White and out of the elevator bank with a firearm in his hand, Officer White reasonably believed that he was in imminent danger of great bodily harm or death. Further, it was also reasonable for Officer White to believe that the lives of the numerous Eldorado employees, guests, and patrons were also in imminent danger of death or great bodily injury. It was therefore justifiable for him to use deadly force against Valenzuela in order to save his life and the lives of others. In short, Officer White had the right under Nevada law to use

deadly force against Valenzuela in defense of his 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 February 23, 2017, officer involved shooting death of Steven Valenzuela, the actions of Officer Thomas White were warranted under Nevada law. Unless new circumstances come to light that contradict the factual foundation upon which this decision is made, this case is officially closed.