

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

November 9, 2016



REPORT ON THE JUNE 21, 2015, OFFICER INVOLVED
SHOOTING OF ARTHUR DELL RICHARDSON JR.

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INTRODUCTION

On June 21, 2015, a concerned citizen called 911 after witnessing a male subject, later identified as Arthur Dell Richardson Jr. (hereinafter "Richardson"), point a handgun at the head of another male just outside of the doors to the Silver Legacy Resort Casino in downtown Reno. Officers with the Reno Police Department (hereinafter "RPD") were dispatched to locate Richardson. RPD dispatch then received another call from security personnel at the Silver Legacy, stating that they had located Richardson based on the description provided in the 911 call. Surveillance personnel monitored Richardson and observed him enter the Silver Legacy parking garage.

RPD Officers Christopher Good (hereinafter "Officer Good"), Aaron Flickinger (hereinafter "Officer Flickinger"), and Wesley Leedy (hereinafter "Officer Leedy") entered the parking garage as Richardson's location was relayed to them. All three officers were wearing full patrol officer uniforms, including badges. Officers Good and Flickinger put Richardson at gunpoint and gave verbal commands to show his hands and to get on the ground, while Officer Leedy pointed his Taser towards Richardson.

Richardson refused to comply with the commands, and began walking backwards away from the officers. Richardson reached his right hand underneath his shirt near his right hip, and pulled out a silver .45 caliber Ruger handgun that had been concealed. Richardson raised the handgun and pointed it towards the three officers. In direct response, Officer Leedy immediately dropped his Taser and unholstered his handgun, and all three officers fired their handguns at Richardson. Richardson was struck numerous times, fell to the ground, and dropped his handgun. Officers Good, Flickinger, and Leedy approached Richardson, moved Richardson's gun away from him, and began to perform life-saving measures. First aid was administered by RPD until REMSA arrived, at which point Richardson was transported by ambulance to Renown Regional Medical Center. Richardson was treated for his injuries, and survived.

Surveillance video from the Silver Legacy captured the interaction between Richardson and RPD Officers Good, Flickinger, and Leedy, including the shooting. Numerous

witnesses to the incident were interviewed, and their statements were consistent with one another and the video surveillance. Richardson himself was interviewed, and he admitted to pointing his handgun at officers, stating that he intended them to shoot and kill him.

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

The investigation included interviewing witnesses, canvassing the shooting area for additional witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, obtaining relevant surveillance video, reviewing the history of Richardson, and interviewing the officers involved in the shooting.

Upon completion of the entire investigation, all police reports along with WCCL forensic reports, collected documentation, photographs, witness statements, recorded audio and video of the incident, 911 and dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office in June of 2016, for a final determination of whether the shooting of Richardson was legally justified. No criminal charges against RPD Officers Good, Flickinger, or Leedy were recommended by SPD. However, SPD did arrest Richardson for several criminal charges. The case against Richardson was prosecuted by the Washoe County District Attorney's Office, and resulted in Richardson pleading guilty to Assault With a Deadly Weapon Upon an Officer, Being a Felon in Possession of a Firearm, and Aiming a Firearm at a Human Being.

The District Attorney's evaluation included reviewing nearly 700 pages of reports and documents, which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, video and audio recordings, and examination of the scene of the shooting. This report follows.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Richardson by RPD Officers Christopher Good, Aaron Flickinger, and Wesley Leedy was justified and not a criminal act.

I. STATEMENT OF FACTS¹

A. The 911 Call and RPD's Initial Investigation Into Richardson Pointing His Handgun at Ervin Taylor

On June 21, 2015 at approximately 1:54 am, RPD Dispatch received a 911 call from Scott Stout (hereinafter "Stout"), who was working as a taxi driver in downtown Reno. Stout stated that he observed a large group of subjects exit the Silver Legacy near the intersection of 4th Street and Sierra Street, and engage in a fight or argument. Stout observed Richardson reach into his waistband and pull out a silver gun, put it to another male's head, threaten him, and then put the gun back into his pants. Stout described Richardson to dispatch as a black male, approximately in his 30s, with a bald or shaved head, and wearing a dark t-shirt with writing on the front, which included the word "Bed". Stout ultimately lost sight of Richardson, as he had walked off.

Stout was later interviewed by SPD, and his statements were consistent with those statements he made during his 911 call. Stout stated that while sitting in a staging area for taxi cabs, he observed a large group of subjects exit the Silver Legacy near the corner of 4th Street and Sierra Street. The subjects separated into two groups, gesturing towards one another and exchanging words. Richardson pulled a gun out of his waistband, turned it sideways, and put it on the forehead of another male. Stout described the gun as a silver handgun, and stated that it was initially concealed before Richardson had pulled it out with his right hand. Richardson was yelling and repeatedly threatened to kill the other male, calling him a "retarded nigger." Stout stated that the male who had the gun pointed at him did not say a word, and that ultimately both males walked away from one another. Stout stated that he called 911 based on

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

the events he witnessed, and was speaking with the dispatcher while the majority of the events were happening.

At approximately 2:03 a.m., a Silver Legacy security employee who identified herself as "Katrina" called RPD dispatch and advised that they had located Richardson. Katrina described Richardson as a black male adult with a bald head and wearing a black shirt. Katrina stated that the print on the male's shirt said "Bred" (rather than "Bed" as initially reported by Stout). Silver Legacy surveillance personnel followed Richardson as he walked in-and-out of the Eldorado Resort Casino and then back into the Silver Legacy. At approximately 2:10 a.m., Richardson exited an elevator on the fourth floor of the Silver Legacy parking garage, entered into an elevator lobby area, and walked through some glass doors into the parking garage itself. This information was contemporaneously being relayed to RPD, and officers were responding. Richardson was being followed by a plain-clothes Silver Legacy security officer.

At approximately 2:12 a.m., RPD Officers Good, Flickinger, and Leedy exited the same elevator that Richardson had on the fourth floor of the Silver Legacy parking garage. They too entered into the elevator lobby area and walked into the parking garage through the same glass doors as had Richardson. The officers began giving Richardson verbal commands to show his hands and to get down on the ground, but Richardson ignored them. Instead, Richardson walked backwards away from the officers and grabbed a .45 caliber handgun that had been concealed under his shirt. Richardson raised the handgun up and pointed it at the officers, at which time each of them shot Richardson multiple times.

As part of the investigation, police later made contact with Ervin Taylor (hereinafter "Taylor"). Taylor stated that Richardson began "talking a bunch of shit" to Taylor inside the Silver Legacy, and the two proceeded to have a verbal argument. Taylor did not know Richardson, and had never seen him before. Both Taylor and Richardson walked outside, and Richardson walked around in a circle. While walking in a circle, Richardson pulled out a pistol. Taylor stated that his friend, who was identified as Lenny Hernandez (hereinafter "Hernandez"), told him that Richardson pointed the gun at Taylor. However, Taylor claimed not to have personally seen that. Taylor and his

friends re-entered the Silver Legacy, as other people tried to calm Richardson down and get him to walk away. Later, Taylor and his friends entered the parking lot and coincidentally encountered Richardson again. Taylor kept walking, but Hernandez stopped and talked to Richardson. Then, the police ran up, began yelling at him to "get down, get down, get down," and Richardson backed up. Richardson "went like this and went like that" and the police shot him. Taylor stated, "I was really nervous, I thought I was going to die that day."

SPD and WCSO detectives attempted to contact Hernandez to obtain a statement from him. However, they were unable to locate him despite their efforts.

B. Witness Accounts of the Shooting

1. RPD Officer Christopher Good

Officer Good has been employed by the RPD for 8 years, and is assigned to the Patrol Division. Officer Good was interviewed at the Reno Police Department on June 23, 2015 at approximately 11:18 a.m., by SPD Detective Clinte Bellamy (hereinafter "Detective Bellamy") and WCSO Detective Joe Bowen (hereinafter "Detective Bowen").

Officer Good explained that on June 21, 2015, he was on-duty and assigned to the prisoner transport vehicle with Officer Flickinger when dispatch advised that a subject had pointed a gun to the head of another person on the sidewalk at Fourth Street and Sierra Street. Dispatch provided a description of the gunman: a black male adult, bald, thirty years old, and wearing a black t-shirt with the words "Bed" on it and gray shorts. Officers Good and Flickinger responded to the area, but initially did not see anything. They were then hailed by Silver Legacy security, who advised that the subject with the gun (Richardson) had just entered the north side of the Eldorado. Officers Good and Flickinger entered the Eldorado and walked through the casino floor, but did not see Richardson. Upon exiting the Eldorado, Silver Legacy security again contacted Officers Good and Flickinger, advising that they had Richardson on video surveillance and he was entering the Silver Legacy parking garage.

Officer Good walked with the security guard towards the Silver Legacy. Officer Flickinger and Officer Leedy, who had also responded to the area based on the dispatch call, ran behind to catch up with Officer Good. The security guard gained access to the southeast corner of the Silver Legacy parking garage with his keys, and advised Officers Good, Flickinger, and Leedy that Richardson was now on the fourth floor of the parking garage. Officer Good entered an elevator with the others and, on the way up, devised a plan: he would go hands on with Richardson to place handcuffs on him, Officer Flickinger would be lethal cover, and Officer Leedy would be less-lethal cover with his Taser.

Upon reaching the fourth floor, Officers Good, Flickinger, and Leedy exited the elevator into a lobby area that is separated from the parking garage by some glass doors. Immediately, Officer Good observed Richardson, who matched the description as previously provided: black male adult, bald head, in his thirties, wearing gray basketball shorts and a black Michael Jordan t-shirt with the word "Bred" on it. Officer Good also saw multiple other people around the immediate area where Richardson was. Officer Good entered the parking garage through the glass doors with his gun drawn, and made multiple commands to Richardson to "get on the ground." Officer Good was dressed in his readily identifiable RPD uniform bearing RPD patches, a badge, and a nametag. Additionally, Officer Good wore a police duty belt equipped with his duty equipment.

Richardson refused to comply with Officer Good's verbal commands, took a bladed stance, and reached his right hand into the right side of his waistband and pulled out a gray-colored semiautomatic pistol. Richardson raised the pistol towards Officers Good, Flickinger, and Leedy, while other civilians were in the area. When Richardson pointed his gun towards Officer Good, he was approximately five to seven yards away. When Officer Good saw the pistol, he felt scared for the safety of everybody on the floor, based not only on Richardson's instant actions but also his prior actions of putting a gun to somebody's head outside of the Silver Legacy. Based on Richardson's actions, Officer Good shot him until he fell to the ground and the threat was eliminated.

Upon Richardson falling to the ground, Officer Good holstered his gun, approached Richardson, and handcuffed him. Officer Good then advised dispatch that he and other officers had been involved in an officer-involved shooting. Officer Leedy then administered first aid to Richardson, and RPD Officer Daniel Knox (hereinafter "Officer Knox") arrived shortly thereafter with a medical bag and also tended to Richardson. During the encounter with Richardson, Officer Good did not sustain any injuries except for a pulled hamstring.

2. RPD Officer Aaron Flickinger

Officer Flickinger has been employed by the RPD for 8 years, and is assigned to the Patrol Division. Officer Flickinger was interviewed at the Reno Police Department on June 23, 2015 at approximately 11:15 a.m., by WCSO Detective Kathleen Bishop (hereinafter "Detective Bishop") and SPD Detective Jace Thelin (hereinafter "Detective Thelin").

Officer Flickinger explained that on June 21, 2015, he was on-duty and assigned to the prisoner transport vehicle with Officer Good when dispatch advised that a subject had pointed a gun to the head of another person near the intersection of Fourth Street and Sierra Street. Dispatch provided a description of the gunman: a black male adult, bald, thirty years old, and wearing a black or dark-colored t-shirt with the word "Bed" on it. Officers Good and Flickinger responded to the area, but initially did not see anything. They were then hailed by the Silver Legacy security manager, who advised that the suspect with the gun (Richardson) had just entered the Eldorado. Officers Good and Flickinger, along with other responding officers, entered the Eldorado and walked through the casino floor, but did not see Richardson. Upon exiting the Eldorado, dispatch advised that Richardson was now in the Silver Legacy parking garage. Officer Flickinger observed Officer Good making contact with the same Silver Legacy security manager, and ran with Officer Leedy to join them. The security manager, who was talking on his radio, confirmed that Richardson was located on the fourth floor of the Silver Legacy parking garage. He gained access to the parking garage with a key and led Officers Flickinger, Good, and Leedy to an elevator.

Upon entering the elevator, Officer Good formulated a plan that he would be hands on with Richardson, Officer Flickinger would provide lethal cover, and Officer Leedy would provide less-lethal cover with the use of his Taser. All three officers exited the elevator once it reached the fourth floor, and Officer Flickinger observed, through some glass doors, a subject matching Richardson's description standing in the parking garage. Officer Good entered the parking garage through the glass doors first, followed by Officer Flickinger and then Officer Leedy. Upon entering the parking garage, the three officers fanned out. Officer Good ordered Richardson to either "Get on the ground" or to "Put your hands in the air," and Officer Flickinger believed he was yelling commands as well. Officer Flickinger had his gun drawn, based on the original call that Richardson had pointed a gun at another person's head. While the officers advanced on Richardson, he backpedaled away while still facing the officers. Richardson was given additional verbal commands of "Show me your hands, show me your hands, show me your hands." Instead, Richardson raised a gray or silver handgun and pointed it in the officers' direction. At that point, Officer Flickinger shot Richardson, and saw him fall to the ground and drop his handgun. When Richardson pulled his gun on the officers, they were within seven yards of one another.

Officer Flickinger stated that he shot at Richardson as soon as he saw Richardson pull his gun from the right side of his waistband. Officer Flickinger saw that action as a threat not only to himself but to the other people in the garage. Officer Flickinger stated that he thought his life was in danger, and "felt like, you know, I had to protect myself and anybody else in the garage that...that...that, you know, may be in harm's way." Once Richardson had fallen to the ground, Officer Flickinger noticed that Richardson's gun had landed on the ground in close proximity to him. Accordingly, Officer Flickinger continued to advance on Richardson and used his foot to slide Richardson's gun a safe distance away from him. Officer Good handcuffed Richardson, and Officer Flickinger secured the scene while Officer Leedy provided lifesaving efforts to Richardson.

3. RPD Officer Wesley Leedy

Officer Leedy has been employed by the RPD since 2011, and is assigned to the Patrol Division. Officer Leedy was interviewed at the Reno Police Department on June 27, 2015 at approximately 9:11 a.m., by WCSO Detective Bowen and SPD Detective Thelin.

Officer Leedy explained that on June 21, 2015, he was on-duty as a single unit when dispatch advised that a subject had pointed a pistol to the head of another person at the corner of Fourth Street and Sierra Street. Because a firearm was involved, Officer Leedy responded to the area. Dispatch advised that the suspect left the scene on foot and provided a description of the suspect, including that he was a black male wearing a black shirt with the word "Bed" on it, which Officer Leedy described as "unique text." Officer Leedy drove through the Circus Circus parking garage looking for the suspect, but did not see anybody matching the description as provided by dispatch.

At that time, dispatch advised that the suspect (Richardson) had been located by casino security personnel entering the Eldorado. Officer Leedy exited his vehicle, met up with Officers Good and Flickinger, and walked through the Eldorado looking for Richardson, without success. Upon exiting the Eldorado, Officer Good met up with a security guard who was receiving updates from his surveillance team, who had located Richardson and were watching him on video surveillance cameras. An updated description of Richardson was provided, and it was learned that the writing on his shirt was "Bred" rather than "Bed." Surveillance personnel also advised that Richardson had entered the Silver Legacy parking garage, so Officers Leedy, Good, and Flickinger went towards the garage with the security manager, who used a key to access the garage.

Dispatch provided another update that Richardson was on the fourth floor of the parking garage, and Officers Leedy, Good, and Flickinger entered an elevator to respond. On the way up, it was decided that Officer Good would be hands on, Officer Flickinger would provide lethal cover, and Officer Leedy would provide less-lethal cover. Also on the way up, the security manager advised the officers that, based on an update from surveillance personnel, Richardson would be right there upon exiting the elevator on the fourth floor.

Officers Good and Flickinger exited the elevator first, followed by Officer Leedy. They entered into a foyer area and walked through a glass-panel door into the parking garage. Officers Good and Flickinger began giving verbal commands to "Show us your hands, show us your hands." Officer Leedy observed a subject that matched the description of Richardson as provided by dispatch: a light-skinned black male wearing a black t-shirt with the words "Born Bred" on it and gray shorts. Officer Leedy had his Taser out, while Officers Good and Flickinger had their guns drawn, and the three officers triangulated on Richardson. Officers Good and Flickinger continued giving verbal commands to Richardson to show his hands, but he refused. Richardson bladed his stance, shuffled backwards, and swept his right arm around the right side of his beltline. Richardson then pulled out a silver semiautomatic pistol, which had been concealed, and immediately brought it up in an aggressive manner, pointing it at Officers Leedy, Good, and Flickinger.

Immediately upon Richardson pointing a gun at the officers, Officers Good and Flickinger fired their guns, and Officer Leedy dropped his Taser, drew his firearm, and also fired shots. Officer Leedy stated that he transitioned from his Taser to his gun because Richardson presented lethal force when he pointed his firearm at the officers. Officer Leedy felt his and his partners' safety was in jeopardy, along with the safety of other people in the parking garage. Officer Leedy shot until Richardson collapsed to the ground. The officers advanced on Richardson and continued ordering him to show his hands. Richardson had dropped his pistol and it was on the ground only a foot or so away from his left hand, so either Officer Good or Flickinger kicked the gun away. Officer Good handcuffed Richardson. Officer Leedy provided a brief update to dispatch, and then assessed Richardson medically. Officer Leedy noticed that Richardson had sustained multiple gunshot wounds. Officer Knox arrived, and he and Officer Leedy un-handcuffed Richardson and provided first aid. Ultimately, REMSA arrived and took over medical care for Richardson.

While Officer Leedy was providing pressure to some of Richardson's wounds, Richardson asked, "What are you doing?" Officer Leedy responded, "I'm putting pressure on your wound," to which Richardson stated, "Just let me die."

4. Vincent Villegas

Vincent Villegas (hereinafter "Villegas") has been employed by the Silver Legacy for over one year as one of the graveyard-shift security managers. Villegas explained that at on June 21, 2015, a male with "long dreads" was being antagonistic towards Richardson near the Aura Ultra Lounge inside of the Silver Legacy. The Aura Ultra Lounge is near the southwest doors of the Silver Legacy, which open up to the corner of Fourth Street and Sierra Street. Villegas told the male with long dreads that he had to leave the premises, which he agreed. Richardson, however, was "really upset" and his friends were trying to calm him down. Villegas spoke with Richardson, who thanked Villegas and the other security officers for removing the other male. Villegas, thinking the issue was resolved, continued on with his work shift.

Soon thereafter, Villegas was advised to look for Richardson who had been involved in an altercation, and was last seen outside of the Silver Legacy. A description of Richardson was provided, including that that he was wearing a shirt with the word "Bed" on it. Villegas and Timothy Cornell, another security officer, went outside through the southwest doors, and he observed Richardson pacing near the intersection of Fourth Street and Sierra Street. Villegas saw that Richardson matched the description that had been provided, except his shirt said "Bred". Villegas saw that Richardson's friends were "trying to get him under control".

Villegas contacted dispatch and advised that he had located Richardson. Villegas asked surveillance personnel to monitor Richardson. Villegas observed Richardson cross the street and enter the Eldorado. When Villegas saw Officer Good, he waved him down and advised him that Richardson entered the Eldorado. Officer Good and another officer entered the Eldorado looking for Richardson, when Villegas was advised by surveillance personnel that Richardson was walking on the mezzanine from the Eldorado back into the Silver Legacy.

Villegas observed Officer Good exit the Eldorado, and he advised Officer Good that Richardson was now walking towards the Silver Legacy parking garage. Villegas led Officer Good, Officer Flickinger, and Officer Leedy through a locked door into an

elevator that took them to the parking garage. During this time, surveillance personnel advised Villegas that Richardson exited on the fourth floor of the parking garage. Riding up the elevator, Villegas informed the RPD officers that upon reaching the fourth floor, they will make a left and Richardson will be right there by some doors. Upon reaching the fourth floor of the parking garage, the officers exited the elevator and went to their left through the glass doors, saying "Freeze, put your hands up!" Villegas was able to see Richardson facing the officers and backpedaling, which he described as "extremely odd". Officers Good and Flickinger had their weapons drawn, while Officer Leedy had his Taser drawn. From Villegas' position behind the officers, they blocked Villegas' view of Richardson. Villegas then heard gunshots, and afterwards observed Richardson on the ground bleeding. Villegas noticed that other patrons were around the area where Richardson was shot, and RPD officers secured the scene.

Ultimately, REMSA arrived and Villegas assisted them to the elevator to transport Richardson to the hospital. While on scene, a group of people showed up claiming to be Richardson's friends. Villegas overheard one of them say, "Yeah, well you know if he pulled his gun out on a cop then he deserved to get shot."

Villegas stated that Officers Good, Flickinger, and Leedy were all wearing police uniforms and badges, and "all three were perfectly identifiable as police."

5. Shawn McCain

Shawn McCain (hereinafter "McCain") has been employed by the Silver Legacy for approximately 10 years. For the first six years, McCain was employed as a security manager, and has been the surveillance supervisor for the last four years.

McCain explained that on June 21, 2015 at approximately 2:00 a.m., he was working in the surveillance room and was advised to look for a subject, later identified as Richardson, who had assaulted another subject with a firearm. Security provided a description of Richardson: black male adult, bald head, wearing a shirt bearing the word "Bed." McCain located Richardson, who matched the description that had been provided except the word

on his shirt was "Bred," on the corner of Fourth Street and Sierra Street. McCain followed Richardson with his surveillance cameras and provided updates to Silver Legacy security personnel, who in turn advised RPD. McCain stated he did this "because the subject posed a lethal threat to the public." McCain observed Richardson enter the Eldorado, and later walk across the mezzanine back into the Silver Legacy. Richardson walked to the Silver Legacy parking garage, took the elevator to the sixth floor, walked around in the garage, returned to the elevator, and got out on the fourth floor. Richardson walked out of the elevator lobby and entered the fourth floor of the parking garage, where he paced back-and-forth a few times. Richardson met up with another subject, and it appeared Richardson was asking for directions.

At that point, three RPD officers exited the elevator lobby and attempted to make contact with Richardson. Richardson continued to back away from them and "removed a firearm from his waistline with his right hand and pointed it towards the RPD officers." The officers then discharged their guns and Richardson fell to the ground. Officers secured the scene, and REMSA ultimately arrived and transported Richardson from the scene.

McCain saved the video surveillance of the entire incident, and provided copies to law enforcement.

6. Michael Blanco

Michael Blanco (hereinafter "Blanco") has been employed by the Silver Legacy for almost five years as a security officer. In 2014, Blanco was promoted from a regular officer to an undercover officer for the casino.

Blanco explained that on June 21, 2015 at approximately 1:45-2:00 a.m., he was advised to look for a subject who was involved in a disturbance outside the casino on Fourth Street and Sierra Street. The subject, later identified as Richardson, was described as a black male adult, wearing a black shirt with the word "Bred" on it and gray shorts. Surveillance personnel located Richardson as he was walking across the mezzanine from the Eldorado to the Silver Legacy, and advised Blanco. Blanco then observed Richardson and began following him pending RPD's arrival, while giving him space due to the report that he had a

gun. Blanco and Richardson ended up on the fourth floor of the Silver Legacy parking garage, and briefly interacted when Richardson asked Blanco if he had lost his car too. While on the fourth floor, a group of people, including a large Hispanic male with long hair, started talking with Richardson near the elevator lobby.

Blanco was advised by his dispatch that RPD had arrived and were approaching Richardson's location, so Blanco "bailed out". Blanco observed three or four uniformed officers enter the fourth floor of the parking garage, one of whom had a Taser and the others had their guns drawn. The officers began shouting multiple times, "Put your hands up and lay on the ground." Richardson did not comply and began walking backwards from the officers. Then, Blanco heard gunshots. After the shooting, Blanco observed Richardson on the ground and a gun on the ground near Richardson's foot.

7. Timothy Cornell

Timothy Cornell (hereinafter "Cornell") has been employed by the Silver Legacy for over one year as a security officer. Cornell explained that on June 21, 2015 at approximately 2:00 a.m., he was advised by dispatch that RPD was looking for a suspect wearing a t-shirt with the word "Bed" on it. Very soon after, Cornell, along with his supervisor Villegas, exited the Silver Legacy on the corner of Fourth Street and Sierra Street and saw Richardson, who matched the description except his shirt said "Bred", which "could be easily pursued (sic) as 'bed'". Keeping his distance from Richardson, who was reportedly armed with a gun, Cornell observed Richardson enter the Eldorado. Cornell was advised by dispatch that Richardson then re-entered the Silver Legacy through the mezzanine level. Cornell began following Richardson, and watched him take an elevator to the fourth floor of the parking garage. Cornell saw that Richardson was alone until a group of people exiting the same elevator stopped and talked to him; it looked like either Richardson or somebody in the other group were asking for directions. It appeared to Cornell that Richardson was "lost".

Cornell stated that he then saw three RPD officers exit the elevator lobby area with their guns drawn on Richardson, telling him, "Lay down on the floor, get your hands up, lay on the

floor." Richardson refused the officers' commands, backed up, and pulled "something" out of his waistband, at which time shots were fired. Based on Cornell's location in the garage - which was by the northeast stairwell behind Richardson - he was unable to describe what Richardson pulled from his waistband.

8. RPD Officer Nick Smith

RPD Officer Nick Smith (hereinafter "Officer Smith") was assigned to the patrol division on June 21, 2015, and was advised by dispatch that a suspect, later identified as Richardson, had pointed a gun at the head of another male subject near the Eldorado. Officer Smith, along with RPD Officer Robert Stockwell (hereinafter "Officer Stockwell"), initially responded to the Eldorado, but was then advised by dispatch that Richardson had entered the fourth floor of the Silver Legacy parking garage. Officers Smith and Stockwell responded to the northeast corner of the fourth floor of the parking garage, and were met by a Silver Legacy security officer who pointed out Richardson. Richardson was standing near the southeast corner of the parking garage.

Just as the security officer pointed out Richardson, Officer Smith observed three RPD officers exit the elevator behind Richardson. Officer Good gave Richardson verbal commands, to include "show me your hands." Officer Smith saw Richardson holding an object in his hand, although based on the distance away from Richardson and the angle, Officer Smith was unable to identify what the object was. The three RPD officers then fired their weapons at Richardson, who collapsed to the ground. Officers Smith and Stockwell detained four subjects who were standing near Richardson just prior to the shooting. Thereafter, Officer Knox administered first aid to Richardson.

9. RPD Officer Robert Stockwell

Officer Stockwell was assigned to the patrol division on June 21, 2015, and was advised by dispatch that a taxi driver had reported seeing a suspect, later identified as Richardson, assault another subject with a gun at the corner of Fourth Street and Sierra Street. Dispatch was providing updates as to Richardson's location, and ultimately advised that he was in the Silver Legacy parking garage. Officer Stockwell and Officer

Smith walked up to the fourth floor of the parking garage, entering on the northeast corner and walking south. Officer Stockwell observed six or seven individuals in the parking garage. Officer Stockwell then saw Officer Good enter the parking garage through some glass doors, unholster his gun, and point it at the group of individuals, which included Richardson. The group dispersed, and Officer Good continued his focus on Richardson, ordering him "at least three times" to show his hands and lay on the ground. Richardson faced Officers Good, Flickinger, and Leedy and walked backwards, at which point his back and shoulder were pointed towards Officer Stockwell. Officer Stockwell saw Richardson's right hand in front of his body, but could not see what he was doing.

Officer Stockwell's focus shifted to some of the other individuals he had initially seen near Richardson, one of whom matched the description of Taylor, the initial victim who had the gun pointed at his head outside of the Silver Legacy. While looking in Taylor's direction, Officer Stockwell heard gunshots and saw Richardson fall to the ground. At the time of the shooting, Officer Stockwell and Officer Smith were approximately 20-25 yards from Richardson. After the shooting, Officer Stockwell observed a Taser on the ground and saw Officer Knox administering aid to Richardson.

10. Kristen Medina

Kristen Medina (hereinafter "Medina") went with Hernandez (her boyfriend) and other friends, to include Taylor, to the Silver Legacy on June 21, 2015. While inside the Silver Legacy near Aura Ultra Lounge, Taylor got involved in an argument with another subject. Ultimately, Medina and the rest of their group went to their car, which was parked on the fourth floor of the Silver Legacy parking garage. Upon entering the garage, she heard a male, later identified as Richardson, ask where the stairs were. Hernandez, who has long hair, pointed the stairs out to Richardson. Medina then saw uniformed officers with their guns pointed saying "get your hands up, get on the ground." Medina then heard gunshots and ran and hid behind a parked truck. Thereafter, the officers got on their radios and said that shots had been fired, and they also assisted Richardson.

11. Ashley Benson

Ashley Benson (hereinafter "Benson") was at the Silver Legacy with Taylor (her boyfriend), Medina, and Hernandez. In her written statement recounting what she saw, she wrote:

"I was walking into the parking garage and some guy ask where the stairs were. The police comes out and ask the man to get on the floor 3 times he didn't respond to them so they shot and I ran behind a car. I was scared for my life I thought I was going to get shot."

12. Jimmy Castro

Jimmy Castro (hereinafter "Castro") went to the Silver Legacy Aura Ultra Lounge and met up with his friend Hernandez and his girlfriend Medina, along with two other individuals (identified as Taylor and Benson). When they left, they entered the parking garage and encountered Richardson. Richardson asked them where the stairs were. The group continued walking except for Hernandez, who stopped and talked with Richardson. Castro observed the police, dressed in uniforms and badges, come out of the elevator area with their guns pointed towards Richardson. The police told Richardson "get your hands out" or something similar. Castro then heard shooting. Castro did not see Richardson with a gun, because Richardson's back was to Castro as he walked away.

C. Countdown of Officer Good's, Flickinger's, and Leedy's Firearms

On June 21, 2015 at approximately 7:05 a.m., an evidentiary documentation of Officer Good's, Officer Flickinger's, and Officer Leedy's equipment worn and used during the shooting occurred at the Reno Police Department. At that time, their used duty weapons and available magazines were examined.

Officer Good's firearm was a Glock 17 9mm semi-automatic pistol. Officer Good advised that he carries all of his magazines (17-round capacity each) to capacity with one extra round in the chamber of his gun. The "countdown" of his firearm revealed 1 WIN 9mm Luger round in the chamber, 11 WIN 9mm Luger rounds in the 17-round magazine removed from the firearm, and two fully

loaded 17-round magazines containing the same aforementioned ammunition.

Officer Flickinger's firearm was a Glock 17 9mm semi-automatic pistol. Officer Flickinger advised that he carries his two extra magazines (17-round capacity each) to capacity, and could not remember if his gun was fully loaded with 17 rounds in the magazine and one round in the chamber of his gun or 16 rounds in the magazine and one round in the chamber of his gun. The "countdown" of his firearm revealed 1 WIN 9mm Luger round in the chamber, 12 WIN 9mm Luger rounds in the 17-round magazine removed from the firearm, and two fully loaded 17-round magazines containing the same aforementioned ammunition.

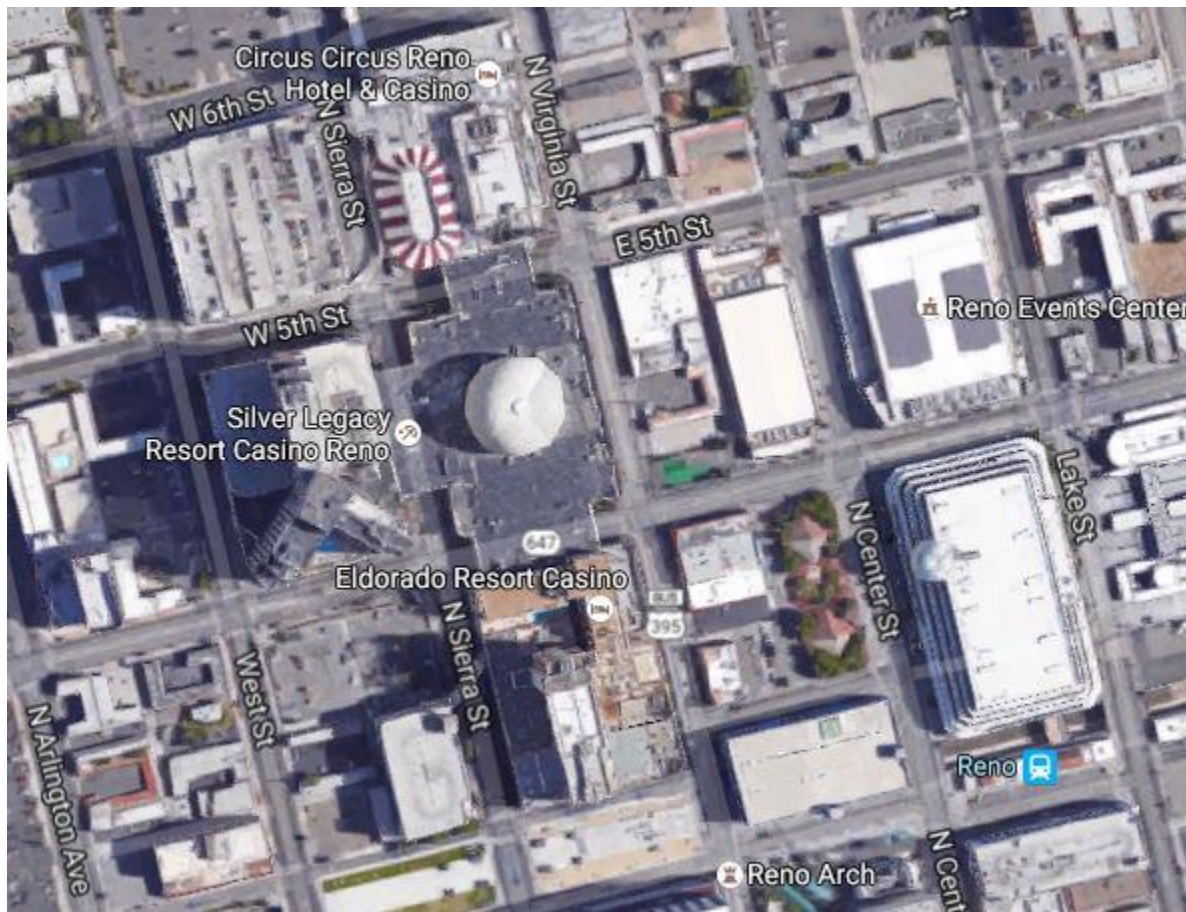
Officer Leedy's firearm was a Glock 17 9mm semi-automatic pistol. Officer Leedy advised that he carries all of his magazines (17-round capacity each) to capacity with one extra round in the chamber of his gun. The "countdown" of his firearm revealed 1 WIN 9mm Luger round in the chamber, 13 WIN 9mm Luger rounds in the 17-round magazine removed from the firearm, and two fully loaded 17-round magazines containing the same aforementioned ammunition.

During the investigation of the scene at the Silver Legacy parking garage, forensic investigators located and collected 14 WIN 9mm Luger casings. After analyzing the casings from the scene, forensic investigators determined that 6 of the fired casings were from Officer Good's gun, 5 of the fired casings were from Officer Flickinger's gun, and 3 of the fired casings were from Officer Leedy's gun. As such, the evidence showed that Officer Good's magazine that had been inserted into his firearm was at capacity, Officer Flickinger's magazine that had been inserted into his firearm was at capacity, and Officer Leedy's magazine that had been inserted into his firearm contained 16 rounds at the time of the shooting.

D. Area Overview

The location of the initial confrontation in which Richardson pointed a handgun at Taylor as well as the subsequent officer involved shooting is in downtown Reno. This is an area that is frequented by many people, including local residents, tourists, and those individuals employed in the downtown casinos,

restaurants, and other businesses. The downtown crowd was particularly busy over the weekend that the shooting occurred, as the 2015 Reno Rodeo was ongoing (spanning June 18, 2015 through June 27, 2015) and the Eldorado BBQ Blues & Brews Festival had ended on June 20, 2015, just hours prior to the shooting.



E. Statements of Arthur Dell Richardson Jr.

After Richardson was shot, he was initially tended to by RPD officers, followed by REMSA personnel. Richardson was transported to Renown Regional Medical Center by REMSA, was treated by attending physicians and nurses, and survived.

One of the nurses who treated Richardson was Alison Bohlander, R.N. (hereinafter "Nurse Bohlander"). Nurse Bohlander stated that on June 22, 2015, while providing medical care to Richardson, he told her that he "wanted" the police to shoot him because he "wanted to die" but "was too afraid to do it myself."

SPD Detectives Thelin and Bellamy responded to Renown on June 23, 2015 to attempt to interview Richardson, who was still hospitalized. The detectives introduced themselves to Richardson, and Detective Thelin read Richardson his Miranda rights. Richardson acknowledged his understanding of his rights and stated that he was "more than willing to give you my statement," but asked for additional time before he spoke so that he was not affected by the medications which had been administered. Detectives Thelin and Bellamy honored that request, and it was decided that the detectives would return the following day. Detectives Thelin and Bellamy did discuss with Richardson arranging a time in which his mother and sister could visit with him in the hospital. Richardson expressed his appreciation for that accommodation, stating, "I really appreciate that with my mom too. I know you guys don't have to do that."

On June 24, 2015, Detectives Thelin and Bellamy returned to Renown and again met with Richardson. Richardson confirmed he was still willing to speak with detectives. However, all parties again agreed to delay any conversation due to Richardson's continued consumption of medication prescribed by the hospital and his current condition.

On June 26, 2015, Detectives Thelin and Bellamy returned to Renown again and met with Richardson. Richardson stated that he remembered being advised of his Miranda rights and that he understood those rights, and confirmed that he would still speak with detectives. Richardson stated, "The part I remember, you're talking about the shooting was obviously I had a gun on me. And I knew if I got stopped by the police I'd be in big trouble because I'm a felon. So when they said 'stop and put your hands up' I knew it was either jail or I knew it was a bunch, enough to kill me, you know. So I chose for them to try to kill me and obviously that part didn't work."² Richardson stated that he knew that he was a felon and not allowed to have a gun, but he had one anyway and had it inside of his pants near his hip. Richardson later stated, "Yeah so my intentions weren't to hurt anybody. My intentions were to not go to jail.

² Richardson is a convicted felon, having been previously convicted of Conspiracy to Commit Murder on May 2, 2000. Based on said felony conviction, Richardson is prohibited by law from owning or possessing any firearms.

And obviously the best way to do that was to die because I knew, I knew they knew I had a pistol because of the way they came at me. Just when they said hey, you know 'put your hands up' and I looked, I don't remember how many it was. It looked, it was more than three I think, right? Yeah." Richardson described his actions as "a split decision" and that when the officers gave him verbal commands to put his hands up, he thought, "It's either do what you, you said you're always gonna do or go to jail for a long time." When the police gave the commands to put his hands up, Richardson saw their guns were already drawn. Richardson was also asked about the altercation earlier in the night, and Richardson stated, "I remember I got into it with a guy uh, with dreadlocks earlier that night, but I don't remember anything about the gun. I might have pulled it out. I, I don't know." Richardson also admitted to drinking alcohol that night, and stated that he was "probably" drunk. Richardson also said that he was in the Silver Legacy parking garage because his motorcycle was parked there. As the interview ended, Richardson called Detectives Thelin and Bellamy "good guys" and again expressed his appreciation for their dealings with his mother.

F. Arthur Dell Richardson Jr.'s Guilty Pleas and Sentence

Based on his actions on June 21, 2015, Richardson was charged with multiple offenses, specifically: (1) Aiming a Firearm at a Human Being, a gross misdemeanor, where it was alleged that he willfully and unlawfully aimed a handgun at or toward Ervin Taylor; (2) Assault With a Deadly Weapon Upon an Officer, a felony, where it was alleged that he intentionally placed RPD Officers Christopher Good, Aaron Flickinger, and Wesley Leedy in reasonable apprehension of immediate bodily harm, with the use of, or present ability to use, a handgun by pointing said handgun at or towards the officers, all of which occurred while Officers Good, Flickinger, and Leedy were performing their duties as police officers and Richardson knew or should have known that they were police officers; and (3) Being a Felon in Possession of a Firearm, a felony, where it was alleged that he willfully and unlawfully possessed a handgun after having been previously convicted of Conspiracy to Commit Murder, a felony under the laws of the State of Nevada.

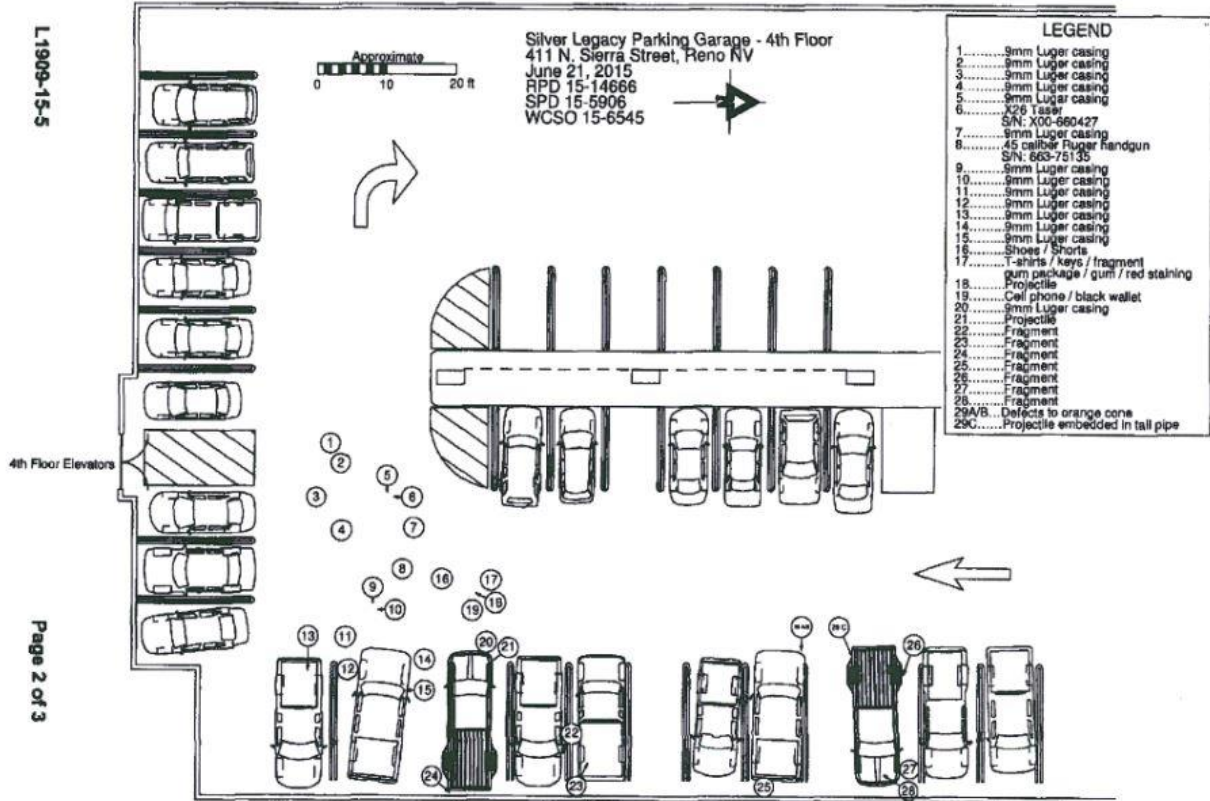
On December 1, 2015, Richardson pled guilty to all three charges. During the plea canvass conducted by the Honorable Janet Berry, Richardson was asked if he committed the three crimes for which he was charged, to which Richardson responded "yes" to each. On January 21, 2016, Richardson was sentenced by Judge Berry to a total of 72 months in prison, with parole eligibility after 28 months have been served. Judge Berry ordered that the sentences on all three counts were to run concurrently.

During the sentencing hearing, Richardson was given the opportunity to make a statement, which he accepted and stated, among other things: "I sit before you today a guilty man. Words can't express the remorse or regret I feel for the intolerable acts that put me here and for the police that I respect that I put in the precarious position of doing what they had to do given their profession. My feelings or mindset, whether it was self-loathing, self-pity, or depression, the sort of exploits that were going through my mind that night don't excuse my actions. They definitely don't supersede breaking the law. Suicide by cop is not only a vulgar term, it's a vulgar idea. It disgusts me every time I think about it."

II. PHYSICAL EVIDENCE

A. Shooting Scene

The shooting occurred on the fourth floor of the Silver Legacy parking garage. The scene was secured and taped-off by officers after the shooting. Photographs, observations from the scene, and measurements taken by Forensic Investigators with the Washoe County Crime Laboratory resulted in a subsequently composed forensic diagram of the scene.

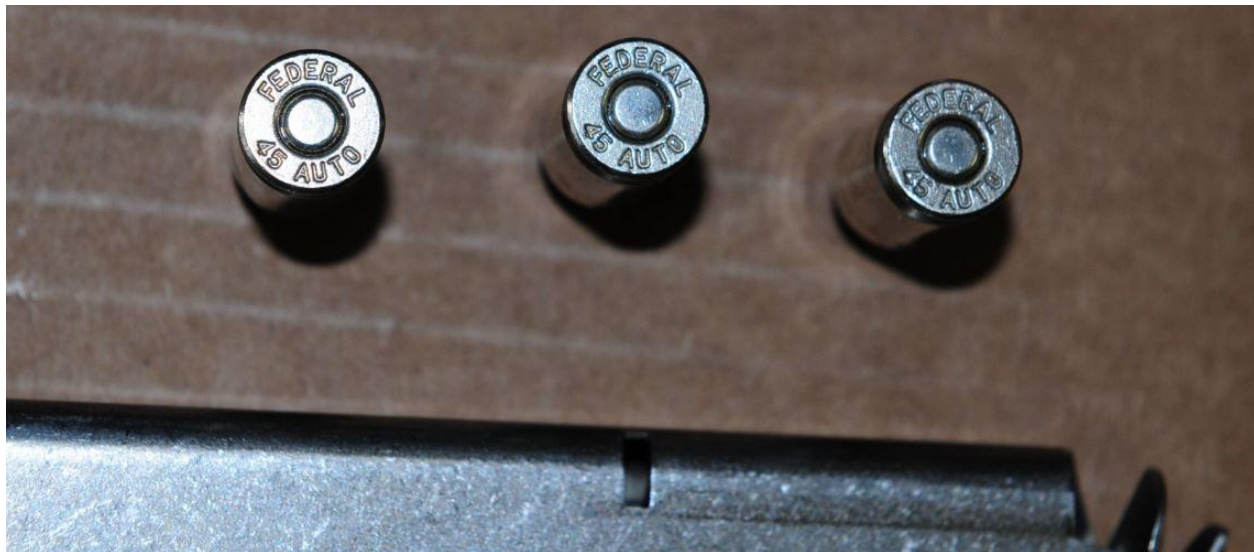


The following relevant evidence was photographed in place and collected from the fourth floor of the Silver Legacy parking garage:

- Fourteen (14) white metal casings bearing "WIN 9mm Luger" headstamp, which were fired from Officer Good's, Officer Flickinger's, and Officer Leedy's firearms.
- One (1) X26 Taser, hand labeled "Leedy", with two (2) attached and unexpended cartridges, which was dropped by Officer Leedy when he transitioned to his firearm.
- One (1) grey metal with black hand grips "Sturm, Ruger & Co., Inc." P90DC .45 caliber handgun, bearing serial number 663-75135, containing a white metal magazine containing three white metal hollow-point cartridges bearing "Federal 45 Auto" headstamp, which Richardson pointed at Officers Good, Flickinger, and Leedy before dropping it as he was being shot.
 - o A forensic investigator subsequently examined and test-fired Richardson's pistol, and determined it to

be in normal operating condition with no noted malfunctions.





- Richardson's clothing, which had been removed by REMSA personnel during life-saving measures and left on-scene:
 - One (1) pair of black/grey/pink high-top tennis shoes.

- o Two (2) cut red-stained black t-shirts (one inside of the other), the outer t-shirt bearing "Born and Bred" on the front with multiple defects and the inner t-shirt with multiple defects.



- o One (1) pair of red-stained grey "Dickies" denim shorts with multiple defects.
- One (1) black and red "Guess" leather wallet containing multiple credit and debit cards bearing the name "Arthur D. Richardson", an Anthem BlueCross BlueShield card bearing the name "Arthur D Richardson", and a GS Rewards Gold card bearing the name "Arthur Richardson".

- One (1) "Pro Specialties Group, Inc." Redskins lanyard with multiple keys attached.

B. Silver Legacy Video Surveillance Recordings

The Silver Legacy is equipped with video surveillance, covering the inside of the hotel-casino and the parking garage, along with portions of the outside of the hotel-casino. The video surveillance does not capture audio. Silver Legacy surveillance personnel began following Richardson in real time after it was reported that he pulled a gun on another male outside of the casino and security personnel located him. All of this video surveillance was copied and provided to law enforcement as part of the investigation. Silver Legacy surveillance personnel were also able to review their video surveillance prior to the initial confrontation, and likewise copied and provided this video surveillance to law enforcement as part of the investigation.

The recordings from the instant case start when Richardson entered the Silver Legacy from the fourth floor of the parking garage on June 21, 2015 at approximately 12:03 a.m. Richardson entered into the elevator lobby area from the fourth floor of the Silver Legacy parking garage with other individuals. Richardson hit the "down" elevator button and entered one of the elevators. Richardson can clearly be seen wearing a black t-shirt bearing the words "Born and Bred".



At approximately 12:04 a.m., Richardson and the other people he was with exited the elevator at the lobby level and walked through the casino towards the Aura Ultra Lounge. For nearly the next two hours, Richardson is at or around the Aura Ultra Lounge. At approximately 1:47 a.m., Richardson engaged in a verbal confrontation with a group of other individuals, which included Taylor and Hernandez, just outside of the Aura Ultra Lounge near the southwest entrance to the Silver Legacy. Richardson began walking towards the southwest doors while motioning in that direction to the other individuals, who then followed Richardson. Richardson exited the southwest doors at approximately 1:48 a.m., followed by Taylor and Hernandez, and then others.

The next sequence of events was captured by one of the Silver Legacy's outdoor surveillance cameras:

- At approximately 1:48:26 a.m., Richardson is seen walking around just outside of the southwest doors to the Silver Legacy, reached his right hand towards his right-hip area while raising his t-shirt, and walked forward out of camera view.



- At approximately 1:48:35 a.m., an individual that was standing next to Richardson as he walked forward flinched backwards as if to protect himself; Richardson returned into camera view and appears to be holding an object in his right hand; Richardson and the individual who flinched then had a momentary discussion before Richardson angrily walked away out of camera view.
- At approximately 1:49:13 a.m., Richardson returned into camera view walking towards the southwest doors, when he was met by other males who tried to calm him down and motioned to Richardson to walk away.
- A verbal confrontation continued between Richardson and others, including Hernandez, until approximately 1:50:10 a.m. when multiple people restrained Richardson and walked him backwards away from the confrontation.³
- Richardson can again clearly be seen wearing a black t-shirt bearing the words "Born and Bred".

³ The individuals who are restraining Richardson appear to be friends of his, as after they calmed him down, Richardson hugged them and gave them "high-fives" before walking away.

At approximately 2:03:00 a.m., another outside surveillance camera captured the prisoner transport van, which was occupied by Officers Good and Flickinger, turn on its overhead lights, make a U-turn, and respond back towards the area of the altercation, as Richardson walked away and crossed the street. Cameras inside of the Eldorado then captured Richardson taking the elevator up to the mezzanine level and walking back into the Silver Legacy. Richardson then walked to the Silver Legacy elevators that accessed the parking garage and entered an elevator at approximately 2:08:00 a.m., while being followed by Silver Legacy uniformed and plain-clothed security officers. Initially, Richardson entered the sixth floor of the parking garage, before making his way to and entering the fourth floor of the parking garage at approximately 2:10:35 a.m. (now being followed only by plain-clothed security officer Blanco). Upon entering the fourth floor of the parking garage, Richardson was talking on a cell phone and walking around as if he was lost (Blanco was similarly walking around). Richardson can again clearly be seen wearing the same black t-shirt bearing the words "Born and Bred".

At approximately 2:11:18 a.m., the group of Taylor, Hernandez, Medina, Benson, and Castro exited the same elevator on the fourth floor of the parking garage and entered the parking garage, encountering Richardson who was standing near the glass doors. The entire group walked past Richardson except for Hernandez, who stopped and spoke with Richardson, pointing back towards the glass doors as if to provide directions. At approximately 2:12:00 a.m., RPD Officers Good, Flickinger, and Leedy exited the fourth floor parking garage elevator while Silver Legacy security personnel exited the stairwell, and the three officers walked through the glass doors and entered the parking garage. Officer Good entered the parking garage first, followed by Officer Flickinger and finally Officer Leedy. Officers Good and Flickinger are seen unholstering their firearms, while Officer Leedy is seen holding his Taser.

The next sequence of events was captured by one of the Silver Legacy's parking garage surveillance cameras:

- At approximately 2:12:09 a.m., Officers Good and Flickinger are seen walking past Hernandez towards Richardson, with

their guns drawn (Officer Leedy entered the camera view immediately thereafter).

- Richardson immediately faced Officers Good, Flickinger, and Leedy, and started walking backwards with both of his hands visible near his stomach, his left hand holding a lanyard.



- Officers Good, Flickinger, and Leedy all advanced towards Richardson, Officers Good and Flickinger with their guns drawn on Richardson and Officer Leedy with his Taser drawn on Richardson.
- At approximately 2:12:10 a.m., Richardson reached his right hand towards his right hip, removed a silver-colored handgun, and raised it up towards and pointed it at the three officers.



- The three officers quickly fanned out and Officers Good and Flickinger discharged their firearms at Richardson, while Officer Leedy dropped his Taser, unholstered his firearm, and likewise discharged his firearm at Richardson.
- Richardson, having been struck by bullets, fell to the ground, dropping his handgun.



- As the shots were fired, other patrons in the garage scattered, taking cover.
- RPD Officers Stockwell and Smith, who were behind Richardson towards the other end of the parking garage, ran up and, for safety purposes, detained several other individuals for who were in the area, including Taylor and his group along with Silver Legacy security officer Blanco.
- Officers Good, Flickinger, and Leedy approached Richardson, and Officer Flickinger used his right foot to slide Richardson's gun away, which was lying immediately next to Richardson.
- At approximately 2:12:29 a.m., Officer Good re-holstered his firearm and placed handcuffs on Richardson.
- RPD officers on scene immediately began to control and secure the scene, including notifying dispatch that a shooting had occurred, standing by Richardson's handgun, tending to Richardson medically, and placing crime scene tape around the scene.⁴
- RPD Officers Leedy and Knox provided life-saving measures to Richardson, until approximately 2:20:14 a.m. when REMSA arrived and took over medical care.

⁴ Dispatch Call Logs show that "shots fired" was announced at 2:12:45 a.m.

- REMSA personnel can be seen removing Richardson's shoes and clothing, in order to check for injuries. His shoes and clothing were left on scene upon REMSA's departure with Richardson.

C. Toxicology Tests

On June 21, 2015, SPD Detective Shawn Congdon applied for a Seizure Order to obtain a sample of Richardson's blood for toxicology purposes. The Seizure Order was granted by a Justice of the Peace of the Reno Justice Court on June 21, 2015 at approximately 6:14 a.m. Subsequent analysis of the blood sample by Criminalists of the Washoe County Sheriff's Office Forensic Science Division revealed the following: Richardson had a blood-alcohol content of 0.145, 19 ng/mL of marijuana metabolite, 2.2 ng/mL of marijuana, and 42 ng/mL of Midazolam.⁵

III. LEGAL PRINCIPLES

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. Although Richardson survived this officer involved shooting, in order to conduct the appropriate assessment the District Attorney's review is controlled by the relevant legal authority pertaining to justifiable homicides. This is because the analysis rests upon the decision to use deadly force, not the result.

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

⁵ Richardson's alcohol, marijuana, and marijuana metabolite levels were all above the per se threshold levels for DUI cases in Nevada. Midazolam is a prescription medication used for, among other things, anesthesia. Richardson's blood was collected by a Clinical Laboratory Assistant employed by Renown on June 21, 2015 at 6:51 a.m., several hours after Richardson had been admitted to Renown.

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".⁶

C. Use of Deadly Force to Effect Arrest

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

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

During the early morning hours of June 21, 2015, RPD Officers Christopher Good, Aaron Flickinger, and Wesley Leedy responded to the Silver Legacy to locate Richardson, who had brazenly pointed a handgun at another male's head on the sidewalk in downtown Reno during a busy weekend. Already an intense situation, Officers Good, Flickinger, and Leedy were directly placed in a life-threatening situation when Richardson chose to point a loaded .45 caliber handgun at them. In addition to their own safety, all three officers were concerned about the safety and welfare of the other citizens who were congregating in the parking garage at the time Richardson brandished his gun.

All evidence in this officer-involved shooting conclusively establishes that Richardson pointed his handgun at Taylor's head, and when RPD Officers Good, Flickinger, and Leedy subsequently responded to address that threat, Richardson pointed his handgun at them too. Richardson was ordered multiple times by the officers to "get on the ground" and "show us your hands", but he refused and immediately pulled his handgun and pointed it at them. Officers Good, Flickinger, and Leedy had no choice but to fire their weapons in order to defend themselves and others.

All three officers, when interviewed, stated they were in fear for their lives and were in fear for the safety of the other individuals in the parking garage. The video surveillance corroborates their statements, as do the statements of all other witnesses to the incident. Even Richardson himself admitted to his actions after having been given his Miranda rights. Richardson stated that he heard the officers tell him to "stop and put your hands up", but refused to comply with those commands because his intent was "for them to try to kill me." Richardson explained that he preferred to die rather than "go to

jail for a long time" since he was a convicted felon and was in possession of a gun, which he knew was prohibited.

Richardson's decision to point a handgun at Officers Good, Flickinger, and Leedy presented a clear, imminent, and legitimate threat to their safety. This threat absolutely justified the officers' response in self-defense by employing deadly force and shooting Richardson. The legitimacy of the threat is possibly best evidenced by Officer Leedy's actions, in that he initially had drawn his Taser, and upon seeing Richardson raise his gun towards him and the other two officers, dropped that and transitioned to his firearm, as the Taser would be wholly insufficient to defend against the lethal threat posed by Richardson. Accordingly, Officers Good, Flickinger, and Leedy had the right under Nevada law to use deadly force against Richardson, both in defense of themselves and others as well as 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 June 21, 2015 officer involved shooting of Richardson, the actions of Officers Christopher Good, Aaron Flickinger, and Wesley Leedy are warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.