

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

October 3, 2019



REPORT ON THE NOVEMBER 28, 2017, OFFICER
INVOLVED SHOOTING OF LUCAS STONE

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INTRODUCTION

On November 28, 2017 at approximately 6:40 p.m. the Reno Police Department dispatch center began receiving calls involving possible shots fired from the location of Sierra and Third Street. In all, 124 calls came into 911 and the non-emergency dispatch phone system reporting shots being fired from the area of the Montage apartment building. Multiple officers from varying agencies arrived on scene within minutes and upon exiting their vehicles immediately heard gunfire, being fired from inside the Montage apartment building located at 255 N. Sierra Street. The exact apartment was later determined to be on the 8th floor of the Montage, #807. Initially, officers took positions on Sierra Street as well as higher positions in the surrounding casinos and hotels. Officers could see muzzle flashes from apartment #807 which was completely dark inside and no persons could be observed. Officers responded to the 8th floor of the Montage and could hear shots continuing to be fired from the apartment. They observed a least one round exit Apartment #807 into the hallway through either the wall or door of #807. Consequently, evacuations of surrounding apartments and floors of the Montage were conducted by officers.

At approximately 6:46 p.m. a female, later identified as Kari Oakes, called 911 to report that Lucas Stone (hereinafter "Stone") was armed with a rifle and was shooting from inside apartment #807. Ms. Oakes reported that Stone was hallucinating and believed that people were located atop the surrounding buildings and were throwing people off the rooftops. She told dispatchers that Stone would not let her leave the apartment and she begged for police to break down the door and help her. Ms. Oakes stayed on the line with 911 for approximately 44 minutes providing details to the dispatcher that Stone was pacing around and shooting off the rifle indiscriminately. At one point, Ms. Oakes facilitated Stone speaking with hostage negotiators in order to get Stone to put down his weapon and to surrender himself to police. Stone would not engage with negotiators and in fact did not believe that the persons outside the apartment or on the phone were in fact police officers.

Meanwhile members of the Reno Police Department SWAT (Special Weapons and Tactics Team) team had set up a staging area near the elevators on the 8th floor and prepared breaching equipment

in order to enter apartment #807. Upon hearing additional gunfire and a woman scream, the decision was made to make entry into the apartment. The door to apartment #807 was breached by explosives and a tactical team entered the apartment. Reno Police Department (RPD) Officer M. Eason was first in line to enter the apartment and upon moving inward he looked to the right through a doorway to the bathroom and observed Ms. Oakes curled up in a fetal position near the floor. Stone was standing feet away from Ms. Oakes holding a long gun. Officer Eason observed Stone raise the barrel of the rifle towards officers at which point Officer Eason engaged Stone with one round. Stone then attempted to run further into the apartment when RPD Officer Robert Garlock and other SWAT team members, ran towards Stone and tackled him to the ground. Stone was transported to Renown Regional Hospital where he succumbed to a single gunshot wound. A subsequent examination of the shooting scene located 47 fire cartridges consistent with having been fired from Stone's rifle.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Sparks Police Department (hereinafter "SPD") led the investigation into the shooting of Stone. The Washoe County Sheriff's Office (hereinafter "WCSO") provided secondary investigative support, and the Washoe County Crime Laboratory (hereinafter "WCCL") provided forensic services. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, and interviewing the officers involved in the shooting.

All investigation reports along with WCCL forensic reports, photographs, and recorded interviews were then submitted to the Washoe County District Attorney's Office in February of 2019 for a determination of whether the shooting of Lucas Stone was legally justified. No criminal charges were recommended by the SPD. The District Attorney's evaluation included reviewing thousands of pages of reports and documents which included interviews of police and civilian witnesses, photographs, diagrams, forensic testing 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 Lucas Stone by RPD Officer Marshall Eason was justified and not a criminal act.

I. STATEMENT OF FACTS¹

A. WITNESS ACCOUNTS

1. Reno Police Department Sergeant A. Carter

Sergeant Andy Carter of the Reno Police Department was interviewed on November 29, 2017 at the Reno Police Department by SPD Detective Dorothy Peterson and WSCO Detective Kellie Wright. Sergeant Carter had been employed with the Reno Police Department for fifteen years and was currently assigned to the central area of Reno with a regular work schedule from 1:30 p.m. to 10:30 p.m.

On November 28, 2017 a little before 6:30 p.m. Sergeant Carter heard a call come out over the radio regarding possible shots fired. At approximately 6:30 p.m. Sergeant Carter put himself en route to the call. Upon arriving in the area Sergeant Carter parked his vehicle between Virginia and 2nd Street on the curb. As he was exiting his vehicle he heard additional shots being fired resulting in him deploying his rifle from his vehicle. Sergeant Carter headed towards the direction of the Montage apartment building and began giving directions to civilians who were walking in the area. He heard shots being fired and based on his training, decided to head directly to the Montage and attempt to locate the apartment from which the shots were being fired. As he made his way to the apartment building, he could not see any muzzle flashes but could hear a "boom" each time a shot was being fired.

Sergeant Carter was the first police officer to arrive and met with the Montage security. The scene was frantic but security was able to determine the shots were being fired from the 8th floor. When Officer Jared Woodward arrived at the Montage, he and Sergeant Carter went directly to the 8th Floor. Once reaching the 8th floor they could hear the shots emanating from an apartment close to the elevator bank. Both men were armed with rifles and began moving towards the apartment with the

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

intent to breach the door. As they approached, they heard a female screaming from inside the apartment.

Sergeant Carter called dispatch to see if any persons had been struck by the gunfire to try and determine if they needed to immediately breach the door or wait until a hostage negotiation could be started. There were no reports of anyone being struck by gunfire, so the determination was made not to enter the apartment at that time.

Sergeant Carter and Officer Woodward backed up towards the elevators but kept their rifles on the apartment. While awaiting further resources a round exited through the apartment, just north of the doorway, into the hallway. This caused Sergeant Carter and Officer Woodward to back up further in the hallway closer to the elevator doors for better cover. More police officers began arriving on scene and Sergeant Carter directed a perimeter be set up on the 8th floor in case the shooter attempted to exit the apartment and flee the scene. Sergeant Carter continued to hear the female scream each time the shooter discharged his weapon. He was then made aware that the female had contacted dispatch and said that she was hiding in the bathroom in the apartment.

At that time Sergeant Carter started the process of getting CINT (Crisis Intervention Negotiating Team) on the 8th floor so they could begin contacting the shooter and/or the female inside the apartment. Concurrently, SWAT members began arriving on the 8th floor to construct a plan to enter the apartment and engage the shooter if needed. Once this occurred Sergeant Carter and his team backed out of the hallway and turned it over to the SWAT team. Sergeant Carter assisted in relaying information from CINT to SWAT and other officers over the radio. Sergeant Carter was not present when the breach of apartment #807 occurred on the 8th floor.

2. Reno Police Department Officer D. Parker

Officer Daniel Parker was interviewed at the Reno Police Department on November 29, 2017, at 2:21 p.m. by WCSO Detective Joseph Digesti. Officer Parker has been with the Reno Police Department for 29 years and is currently assigned to patrol but is additionally assigned as a sniper with the Reno Police Department SWAT team.

On November 28, 2017 Officer Parker began his shift at 2:00 p.m. At approximately 6:45 p.m. Officer Parker was requested via radio to report to the scene of a possible active shooter based on his status as a sniper with the SWAT team. Upon arrival, he was asked to station himself in Douglas Alley, which was directly east of the Montage apartments. Officer Parker retrieved his Remington 700 sniper rifle from his vehicle, and set up in the alley. While somewhat exposed in the alleyway, Officer Parker was able to scan the elevated balcony where he believed the shots were being fired. The balcony, which appeared to be made up of glass, was approximately 100 yards away and could be identified by the broken-out glass of the balcony area. While waiting in the alley Officer Parker heard at least three gunshots and saw muzzle flashes coming from the apartment which had the balcony with the glass shot out. On the third gunshot the muzzle flash was much brighter which led Officer Parker to believe the shooter was closer to the balcony door.

Officer Parker fired one round at the direction of the last muzzle flash. At 7:09 p.m. Officer Parker told dispatch that he had fired one round. At the time Officer Parker fired into the apartment he was unaware that a female subject was being held hostage inside the apartment. While stationed in the alley Officer Parker never observed the shooter come out onto the balcony but continued to hear gunshots. Officer Parker stayed in the alleyway until the apartment was breached by SWAT and the suspect was taken into custody at approximately 9:13 p.m.

3. Washoe County Sheriff's Deputy B. Sage

Deputy Brad Sage was interviewed at the Washoe County Sheriff's Office on November 29, 2017, at 2:00 p.m. by SPD Detective Edward Wilson and WCSO Detective Nate Coats. Deputy Sage had been employed by the Washoe County Sheriff's Office for approximately 8 years.

On November 28, 2017 Deputy Sage was present at the Washoe County Sheriff's Office getting ready to begin his regular shift which was from 7:00 p.m. to 7:00 a.m. when he heard radio traffic regarding a possible active shooter in the downtown Reno area. He grabbed certain gear, to include a rifle, and headed towards downtown in his patrol vehicle. Eventually, Deputy Sage made his way to the Eldorado Casino where the Washoe County

Sheriff's Office command post was established. While there he met RPD Officer Kevin Vogt who came from the Eldorado Casino stating that he had found a good location for a position of advantage on top of the Eldorado Hotel Marquee. Deputy Sage, who had grabbed his Smith and Wesson M&P AR 15 rifle, went with Officer Vogt and a security guard from the Eldorado. Once on top of the roof of the Eldorado, Deputy Sage found a location that allowed concealment and mounting for his rifle near a "U" shaped duct approximately 4 feet off the ground.

At approximately 7:07 p.m. Deputy Sage was set up on the southwest corner of the Eldorado Casino and had a visual on the balcony with the glass shot out. Officer Vogt acted as a spotter for Deputy Sage and was relaying radio traffic information during the incident. After a few minutes Deputy Sage could hear gunfire coming from the direction of the apartment that he was focused in on. Deputy Sage also saw muzzle flashes simultaneously with hearing the shots being fired which confirmed he was observing the right apartment. Deputy Sage stayed fixed on the shooter's apartment.

Deputy Sage then saw a person in the doorway to the balcony and saw the individual raise his arm and shoot in an easterly direction which was confirmed by viewing a muzzle flash and smoke. Deputy Sage believed the suspect was shooting at snipers on the top of the Whitney Peak Hotel or possibly civilians, which led to Deputy Sage returning a single round towards the shooter's location. Deputy Sage saw the shooter retreat into the apartment after he fired the single shot.

Deputy Sage continued to stay on his gun for the remainder of the incident. After firing one round Deputy Sage never saw the shooter again and soon learned that a female was being held hostage in the room with the shooter. Deputy Sage and Officer Vogt stayed on the roof of the Eldorado until they learned via radio that the apartment had been breached. Once learning that entry had been made into the apartment Deputy Sage rendered his weapon safe and kept possession of the rifle until it was taken by WCCL personnel. Deputy Sage did not touch the single ejected casing on the rooftop which was later collected by WCCL personnel.

4. Reno Police Department Officer M. Sicilia

On November 28, 2017 Officer Michael Sicilia was interviewed regarding his role in the investigation of the shooting which occurred on the same date at the Montage apartments. Officer Sicilia is assigned to the patrol division of the Reno Police Department and has been with them for the past 11 years. Officer Sicilia is a member of the RPD Crisis Intervention Negotiation Team (CINT) and has been for the past 10 years where he has received ongoing training in hostage negotiations and participated in approximately 100 incidents where negotiators were needed to attempt to resolve an incident peacefully.

On November 28, 2017 Officer Sicilia was on duty as part of his regular shift from 2:00 p.m. to midnight. While on scene at a domestic battery call he heard via radio that shots were being fired in the downtown Reno area. Officer Sicilia completed the call he was attending to and immediately responded downtown. Upon arriving he joined up with Officer Scott Johnson, who is also a part of the CINT team, and they made it a priority to attempt to contact the shooter as they were advised that he had a hostage inside the apartment.

Officer Sicilia responded to the 8th floor where he was told the shooter was located. A neighboring apartment, #818, on the 8th floor was utilized as a staging area for the CINT team. At approximately 7:25 p.m. negotiators asked dispatch to end their call with the female inside the residence and provide a phone number so that Officer Sicilia could establish communication with her. At approximately 7:30 p.m. Officer Sicilia made contact with Ms. Oakes who advised that she was in the bathroom. Officer Sicilia told Kari that he was a Reno Police Officer and a negotiator. Ms. Oakes was emotional and crying during the phone call and she sounded very frightened. Ms. Oakes identified the suspect as Luke, later identified as Lucas Stone, and Officer Sicilia asked Ms. Oakes to see if Stone would speak with him on the phone. However, Stone refused to get on the phone, so Officer Sicilia asked Ms. Oakes to relay information to him. Officer Sicilia relayed to Stone, through Ms. Oakes, that the police wanted a peaceful resolution to the situation and that Officer Sicilia did not want anyone to get hurt. Officer Sicilia told Stone to put down his weapon and come out of the apartment with his hands up. Officer Sicilia could hear

Ms. Oakes pleading with Stone throughout the call telling him to please put the gun down. It seemed that Stone did not believe the persons outside the apartment door or on the phone were police officers. Officer Sicilia continued to hear gunfire while he was on the phone with Ms. Oakes.

At approximately 7:46 p.m. CINT decided to try and Facetime with Stone in the hopes that he would see they were in fact police officers and put his weapon down and come out. Once Facetime went through, Officer Sicilia could observe that Ms. Oakes was crouched down in a dark space. Officer Sicilia asked Ms. Oakes to turn the phone around so that he could see Stone and so that Stone could see him. Officer Sicilia again identified himself as Mike with the Reno Police Department and pulled the phone away to show Stone his uniform. Officer Sicilia again communicated to Stone that he wanted this to end peacefully, did not want to see anyone get hurt and that they were only there to help.

Officer Sicilia could see that Stone was wearing a blue and white shirt with jeans and was carrying a firearm which appeared to be a rifle, short in length with a wood stock. Stone continually brought the rifle up to his face in a ready position. This information was communicated to the SWAT team who was still positioned on the 8th floor, outside apartment #807. Again, Officer Sicilia attempted to speak with Stone and calm him down by asking him questions about what he was seeing and trying to assure him that there was nobody attempting to hurt him.

At approximately 8:11 p.m., while attempting to continue to communicate with Stone, Officer Sicilia observed him, suddenly raise the rifle and fire one round in the area outside the bathroom. The gunshot rang out and the apartment door was then breached by the SWAT team. Officer Sicilia saw Stone initially lower the rifle to a low ready position and appear startled from the breach. However, Stone immediately raised the rifle back up to a shooting position and Officer Sicilia then observed a quick blue flash, Stone walking backwards toward the camera extending his left arm which caused the rifle to fall to the ground. Officer Sicilia was able to see what appeared to be several SWAT helmets come into camera view and that was the last thing

Officer Sicilia observed prior to the Facetime communication ending.

5. Kari Oakes

Ms. Oakes was interviewed regarding this case on November 28, 2017 at the Reno Police Department by SPD Detective Eric Curtis and WCSO Detective Joseph Digesti. She said that she started coming to Reno from Grass Valley, California to work at the Men's Club. Oakes met Lucas Stone at Harrah's Casino while she was visiting Reno on November 4, 2017. On November 24, 2017 Kari came to Reno to stay with Stone at the Montage, #807. Ms. Oakes denied observing any drug use by Stone while she was with him but did say that he consumed alcohol and had a serious drinking problem. She also noted that Stone had insomnia and had problems obtaining sufficient sleep.

On Tuesday, November 28, 2017 Ms. Oakes and Stone laid in bed most of the day watching movies and consuming alcohol. Ms. Oakes left the residence in the afternoon for approximately an hour and went for a walk and then to a local grocery store. She recalls returning as the sun was setting. Upon her return Stone continued to consume alcohol.

Approximately two hours after she returned the two were lying in bed when Stone began seeing things out of the bedroom window. Stone told her that he saw people throwing other people off the roof of a building. Stone then stated to Ms. Oakes that he saw a person drop a baby off the roof. Stone appeared to be hallucinating and Ms. Oakes had never seen him act this way before. Stone went to the gun safe located in the closet area of the bedroom and retrieved a rifle. Stone began shuffling around the apartment and even though Ms. Oakes tried to tell him that she did not see anything Stone began firing the rifle. Ms. Oakes believed that at one point Stone retrieved a second rifle and Ms. Oakes observed a large amount of ammunition in the apartment.² Stone continued to shoot the rifle in the area of the living room.

She was in fear for her life, so she ran to the bathroom and hid in a small alcove underneath the bathroom sink. Prior to hiding she grabbed her cellphone so that she could call for help.

² While large amounts of ammunition were located, including 9mm unfired cartridge casings, no other weapons were collected from the scene.

Stone encouraged her to call the police as he needed help protecting her from individuals whom he perceived were a threat. Ms. Oakes described Stone as becoming more agitated as the situation progressed and she was afraid to make him angry. Stone continued to shoot the rifle in the direction of the living room and bedroom. Stone would take breaks in firing the weapon and reload the magazine.

Ms. Oakes called 911 and asked for police to help her get out of the apartment. Once police arrived on scene Stone told Ms. Oakes that he did not believe they were in fact police officers and told Ms. Oakes to hang up the phone. Stone then aimed the firearm at the front door and believed that people were getting ready to come into the apartment. Ms. Oakes never felt safe enough to simply leave the bathroom and walk out the front door.

After hanging up with 911 Ms. Oakes was contacted via Facetime by Officer M. Sicilia of the Reno Police Department. She attempted to give Stone the phone, but he refused and did not engage with police. Ms. Oakes placed the phone on top of the trash can so that the police could see Stone's actions. She hid under the sink in the bathroom during the entirety of the incident even though police encouraged her to attempt to leave via the front door.

During the interview with police she confirmed that during the Facetime conversation the police asked Stone to put down his weapon numerous times. In response to the police requests Ms. Oakes said that Stone would laugh and tell officers that they needed to break the door down. Stone continued to make nonsensical statements throughout the incident.

Ms. Oakes stated that Stone was standing in the middle of the bathroom with the rifle pointing towards the door when the door blew open. Ms. Oakes said she heard police tell him to put down the gun and saw that Stone had the gun pointing in the direction of the door. Ms. Oakes then heard Stone scream and drop his weapon and saw Stone wrestled to the ground by police officers. Ms. Oakes was immediately pulled out from under the sink and was escorted to safety before being brought to the police station for an interview.

Ms. Oakes told police that she believed Stone was a threat to officers, herself and neighbors during the time he was actively firing his rifle.

6. Reno Police Officer M. Eason

Marshall Eason was interviewed by SPD Detective Eric Curtis and WCSO Detective Joseph Digesti on November 29, 2017 at the Reno Police Department. Officer Eason has been employed by the Reno Police Department for approximately five years and has been assigned as a member of the SWAT team for the last year and a half.

On November 28, 2017 Officer Eason was off duty when he received a call out for SWAT duty regarding an active shooter. Officer Eason dressed in his SWAT uniform, grabbed his tactical gear and drove to downtown Reno. Once there he parked his vehicle, dressed in a bullet proof vest and helmet and then met up with Officer Garlock, also a member of SWAT. The team began gathering necessary materials to breach the door if necessary and then responded to the 8th floor of the Montage. Upon reaching the 8th floor they received a briefing regarding the events which had occurred thus far, including that a female hostage was located inside unit #807 and that the shooter was armed with a rifle which he was utilizing to discharge numerous rounds outside as well as into neighboring residences. SWAT members positioned themselves back and away from apartment #807 due to a report that a gunshot had already been fired through the front door of the apartment.

While waiting outside apartment #807 SWAT formulated an entry plan which included the order in which they would proceed into the residence. Officer Eason would go first after the breach of the door, followed by Officer Robert Garlock. Officer Eric Hague placed a breaching charge on the door to apartment #807 to be at the ready in case entry was ordered. The team remained in the waiting area on the 8th floor until further orders were provided.

As the team waited outside the apartment, they heard a single discharge of a weapon from inside #807. At this time the order to breach apartment #807 was given by Officer A. Espinoza. The explosive device was set but the door did not completely open. Officer Kyle Messberg utilized a sledge hammer to strike the

door until it opened. Once the breach of the door was successful, Officer Eason entered the residence first in a haze of smoke from the explosive breach. Officer Eason observed a dark living room in front of him and a light off to his right hand side. As he began scanning to his right, he observed Ms. Oakes in a fetal position underneath a bathroom sink. Stone was standing in front of her approximately 10 feet away holding a long gun/rifle. Stone raised his weapon to the ready position as if to shoot at officers. Officer Eason told detectives that upon realizing that Stone was raising the rifle, Officer Eason believed that Stone was prepared to shoot and kill him and/or his fellow officers which were stacked immediately behind him as they entered apartment #807. Officer Eason shot Stone with one round and observed the impact of the round cause him to drop his rifle on the bathroom floor. Officer Eason continued into the apartment to look for any further threats or hostages while other members of the SWAT team contacted Stone. Officer Eason had no further contact with Stone and after clearing the residence he was immediately taken to the Reno Police Department where he cooperated in the investigation into the shooting of Lucas Stone.

7. Reno Police Officer R. Garlock

Robert Garlock was interviewed regarding the events of November 28, 2017 on November 29, 2017 at the Reno Police Department by WCSO Detective Kellie Wright and SPD Detective Dorothy Peterson. Officer Garlock has been with the Reno Police Department for 12 years and assigned to the SWAT team for the last 10 years, as well as acting as a team leader for the last year.

On November 28, 2017 Officer Garlock was at home when he received a SWAT page from Lieutenant Shaw and was asked to retrieve the armored vehicle and respond to the scene. Officer Garlock drove to the central substation to pick up the armored vehicle and explosives in case they were needed to breach the door of the shooter's residence. Upon reaching downtown Officer Garlock met up with Officer Eason and other SWAT teammates before entering the Montage from the rear. Prior to arriving at the Montage Officer Garlock could hear active gunfire coming over the radio.

Upon reaching the 8th floor, SWAT team members were briefed on the events leading up to their arrival at the Montage. As they

were setting the breach for the entryway, Officer Garlock heard a weapon discharge from inside #807. An order was given to set off the explosive device and breach the door. The explosives discharged, but the door did not fully separate making it necessary for another member of SWAT to mechanically breach the door with a sledgehammer. Upon opening the front door, Officer Eason entered the residence first with Officer Garlock in the number 2 position and Officer A. Espinoza in the number 3 position. Officer Garlock noted that the floor was covered with casings and bullets. Officer Eason headed straight into the residence when Officer Garlock noticed Eason look right and felt Eason's weapon discharge. As they moved forward Officer Garlock was able to observe Stone standing in the bathroom area with a rifle and Ms. Oakes sitting in between two shelves under the bathroom sink, screaming. After the shot was fired from Eason's weapon, Officer Garlock observed Stone begin to fall into another room's closet area where officers could not see him. Officer Garlock, along with other officers, ran and tackled Stone to the ground near a gun safe in the closet area of the residence. Stone was handcuffed and medical assistance, which was situated in the staging area, was immediately called and attended to Stone.

8. Phyl Marchelle-Compo

Phyl Marchelle-Compo was interviewed on November 29, 2017 at the Montage. Ms. Marchelle-Compo is a resident there and resides in apartment #808 with her boyfriend Bruce Gordon. Apartment #808 is located directly north of apartment #807. Ms. Marchelle-Compo relayed that on November 28, 2017 she and Mr. Gordon were watching television in their apartment when she heard a loud noise described as a "pop". After hearing a second "pop" she called the front desk to inquire about the noise and to see if they had contacted the police department. After hanging up with the front desk Ms. Marchelle-Compo heard further "pops" and then the sound of glass shattering. As a result, Ms. Marchelle-Compo unplugged her Christmas lights which were located on the patio and then hid in the walk in closet. Once inside the closet Ms. Marchelle-Compo called 911 to report that her neighbor was the shooter. At one point the shots stopped and Ms. Marchelle-Compo left the closet area and returned to the living room. While there she witnessed a bullet enter her apartment through the

wall and something struck her in the hand which caused her to bleed. She wrapped a towel around the injury and returned to the walk in closet area. Eventually the police came to her door and escorted her from the apartment to the ground floor and to a waiting ambulance before being transported to the hospital for care.

B. COUNTDOWN OF OFFICERS' FIREARMS

1. Reno Police Officer D. Parker

Officer Parker's primary weapon utilized during the incident on November 28, 2017, was a Remington 700 rifle. The carrying capacity of the magazine used in the rifle was 10 rounds. Officer Parker grabbed an additional 5 round magazine and placed it in his pocket.

On November 28, 2017 Washoe County Supervising Criminalist, Renee Armstrong collected Officer Parker's rifle which was left by Officer Parker in Douglas Alley. The collection of Officer Parker's rifle and its contents revealed 1 unfired FC 308 WIN cartridge from the chamber of the rifle and one magazine which contained 8 unfired FC 308 WIN cartridges. At the Reno Police Department Forensic Investigator Shaun Braly collected from Officer Parker one spare rifle magazine containing 5 unfired FC 308 WIN cartridges. All items were booked into evidence at the Washoe County Sheriff's Office.

2. Washoe County Deputy B. Sage

On November 28, 2017 Deputy Sage's primary duty weapon was a Glock 17C handgun. Deputy Sage responded to the roof of the Eldorado during the call with a Smith and Wesson M&P 15 rifle which is the weapon he utilized to discharge one round during the incident. The carrying capacity of the magazine for the rifle was 30 rounds. Deputy Sage told investigators that he only had time to grab one magazine prior to responding to downtown and that even though the magazine has a thirty round capacity, the magazine was loaded with 28 rounds per WCSO policy in order to prevent feed issues.

On November 28, 2017 Washoe County Forensic Investigator Shaun Braly collected Deputy Sage's equipment worn and used during the shooting. The collection of Deputy Sage's rifle and its contents revealed 1 unfired Speer 223 15 REM cartridge in the

chamber and 26 unfired Speer 223 15 REM cartridges in the magazine of the M&P 15 rifle. All items were booked into evidence at the Washoe County Sheriff's Office.

3. Reno Police Officer M. Eason

On November 28, 2017 Officer Eason's primary weapon utilized during the incident was a Reno Police Department issued Battle Born BB-16 rifle. The carrying capacity of the magazine for the rifle was 30 rounds. Officer Eason told investigators that he loaded the magazine with 22 rounds and carried an additional three 30 round capacity magazines in his tactical vest. The additional magazines were loaded at less than the 30 round capacity to avoid any firing issues with the rifle.

On November 28, 2017 Washoe County Forensic Investigator Shaun Braly collected Officer Eason's equipment worn and utilized during the incident which included the Battle Born BB-16 rifle. Investigator Braly collected one unfired FC 16 cartridge from the chamber of the rifle and one magazine removed from the rifle which contained 20 unfired FC 16 cartridges.

II. PHYSICAL EVIDENCE

A. SHOOTING SCENES

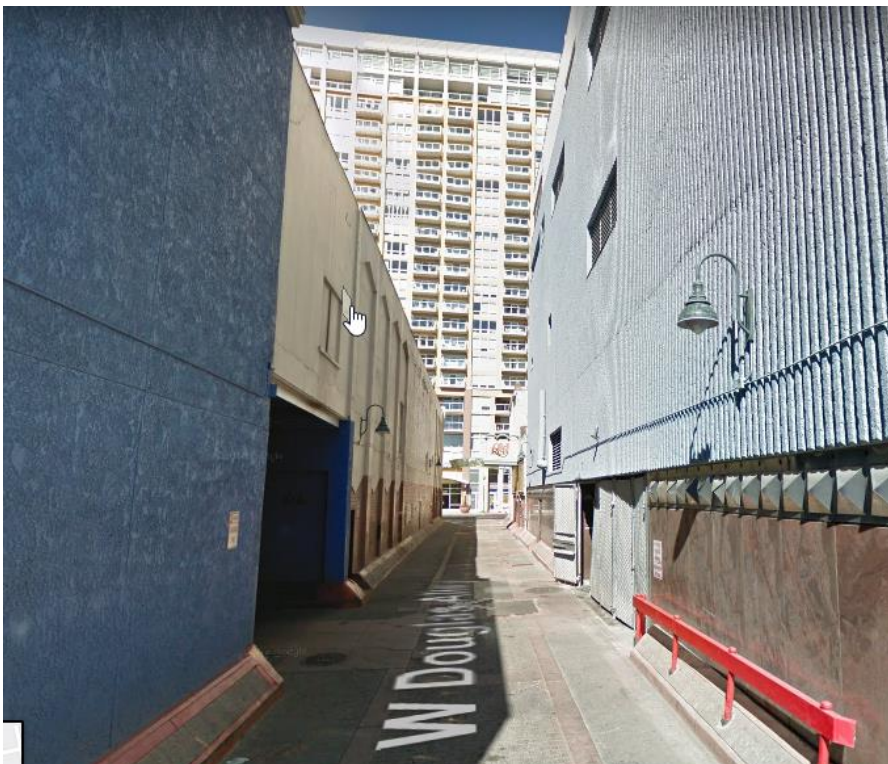
The Montage is an apartment/condominium building located at 255 N. Sierra Street in downtown Reno. The building and its grounds take up the entire block between Second and Third Street with the front of the building facing Sierra Street. The converted hotel/casino is a high rise with twenty two stories and 376 units with attached private balconies and terraces. Various commercial establishments surround the Montage to include the Eldorado Hotel and Casino to the north and the Whitney Peak hotel and Ace Motor Lodge directly to the east of the Montage on Sierra Street. Harrah's Hotel and Casino is located one block east of the Montage. Douglas Alley is directly east of the entrance of the Montage. The alley runs from east to west allowing access from Virginia Street to Sierra Street in the middle of the block between Commercial Row and Second Street.



North facing view of the Montage which is located on the left hand side of the photograph and the Ace Motor Lodge and Whitney Peak Hotel on the right side of the photograph. The Eldorado Hotel and Casino is located in the foreground.
*Photograph taken from Google Maps.

1. Douglas Alley

Douglas Alley is an alleyway that runs east/west and connects Virginia Street to Sierra Street. In the middle of Douglas Alley, Fulton Alley intersects from the south.



View from Douglas Alley facing west to the Montage. Officer Parker was situated behind the gated area on the right-hand side of the photograph where Fulton Alley (on the left) meets Douglas alley.
*Photograph taken from Google Maps.

Washoe County Forensic Investigators documented the scene at Douglas Alley and collected one fired cartridge case on the ground north of where they located Officer Parker's rifle and tripod.

2. Eldorado Hotel and Casino Rooftop

The rooftop location is located on the 5th floor of the Eldorado Casino and can only be accessed through locked security doors. The rooftop area contains air conditioning and heating units and is located directly northeast of the Montage building.

Washoe County Forensic Investigators documented the scene and collected one Speer 15 223 REM fired cartridge case from the ground near the air conditioning unit.



The view from the fifth floor Eldorado rooftop location where Deputy Sage and Officer Vogt set up during the incident. Deputy Sage placed his rifle on top of the duct to the right of the larger heating/air conditioning unit. The Montage can be seen in the foreground on the right side of the photograph.

3. The Montage, Apartment #807

Apartment #807 is a one bedroom, one bathroom, apartment located on the 8th floor east side of the building, just south of the elevator bank. There are apartments with adjoining walls on

either side of #807 which are #808 to the north and #806 to the south. Upon entry into #807 there is a direct easterly facing view of floor to ceiling windows with a single door, also comprised of glass, which leads to a balcony overlooking Sierra Street.

The apartment is square in orientation and the north side contains an open kitchen area with a half wall and breakfast bar that looks into the living room. On the south side of the apartment, immediately upon entry, is an alcove that contains a utility closet with a south facing door that leads to the only bathroom. The bathroom contains an open glass shower, a toilet and a vanity that has an open shelf on the bottom with the top portion containing a sink. A door, located at the south end of the bathroom, leads to a large closet. This closet is directly connected to the bedroom. The bedroom is situated on the east wall with windows that face Sierra Street. The exit/entry to the bedroom is in the living room area of the apartment. The balcony is accessed by a single glass door surrounded by floor to ceiling glass windows which lead to an outdoor area. The balcony is enclosed on three sides by glass. There is room for a small round table and two chairs. The neighboring balconies are perfectly aligned with one another and are feet apart.

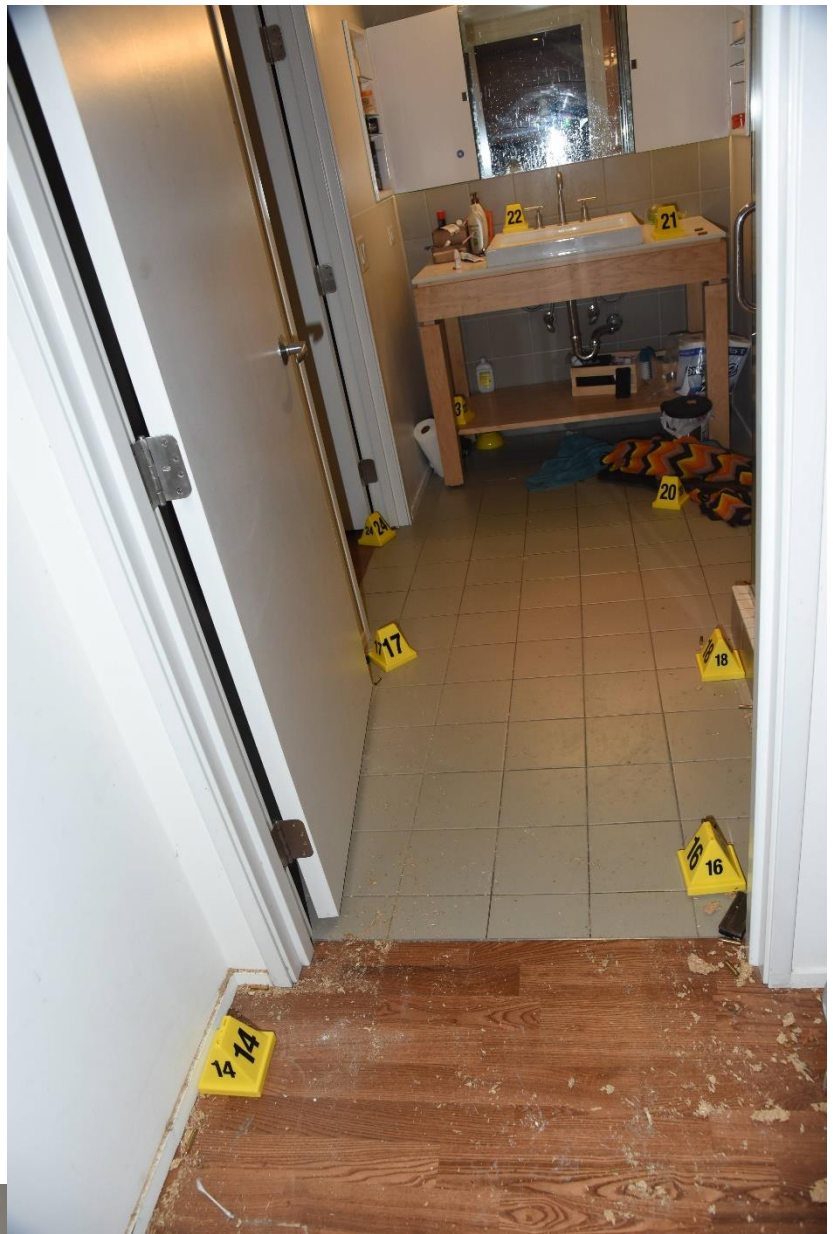
Approximate view from the elevator bank looking south on the 8th floor of the Montage. This location is where initial officers responded and observed a fired bullet enter the hallway and is also where SWAT set up to monitor apartment #807 which is the first door on the left. This photograph was taken post breach of the apartment. Apartment #808, Phyl Marchelle-Compo's residence, would be located to the left of apartment #807.





View from the front door of Apartment #807. The kitchen and living room are shown in the photograph with the glass windows and door leading to the balcony area of the apartment at the far end. The entrance to the bathroom is to the immediate right of the photograph and the entrance to the bedroom is through the living room and to the immediate right.

View from front entryway into the bathroom area where Officer Eason saw Kari Oakes curled up under the sink and Stone standing with a rifle. Officer Eason discharged one round and based on his training continued into the living room area to clear the remainder of the apartment while Officers Garlock and Espinoza entered the bathroom and tackled Stone as he entered the doorway to the left of the sink where an adjoining closet was located.

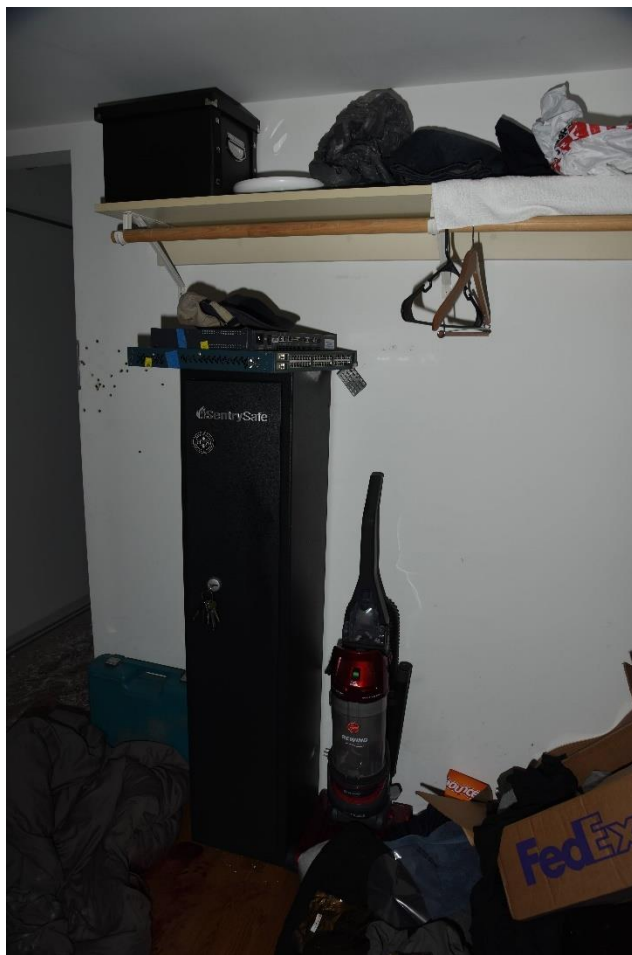


Bathroom sink area where Kari Oakes was curled up on the bottom shelf of the vanity. To the right of the sink area is Stone's rifle which can be seen atop the afghan blanket.

The bathroom vanity where Kari Oakes was hiding. Fired cartridge cases litter the sink and the vanity area.



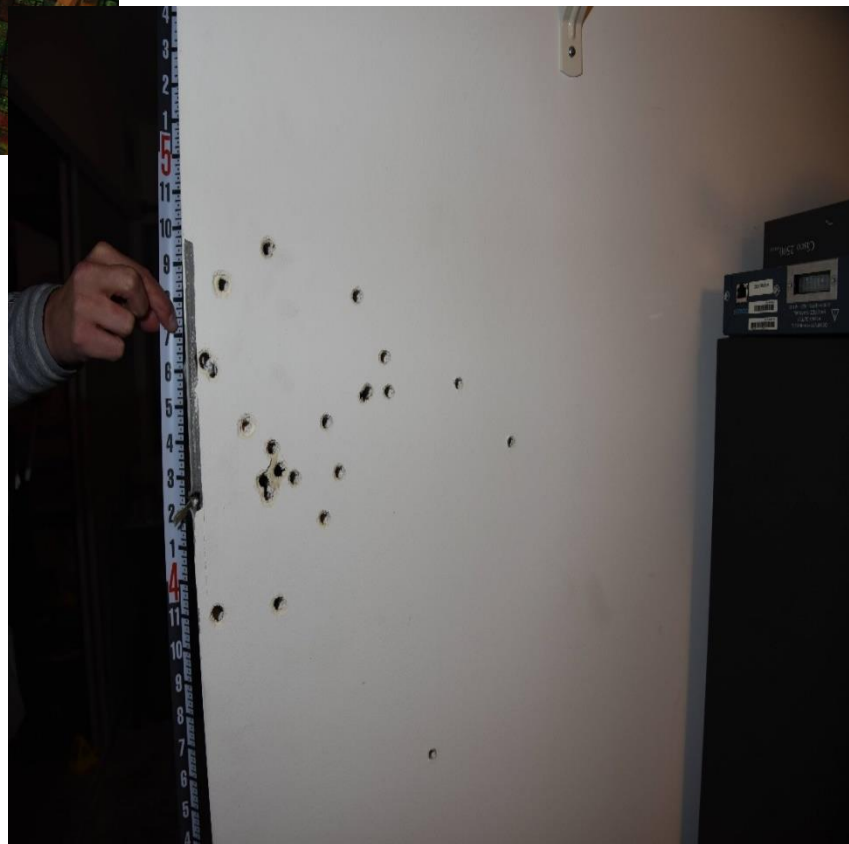
Closet area right off of the bathroom where Stone ran after being engaged by Officer Eason. Officers Garlock and Espinoza tackled him in close proximity to the gun safe.



Upon the conclusion of the incident, Washoe County Forensic Investigative Services was called to document all scenes and to collect any relevant evidence. FIS collected 47 fired cartridge cases from Stone's apartment as well as boxes of unfired ammunition. Apartment #807 sustained major damage based on the numerous gunshots fired within the apartment by Stone.



Top left photograph is the balcony area with damage to all glass doors, windows, and glass enclosed balcony. Bottom left photograph shows bullet holes to doorway from bedroom into the closet area adjoining the bathroom. Right photograph shows bullet holes to the interior wall of the closet leading to the bedroom.

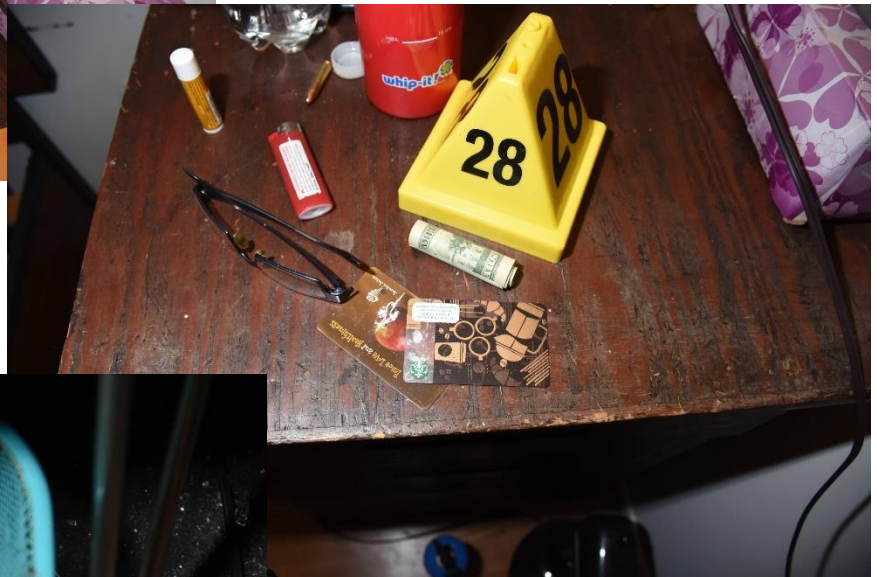


Stone's rifle, a U.S. Military M1 Carbine, was collected from the bathroom floor. FIS also documented a defect to the mirror above the sink in the bathroom area. FIS collected a bullet from the defect in the mirror. This bullet was later tested by the firearms section of the Washoe County Crime Lab and found to have been fired from the Battle Born BB-16 rifle belonging to Officer Eason.



Top center photograph is of Stone's weapon utilized during the shooting. The bottom left photograph is the magazine taken from the rifle by FIS which contained unfired cartridge cases. The bottom right photograph shows an unfired cartridge case contained in the chamber of the rifle upon collection by FIS.

In addition to the numerous fired and unfired cartridge casings found within Apartment #807, FIS also located trace amounts of a controlled substance and paraphernalia consistent with drug use. FIS located on the nightstand next to the bed in the bedroom, a whip-it cannister, a \$20.00 bill and two gift cards with white residue. The residue was later tested by the crime lab and found to be methamphetamine. The trash can contained several used whip- it containers (containing the drug nitrous oxide).



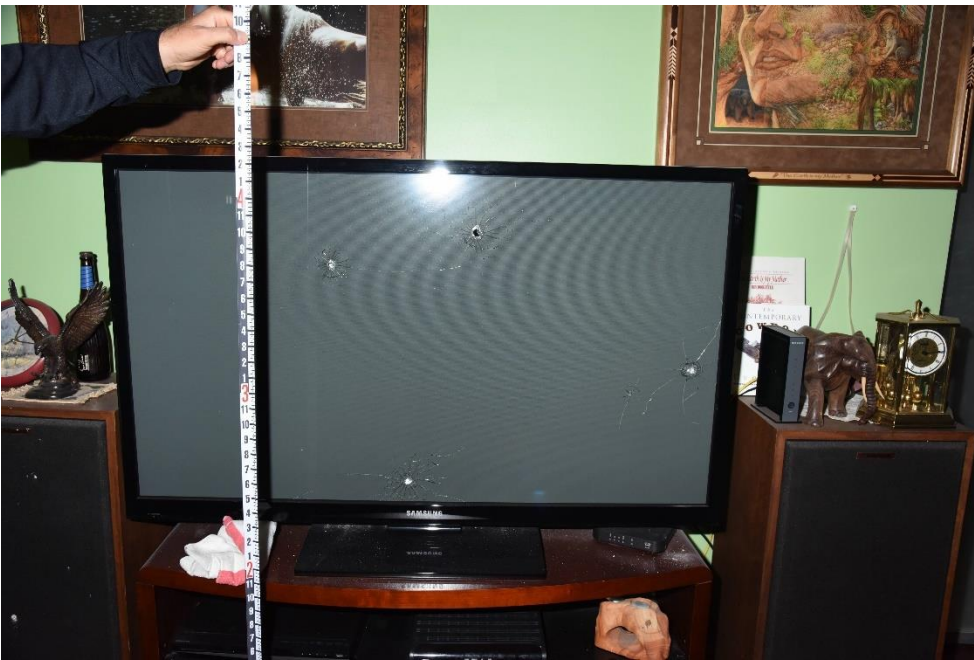
FIS returned to the scene the following day to take additional photographs in the daylight hours to document the balcony area of apartment #807.



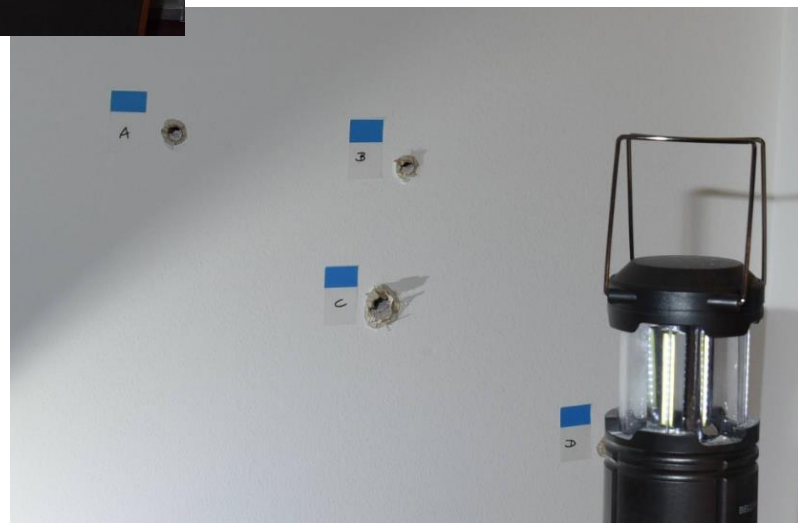
Photographs from the balcony area of Apartment #807 taken on November 29, 2017 by FIS. The top left photograph details the northernly view and shows where Deputy Sage would have been located atop the 5th floor rooftop of the Eldorado Casino during the incident. The top right photograph looks easterly and shows the general location where Officer Parker would have been situated in Douglas Alley during the incident. The bottom photograph looks southeasterly and shows the wide area to which Stone had access to from his balcony looking down onto Sierra Street.

4. The Montage, Apartment #808

Apartment #808 at the Montage was located just to the north of Stone's apartment. The layout of the apartment is exactly the same except that apartment #808 is flipped, meaning that the living areas in both Stone's apartment and #808 share a common wall and the bedroom area is located on the north side of #808. Phyl Marchelle-Compo and her boyfriend were the residents of #808 during the time of the shooting. Washoe County Forensic Investigators located 4 defects on the south wall (common wall with #807), a defect on the kitchen countertop, 4 defects to the television located on the north wall of the living area, defects on the south wall of the bedroom area and a defect in the dresser which was located in the bedroom area.



The above photograph depicts the television in apartment #808 which sustained 4 gunshot holes. The photograph on the right depicts the 4 gunshot holes entering the shared wall between #807 and #808.



B. EVIDENCE COLLECTED FROM SHOOTING SCENES

1. Douglas Alley

The following relevant evidence was collected and photographed from Douglas Alley.

- Remington Model 700 AAC-SD Rifle and tripod; one (1) cartridge from the chamber; one (1) magazine which contained eight (8) FC 308 WIN cartridges.
- One (1) fired cartridge case from the ground.

2. Eldorado Casino Rooftop

The following relevant evidence was collected and photographed from 345 N. Virginia Street, 5th floor rooftop.

- A SPEER 15 223 REM fired cartridge case on the ground near the air conditioning unit.

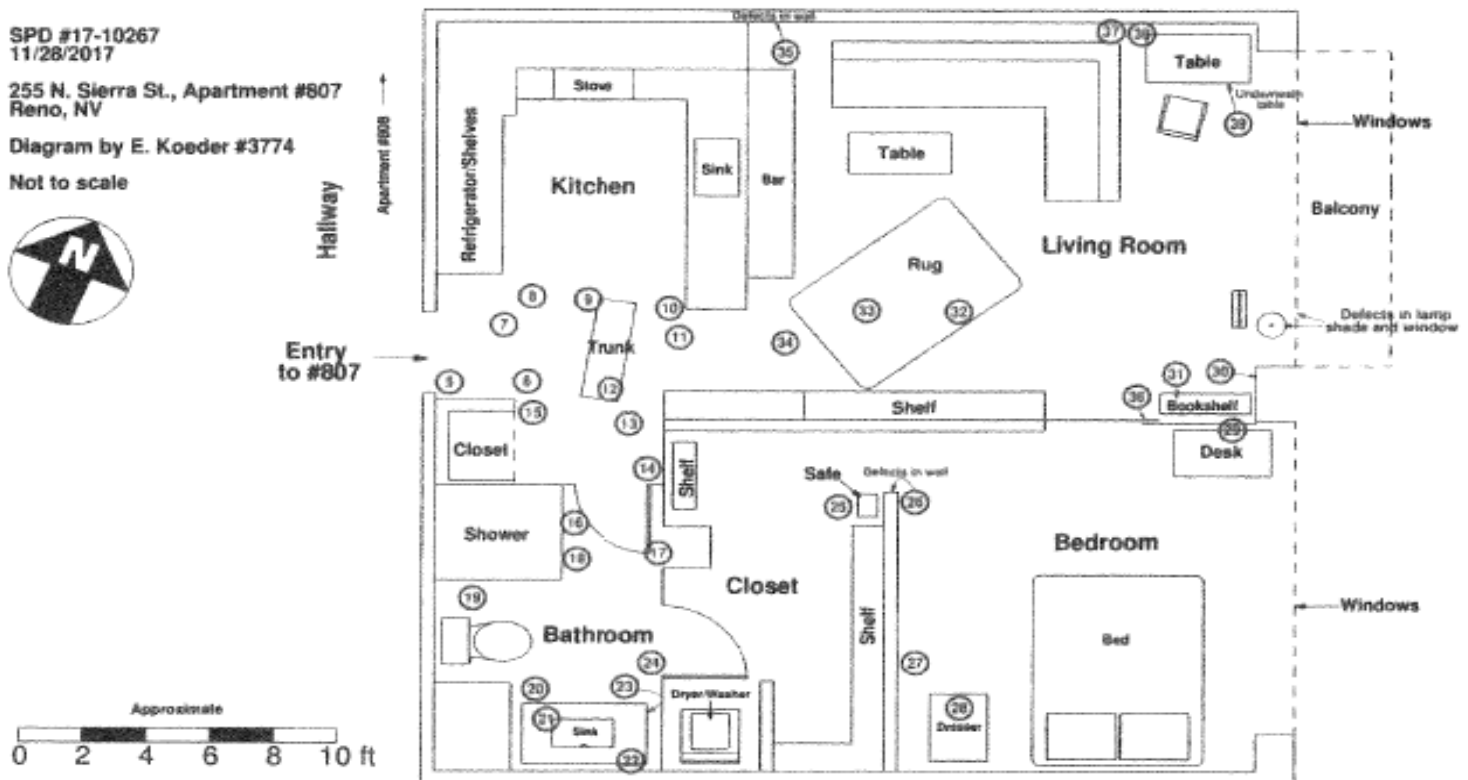
3. The Montage, Apartment #807

The following relevant evidence was collected and photographed from 255 N. Virginia Street, apartment #807.

- Placard 5: one (1) FC30 Carbine fired cartridge case
- Placard 6: two (2) Tulammo 9mm Luger cartridge case
- Placard 7: one (1) PPU 30 Carb fired cartridge case
- Placard 8: one (1) FC 30 Carbine fired cartridge case;, two (2) Tulammo 9mm Luger cartridge cases, and one (1) Aguila 30 Car cartridge case
- Placard 9: three (3) Tulammo 9mm Luger cartridge cases and one (1) W-W 30 Carbine fired cartridge case
- Placard 10: one (1) box of ammunition and one Tulammo 9mm Luger cartridge case
- Placard 11: three (3) Tulammo 9mm Luger cartridge cases, one (1) FC 30 Carbine cartridge case, one (1) PPU 30 Carb cartridge case, and one (1) Aguila 30 Car fired cartridge case
- Placard 12: Two empty magazines and one box of ammunition atop wood trunk/box
- Placard 13: one (1) Aguila 30 Car fired cartridge case and one Tulammo 9mm Luger cartridge case
- Placard 14: two (2) PPU 30 Carb cartridge cases

- Placard 15: two (2) Aguila 30 Car fired cartridge cases, two (2) Tulammo 9mm Luger cartridge cases, and one box of ammunition
- Placard 16: One (1) empty magazine, one Aguila 30 Car fired cartridge case, one (1) W-W 30 Carbine fired cartridge case, one (1) Tulammo 9mm Luger cartridge case, and one (1) PPU 30 Carb cartridge case
- Placard 17: Two (2) FC 30 Carbine fired cartridge cases, one (1) PPU 30 Carb fired cartridge case, and one (1) W-W 30 Carbine fired cartridge case
- Placard 18: One (1) PPU 30 Carb fired cartridge case and one (1) Aguila 30 Car fired cartridge case
- Placard 19: three (3) cartridge cases and one (1) PPU 30 Carb fired cartridge case
- Placard 20: one (1) rifle, one empty magazine six (6) FC 30 Carbine fired cartridge cases, four (4) PPU 30 Carb fired cartridge cases, four (4) Aguila 30 Car fired cartridge cases, one (1) Tulammo 9mm Luger cartridge case, and one (1) FC 30 Carbine cartridge case
- Placard 21: Five (5) PPU 30 Carb fired cartridge cases, two (2) Aguila 30 Car fired cartridge cases, and two (2) FC 30 Carbine fired cartridge cases
- Placard 22: Defect in bathroom mirror and one (1) bullet removed from the mirror
- Placard 23: one (1) PPU 30 Carb cartridge case
- Placard 24: one (1) Tulammo 9mm Luger cartridge case and one (1) FC 30 Carbine fired cartridge case
- Placard 25: one (1) magazine, one (1) FC 30 Carbine fired cartridge case and one(1) PPU 30 Carb fired cartridge case
- Placard 26: Defects on wall, one (1) box of ammunition, and one magazine
- Placard 27: one (1) Aguila 30 Car cartridge case
- Placard 28: one (1) \$20.00 bill, two plastic cards with white residue, a red "whip-it" canister, and one (1) Aguilar 30 Car cartridge case
- Placard 29: Defects on window and one fragment located between window panes
- Placard 30: Defect in wall
- Placard 31: one (1) bag with green vegetable material

- Placard 32: one (1) bullet jacket
- Placard 33: one (1) FC 16 fired cartridge case
- Placard 34: five (5) Tulammo 9mm Luger cartridge cases and two (2) Aguila 30 Car cartridge cases
- Placard 35: Defects in wall
- Placard 36: Defects in glass sliding door
- Placard 37: one (1) Tulammo 9mm Luger cartridge case
- Placard 38: one (1) CCI NR 9mm Luger cartridge case and one (1) Tulammo 9mm Luger cartridge case
- Placard 39: One (1) fired FC 30 Carbine cartridge case from closet



A Diagram rendered by Washoe County Forensic Investigator E. Koeder depicting the evidence collected inside Stone's apartment.

4. The Montage, Apartment #808

The following relevant evidence was collected from apartment #808 of the Montage Apartments.

- One (1) fragment in the hallway between apartments 807 and 808
- One (1) bullet from inside the dresser in the bedroom
- One (1) white metal fragment from the mattress in the bedroom
- One (1) bullet from the east cabinet in the living room

C. EVIDENCE COLLECTED FROM LAW ENFORCEMENT OFFICERS

1. Evidence Collected from Reno Police Officer M. Eason

The following relevant evidence was collected from Officer M. Eason

- One (1) Battle Born BB-16 rifle; one (1) cartridge from the chamber; one magazine removed from the firearm containing 20 cartridges.

2. Evidence Collected from WCSO Deputy B. Sage

The following relevant evidence was collected from Deputy Sage

- One (1) Smith and Wesson M&P 16 Rifle; one (1) cartridge from the chamber; one (1) magazine removed from the firearm containing 26 cartridges.

3. Evidence Collected from Reno Police Officer D. Parker

- One (1) spare rifle magazine containing five (5) FC 308 WIN cartridges.³

D. FIREARMS EXAMINATION

The firearms division of the Washoe County Crime lab examined the following weapons:

- U.S. Military M1 Carbine Rifle, collected from the bathroom floor of Apartment #807 at the Montage, used by Lucas Stone during the incident.
- Battle Born BB-16 rifle, collected from the person of Officer M. Eason and utilized by Officer Eason during the incident.

³ Officer Parker's rifle utilized during the incident was collected by FIS on scene at Douglas Alley and not from his person.

- Remington Model 700 AAC-SD, collected from Douglas Alley and utilized by Officer Parker during the incident.⁴

Washoe County Criminalist Steve Shinmei undertook testing of the collected fired cartridge cases collected from Lucas Stone's apartment. Mr. Shinmei opined that the 47 submitted 30 Carbine fired cartridge cases were identified as having been fired in the U.S. Military M1 Carbine rifle.

Mr. Shinmei also undertook testing of the FC16 fired cartridge case collected from the living room area of Apartment #807 and determined it was identified as having been fired in the Battle Born BB-16 rifle. A fired bullet was also collected by Forensic Investigators from the mirror/wall in the bathroom of Apartment #807. Mr. Shinmei identified the fired bullet as having been fired from the Battle Born BB-16 rifle.

Mr. Shinmei also undertook testing of the submitted fired cartridge case collected from Douglas Alley and opined that the 308 Winchester fired cartridge case was identified as having been fired in the Remington Model 700 AAC-SD rifle.

In addition to the above ballistics testing Criminalist Shinmei also performed trajectory analysis on both apartment #807 and #808.

E. AUTOPSY

The autopsy of Lucas Stone was performed by Washoe County Assistant Medical Examiner Ann L. Bucholtz, who determined that the cause of Stone's death was due to a single gunshot wound to the torso.

Toxicology results from Stone's peripheral blood revealed the following substances:

130 ng/mL of Mitragynine (component of Kratom)

130 ng/mL of Amphetamine

920 ng/mL of Methamphetamine

⁴Although Deputy Sage's rifle and a fired cartridge case were collected as evidence the Crime Lab has not yet completed the analysis to match the recovered fired cartridge case to Deputy Sage's weapon.

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

A. THE USE OF DEADLY FORCE IN SELF DEFENSE OR DEFENSE OF OTHERS

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

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

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

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

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

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

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

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

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

defendant did not act in self-defense, you must find the defendant not guilty. Id. 1051-52.

B. JUSTIFIABLE HOMICIDE BY PUBLIC OFFICER

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

C. USE OF DEADLY FORCE TO EFFECT ARREST

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

IV. ANALYSIS

On the evening of November 28, 2017, Lucas Stone who had been using Methamphetamine began hallucinating. He retrieved a gun from his safe in his apartment and extreme danger to the public ensued. Despite efforts by his hostage Kari Oakes to calm him, he began firing a rifle from his apartment in downtown Reno indiscriminately. All told, he fired nearly 50 rounds. Several of these rounds entered the adjoining apartment resulting in an injury to his neighbor.

Responding law enforcement attempted de-escalation through negotiation and crisis intervention but based on Stone's continued actions were forced to act. Upon hearing Ms. Oakes scream and yet another shot ring out, a SWAT breach of the apartment was absolutely necessary in order to stop Stone from further endangering the public, officers and Ms. Oakes.

As he was entering the apartment, Reno Police Officer M. Eason observed Ms. Oakes hiding under the sink in the bathroom and saw Lucas Stone with a rifle standing directly in front of her. Stone raised his rifle toward the swarming officers. Stone's actions of repeatedly firing a rifle from within his apartment, holding Ms. Oakes hostage against her will, and refusing to put

his weapon down and exit his apartment over a lengthy period of negotiation with officers, led Officer Eason to reasonably believe that when Stone raised his rifle toward the officers they were in imminent danger of great bodily harm or death. It was absolutely necessary for Officer Eason to use deadly force in order to save his life and/or the lives of the officers who entered Stone's apartment immediately behind him. Officer Eason had the right under Nevada law to use deadly force against Stone in defense of his own person as well as fellow officers 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 November 28, 2017, officer involved shooting death of Lucas Stone, the actions of Officer M. Eason were warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.