

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

May 31, 2019



REPORT ON THE OCTOBER 22, 2017 OFFICER  
INVOLVED SHOOTING OF JOHNNY BONTA

**CHRISTOPHER J. HICKS  
WASHOE COUNTY DISTRICT ATTORNEY**

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## **I. INTRODUCTION**

On October 22, 2017, at approximately 3:59 a.m., officers with the Sparks Police Department (SPD) were dispatched to 1800 Sullivan Lane, Apartment #57 on a report of a domestic disturbance involving a firearm. Multiple officers responded. The first two SPD officers to arrive made contact with M.B. who was the reporting party.

M.B. is the juvenile daughter of Johnny Bonta ("Bonta") and Lisa Bonta ("Lisa"). Just prior to the officers' arrival, M.B., at the direction of Lisa, had called 911 and reported that Bonta was intoxicated and was trying to fight with Lisa. She further reported that Bonta was actively talking about a gun. M.B. stated that when Bonta is intoxicated he is violent and suicidal. When asked if he would fight with police, she stated, "maybe." The 911 dispatcher could hear Lisa and Bonta arguing in the background.

The two arriving officers were allowed into the apartment by M.B. When they entered, they overheard Bonta and Lisa arguing from behind a bedroom door about a gun. They further heard Bonta talking about the gun being loaded and that he was going to take someone out. It was apparent Lisa was trying to get the gun from Bonta. When Lisa exited the bedroom, the police removed her, M.B., and themselves from the apartment. By this time multiple officers were staged to the rear and front of the apartment.

Shortly thereafter, an officer observed Bonta exit the bedroom and make his way to the front door. Bonta was armed with a shotgun. The officer relayed this information via radio to other officers on scene.

Bonta then exited the apartment holding the shotgun parallel to the ground, with the barrel slightly elevated and pointing in a southern direction. He walked towards the officers staged outside the apartment. Bonta's right hand was on the trigger area and his left hand was positioned on the fore-end of the barrel. Multiple officers identified themselves as police and repeatedly instructed Bonta to drop the weapon. Bonta failed to follow these instructions, but instead "pumped" the shotgun, cycling a shotgun shell into the chamber.

Bonta then bladed his stance (moved his right foot backward) and began to raise the shotgun in the direction of officers at the front of the apartment. Fearing for the safety of officers located in the area where Bonta was pointing the shotgun and for their own lives, Sergeant Erik Chavez ("Sergeant Chavez"), Officer Yeadon Sturtevant ("Officer Sturtevant") and Officer

Arik Sitton ("Officer Sitton") each fired their respective duty weapons.

Bonta was struck multiple times. Immediately after the shooting, Emergency medical aid was provided by officers and then by REMSA and fire personnel. However, Bonta was pronounced dead on scene.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Washoe County Sheriff's Office (WCSO) led the investigation into the shooting of Bonta. Reno Police Department (RPD) provided secondary investigative support, SPD provided further needed support, and the Washoe County Crime Laboratory (WCCL) and Washoe County Medical Examiner's Office (WCME) provided forensic services. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, obtaining relevant surveillance video and interviewing the officers involved in the shooting.

All investigation reports along with WCCL forensic reports, photographs, collected videos and recorded interviews were then submitted to the Washoe County District Attorney's Office in December of 2018, for a determination of whether the shooting of Bonta was legally justified. No criminal charges were recommended by WCSO.

The District Attorney's evaluation included reviewing hundreds of pages of reports and documents which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, video, 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 Bonta by SPD Sergeant Erik Chavez, SPD Officer Yeadon Sturtevant, and SPD Officer Arik Sitton was justified and not a criminal act.

## **II. STATEMENT OF FACTS**

### **A. 1800 Sullivan Lane**

The Parkside Gardens Apartments are located at 1800 Sullivan Lane, Sparks, Washoe County, Nevada, and are comprised of 288 units within 30 buildings. Residential neighborhoods are to the east and south. Risley Elementary School and Sparks Middle School are to the immediate north of the complex. Several businesses are to the west, across Sullivan Lane. A child daycare center is situated at 1850 Sullivan Lane, and is surrounded on three sides by the apartment complex.

Within the Parkside Gardens, Building 8 lies on the east end of the property. Building 8 is two-story and houses eight apartments, numbers 57-64. Unit #57 is on the first floor, at the southernmost end.



Building 8

B. 911 Call

Sparks Police Dispatch received a 911 call at 0359 hours reporting that Bonta was drunk and fighting with his wife, Lisa. The reporting party was Lisa and Bonta's juvenile daughter, M.B., who advised that Bonta possessed an antler in his hand and was talking about a gun. She described him as emotional and agitated and was "talking about people who tried to jump him."

C. Previous Incident

Just 16 minutes prior, at 0343 hours, a 911 caller reported being woken up by a fight involving a group of six or seven individuals in the parking lot of the same apartment complex with one man yelling, "Kill me! Kill me! Kill me!" At least one of the men was reportedly drunk. Officers responded but found nothing upon their arrival. A shirt was subsequently located in

the roadway to the north of building number 19, which was believed to have been related to this previous incident. The ensuing investigation revealed only possible ties between this incident and Bonta. Lisa reported that Bonta had returned home at approximately 0330 hours.

D. Timeline of Events

October 21, 2017

- 1040 Hours Bonta leaves apartment #57 with friend Macelino DeLazaro to spend the day working security for a horse race in Palomino Valley.
- 2015 Hours Bonta returns back to 1800 Sullivan Lane, #57 after work. During the day in Palomino Valley, Bonta had consumed an unknown amount and type of alcohol.
- 2045 Hours Bonta heads directly upstairs to apartment #58 to visit with Jose Molina and Stacey Davis.
- 2115 Hours Jose Molina and Stacy Davis find Bonta outside apartment #57 banging his head against the wall. They knock on Lisa's door and Lisa coaxes him inside. Lisa now observes that he is noticeably drunk.
- 2215 Hours Bonta leaves the apartment. He is seen on video surveillance at the Fair Deal Market, located nearby at 1695 Sullivan Lane, at 2216 hours. Bonta purchases vodka, cigarettes, and a juice. While speaking to the cashier, Joseph Ruwechieng, Bonta removes a handgun with red tape on the handle and places it on top of the counter. Ten seconds later he returns the handgun back in his rear waistband. Mr. Ruwechieng reported that Bonta was drunk and appeared emotional about his wife's illness and about his wife leaving him. He stated that Bonta showed him the gun but never threatened him or tried to rob him. When Bonta noticed two other patrons in the store, he remarked to Mr. Ruwechieng that he could "take two people." Bonta exits the store at 2228 hours.
- 2245 Hours Bonta returns to apartment #57.

October 22, 2017

- 0145 Hours Bonta leaves the apartment.
- 0326 Hours Bonta completes two \$16.00 transactions at Vaqueros Bar, located at 1955 Oddie Boulevard, approximately .4 miles from apartment #57.
- 0343 Hours Sparks dispatch receives a call regarding a fight involving multiple persons, including one who appeared drunk and was repeatedly yelling, "Kill me."
- 0359 Hours Sparks Police Dispatch receives a 911 call from M.B., reporting that Bonta was drunk and fighting with Lisa. She describes him as emotional and agitated and was "talking about people who tried to jump him."
- 0404 Hours Sparks Police Officers Adrian Berumen ("Officer Berumen") and Brian Wisneski ("Officer Wisneski") arrive on scene. M.B. allows the officers into the apartment. The officers overhear Lisa and Bonta arguing in the bedroom about a gun. Bonta states he was going to take someone out with "one shot." Via radio, Sergeant Chavez orders the officers to withdraw from the apartment. They usher M.B. out and withdraw themselves, while maintaining visual through a rear sliding patio door on the east side of the apartment.
- 0413 Hours Officers Berumen and Wisneski see Lisa exit the bedroom and usher her out of the apartment. They learn that Bonta possesses a loaded shotgun and communicate this information via radio to other officers.  
  
Sergeant Chavez, Officer Sitton, Officer Sturtevant and Officer Jacob McCall ("Officer McCall") arrive on scene. Sergeant Chavez, with Officers Sitton and Sturtevant, positions himself to the northwest of apartment #57, behind a tree, while maintaining a view of the front entryway of the apartment. Officer McCall



makes his way to the south of their position, southwest of the apartment door.

- 0414 Hours

Officer James Lewallen ("Officer Lewallen") arrives on scene and positions himself with Officer McCall to the area south of Sergeant Chavez.

Officer Wisneski updates officers via radio that Bonta has exited the bedroom while holding a shotgun. Bonta then exits the apartment holding the shotgun. Officers yell repeated commands to Bonta to drop the firearm. Bonta refuses their commands and slides the fore-end of the shotgun barrel back and forth with his left hand, placing a shotgun shell into the chamber and making the shotgun ready to fire.

- 0416 Hours

"Shots fired" announced over the radio.

#### E. Officer Firearms

Examinations of Sergeant Chavez, Officer Sitton, and Officer Sturtevant's firearms on October 22, 2017, indicate that 17 shots were fired between the three officers. This is consistent with evidence located at the scene, which will be discussed below. The individual examinations are as follows.

##### *1. Sergeant Chavez*

Sergeant Chavez' primary duty weapon on October 22, 2017, was a Glock 17 9mm semi-automatic handgun. The carrying capacity of the magazine in his handgun is 17 rounds. Sergeant Chavez carried two additional magazines each with a capacity of 17 rounds. Sergeant Chavez loaded each magazine with only 15 rounds, for a combined total of 45 rounds on his person.

A collection and examination of Sergeant Chavez' firearm on October 22, 2017, found one round in the chamber and seven rounds in the magazine. This, added to Sergeant Chavez' two spare magazines, made for a total of 38 rounds remaining, indicating that Sergeant Chavez fired seven shots.

##### *2. Officer Sitton*

Officer Sitton's primary duty weapon on October 22, 2017, was a Glock 17 9mm semi-automatic handgun. The carrying capacity of the magazine in his handgun is 17 rounds. Officer Sitton carried two additional magazines each with a capacity of 17

rounds. In total, Officer Sitton carried a combined total of 51 rounds on his person.

A collection and examination of Officer Sitton's firearm on October 22, 2017, found one round in the chamber and 10 rounds in the magazine. This, added to Officer Sitton's two spare magazines, totaled 45 rounds remaining, indicating that Officer Sitton fired six shots.

### 3. *Officer Sturtevant*

Officer Sturtevant's primary duty weapon on October 22, 2017, was a Glock 22 .40 caliber semi-automatic handgun. The carrying capacity of the magazine in his handgun is 15 rounds. Officer Sturtevant carried two additional magazines each with a capacity of 15 rounds. Officer Sturtevant loads a single round in the chamber of the handgun and then fills his magazine with 15 rounds, for a total of 16 rounds in his handgun. The combined total of rounds carried by Officer Sturtevant on October 22, 2017, was 46.

A collection and examination of Officer Sturtevant's firearm on October 22, 2017, found one round in the chamber and 11 rounds in the magazine. This, added to the spare magazines, totaled 42 rounds remaining, indicating that Officer Sturtevant fired four shots.

## F. Witness Accounts

### 1. *Officer Yeadon Sturtevant*

Officer Yeadon Sturtevant is a 9-year veteran of the Sparks Police Department, assigned to patrol. Officer Sturtevant is also a field training officer and was acting in that capacity in the early morning of October 22, 2017, with Officer Sitton. Officer Sitton wore his full police uniform, while Officer Sturtevant wore a more informal uniform, but still identifiable by a badge, his name, and the "Police" identification on the back.

Officer Sturtevant understood the dispatch call to involve a domestic-type disturbance with mention of a gun or BB gun, and the reporting party was a 16-year old. Officer Wisneski arrived on the scene and provided information that there was a verbal confrontation between a husband and wife and the wife was trying to get the gun from the husband.

Upon arrival at 1800 Sullivan Lane, Building B, Officer Sturtevant took cover next to Sergeant Chavez, who was already on scene. Officer Wisneski was at the back of the apartment with a view of the inside through sliding glass door. Officer Wisneski radioed that Bonta has a shotgun and asked officers to

move to the south of the building. Two officers moved to the south, while Sergeant Chavez, Officer Sitton and Officer Sturtevant remained to the north of the apartment's front door. Officer Wisneski then radioed that Bonta is going to the door.

Officer Sturtevant was unable to see Bonta until Bonta proceeded away from his front door toward the parking lot. At that time, Officer Sturtevant identified Bonta as a larger, heavysset male and saw the shotgun in his hands. Bonta's right hand was near the butt of the stock and the trigger area while his left hand is on the barrel.

Officer Sturtevant heard other officers yelling, "Police, drop the gun. Police, drop the gun." Officer Sturtevant began yelling similar orders when Bonta came into his view. Officer Sturtevant observed Bonta look towards the officers to the south (Bonta's left), and he appeared to become more aggressive in his stance, all while failing to obey the officers' orders. Bonta then moved the butt of the stock slightly upwards towards his shoulder and appeared to be manipulating something on the shotgun. Officer Sturtevant feared that Bonta was going to fire on the officers to the south of the apartment. At that time he heard one shot from his right and he fired his .40 caliber Glock approximately three times. A volley of shots from his right ensued and Officer Sturtevant also heard two shots from his left, all simultaneously. During this time, Sergeant Chavez was to Officer Sturtevant's right, and Officer Sitton was to his left. Officers approached Bonta and placed him in handcuffs while Officer Sturtevant and Officer Sitton covered the apartment. Officer Wisneski cleared the apartment and Officer Sitton and Officer Sturtevant were directed to sit out further involvement.

## 2. *Sergeant Erick Chavez*

Sergeant Erick Chavez is an 11-year veteran of the Sparks Police Department, having been previously assigned to patrol, the Regional Gang Unit as both an officer and detective, and then as a general detective with the Sparks Police Department. He was promoted to Sergeant in December, 2016, and assigned to patrol.

At the beginning of his shift on October 21, 2017, Sergeant Chavez ran a briefing and then remained at the main police station until approximately midnight while performing administrative tasks. Thereafter, Sergeant Chavez began responding to calls. Sergeant Chavez was dressed in his full police uniform. He was at the Aquitas Nightclub at 1825 Prater Way resolving a service call when dispatch advised of a domestic disturbance being reported by a child of an involved party at 1800 Sullivan Lane, unit #57, involving some type of gun or BB

gun. While en route, Sergeant Chavez heard radio traffic that an officer was inside the apartment and could hear somebody behind a closed door arguing about a gun. Sergeant Chavez ordered the officer to exit the apartment. Officer Wisneski remained behind the apartment to maintain a visual inside.

As multiple officers staged the area outside apartment #57, including Sergeant Chavez, Officer Wisneski called out that Bonta was armed with a shotgun. Within a window to apartment #57, immediately in front of the main door to the apartment is a sign that Sergeant Chavez noticed. The sign in the window shows an outline of a hand holding a gun with the statement, "There is nothing here worth dying for."

Sergeant Chavez then recalled Officer Wisneski call out (paraphrasing), "He's got a shotgun; he's moving towards the front." The front door opened and Bonta stepped out holding a shotgun. Sergeant Chavez immediately drew his 9mm weapon while taking cover behind a blue car parked outside Building 8 and yelled, "Put the gun down." He heard other officers yelling simultaneously as Bonta walked in a westerly direction to a distance of approximately 10 feet away from his door and stopped. Although officers were yelling from different directions, Bonta looked straight ahead with what Sergeant Chavez described as a "thousand yard stare." Bonta was holding the shotgun down near the bottom of his thighs when he "racked" the weapon, which Sergeant Chavez described as loading a shotgun shell in the chamber. Approximately five-to-seven seconds later, Bonta stepped forward. Sergeant Chavez knew Officers McCall and Lewallen were located in the area where Bonta's shotgun was pointing. He also knew that Bonta would not have to be accurate with the shotgun in order to inflict injury to the other officers. Sergeant Chavez therefore discharged his weapon. Sergeant Chavez heard others shooting as well. Bonta dropped the shotgun and fell backwards to the ground, with the shotgun falling at his feet. Officers cautiously approached and Sergeant Chavez moved the shotgun away from Bonta.

Sergeant Chris Rowe subsequently arrived on scene and assumed command.

### 3. *Officer Arik Sitton*

Officer Arik Sitton is a 10-month veteran of the Sparks Police Department, having seven years of prior law enforcement experience with the military police and the Carson City Sheriff's Office.

In the early morning of October 22, 2017, Officer Sitton responded to a call of a family disturbance with possible weapons involvement at 1800 Sullivan Lane. Upon his arrival

with Officer Sturtevant, he made contact with Sergeant Chavez and remained to his left side. Other officers arrived as well, securing to other locations.

After approximately 5 minutes on scene, an officer explained over radio traffic that Bonta had a shotgun in hand and was moving toward the front door. Bonta then exited the front door holding a shotgun in his hands, having his right hand on the grip/trigger area and left hand on the fore-end, with the barrel pointing upward. Multiple officers gave Bonta verbal commands to put the weapon down, but he did not obey to the orders. Bonta scanned the area, looking at other officers in his line of sight. Bonta then pumped the shotgun and made a slight body adjustment, moving his right leg back and his hip back, similar to a bladed stance. At that time, multiple officers opened fire on Bonta. Officer Sitton estimated shooting three or four times, but he recalled not being the first nor the last to pull the trigger.

#### 4. *Officer Adrian Berumen*

Officer Adrian Berumen is assigned to the patrol division of the Sparks Police Department. Officer Berumen responded to the call at 1800 Sullivan, a location he is familiar with. Upon approach on foot to apartment #57, Officer Berumen heard a male and female yelling, although it was unclear to him their exact words. Officer Berumen requested that dispatch ask the reporting party, M.B., to step outside.

Officer Berumen and Officer Wisneski questioned M.B. about the presence of a gun, but M.B. did not know. The officers then entered the apartment, and in a back room they heard Bonta state, "I have nine shots for them" and repeating, "Maravilla," after which he stated, "I'm going to kill for him." Bonta was whimpering, crying, and slurring his words. Lisa was beckoning Bonta, "Give it to me. Just put it down. We can talk about it." At this time, M.B. was still in the apartment, and Officer Berumen directed her outside. Sergeant Chavez, understanding that a gun was involved, then ordered the officers to exit the apartment. Both officers exited to the rear patio, keeping a visual on the back room.

Shortly thereafter, Lisa exited the room, appearing to be in shock, and informed officers that Bonta had a shotgun. Officer Berumen led her out the back patio door and out the apartment.

Officer Berumen heard Officer Wisneski call out that "He's in the kitchen, and he's got a shotgun." Officer Wisneski then informed Sergeant Chavez that Bonta stepped out the door with the shotgun. A few seconds later Officer Berumen heard commands to "put the gun down" and then heard multiple shots fired.

Officer Berumen ran around the building to the front and began CPR on Bonta. Officer Berumen observed a wound on the center chest and left neck of Bonta.

5. *Officer Brian Wisneski*

Officer Brian Wisneski is a one-and-a-half year veteran of the Sparks Police Department. On October 22, 2017, Officer Wisneski was dispatched to 1800 Sullivan Lane at 0343 hours on a reported fight involving numerous people. Upon his arrival, he did not find any activity, but did take note of a black t-shirt on the ground. He cleared the call a short time later with no action taken.

Subsequently, Officer Wisneski was dispatched back to 1800 Sullivan Lane, but this time to apartment #57, regarding a domestic dispute involving a BB gun.

Officer Wisneski met up with Officer Berumen and approached the apartment. From the outside, Officer Wisneski could hear Bonta "hysterically yelling," but he could not make out the specifics. After M.B. allowed the officers inside, Officer Wisneski heard Bonta yelling and crying, while Lisa was urging Bonta to "give [her] the gun." Bonta stated that he had "nine rounds" and that he was going to "take them out." Officer Wisneski described Bonta as being extremely agitated and "one of the maddest people I have ever seen." At one point Lisa exited the bedroom and Officer Wisneski ushered her outside, along with M.B. He believed that Bonta did not know of the officers' presence.

While maintaining a visual of the inside of the apartment through the back patio door, Officer Wisneski radioed to other officers that Bonta was walking around the inside of the residence with a shotgun and then that he had opened the front door while holding the shotgun. Officer Wisneski heard other officers giving verbal commands to drop the weapon. This was followed by Officer Wisneski hearing the distinct sound of the shotgun being racked. Officer Wisneski then heard gunshots.

6. *Officer James Lewallen*

Officer James Lewallen is a two-year veteran of the Sparks Police Department, with eight years of prior law enforcement experience in Churchill County.

On October 22, 2017, Officer Lewallen was wearing his Sparks Police uniform. While en route to 1800 Sullivan Lane for a domestic disturbance call, Officer Lewallen learned that a gun was involved and that one person had talked about shooting someone.

Once on scene, Officer Lewallen made contact with Sergeant Chavez and then moved to the right (south) around some vehicles, near Officer Jacob McCall. As he was doing so, a door opened and other officers yelled repeatedly, "Drop the gun! Drop the gun!" Officer McCall illuminated Bonta, who was holding a shotgun. Officer Lewallen was 15-20 yards from Bonta. It appeared to Officer Lewallen that Bonta was looking past Officer Lewallen, as if looking for someone. The shotgun was being held horizontal to the ground.

Bonta was ignoring the commands of the other officers and pumped the shotgun, making the shotgun ready to shoot. Bonta then turned to his right (Officer Lewallen's left) and walked towards the other officers. Officer Lewallen felt as though Bonta was going to shoot the other officers or make them shoot him. Multiple shots were then fired, and Bonta fell to the ground and dropped the shotgun.

Bonta was secured and first aid was administered to him. Officer Lewallen made contact with two females nearby, whom he believed to be Lisa and M.B. They were both distraught, and Officer Lewallen tried to console them. Lisa stated to Officer Lewallen that she did not know if Bonta was going to "kill me...or kill us."

#### *7. Officer Jacob McCall*

Officer Jacob McCall responded to 1800 Sullivan Lane on October 22, 2017, in response to a domestic disturbance call. Officer McCall was informed that the call regarded parents fighting and weapons involvement.

Upon Officer McCall's arrival, it was learned that the female occupants had exited the apartment and Bonta was inside and possessed a shotgun. Officer McCall made contact first with Sergeant Chavez who was positioned behind a tree in front of apartment #57, along with Officers Sitton and Sturtevant. Sergeant Chavez pointed out where the apartment was located for Officer McCall. Officer McCall then maneuvered away from Sergeant Chavez, to the south, and met with Officer Lewallen.

Before Officer McCall and Officer Lewallen could properly position themselves, Officer Wisneski broadcasted that Bonta was coming out with a gun. Officer McCall illuminated Bonta with his flashlight and gave commands to "Drop the gun!" and "Police, drop the gun!" He heard other officers giving similar commands. Officer McCall could clearly see that Bonta was holding a shotgun, with his right hand on the grip and trigger area, and his left hand on the fore-end. Bonta then pumped the shotgun. Officer McCall described Bonta as appearing agitated and angry, as he was pacing with the shotgun. Bonta looked directly in the

direction of Officer McCall as he was shouting commands. Bonta stepped toward Sergeant Chavez' position, causing Officer McCall to lose his direct view behind a parked vehicle. Officer McCall was repositioning himself when he heard eight or nine shots being fired.

8. *Lisa Bonta*

Lisa Bonta had been married to Bonta for 23 years but had recently separated. Lisa felt that her recent diagnosis of terminal cancer contributed to their separation. Lisa and her daughter, M.B., had moved into her current apartment at 1800 Sullivan Lane, #57, approximately 18 months ago when they moved from Susanville, California. Though separated, Bonta would often stay with Lisa and M.B. at their apartment. M.B. was also Bonta's daughter.

To Lisa's knowledge, Bonta had not consumed alcohol in three years after Lisa warned that she would divorce him if he drank again. She noted that excessive drinking in the past directly led to Bonta having been physically abusive with Lisa.

Bonta had stayed the night at Lisa's residence on the night of Friday, October 20, 2017. The following day he left for work at approximately 1100 hours to provide security for horse races in the Palomino Valley area, returning home at approximately 2000 hours. During the subsequent conversation, Lisa did not observe anything unusual about Bonta, but he inquired about a neighbor, Jose Molina. Bonta left shortly thereafter.

One hour later, Lisa opened her apartment door to Stacie Davis, Mr. Molina's girlfriend. Ms. Davis informed that Bonta was drunk and he needed attention. Bonta was visibly drunk and crying. Bonta told Lisa that he had been drinking at the horse races earlier that day and had consumed "151" as well. Lisa described Bonta as grossly intoxicated and emotional, with feelings of depression, frustration, and anger with himself for not sufficiently providing for his family. Bonta was also upset about Lisa's declining health and cancer diagnosis.

After 0200 hours on Sunday, October 22, 2017, Bonta left the apartment. Lisa found that a joint debit card had been used at a nearby bar, Vaqueros. At 0330 hours, Bonta returned home, missing his shirt, having a split lip, and reporting that he had been "jumped" by four "Maravillas." Bonta threatened that he was returning back outside to "take care of them." Lisa felt that Bonta had become "crazy" towards her, and she knew that she could not physically handle him in his intoxicated state. Lisa asked M.B. to call the police.



After the call to police, Bonta was still highly agitated. He removed a shotgun from a case stored underneath the bed and loaded it with multiple shotgun shells, stating, "Fuck these mother fuckers" and "I'm gonna put a slug in her." Bonta also warned that he "wouldn't go back to prison," and the "cops" would have to kill him. According to Lisa, Bonta "was looking for someone to shoot that night."

Lisa's attempts to calm Bonta down and take away the shotgun proved ineffective, as Bonta overpowered her. She left the bedroom and Bonta because he was "physically fighting with me." Lisa feared Bonta shooting M.B., Lisa, and also himself.

Officers directed Lisa out the rear patio door and she reunited with M.B. in the parking lot. Lisa heard a loud voice stating, "Lower the gun. Lower the gun," after which she heard multiple shots.

#### 9. M.B.

M.B. is the 16-year old daughter of Bonta. She resides with her mother, Lisa, at 1800 Sullivan, #57. Bonta stays with them sporadically. On October 22, 2017, at 0359 hours, M.B. contacted Sparks Police dispatch reporting that Bonta was drunk and fighting with Lisa. She informed dispatch that Bonta had an antler in his hand and that previously he had a "BB gun," but Lisa had taken it from him.

Bonta had come home earlier in the night intoxicated. This was unusual for M.B. to see, as it had been years since she had seen Bonta drink alcohol. She has known Bonta to be suicidal when he drinks to excess. Bonta reporting consuming 18 beers and also shots of "151."

Bonta had left at some point during the night with a "BB gun." When he returned approximately 30 minutes later, he removed the "BB gun" from his waistband and handed it to M.B., who passed it to Lisa. Bonta was noticeably upset, emotional, and "being crazy." He referenced the police during the night, stating that "They're not gonna see me, they're not gonna catch me," and further, "I was gonna pull a gun out and then they would think that I was shooting at them and then they would shoot at me." Bonta also expressed being distraught about Lisa's illness. Bonta expressed his desire to be with his father, who had passed away many years prior.

Later in the early morning, M.B. awoke to Bonta and Lisa arguing. Bonta entered the bedroom where M.B. was sleeping, pulled a firearm out from underneath the bed, and began loading the firearm from a box of ammunition. Lisa tried removing the gun from Bonta multiple times. It was during this time that

M.B. called emergency dispatch. Officers arrived while Lisa and Bonta were arguing, and she allowed them inside the apartment. Officers then directed M.B. to wait outside, and Lisa soon followed. Shortly thereafter, M.B. heard officers yelling, "Drop your weapon." She then heard the sound of several gunshots.

*10. Jose Molina*

Jose Molina ("Mr. Molina") resides in the apartment directly above Bonta. Prior to Mr. Molina leaving for the Zombie Crawl in downtown Reno in the evening of October 21, 2017, Bonta came to his apartment. Mr. Molina stated that Bonta admitted to having a "few drinks" at the horse races earlier in the day, after having been sober for approximately seven years. Bonta was emotional and depressed about Lisa's cancer diagnosis. Mr. Molina had found Bonta standing outside Lisa's apartment banging his head against the wall. Mr. Molina helped get Bonta inside Lisa's residence and then left for the Zombie Crawl.

*11. Joseph Ruwechieng*

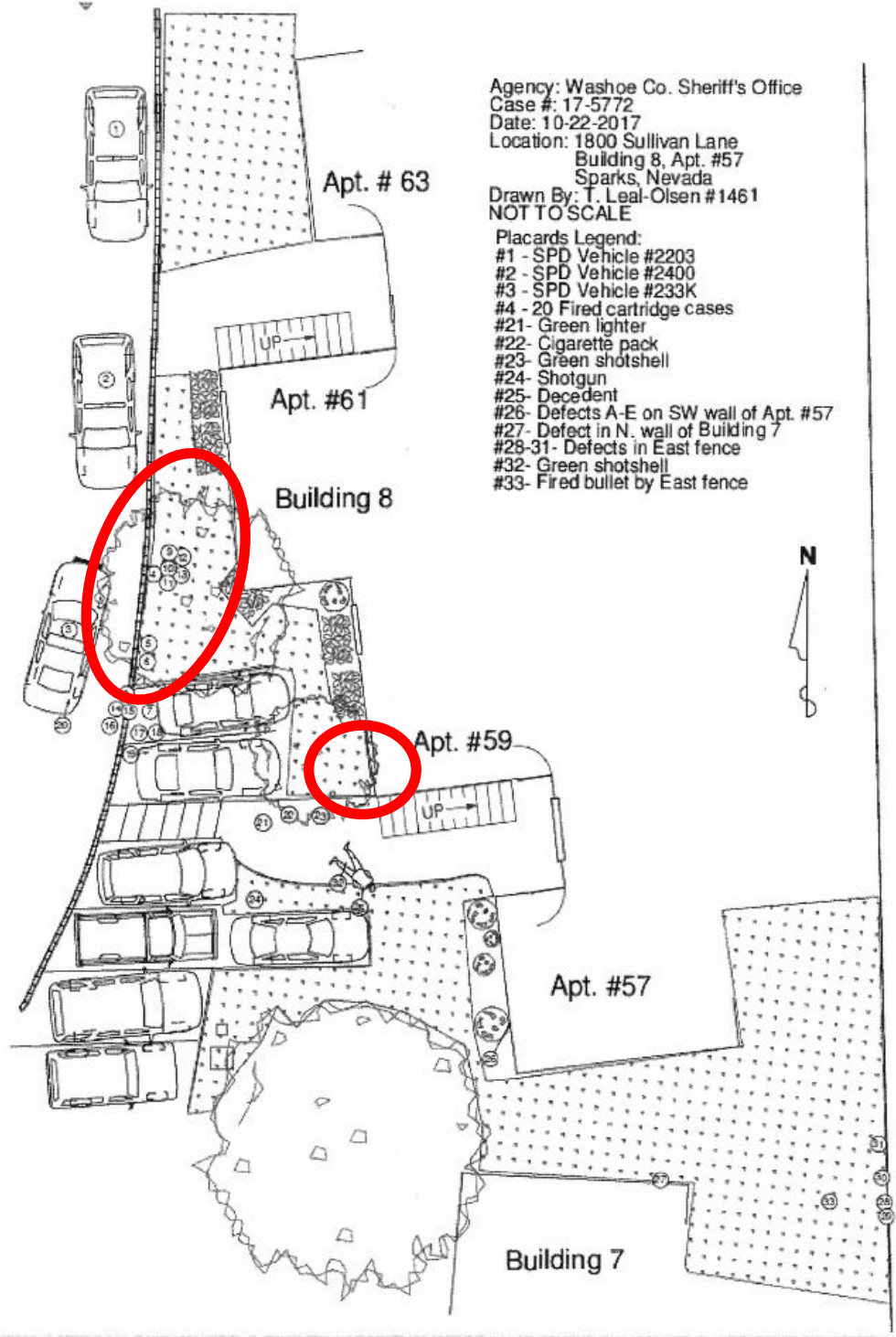
Joseph Ruwechieng is the clerk at the Fair Deal Market store and was working when Bonta came into store on Oct 21, 2017 at 10:16 p.m. Mr. Ruwechieng could smell alcohol on Bonta's breath and Bonta was acting very emotional, crying and talking about Lisa's cancer. Surveillance shows Bonta purchasing Vodka and taking a drink of it. At one point, Bonta pulls a handgun from his pants and placed it on the counter, saying he had a ".38." Two other people were in the store, of which Bonta took notice and told Ruwechieng that he could "take two people."

**III. PHYSICAL EVIDENCE**

A. Shooting Scene

The scene of the shooting was examined and items of evidence were collected. In total, 17 cartridge casings were collected from an area northwest of apartment #57, consistent with the area where Sergeant Chavez, Officer Sitton and Officer Sturtevant were located at the time of the shooting.

Bonta's body was located on a sidewalk approximately twenty feet away from the entrance to apartment #57. A Remington 870 pump action 12-gauge shotgun was located near Bonta's body. The shotgun contained one unfired shell in the chamber and two additional unfired shells in the magazine. Two additional unfired shotgun shells were located on the ground near Bonta's body.



Scene diagram showing locations of cartridge casings and Bonta



Officers' location near the tree to left-center and apartment #57 in front of the dark SUV on the right



17 cartridge casings marked by yellow cones.



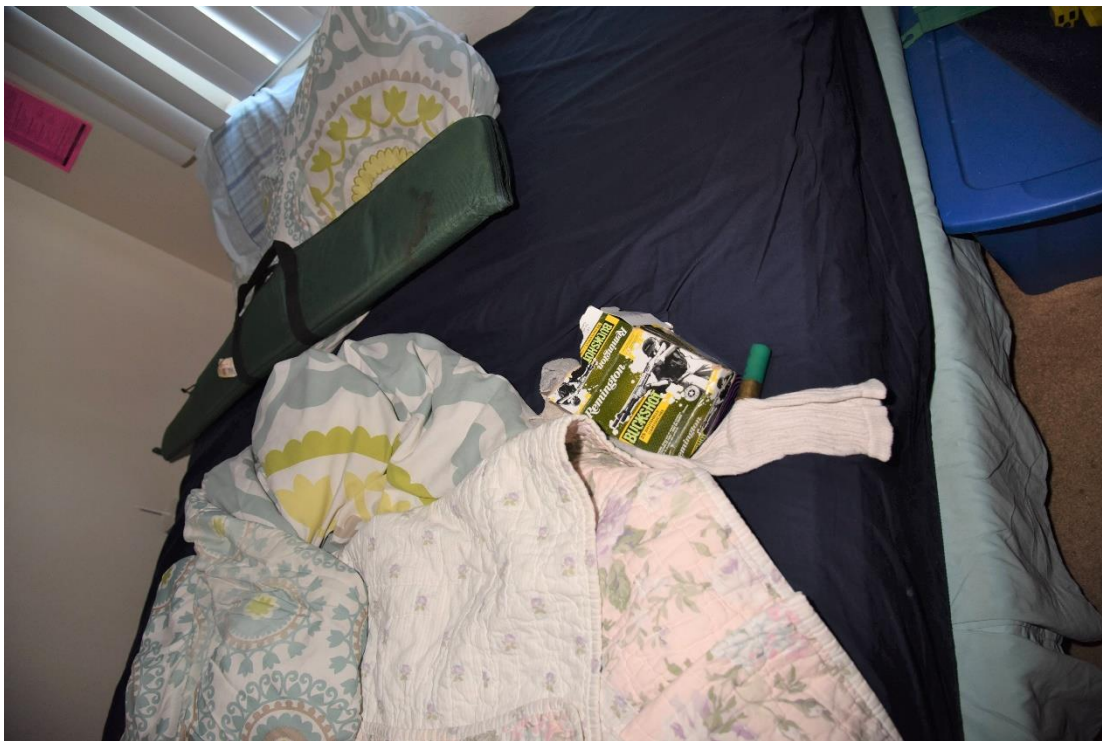
Remington 870 Shotgun in grass to the west of Bonta

B. Apartment #57

Apartment #57 is a single bedroom residence with a bathroom, living room and kitchen/dining room. Inside the bedroom investigators located a green fabric shotgun/rifle case on the queen bed. Nearby on the same bed investigators located a box of buckshot shotgun ammunition. A black BB handgun was located underneath the queen bed, having red duct tape around the grip. Also underneath the bed was a rifle case containing an unloaded Savage Arms Model 12 CAL 22-250 REM hunting rifle with a scope attached. Located in the living room was a disassembled "Mauser" handgun with two magazines and multiple loose bullets.



Entrance to Apartment #57



Green rifle/shotgun case and box of shotgun shells in bedroom



Savage Arms rifle found in bedroom



Disassembled Mauser handgun found in living room



BB handgun with red tape on the grip, found in bedroom

### C. Autopsy

The autopsy of Johnny Bonta was conducted on October 23, 2017 by Assistant Medical Examiner Dr. Julie Schrader. Dr. Schrader determined the cause of death was ascribed to multiple gunshot wounds. Her examination revealed gunshot wounds to the anterolateral left upper neck, the right paramedian upper chest and the proximal anterior-medial left lower leg.

Toxicology results from the autopsy revealed the presence of alcohol, diazepam and nordiazepam, in the following amounts: 1) blood alcohol concentration of .179 g/100mL; 2) diazepam of 51 ng/mL; and 3) nordiazepam of 88 ng/mL.

### D. DNA Evidence

The forearm and trigger of the Remington 870 shotgun were swabbed for DNA and comparison with a reference sample from Johnny Bonta. Subsequent analysis confirmed that Bonta is the source of the DNA found on the forearm and trigger of the Remington 870 shotgun.

### E. Crime Lab Firearms Examinations

#### *1. Shotgun*

The Remington 870 12-gauge shotgun was examined, test fired and determined to be in normal operating condition. Marks on the two unfired shotgun shells located on the ground next to Bonta's



body were consistent with having been cycled in Bonta's Remington 870 shotgun.

2. *Sergeant Chavez' Firearm*

Sergeant Chavez' Glock 17 handgun was examined, test fired and determined to be in normal operating condition. Seven 9mm Luger cartridge casings found at the scene were identified as having been fired in Sergeant Chavez' Glock 17 handgun.

3. *Officer Sitton's Firearm*

Officer Sitton's Glock 17 handgun was examined, test fired and determined to be in normal operating condition. Six 9mm Luger cartridge casings found at the scene were identified as having been fired in Officer Sitton's Glock 17 handgun.

4. *Officer Sturtevant's Firearm*

Officer Sturtevant's Glock 22 handgun was examined, test fired and determined to be in normal operating condition. Four .40 S&W cartridge casings found at the scene were identified as having been fired in Officer Sturtevant's Glock 22 handgun.

#### **IV. LEGAL PRINCIPLES**

Homicide is the killing of another human being, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of justifiable or excusable homicide which are lawful. The Washoe County Medical Examiner's Office has deemed the death of Bonta 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 e.g. NRS 200.120, 200.140, and 200.160. There is also a statute that defines excusable homicide and one that provides for the use of deadly force to effect arrest. See e.g. NRS 200.180 and NRS 171.1455. Moreover, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in depth explanation:

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

NRS 200.120 provides in relevant part that "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony..." against

the other person. NRS 200.160 further provides in relevant part that "Homicide is also justifiable when committed... in the lawful defense of the slayer... or any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished".

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

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

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

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

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

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

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

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

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

*Id.* 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer... when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty" and "When necessary... in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person".<sup>1</sup>

C. Use of Deadly Force to Effect Arrest

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

**V. ANALYSIS**

During the evening of October 21 and early morning of October 22, 2017, Johnny Bonta was intoxicated. He drank during the day of October 21 and then continued his drinking at the Fair Deal Market and Vaqueros bar. His demeanor was angry, emotional and hostile. Bonta had made at least vague threats to harm others and had armed himself with a shotgun. That is how officers encountered Bonta at approximately 0400 hours at 1800 Sullivan Lane.

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<sup>1</sup> A 1985 Nevada Attorney General Opinion limited the interpretation of NRS 200.140 to situations where the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others.

Officer with the Sparks Police Department responding to a 911 call at that address understood that the call regarded a domestic disturbance and that a gun was involved. Officers understood that Lisa and Bonta had been arguing about a gun and that Bonta had been making threats of using the gun on others.

Officer Wisneski in the rear of the apartment called out via radio to the five officers outside the front door of apartment #57 that Bonta possessed a shotgun. Sergeant Chavez and Officers Sitton and Sturtevant had taken cover behind a tree and vehicle to the northwest of the apartment while Officers Lewallen and McCall moved to the south of their location for a better angle.

Officer Wisneski continued giving updates from his view inside the apartment from the rear patio door, finally informing other officers that Bonta was exiting the front door armed with a shotgun. Bonta soon came into view of the five officers in the front in the front of the apartment as he walked toward them. Bonta was holding the shotgun parallel to the ground, with his right hand on the trigger area and left hand on the fore-end. The shotgun was pointing in the general direction of Officers Lewallen and McCall.

All the officers repeatedly ordered Bonta to drop the weapon, but Bonta did not comply. Instead, Bonta pumped the fore-end of the shotgun, which action led the officers to reasonably believe that a shotgun shell had been loaded into the chamber of the shotgun, making it ready to fire with the pull of a trigger. The officers also realized that a shotgun's blast is widespread and does not require precision aiming in order to strike a target and cause death or serious injury. At that moment, Sergeant Chavez, Officer Sitton and Officer Sturtevant reasonably believed that they and/or the other officers to their south, Officers Lewallen and McCall, were in imminent danger of great bodily harm or death. Under these circumstances, it was absolutely necessary for them to use deadly force against Bonta.

## **VI. CONCLUSION**

Based upon a review of the entire investigation presented by the Washoe County Sheriff's Office and the application of Nevada law to the known facts and circumstances surrounding the October 22, 2017, officer involved shooting death of Johnny Bonta, the actions of Sergeant Erick Chavez, Officer Arik Sitton, and Officer Yeadon Sturtevant 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.

