

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

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REPORT ON THE FEBRUARY 23, 2022, OFFICER  
INVOLVED SHOOTING OF JACORI SHAW

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## INTRODUCTION

On February 23, 2022, the Regional Crime Suppression Unit ("RCSU") was conducting a continued operation tracking a wanted person by the name of Jacori Shaw [hereafter Shaw]. RCSU is a specialized multiagency unit which consists of detectives from the Reno Police Department ("RPD"), Sparks Police Department ("SPD"), and the Washoe County Sheriff's Office ("WCSO"). RCSU often assists in tracking down and arresting wanted individuals on serious or violent offenses. Shaw was wanted on felony gun charges to include, prohibited person in possession of a firearm, carrying a concealed firearm and discharging a firearm where persons might be endangered stemming from a December 21, 2021, case which occurred in downtown Reno.<sup>1</sup> Probable cause existed to arrest Shaw on those charges. Shaw was also wanted for questioning on a recent homicide that occurred in Washoe County. In order to facilitate the arrest of Shaw, RCSU detectives followed Shaw on social media and utilized a surreptitious female persona to connect with Shaw via Facebook. Shaw began text messaging "Jessica" on January 13, 2022, and Shaw and "Jessica" cultivated a relationship through social media and/or texting which continued through the months of January and well into February. This communication eventually led to setting up a meeting with Shaw on February 23, 2022, at the Redfield Ridge Apartment Complex located at 4959 Talbot Lane in Reno.

The apprehension of Shaw began the previous evening, February 22, 2022, when RCSU had information that Shaw was in the area of the Peppermill Casino. Detectives arrived in the area and located Shaw and conducted surveillance wherein they observed Shaw being picked up by a vehicle and driven back to the Talbot Lane apartments. The weather was snowy and not conducive to an attempted vehicle stop, so detectives followed Shaw back to the apartment complex. They located the vehicle Shaw had previously been observed riding in as a passenger, but detectives did not observe which apartment Shaw entered in the complex nor did they observe him leaving the apartment so eventually surveillance was called off for the evening.

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<sup>1</sup> See Reno Police Department case No. RP21-023380.

The next day, on February 23, 2022, RCSU detectives were given further information that Shaw was still located within the apartment complex, so police utilized the previous surreptitious relationship between "Jessica" and Shaw to set up a meeting. The meeting was originally set up in the parking lot of the Walmart on Kietzke Lane in Reno. Detectives from RCSU, to include, J. Benvin, C. Sandoval, J. Kincaid, B. Sheffield, V. Gamboa, S. Rasmussen, G. Carranza, J. Kimball, Sergeant C. Bare and SPD K-9 Officer T. Radley were all present on February 23, 2022, and participated in the operation to apprehend Shaw.

The original operation to meet in the Walmart parking lot fell through, as Shaw refused to meet there and told "Jessica" that it was safer to meet in front of the office or on the street in front of the Redfield Ridge Apartment complex. RCSU detectives scouted the area of the apartment complex and determined the apprehension could be conducted in the parking lot. RPD Detective J. Benvin drove her assigned undercover vehicle, a white Jeep Liberty, to the apartment complex and parked in front of the office as was agreed upon and texted Shaw that she had arrived. Numerous other undercover detectives had parked their vehicles strategically throughout the complex as well as on Talbot Lane to assist in the apprehension of Shaw if he fled the scene. Police were aware that Shaw had previously fled upon police contact and was known to carry firearms, including the outstanding firearm from the December 21, 2021, downtown incident. Therefore, in addition to the number of detectives, RCSU also requested the assistance of SPD K-9 Officer, T. Radley along with his K-9 Rox, to provide a less lethal form of force to apprehend Shaw if he fled or fought with officers during the apprehension.

Shaw was observed by detectives walking through the apartment complex to Detective Benvin's vehicle. As Shaw walked to the driver's side of Detective Benvin's vehicle he was met by WCSO Detective V. Gamboa and SPD Detective B. Sheffield who were dressed in police vests clearly displaying the word "police" and their badges. Upon seeing detectives, Shaw immediately turned and fled through the parking lot of the apartment complex. Detectives gave chase, but Shaw ran directly at Officer Radley and K-9 Rox. Officer Radley shouted warnings to Shaw two times to stop running or the dog would be released. Shaw continued to

flee from police and Officer Radley released K-9 Rox. Detective Sheffield observed Shaw looking back at officers and the K-9 as he fled across the parking lot towards a carport located in front of Building K. Detective Sheffield saw Shaw place his hands in the front waistband of his pants as he ran from detectives. The K-9 caught Shaw and made contact with him on his upper right thigh. Shaw was initially knocked down by the impact of K-9 Rox, but almost immediately Shaw stood back up and continued walking away from police. Detectives, after observing the K-9 make contact, ran towards Shaw to place him under arrest. Detective Sheffield observed Shaw with a firearm in his hand at the time the K-9 made contact with him. Detective Sheffield produced his firearm, as Shaw fought with the K-9, and ordered Shaw to "drop it" several times. Shaw did not comply and continued walking between cars in the parking lot. As detectives converged on his person, Shaw turned and directly faced Detective Sheffield then raised his arm with the gun in his hand. Believing he would be shot, Detective Sheffield discharged one round into the direction of Shaw striking him. Shaw fell to the ground dropping the firearm. Shaw was later declared deceased at the hospital. Detectives, as well as forensic investigators, located a 9mm Luger pistol with an extended magazine near where Shaw fell to the ground after being shot. The firearm was loaded with 17 rounds of 9mm ammunition. Detectives also found Shaw's cellphone and a metal cannister containing baggies of methamphetamine.

Consistent with the regionally adopted Officer involved Shooting ("OIS") Protocol, RPD led the investigation into the shooting of Jacori Shaw. The WCSO provided secondary investigative support, and the Washoe County Sheriff's Office Forensic Science Division ("FIS") provided forensic services.

The investigation included interviewing witnesses, collecting physical evidence from the shooting scene, photographing the shooting scene, collecting digital evidence to include text messages between Shaw and law enforcement; forensic testing of collected evidence, Body Worn Cameras ("BWC") of the officers involved, an autopsy report and reviewing police reports associated with the case.

All investigative reports along with FIS forensic reports, photographs, BWC and recorded interviews were then submitted to

the Washoe County District Attorney's Office for a determination of whether the shooting of Jacori Shaw was justified under the laws of self-defense and justifiable homicide. The District Attorney's evaluation included reviewing hundreds of pages of reports and documents and watching hours of BWC video collected from law enforcement on scene at the time of the shooting and this report follows that review.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Jacori Shaw was justified based on the definition of the use of force as articulated in the Nevada Revised Statutes.

## I. STATEMENT OF FACTS<sup>2</sup>

### A. Witness Accounts

#### 1. SPD Sergeant Christopher Bare

Sergeant Bare was interviewed by RPD Detective Jeff Boyd and WCSO Detective Stephanie Brady on February 24, 2022, at the Sparks Police Department. Sergeant Bare had been with SPD for approximately sixteen years and was currently assigned as the sergeant overseeing RCSU for approximately a year. RCSU is a regional unit that is responsible for investigating burglary, robbery, grand theft automobile, and any other crimes involving firearms and violence that occur in Washoe County. Detectives dress in plain clothes, but utilize raid vests that are ballistic rated and also display a high contrast police marking on the outside as well as a cloth badge.

On February 23, 2022, Sergeant Bare began his shift at 1:00 p.m. and worked on unrelated cases until approximately 8:30 or 9:00 p.m. Detective Sandoval called Sergeant Bare and relayed to him that he had information regarding Jacori Shaw, a wanted subject. Sergeant Bare explained that on the previous shift RCSU had worked on attempting to apprehend Shaw, which included surveilling him and following him to an apartment on Talbot Lane. The shift ended without apprehending Shaw, as he never left the apartment complex. When Detective Sandoval called Sergeant Bare that evening, he indicated that Shaw was most likely still at the apartment complex on Talbot Lane. Detective

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<sup>2</sup> The Statement of Facts is synopsised from recorded witness interviews, photographs, police reports, Body Worn Cameras and forensic reports.

Sandoval also explained that Detective Benvin had conversations with Shaw and an agreement was set up to meet Shaw in the parking lot of Walmart located on Kietzke Lane. The plan was to park her vehicle away from Walmart and have Shaw meet at that vehicle. When Shaw arrived at the vehicle he would be apprehended by detectives. Sergeant Bare explained that a K-9 officer was present to assist in the apprehension based on the danger that Shaw represented due to the nature of the crimes he was wanted on. If Shaw ran, the K-9 would assist in the apprehension of Shaw. Shaw did not wish to meet in the Walmart parking lot and the plan changed when Shaw asked Detective Benvin to meet in the parking lot of the Talbot Lane apartments.

Detective Kimball was sent over to the apartment complex to make sure the location was safe and that the operation could be conducted in that location. Detective Kimball located an area by the office that appeared to allow the arresting detectives room to park their vehicles and to safely apprehend Shaw if he came to Detective Benvin's vehicle. Sergeant Bare parked his vehicle on Talbot Lane, where he could observe the apartment complex. Detective Benvin, who drove into the apartment complex last after all detectives were in place, parked her white Jeep Liberty in the space directly in front of the office. Detective Kincaid was in her backseat with the raid vest and acting as her close cover. Next to Detective Benvin's vehicle was Detective Sheffield in a silver Dodge Caravan with Detective Gamboa in the back seat. These detectives were designated as the arrest team. Additionally, Detective Kimball was parked to the southeast of Detective Benvin and Detective Rasmussen was parked a few spaces to the west of Detectives Benvin and Sheffield. Detective Sandoval and K-9 officer Radley were parked to the northwest of Detective Benvin and Detective Carranza was parked more to the north, though Sergeant Bare was unclear exactly where he was positioned within the complex.

Detective Benvin remained in her parked vehicle and sent a message to Shaw letting him know that she was at the complex. A detective then announced over the radio that a male was approaching. Sergeant Bare then observed a silhouette of an individual walking in the traffic circle towards Detective Benvin's vehicle. As the individual approached, Sergeant Bare recalled Detective Sandoval as the person who confirmed the

individual was in fact Shaw. Shaw went to the passenger side of Detective Benvin's vehicle and then Sergeant Bare observed Shaw walk around behind Detective Benvin's vehicle as if he was going to the driver's side. Sergeant Bare heard someone announce over the radio, "Okay now". Sergeant Bare then saw individuals, who he believed to be Detectives Sheffield and Gamboa, approach Shaw. As soon as the detectives approached him, Shaw began running. Sergeant Bare had started to drive his vehicle into the complex and almost ran into Shaw who ran directly in front of his vehicle. Sergeant Bare observed something in Shaw's hand as he ran in front of the vehicle, but he could not identify the object. Sergeant Bare stopped his vehicle and jumped out and observed Officer Radley standing with his K-9 and then observed the K-9 pursue Shaw who was still running. Shaw turned around to face officers right before the K-9 bit him on the lower extremities.

Sergeant Bare drew his firearm and observed Shaw fighting with the dog. He watched as Shaw moved on the sidewalk, which was located at the front of the parked vehicle, and then back into the parking lot which was now on the driver's side of the parked SUV. Sergeant Bare said Shaw was now in an open area under a carport, which was approximately 2-3 open car stalls. While Shaw was fighting with the dog Sergeant Bare saw the top slide of a firearm in his left hand. Sergeant Bare then observed Detective Sheffield and Detective Sandoval approaching Shaw on the passenger side of the parked SUV. Sergeant Bare heard Detective Sheffield saying "Stop. Drop it. Drop it. Drop it." Sergeant Bare heard Detective Sheffield tell Shaw to drop it over and over again. Then Sergeant Bare heard a gunshot. Sergeant Bare himself had been readying his firearm to evaluate whether to shoot Shaw, but based on his positioning, the placement of other detectives on the other side of Shaw, and the K-9's position on Shaw's person, Sergeant Bare did not believe it was safe to discharge his weapon. Sergeant Bare stated that he felt that he and the other detectives were in danger. When Sergeant Bare heard the gunshot, he initially believed Shaw had fired a weapon. He then observed Shaw stop fighting and lay down on his back on the ground. Sergeant Bare believed he also heard a metal clink as if a gun had struck the asphalt.



Sergeant Bare then ordered Officer Radley to take the K-9 away from the scene and told Detective Sandoval to call in the shooting. Sergeant Bare made sure medical assistance was being administered to Shaw. Detective Rasmussen took Detective Sheffield away from the scene as directed by Sergeant Bare. Sergeant Bare also assisted in securing the crime scene until other law enforcement arrived, including marking the location of a fired cartridge casing.

## 2. SPD Detective Brandon Sheffield

On February 23, 2022, Detective Brandon Sheffield was interviewed at the Sparks Police Department by RPD Detective Jeff Boyd and WCSO Detective Stephanie Brady. Detective Sheffield indicated he was employed with SPD and assigned as a Detective to RCSU where he had been for approximately the past two years. Prior to his assignment with RCSU, Detective Sheffield was employed as a patrol officer and had been a peace officer with SPD for approximately ten years. Detective Sheffield's on duty weapon at the time of the shooting was a Glock 17 semi-automatic firearm which was loaded with a 17 round capacity magazine. Detective Sheffield loaded the magazine with 16 rounds and one round in the chamber of the firearm.

Detective Sheffield explained that RCSU had begun an investigation into the whereabouts of Shaw based on the fact that he was wanted on gun charges as well as a person of interest in a homicide. Detective Sheffield explained that on February 22, 2022, RCSU Detective Sandoval communicated with other RCSU detectives that he believed Shaw was in the area of S. Virginia Street and Moana in Reno. Some detectives went to the location and observed Shaw but due to limited personnel the decision was made to not attempt to apprehend him until additional officers/detectives were available to assist based on Shaw's criminal past, as well as the fact that the firearm used in Shaw's previous gun crimes was still outstanding. Prior to additional officers arriving, Shaw got into a vehicle and was driven to the Redfield Apartments on Talbot Lane. There he entered an unknown apartment and based on the inclement weather, blizzard conditions, the decision was made to end the surveillance.

Following this and during the next shift, contact was made with Shaw via an undercover detective ("UC") utilizing social media. Through that communication, Shaw agreed to meet up with the UC. The initial location for the meet was the Walmart on Kietzke Lane. However, Shaw communicated that he did not want to meet at the Walmart and asked the UC detective, J. Benvin, to come to the apartment complex and park near the office. RCSU detectives moved units to cover all entrances/exits at the apartment complex and had Detective Benvin park in a spot in front of the office. Detective Sheffield, with WCSO Detective Gamboa in the backseat, parked his police issued 2018 Dodge Caravan next to Detective Benvin's vehicle, which contained herself and RPD Detective Kincaid. Detective Sheffield and Detective Gamboa, who were dressed in normal attire as UC's, placed their police raid vests on while in the van in anticipation of apprehending Shaw once he reached Detective Benvin's vehicle. Detective Sheffield's vest contained the word "Police" on the front along with his badge.

Detective Benvin notified detectives when Shaw communicated that he was on his way to her vehicle. Upon Shaw walking to the vehicle, Detective Benvin confirmed that the person approaching was in fact Shaw. Shaw originally went to Detective Benvin's passenger door, but was told to go to the driver's side. Detective Sheffield exited his driver's door while Shaw was still at the passenger side of Detective Benvin's vehicle and used his vehicle as cover to conceal himself from Shaw. As Shaw rounded Detective Benvin's vehicle, Detective Sheffield came around his vehicle and stood face to face with Shaw. At that moment Detective Gamboa opened the sliding door on the minivan and Shaw immediately began backing up and then turned and fled back in the direction of the roundabout. Detective Sheffield communicated through his radio that Shaw was running, in the direction of Detective Sandoval and Officer Radley with his K-9. Detective Sheffield heard Officer Radley give the warning to Shaw that if he did not stop he would get bit. Detective Sheffield observed Shaw running and looking back at officers while reaching both of his hands into the front of the waistband of his pants. When he reached a carport that was in front of a row of apartments, Shaw came into the light of the carport and Detective Sheffield saw the K-9 bite Shaw on the upper leg. Shaw raised his arm while he was falling and Detective Sheffield

observed a two tone (black and silver) firearm in his hand. Detective Sheffield drew his weapon and immediately commanded Shaw to drop the firearm. Shaw had gone down to the ground for a moment but immediately stood back up and rounded a parked car. Detective Sheffield followed Shaw around the same parked car and then saw Shaw turn and face him. Shaw looked right at Detective Sheffield and then began to raise his arm with the gun still in his hand. Detective Sheffield ordered Shaw to drop the weapon multiple times, which had no effect. Seeing this, Detective Sheffield stated he believed Shaw was going to shoot him in that moment, so he fired one round causing Shaw to fall backwards and land on the ground. Detectives detained Shaw and medical aid was immediately sought. At that point Detective Sheffield was removed from the shooting scene. A search of the crime scene would ultimately discover the firearm in Shaw's possession, which was seen by Detectives Sheffield and Carranza and Sergeant Bare.

### 3. RPD Detective George Carranza

On February 24, 2022, RPD Detective George Carranza was interviewed at the Sparks Police Department by WCSO Detective Joseph Aceves and RPD Detective Chris Good. Detective Carranza was employed with the Reno Police Department as a police officer for over twenty years and was currently assigned to RCSU and had been in that assignment for approximately two- and one-half years. In that assignment Detective Carranza dressed in street wear and was assigned an undercover vehicle, a truck. Undercover officers are assigned a raid vest which identifies the individual as a police officer and is worn during contacts or apprehensions to assist individuals in identifying UC's as police officers.

During his interview Detective Carranza articulated that on February 23, 2022, among other duties, RCSU had undertaken to locate and apprehend Shaw, a person wanted on felony firearms charges and a person of interest in a recent homicide. Detective Carranza was aware that a UC detective had made contact with Shaw on social media and/or a cellphone and RCSU were originally going to meet him at the Walmart on Kietzke Lane, but Shaw asked that the meeting occur at an apartment complex where he was staying and advised Detective Benvin to park near the office. Officers relocated to the apartment

complex on Talbot Lane and prepared a plan regarding the placement of officers within the apartment parking lot for surveillance and apprehension if Shaw were to make contact with Detective Benvin. Detective Carranza was set up to the north of Detective Benvin and he recalled hearing that Shaw had told Detective Benvin he was on his way. While seated in his truck, Detective Carranza observed a male in dark clothing walk past his vehicle and towards the traffic circle located directly in front of the office where Detective Benvin had parked her vehicle. Detective Carranza communicated that a male was walking towards the traffic circle on the radio. He then heard confirmation from another officer that the male was in fact Shaw. Detectives had planned for a scenario where Shaw would flee as he has done so in the past. Based on this fact, a K-9 handler and dog were part of the apprehension of Shaw. Detective Carranza heard over the radio that Shaw was running, and he observed Shaw running north towards his position. Detective Carranza then saw the K-9 make contact with Shaw. Shaw began flailing his arms and appeared as if he would fall to the ground. While Shaw was moving his arms, Detective Carranza saw a black handgun in one of his hands. As Detective Carranza reached for his firearm Detective Sheffield fired one round at Shaw who fell to the ground. Shaw was taken into custody and medical aid provided. Detective Carranza did not operate his Body Worn Camera during the incident, as the interaction with Shaw occurred so quickly, he did not have time to turn it on.

#### 4. SPD Officer Thom Radley

On February 24, 2022, at approximately 2:30 a.m. Officer Radley, an officer with SPD for approximately 17 years, was interviewed at the Sparks Police Department by WCSO Detective Joseph Aceves and RPD Detective Christopher Good. Officer Radley is a K-9 handler, and his partner is K-9 Rox, a Belgian Malinois that is trained in narcotics searches, apprehension, including bite work, and building and vehicle searches. K-9 Rox is certified yearly and she and Officer Radley train one full day each week. Officer Radley is outfitted with a Body Worn Camera and had it activated during this incident.

Officer Radley said he began his shift at approximately 2:00 p.m. on the day of the incident. Officer Radley was dressed in a Sparks Police Department uniform. Officer Radley responded to

several calls before being contacted late in his shift by SPD Detective Carlos Sandoval. Detective Sandoval requested Officer Radley's assistance in an operation to apprehend a subject. Officer Radley responded to the Walmart parking lot in south Reno near Kietzke Lane. Officer Radley parked his marked patrol vehicle in the Save Mart parking lot a short distance away, so that the subject would not see that police were present in the area. Officer Radley drove with Detective Sandoval to the Walmart parking lot where he was briefed regarding the operation. Officer Radley learned that a car had been parked in the lot and then contact was made with the subject (Shaw) with instructions to meet at the vehicle. When the subject arrived at the vehicle he would be apprehended. Officer Radley also learned that the subject they were trying to apprehend had a violent history and that probable cause existed for the arrest of the person. Officer Radley's role in the apprehension was to act as a less lethal option if, while trying to detain the subject, the individual fought or ran from police.

Ultimately, the suspect did not agree to meet at the Walmart so a new operational plan was developed involving a meeting that would take place at an apartment complex a short drive away. Officer Radley and K-9 Rox stayed in the backseat of Detective Sandoval's vehicle while they drove over and parked in the parking lot of an apartment complex.

While awaiting the arrival of the suspect, Officer Radley said it was agreed upon that once a positive identification of the suspect was confirmed by one of the other undercover detectives Officer Radley would activate his Body Worn Camera and exit the vehicle upon Detective Sandoval's signal to assist in the apprehension of Shaw if necessary. Positive identification occurred over the radio and Detective Sandoval and Officer Radley, along with K-9 Rox, exited the vehicle. Officer Radley heard yelling and then saw the suspect running directly at him. Officer Radley made eye contact with Shaw and told him that he was going to get bit if he did not stop running. Shaw continued to run right past Officer Radley and K-9 Rox. After the warning, Officer Radley gave commands for K-9 Rox to apprehend Shaw. K-9 Rox caught Shaw within 12 yards and made contact with Shaw's leg. Officer Radley followed behind Shaw and K-9 Rox but at one point Shaw disappeared behind a parked car. Before

Officer Radley emerged from the other side of the vehicle, he believed he heard something skip on the pavement and then a single gunshot. Officer Radley was focused on K-9 Rox and did not see who fired a weapon. At that point Officer Radley saw Shaw fall to the ground and Officer Radley retrieved K-9 Rox and took the dog to a safe place. That was the end of Officer Radley's involvement with the case.

#### 5. SPD Detective Carlos Sandoval

On February 24, 2022, at approximately 3:25 a.m., SPD Detective Carlos Sandoval, was interviewed at the Sparks Police Department by RPD Detective Flickinger and WCSO Detective Spaulding. Detective Sandoval had been employed by SPD for five years and Douglas County Sheriff's Office as a Deputy Sheriff prior to that. Detective Sandoval was assigned to RCSU in an undercover detective capacity. Detective Sandoval described that as a UC he dressed in plain clothes as well as drove an undercover vehicle assigned to him by SPD. On the evening of the shooting, Detective Sandoval was driving a gray Subaru hatchback.

On February 23, 2022, Detective Sandoval was contacted by RCSU Detective J. Benvin who conveyed that Shaw was texting her. A plan was then put in place to try and apprehend Shaw because he was a wanted subject.

Detective Sandoval was the individual who first had contact with Shaw utilizing a surreptitious Facebook account, in the name of "Jessica" approximately three or four weeks prior. Detective Sandoval learned that Shaw was a wanted person out of the Reno Police Department for a case in which Shaw pistol whipped an individual during the Santa Crawl and discharged gunshots during the incident. Detective Sandoval then followed up with the Regional Gang Unit ("RGU") and learned that Shaw associated with the Blood gang. RGU conveyed to Detective Sandoval that they were looking for Shaw as well to arrest him for the December 21, 2021, gun incident. Detective Sandoval reached out to Shaw on Facebook and the two began chatting. Detective Sandoval was impersonating a female when speaking with Shaw. When it came time to have actual contact with Shaw, Detective Sandoval asked a female Detective, J. Benvin, to take over contact with Shaw. That contact continued for several weeks on and off.

On Tuesday February 22, 2022, Detective Sandoval saw that Shaw was on Facebook live and he was running and videotaping himself commenting that he was going to get away. This immediately caught Detective Sandoval's attention. Detective Sandoval then observed Shaw get contacted by a security officer on a construction site. Shaw was asked to leave the site, which he did. Detective Sandoval followed up with the security company to try and determine where Shaw was currently located so they could drive to that location and apprehend him. Detectives determined that Shaw was most likely at or near the Peppermill Casino and detectives went to that location. On the way to the Peppermill Casino, Detective Sandoval observed Shaw walking south on Virginia Street. Detective Sandoval contacted other RCSU detectives to try and formulate a plan to take Shaw into custody. Prior to other detectives arriving, Shaw was picked up by an individual in a vehicle. Detectives followed the vehicle in hopes that a traffic stop could be conducted but the weather was so poor detectives determined it was too dangerous to try and stop the vehicle. Detectives followed Shaw to an apartment complex on Talbot Lane where they saw Shaw exit the vehicle and head into an apartment. Detectives waited to see if Shaw would reemerge from the apartment, but he never did. Ultimately the decision was made not to try and apprehend Shaw on that evening.

On February 23, 2022, the next evening, Shaw began contacting "Jessica" (Detective Benvin) so RCSU took advantage of the opportunity to try and apprehend Shaw a second time. A plan was put in place to set up a meeting with Shaw at the Walmart located in the south of town on Kietzke Lane. Detective Benvin told Shaw that she was shopping at Walmart and asked if he wanted to meet up. Shaw agreed to meet Detective Benvin at Walmart. Once all detectives were in place, Detective Benvin texted Shaw that she was at Walmart. However, Shaw texted Detective Benvin that he did not want to meet at Walmart and asked her if she would pick him up at his apartment complex. Shaw mentioned that he could meet Detective Benvin near the office or traffic circle in the apartment complex. Detectives drove to the apartment complex to scope out the area and see if it was safe and practicable to meet up and apprehend Shaw in the parking lot of the apartment complex. Based upon the open area, the decision was made to have Detective Benvin drive her white Jeep Liberty to the apartment complex and park near the office.

Detectives would park near Detective Benvin's vehicle and when Shaw approached, he would be apprehended.

Detective Sandoval had previously made the decision to request the assistance of SPD K-9 Officer Radley who was situated in Detective Sandoval's vehicle. When the location of the meet moved to the Redfield apartments, Officer Radley and K-9 Rox stayed in the backseat of Detective Sandoval's vehicle in order to stay out of view. Upon arriving at the Redfield apartments, Detective Sandoval parked his vehicle to the east of the traffic circle and awaited Shaw's appearance at Detective Benvin's vehicle. Approximately 15-20 minutes later, Shaw was spotted walking towards Detective Benvin's car. Once at the car, Detective Benvin told him the window on the passenger side did not work in order to force Shaw to walk to Detective Benvin's driver's door. Detective Sandoval observed Shaw begin to walk to Detective Benvin's driver's side door and then turn around and run back toward him. Officer Radley was standing near Detective Sandoval and, after warning Shaw, released the K-9 who made contact with Shaw. Detective Sandoval pursued Shaw, but at one point Shaw went in front of a parked vehicle and Sandoval went to the rear of the vehicle. Detective Sandoval heard Detective Sheffield tell Shaw "not to do it" or to "drop it". These statements made Detective Sandoval believe that Shaw was in possession of a firearm. Detective Sandoval heard one round being shot and then saw Shaw lying on the ground. Detective Sandoval immediately called for medical assistance.

#### 6. WCSO Detective Victor Gamboa

On February 24, 2022, WCSO Detective Victor Gamboa was interviewed at the Sparks Police Department by RPD Detective Chris Good and WCSO Detective Joseph Aceves. Detective Gamboa had only been assigned to RCSU for the last two weeks. Detective Gamboa had been employed with the Washoe County Sheriff's Office for almost ten years.

Detective Gamboa told investigators that he began his shift at 1:00 p.m. on February 23, 2022, and detectives all worked on their individual cases but later in the evening the unit received information regarding Shaw, a wanted person from a December 21, 2021, gun case. Based on the information, the unit set up an operation to apprehend Shaw. Detective Gamboa's role was to be in a car with Detective Sheffield to assist in



detaining the wanted subject. Detective Sheffield parked his vehicle, a gray minivan, next to Detective Benvin's vehicle. Detective Gamboa was in the back of the van and planned to open the sliding door upon Shaw's arrival and detain him. Both detectives were dressed in police raid vests which had the word "Police" in bold letters to identify the persons wearing the vests as police officers. Other detectives were set up around the parking area because previous information was that Shaw would most likely run from police and the firearm from the previous incident was still outstanding, so extra precautions were taken when trying to apprehend Shaw.

While waiting in the back of Detective Sheffield's van, Shaw was seen by other detectives approaching Detective Benvin's vehicle from the north of the apartment complex. As Shaw began walking towards Detective Benvin's driver's door, Detective Gamboa opened the van door and Detective Sheffield had already exited the van. Shaw appeared to have observed detectives Gamboa and Sheffield, as he immediately turned and ran back towards the traffic circle. Detective Gamboa ran after Shaw, but was positioned in the back of a line of detectives who were chasing Shaw as he headed towards a carport. Shaw ran in front of a vehicle parked under the carport and Detective Gamboa ran behind the vehicle. Detective Gamboa believed he heard Detective Sheffield telling Shaw to "drop the gun". As Detective Gamboa ran behind the vehicle he heard a single gunshot. Detective Gamboa did not observe any person discharge a firearm. Detective Gamboa saw Shaw fall to the ground and saw what appeared to be blood on Shaw's face. Shaw was nonresponsive so Detective Gamboa checked Shaw's body to see if he could locate any wounds. Shaw's shirt was cut open and then Detective Gamboa observed a single gunshot wound to his chest. Other detectives provided medical aid and Detective Gamboa began searching for the gun that he believed belonged to Shaw. Detective Gamboa did not see Shaw with a gun based on his positioning while chasing him, but stated he heard a sound of something hitting the ground near the carport following the sound of the gunshot.

Detective Gamboa was equipped with a Body Worn Camera and initiated the camera once Shaw was seen approaching Detective Benvin's vehicle.

7. SPD Detective Jason Kimball

Detective Jason Kimball was interviewed by RPD Detective Chris Good and WCSO Detective Joseph Aceves on February 24, 2022, at the Sparks Police Department. Detective Kimball had been with SPD for twenty-two years and was currently assigned to RCSU since 2021. Detective Kimball's undercover vehicle the evening of the shooting was a blue Dodge Ram.

Detective Kimball told investigators that he was aware of the investigation into Shaw and that on February 23, 2022, an operation to arrest Shaw was set up for the Walmart parking lot in the south of town. Detective Kimball then explained that the meeting between Detective Benvin and Shaw was moved to the Redfield Apartments on Talbot Lane. He and the other detectives got into position in the parking lot of the apartment complex. Once in position, Detective Benvin sent Shaw a text message letting him know that she had arrived and was parked in front of the office. Detective Kimball stated that after somewhere between five and ten minutes, Detective Carranza, who was parked farthest north in the complex, observed someone walking towards Detective Benvin's white Jeep Liberty. Detective Kimball observed Shaw go between Detective Benvin's vehicle and Detective Sheffield's van. At that point Detective Kimball got out of his vehicle and began approaching Detective Benvin's car. About halfway there, Detective Kimball saw Shaw take off running and observed him run directly towards Detective Sandoval and Officer Radley. Detective Kimball heard Officer Radley warn Shaw about the K-9. Shaw, who was running towards law enforcement, changed direction and ran towards a carport area. Detective Kimball slowed down and allowed the K-9 to catch Shaw. Shaw ran between two cars, but Detective Kimball could see that K-9 Rox had made contact with Shaw. Detective Kimball heard commands to drop it and then a gunshot. Shaw fell to the ground landing on his back. Detective Kimball heard something hit the pavement when Shaw fell to the ground and initially believed that Shaw had actually shot himself. Upon taking a closer look at his wounds Detective Kimball could see an injury to Shaw's chest. Detectives began medical care to Shaw immediately.

## 8. RPD Detective Jacklyn Benvin

RPD Detective Jacklyn Benvin authored a police report<sup>3</sup> detailing her role in the contact with Shaw prior to and on the evening of the shooting on February 23, 2022. Detective Benvin was assigned to RCSU and was made aware of a shooting that occurred on December 21, 2021, near the Eldorado Casino wherein Shaw was a suspect. Detective Benvin located information that RPD Officer Peralta held probable cause to arrest Shaw for the shooting case that occurred on December 21, 2022. After the December incident and prior to January 10, 2022, SPD Detective Carlos Sandoval added Shaw as a friend on his surreptitious Facebook account under an alias of "Jessica Martinez". Detective Sandoval, posing as "Jessica", communicated with Shaw through Facebook Messenger from January 10, 2022, to January 25, 2022. Photographs on Shaw's Facebook page matched prior known photographs of Shaw including the surveillance video obtained from the Eldorado shooting incident.

On January 13, 2022, Detective Sandoval provided Shaw with Detective Benvin's undercover cellphone so that Shaw could speak with a female, whom he believed was Jessica Martinez. Shaw sent a photograph of himself, which again matched previous known photographs of Shaw, to Detective Benvin. Detective Benvin then took over communication with Shaw. On February 11, 2022, Detective Benvin applied for and received a search warrant to attempt to obtain location information for Shaw's cellphone in order to assist in apprehending him. Detective Benvin learned through the search warrant return that Shaw's phone number had been deactivated on February 4, 2022. Detective Benvin similarly learned that Shaw's Facebook had been deactivated on February 4, 2022, as well. Detective Benvin also learned that a homicide occurred on February 3, 2022, and that Shaw was a person of interest in that case and detectives were looking to speak to him regarding any involvement.

On February 14, 2022, the Facebook account belonging to Shaw was reactivated and Shaw reinitiated conversation with Detective Benvin, as Jessica Martinez. Shaw provided a new cellphone number to Detective Benvin, which she promptly texted him on, and Shaw confirmed that he was "...waiting on you".

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<sup>3</sup> RPD Tiburon Supplement #22.

On February 22, 2022, Shaw posted a Facebook Live story which showed him running through a certain location. RCSU Detectives attempted to locate Shaw based on images in the background of the video. Detectives in fact located Shaw on the east sidewalk of S. Virginia Street. Prior to sufficient personnel arriving at the location to take Shaw into custody, he entered a 2018 Jeep Wrangler and left the location. Detectives attempted to surveil the Jeep, but the weather was nearly white out conditions. Detective Benvin eventually located the white Jeep backed into a parking space at the Redfield Ridge Apartments located at 4959 Talbot Lane. Detectives were unable to identify which apartment, if any, that Shaw entered and the decision was made to terminate the pursuit of Shaw for that evening.

Detective Benvin had been communicating with Shaw on February 22 into February 23, 2022. At approximately 8:59 p.m. on February 23, Detective Benvin inquired of Shaw where he was currently located. Shaw responded that he was by the Walmart on Kietzke Lane which told detectives that he was most likely residing or staying at the Redfield Ridge Apartments where they had followed him the previous evening. At approximately 9:06 p.m., Shaw agreed to meet Detective Benvin, but stated that he did not have a vehicle and would need to be picked up. Detective Benvin suggested that they meet at the Walmart next to the Redfield Ridge Apartments, to which Shaw agreed and sent via text message a screen shot photograph of the Redfield Ridge Apartment complex Google profile. At 10:05 p.m. Detective Benvin texted Shaw that she had arrived at Walmart. Shaw then balked at coming to the Walmart and asked Detective Benvin to pick him up near the office of the Redfield Ridge apartments complex or the main street in front of the apartments.

A plan was then formulated to apprehend Shaw when he came to meet Detective Benvin at her vehicle in the parking lot of the apartment complex. Detective Benvin parked her unmarked police vehicle in front of the apartment office. Other detectives parked their unmarked vehicles in strategic positions around or near the office so that they could assist in the apprehension of Shaw when he arrived at Detective Benvin's vehicle. At 10:48 p.m. Detective Benvin texted Shaw that she was parked near the office and identified a white Jeep as the vehicle she was driving. Detective Benvin was seated in the driver's seat and

RPD Detective Kincaid was situated in the rear passenger seat, while SPD Detective Sheffield and WCSO Detective Gamboa were parked to the southwest in an adjacent parking space. Detective Benvin was told to remain in her vehicle as long as possible as to not interfere with the arrest of Shaw. At 10:50 p.m. Shaw indicated via text that he was coming to meet her. At 10:56 p.m. Detective Benvin texted Shaw that she did not see him. At 10:57 p.m. Shaw was observed walking from the north side of the complex and approached Detective Benvin's vehicle. Detective Benvin confirmed that the person walking towards her vehicle was in fact Shaw and relayed that to Detective Kincaid. Detective Benvin told Shaw, who had approached the passenger side of the vehicle, that the passenger door did not open and to come around to the driver's door. Upon Shaw approaching the driver's side door of Detective Benvin's vehicle detectives emerged from their vehicles and immediately began to chase Shaw northbound through the apartment complex. Detective Benvin exited her vehicle and pursued the group of detectives and Shaw. Detective Benvin heard screaming and then several repeated commands to "drop it" and then a single gunshot. Once Detective Benvin caught up with detectives, she observed Shaw lying on the ground. A medical kit was requested, and Detective Benvin responded back to her vehicle and provided a medical kit to other detectives. Detective Benvin provided cellphone records to SPD Detective Dach of the correspondence between herself and Shaw, from both Shaw's original cellphone number and the second cellphone number provided by Shaw.

#### B. Countdown of Detective Sheffield's firearm

Detective Sheffield's primary weapon on February 24, 2022, was a Glock 17 Gen 4 9 x 19 handgun. The listed carrying capacity of the magazine used in his firearm was 17 cartridges and Detective Sheffield explained that he loaded the magazine with 17 rounds which includes having one round in the chamber of the firearm and 16 in the magazine.

On February 24, 2022, Washoe County Forensic Investigator Justin Demere collected Detective Sheffield's equipment worn and used during the shooting. The collection of Detective Sheffield's firearm and its contents revealed 1 FC 9mm +P cartridge in the chamber of the firearm and a Glock magazine containing 15 FC 9mm +P cartridges. The magazine had a capacity of 17 cartridges.

The items were booked into evidence at the Washoe County Sheriff's Office Forensic Science Division.

## II. PHYSICAL EVIDENCE

### A. Shooting scene

The Redfield Ridge Apartments are located at 4959 Talbot Lane, Reno and consist of numerous two-story buildings with the total number of units being 300. The main entrance to the complex is at the south end on Talbot Lane. Upon entry you are met with a traffic circle and the office/club house buildings. Each apartment building is delineated by a letter of the alphabet. Parking is situated directly in front of each building with some spaces covered by a white carport. Building K is located to the east of the traffic circle and is located on the southeast corner of Talbot Lane and Redfield Parkway.



*(The above stock satellite photo depicts the entrance to the Redfield Apartments off of Talbot Lane. Upon entering the apartment complex, you are met with a traffic circle. The office is indicated by the blue arrow. Building K is marked with a red arrow and the covered parking/carport is situated directly in front of building K and is indicated by the yellow star. The property runs along Talbot Lane on the southeast portion of the complex and along Redfield Parkway on the northeast side of the complex.)*

The scene consists of the parking area to the west of the traffic circle, to the east of the traffic circle and the covered parking area in front of building K. Detective Benvin parked her white Jeep Liberty in the first space to the west of the traffic circle and Detective Sheffield parked his grey minivan in a handicap space directly to the west of Detective Benvin's vehicle.



*(Detective Benvin's vehicle is the white Jeep Liberty seen here parked on the right side of the photo. Benvin's vehicle would be directly to the south of the apartment office/pool which is located just on the other side of the fence. Detective Sheffield's gray minivan is parked directly to the left of Detective Benvin's Jeep, on the left-hand side of the photograph.)*

Detective Carlos Sandoval's Subaru was parked in the first parking space to the west of the traffic circle, facing towards the office, with building K and its carport located to the rear of his position. Shaw was first observed walking south in the complex passing by Detective Carranza's blue Chevy Truck which was parked northeast of Detective Benvin and Detective Sandoval's location. Detective Sandoval also noted that he observed Shaw walk by the tail end of his vehicle on his way to meet with Detective Benvin.

Upon reaching Detective Benvin's vehicle Shaw originally went to her passenger window but Detective Benvin motioned to him as if the window was broken which forced him to walk around to the driver's side of the Jeep Liberty. When Shaw reached the front driver's side of Benvin's vehicle, Detective Sheffield and Gamboa exited the gray minivan with their police raid vests on and Shaw immediately fled back in the direction he came from, through the traffic circle. In the meantime, Detective Sandoval and Officer Radley along with K-9 Rox had exited the gray Subaru and observed Shaw make contact with Detective Benvin and then turn around and run back in their direction.



*(This photograph is taken from the perspective of Detective Benvin's vehicle. The red arrow points to Detective Sandoval's vehicle which contained himself, Officer Radley and K-9 Rox. When Shaw originally fled, he ran directly towards Detective Sandoval's vehicle. Officer Radley and K-9 Rox had exited the Subaru and were standing to the rear of the vehicle when Shaw ran directly past them and in the direction of the carport situated in front of building K.)*

As Shaw ran toward Officer Radley, he warned Shaw twice that he needed to stop running or the dog would be released and bite him. Shaw did not stop running and changed directions heading southeast under the Building K carport and between parked cars.



K-9 Rox was released and almost immediately caught up to Shaw and latched onto his right upper thigh which caused him to fall to the ground. As officers approached Shaw, he stood back up, with K-9 Rox still on the bite and began walking under the carport heading north.

Prior to the K-9 making contact with Shaw, Detective Sheffield observed Shaw looking back at the K-9 and placing his hands near his waistband. Once the K-9 made contact with Shaw, Detective Sheffield advanced quickly to Shaw and observed Shaw fall to the ground from the impact of the K-9. When Shaw began falling to the ground Detective Sheffield saw Shaw reaching his arm out as if to steady himself and clearly saw a firearm in his hand. Shaw stood back up and began walking around the front of the parked vehicle. Detective Sheffield, with his weapon drawn and pointed at Shaw, told him three times to "drop it now". Shaw did not drop the weapon and continued to fight with the K-9 by attempting to push the dog off of his person. Detective Sheffield followed Shaw around a light grey Nissan SUV parked under the carport to an open area between parked vehicles. Detective Carranza as well as Sergeant Bare, and other detectives, were approaching from the rear of the grey Nissan. Shaw was initially faced away from Detective Sheffield but once Detective Sheffield made his way around the Nissan, Shaw turned and was face to face with Detective Sheffield. Detective Sheffield was within feet of Shaw when Shaw squared up and began to raise his arm with the gun in his hand. At that moment, Detective Sheffield fired a single shot which caused Shaw to drop the weapon and fall to the ground.

A 9mm Taurus semiautomatic handgun with an extended magazine containing 17 unfired cartridges and an obliterated serial number was located in the snow near the location where Shaw fell in the parking lot. RPD Detective Blas<sup>4</sup> described the firearm's location as under Shaw's clothing that was removed during the rendering of first aid. The firearm appeared to have been stepped on and was pushed down into the snow. The firearm was photographed in place, collected and booked into evidence.

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<sup>4</sup> Robbery Homicide Detective Patrick Blas was the assigned crime scene investigator along with FIS investigators who processed the crime scene.



*(This scene photograph depicts the area where K-9 Rox made contact with Shaw. Building K is directly in front of the grey Nissan SUV pictured above. Shaw fell down initially in the area of the white pole near the passenger side of the Nissan but quickly got up and ran along the sidewalk and around the front of the Nissan and began heading back north. After K-9 Rox made contact with Shaw Detective Sheffield ran towards Shaw and held him at gunpoint ordering him to drop the firearm. Detective Sheffield ordered Shaw to drop the firearm while he was at the rear of the Nissan, at the passenger side of the Nissan and again as he rounded the front of the Nissan. Once Shaw made it around the parked SUV Sergeant Bare was present and able to see the entirety of the firearm in Shaw's possession.)*



*(This photograph depicts the area where Shaw walked after rounding the top of the grey Nissan under the Building K carport. Shaw walked through this area with the K-9 still on his person. It was here that Shaw turned around and faced Detective Sheffield with the gun in his hand. Shaw raised his arm with the gun and Detective Sheffield shot him one time causing him to fall to the ground directly to the rear of the 2<sup>nd</sup> parked dark colored SUV three stalls to the east of the gray vehicle.)*



*(This photograph depicts the area between the two parked cars under the carport. This photograph is taken after forensic investigators have placed placards to represent areas where evidence was located and collected. Placard 9 is Detective Sheffield's fired cartridge case. In the foreground you can see placard number 10 which is located where Shaw's firearm, a Taurus 9mm was located.)*



*(This photograph depicts where Forensic Investigators recovered the gun which was underneath clothing taken off of Shaw's person during the administration of medical aid. The Taurus firearm had an obliterated serial number and an extended magazine in which 17 unfired cartridges were located.)*

## 1. Body Worn Camera

Detective Sheffield's BWC begins while he is seated in his grey minivan next to Detective Benvin's white Jeep Liberty awaiting Shaw's arrival. Detective Sheffield exited his vehicle and walked around the front of the minivan. Jacori Shaw can be seen running through the traffic circle and then running in the direction of Detective Sandoval's Subaru as Detective Sheffield pursues him. Officer Radley also activated his BWC and Shaw can be seen running directly in front of him while Officer Radley warns Shaw that he will get bit. When Shaw does not stop running, Officer Radley releases K-9 Rox who almost immediately makes contact with Shaw under the carport in front of building K.



(This still photograph is taken from Detective Sheffield's BWC and shows Detective Carranza in the center left of the photograph with Officer Radley in the middle right of the photograph. Jacori Shaw is in the foreground under the carport with K-9 Rox directly behind him. Sergeant Bare's truck can be seen in the far right of the photo with its lights on.)

After K-9 Rox made contact, Shaw briefly fell to the ground but stood back up and walked around a parked grey Nissan SUV. Detective Sheffield waited until the K-9 apprehended Shaw and then ran towards Shaw to place him under arrest. As Detective Sheffield approached the Nissan he had his gun drawn and can be heard telling Shaw repeatedly to drop the gun. Shaw had his back to Detective Sheffield initially as he walks around the Nissan and reenters the parking area under the carport. Shaw is now

standing between the Nissan SUV and another dark colored SUV parked three stalls away. As Shaw reached the rear of the second parked vehicle he turns around to face Detective Sheffield and Detective Sheffield fires one round. Shaw falls to the ground landing on his back and tells officers, "I don't have nothing." After Shaw fell to the ground the K-9 is retrieved and upon securing Shaw's person detectives immediately begin life saving measures and call for paramedics.



*(Still photograph taken from Detective Sheffield's BWC which shows Shaw recovering from his fall to the ground (near the white carport pole) and continuing around the grey Nissan SUV with the K-9 attached to his person. Sergeant Bare's truck can be seen on the right of the photograph.)*



*(In this still photograph from Detective Sheffield's BWC Shaw has rounded the Nissan and reentered the parking lot under the carport. Detective Carranza can be seen feet away from Shaw who is still facing away from Detective Sheffield at this point. In the next instant Shaw reached the back of the dark colored SUV and turned around to face Detective Sheffield who observed Shaw begin to raise his arm with the firearm. Detective Sheffield fired one shot which struck Shaw in the center of his chest and caused him to fall backwards landing on his back directly to the rear of the dark colored SUV seen in the above photograph. The recovered firearm is later located to the rear of the dark colored SUV.)*

## 2. EVIDENCE COLLECTED

The following relevant evidence was collected and photographed at the scene of the shooting.

- One (1) FC 9mm + P fired cartridge case located on ground/parking space west of building K.
- One (1) black Motorola brand cell phone and one (1) metal canister which contained two (2) baggies of crystalline substance later determined to be methamphetamine<sup>5</sup>; one (1) baggie containing fourteen (14) orange pills and two (2) orange pills, located in the snow on the ground in the parking lot west of building K. These items were identified as coming from Jacori Shaw's person.

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<sup>5</sup> FIS report #7 confirmed through forensic testing that the substance found in the plastic baggies was in fact methamphetamine. The orange pills were found to be consistent with a 10mg Chlorpromazine preparation.

- One (1) black Taurus G2C handgun with obliterated serial number with one "Pro Mag" extended magazine containing six (6) FC 9mm Luger cartridges, ten CBC 9mm Luger cartridges, and one (1) WIN 9mm Luger cartridge and one (1) extended mag grip located in the snow on the ground in the parking lot northwest of building K.<sup>6</sup>



*(photograph of Shaw's recovered firearm, extended magazine and bullets taken from the firearm and magazine.)*

The following relevant evidence was collected from Detective Sheffield:

- One (1) black Glock 17 Gen 4 9 x 19 handgun, one (1) TLR-1 HL light attachment, one (1) FC 9mm +P cartridge from the chamber of the handgun and one (1) black Glock magazine containing fifteen (15) FC 9mm +P cartridges.<sup>7</sup>

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<sup>6</sup> The firearm was forensically tested and found to be in normal operating condition and was linked to the recovered evidence in RP21-023380 (the December 2021 Eldorado shooting).

<sup>7</sup> Two (2) additional Glock magazines were collected from Detective Sheffield. Each magazine had the capacity to hold 24 cartridges and each magazine contained 24 FC 9mm +P cartridges.



## B. Autopsy

The autopsy of Jacori Shaw was performed on February 24, 2022, by Washoe County Assistant Medical Examiner Dr. Henry McNett. Dr. McNett determined that the cause of Shaw's' death was due to a single gunshot wound. The autopsy revealed that Shaw had a penetrating gunshot wound to the right mid paramedian chest with no exit wound. Toxicology results from Shaw's' peripheral blood revealed positive findings for 14 nanograms per milliliter for Amphetamine, 130 nanograms per milliliter of Methamphetamine, 45 nanograms per milliliter for Cocaine, 16 nanograms per milliliter for Delta-9 Carboxy THC (inactive metabolite marijuana) and 5.8 nanograms per milliliter of Delta-9 THC (active ingredient of marijuana).

### 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 Jacori Shaw 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 existed on behalf of the officer at the time of the shooting.

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

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

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

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

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

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

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

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

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

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

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

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

#### B. Justifiable Homicide by Peace Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a peace 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 that a peace 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 has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force or poses an imminent threat of serious bodily harm or death to the peace officer or to others.

### IV. ANALYSIS

On February 23, 2022, SPD Detective Brandon Sheffield used deadly force upon Jacori Shaw. The use of force by Detective Sheffield was justified and lawful under Nevada law. The conduct of Shaw and the imminent danger he posed to Detective Sheffield, as well as other law enforcement personnel, during the attempt to effectuate his arrest for outstanding gun charges was corroborated by law enforcement, body worn cameras, physical evidence documented and analyzed by FIS, and all provided documentation. The force utilized by Detective Sheffield was reasonable, absolutely necessary under the circumstances and used for the purpose of avoiding death or great bodily injury based on Shaw's actions of fleeing from police, refusing to follow commands, all while he was in possession of a firearm which was displayed by Shaw during his flight from police. Shaw's actions of producing the firearm in the direction of police officers posed an apparent and actual threat of death or great bodily injury to Detective Sheffield and the numerous other detectives who were present to apprehend Shaw.

On February 23, 2022, Jacori Shaw was wanted on charges involving discharging a firearm, carrying a concealed firearm and prohibited person in possession of a firearm that occurred on December 21, 2021, as well as a person of interest in a recent homicide. In their efforts to apprehend Shaw, law enforcement took steps to effectuate his arrest by surreptitiously utilizing social media. Communication with Shaw continued for weeks by Detectives Sandoval and Benvin until Shaw felt comfortable enough to agree to meet up. Previous instances of attempting to apprehend Shaw had failed, but the surreptitious relationship formed with Shaw over social media provided an opportunity set up a meeting with Shaw to arrest him on the outstanding gun charges.

Detectives knew Shaw had a history of fleeing from police when contacted and of being in possession of firearms, including the still outstanding firearm from the December 2021 incident in downtown Reno. This made the apprehension of Shaw more difficult and dangerous. In an effort to utilize less lethal force, K-9 Rox was brought in to assist with the arrest.

When law enforcement, in police raid vests, confronted Shaw in the parking lot of the Redfield Ridge apartments he chose to ignore police commands and flee. Shaw would later be found to have methamphetamine, cocaine and marijuana in his system as well as having methamphetamine, an illegal controlled substance, on his person when he fled from officers. Shaw's conduct forced law enforcement to pursue him, which included the assistance of a K-9. After being warned about the release of the K-9, Shaw again failed to stop or surrender to law enforcement. Consequently, K-9 Rox was released and immediately contacted Shaw. However, even being bitten by the K-9 did not convince Shaw to give up, drop his firearm or stop his flight from the police. Shaw continued fleeing through the parking lot while detectives pursued him at gunpoint.

Prior to Shaw's contact with the K-9, Detective Sheffield observed Shaw reach in the area of his waistband and thereafter produce a firearm. Detective Sheffield commanded Shaw to drop the weapon at least three times while being held at gunpoint by numerous detectives. Shaw refused to comply and continued walking with the dog still attached to his person and with the firearm still in his hand. Shaw then chose to turn around and

face Detective Sheffield, who saw Shaw raise the firearm to shoot him. Fearing for his life and the lives of his fellow detectives, Detective Sheffield made the determination to discharge his weapon. Detective Sheffield shot a single round into Shaw's person which caused him to fall to the ground and drop the firearm.

#### V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the February 23, 2022, officer involved shooting death of Jacori Shaw, the actions of Detective Brandon Sheffield were warranted and justified under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.