

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

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REPORT ON THE MARCH 31, 2018, OFFICER INVOLVED
SHOOTING OF NICOLAS SEDANO

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INTRODUCTION

On March 31, 2018 at approximately 10:25 pm, a concerned citizen called Reno Police Dispatch (hereinafter "Dispatch") after observing suspicious activity at Peckham Plaza Mini Storage, which is located near the corner of East Peckham Lane and Neil Road in Reno, Nevada. Based on the information received from the caller, Dispatch advised Reno Police Department (hereinafter "RPD") patrol officers of a possible commercial burglary in progress involving multiple individuals who were reportedly cutting the locks off of storage units. RPD officers responded to the call, and RPD Officer Thomas Lopey (hereinafter "Officer Lopey") and RPD Officer Christopher Rose (hereinafter "Officer Rose") were the first to arrive on scene.

Officers Lopey and Rose, who were both dressed in full RPD uniforms and riding together in the same marked patrol vehicle, arrived on scene and parked in the parking lot of the nearby Speedway Market, which is located immediately to the north of the storage facility. Officers Lopey and Rose walked through an open gate into the storage facility, where they observed a black Honda Civic Hatchback parked along the back wall of the Speedway Market in front of the first row of storage units. As they approached the vehicle, they observed a male subject, who was later identified as Nicolas Sedano (hereinafter "Sedano"), sitting in the driver's seat.

Officer Lopey walked towards the passenger side of the vehicle while Officer Rose walked towards the front of the vehicle. Both officers shined their flashlights at Sedano, and as they did this noticed a lot of property inside of the car. Based on the circumstance of the call, Officer Rose shouted at Sedano to show his hands, which were below the officers' line of sight. Sedano failed to comply with these commands, and instead stared at the officers and then back down towards his hands.

Officer Lopey walked to approximately three feet from the passenger door, at which time he saw Sedano insert a key into the car's ignition and start the car. Officer Lopey drew his handgun and screamed at Sedano to stop. Sedano refused to comply with this command as well, and he put his hand towards where a manual gear shift would be. Immediately after the car started, Officers Lopey and Rose heard the car engine rev, and the car instantly accelerated directly toward Officer Rose, who

was standing approximately five feet in front of the vehicle. Officer Rose described having little time to react and tried to get out of the way of the oncoming car, which ultimately struck his right foot. Thinking that he was going to be killed as the car accelerate towards him, and feeling he had no other options, Officer Rose stated he discharged his handgun as he was being struck by the car in an attempt to stop the threat. Simultaneous to this, Officer Lopey also discharged his firearm at Sedano, stating that he felt that Sedano was going to run over and kill Officer Rose.

Following the shooting, Sedano continued to drive the vehicle forward and crash through a chain-link fence that separated the east side of the storage facility from a dirt lot. The vehicle ultimately came to a stop in the adjacent lot, and Officers Lopey and Rose ran towards the car, pulled Sedano from it, and quickly began life-saving measures. REMSA arrived on scene and took over medical treatment as they transported Sedano to Renown Regional Medical Center. At Renown, medical staff continued life-saving measures, but they were ultimately unsuccessful and Sedano was pronounced deceased. A subsequent autopsy determined that Sedano died from multiple gunshot wounds.

It was later determined that the black Honda Civic Hatchback that Sedano was in had been reported stolen approximately 0.2 miles down the street just two hours prior to the shooting. Additionally, Sedano had an active warrant for his arrest for violating probation from an unrelated Possession of a Stolen Motor Vehicle case, and was facing the prospect of being sent to prison, apart from any legal consequences he might have faced for possessing the second stolen vehicle. Toxicology results also found high levels of methamphetamine and amphetamine in Sedano's blood at the time of his death. Background information obtained during the investigation determined that Sedano had a history of suicidal ideation and attempt. Additionally, he had made recent statements about not wanting to return to jail and had been arguing with his girlfriend about seeing his young son in the moments leading up to the shooting.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Washoe County Sheriff's Office (hereinafter "WCSO") led the investigation into the shooting of Sedano. The Sparks Police Department (hereinafter "SPD") provided secondary

investigative support, RPD provided further needed support, and the Washoe County Sheriff's Office - Forensic Science Division (hereinafter "FSD") provided forensic services. The Washoe County District Attorney's Office provided legal expertise on scene and assistance obtaining search warrants.

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

Upon completion of the entire investigation, all police reports along with FSD forensic reports, collected documentation, photographs, witness statements, recorded audio and video of the incident, Dispatch recordings, video surveillance, and recorded interviews were submitted to the Washoe County District Attorney's Office on May 27, 2020, for a final determination of whether the shooting of Sedano was legally justified. No criminal charges against RPD Officers Lopey or Rose were recommended by WCSO.

The District Attorney's evaluation included reviewing more than 1,300 pages of reports and documents, which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, video and audio recordings, a cellular phone extraction report, 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 Nicolas Sedano by RPD Officers Thomas Lopey and Christopher Rose was justified and not a criminal act.

I. STATEMENT OF FACTS¹

A. The Original Motor Vehicle Theft Report

On March 31, 2018 at approximately 8:31 pm, Reno Police Community Services Officer Anje Earl (hereinafter "CSO Earl") responded to The Church of Jesus Christ of Latter-Day Saints, located at 4751 Neil Road, on a report of a stolen motor

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

vehicle. Upon arrival, CSO Earl met with Homero Gomez (hereinafter "Gomez"), who stated that he had parked his vehicle in the church parking lot at approximately 7:00 pm, and when he returned to the parking lot at approximately 8:15 pm, his vehicle was missing. Gomez's vehicle was identified as a black 1998 2-door Honda Civic Hatchback, bearing Nevada license plate 164XRD.

Gomez's vehicle had no outstanding loans against it. Further, Gomez reported that he had the only keys to the vehicle, and nobody else had permission to use the vehicle. Gomez did not know who might have stolen his vehicle. Additionally, Gomez advised that his white iPhone 5s cellular phone, which was inside of his vehicle, was similarly gone. Gomez provided his cellular phone number to CSO Earl.

CSO Earl checked with church members about any exterior video surveillance cameras covering the parking lot, and was advised there were none. CSO Earl also confirmed that the vehicle was registered to Gomez. CSO Earl requested that the vehicle be entered into the NCIC database as a stolen vehicle, which it was.

B. The Dispatch Call and RPD's Initial Response to Peckham Plaza Self Storage

On March 31, 2018 at approximately 10:25 pm - almost two hours after the vehicle theft report was taken - Dispatch received a call from Clyde Alexander (hereinafter "Alexander"), a concerned citizen who lived in an apartment complex immediately to the south of the storage facility. During the recorded dispatch call, Alexander reported "that there's a bunch of shady stuff going on at the storage units at Peckham Plaza Self Storage right now, like just some guys cracking, looks like they're cracking locks off of storage units." Alexander identified the storage units right by 4608 Neil Road and right behind the Speedway Market. Alexander stated there are "probably four or five" males in the storage facility, and "there's been a lot of theft over here lately", including the theft of \$15,000.00 worth of tools out of his work truck on Sunday night. Alexander further reported that they have a battery-operated Sawzall. Alexander also stated that there are two vehicles, including a white minivan and something else. Alexander advised that they

are on the east side of the building between the storage buildings.

RPD Officer Paul Riedel (hereinafter "Officer Riedel"), who was assigned to the Patrol Division, was dispatched to the call. RPD Officers Lopey and Rose, who were both members of the Regional Gang Unit, responded as cover officers but were the first to arrive on-scene. Officers Lopey and Rose were driving in the same vehicle, and upon parking, they walked through an open gate into the storage facility, where the shooting ultimately occurred.

C. Witness Accounts of the Shooting

1. Clyde Alexander

Alexander, the reporting party who initially called Dispatch, was interviewed at the Reno Police Department on April 1, 2018 at approximately 1:13 am by WCSO Detective West Urban (hereinafter "Detective Urban") and SPD Detective Jaime Ahdunko (hereinafter "Detective Ahdunko").

Alexander stated that he was driving home along Peckham Lane when he saw a Hispanic male walking across the street with a Milwaukee Sawzall. Alexander took notice of this because he works for an electrical company and his work truck had been burglarized during the previous week, with approximately \$15,000.00 of tools being stolen. Alexander observed the male walk across the street and jump a fence into the storage facility directly in front of his apartment.

After Alexander arrived home, he took his dogs outside for a walk and observed four or five males near the back of the storage facility with flashlights. Alexander also observed a sign stating that the storage facility is open from 8:00 until 5:00, and believed thefts and the selling of stolen property occurred there. Alexander stated he did not know if the males he observed were cutting locks off storage units, and he called Dispatch to report what he had seen and requested police investigate. Alexander saw at least two vehicles in the storage facility, with one of them being a smaller car "parked weird along this edge of the back of the building". Neither of the

vehicles Alexander saw had their lights on, and he stated that "it's pretty dark back there".

Alexander walked the dogs back to his apartment, and then walked back down towards the Speedway Market to see if the police had arrived. Alexander observed the police responding, and heard some yelling as the police were pulling in. At that time, Alexander heard approximately 10 or 12 gunshots, and then saw two males run west through the storage facility and jump a chain-link fence separating the storage facility and Neil Road. Thereafter, Alexander saw a male jump the fence back into the storage facility.

2. RPD Officer Thomas Lopey

Officer Lopey has been employed by the RPD for approximately 4 years as of March of 2018, and is assigned to the Reginal Gang Unit. Officer Lopey was interviewed at the Reno Police Department on April 1, 2018 at approximately 3:00 am by WCSO Detective Urban and SPD Detective Ahdunko.

Officer Lopey stated that on March 31, 2018, he was working his regularly-scheduled shift and dressed in full RPD uniform. Officer Lopey's shift was scheduled to end at midnight, and towards the end of his shift, he and Officer Rose responded to a call regarding a commercial burglary with multiple individuals in the area of Neil Road and Peckham Lane. Officers Lopey and Rose were driving together in the same fully-marked patrol vehicle. Upon arriving on-scene, Officer Lopey parked their vehicle next to the northeast corner of a strip mall, which is located just north of a storage facility.

Officers Lopey and Rose walked through an open gate into the storage facility, but Officer Lopey did not hear anything nor did anything catch his immediate attention. Officer Lopey then observed a car parked right along a brick or cinderblock wall to the south side of the strip mall. Officer Lopey identified the vehicle as a Honda Civic Hatchback and walked west towards the vehicle, which was facing east towards him. Initially, Officer Lopey could not tell if the vehicle was occupied, but as he got closer, he saw that there was a person, later identified as Sedano, seated in the driver's seat with his head down. Officer

Lopey did not see any other occupants in the vehicle, but did notice that there was a lot of "property" in the vehicle.

Officers Lopey and Rose shined their flashlights on Sedano and the vehicle, and Officer Lopey noted he was unable to see Sedano's hands, as they were down. Officer Lopey then walked towards the passenger side door of the vehicle as Officer Rose remained directly in front of the vehicle. At this time, Officer Lopey heard Officer Rose give loud and repeated verbal commands, to the effect of, "Show me your hands." Sedano did not say anything to Officers Lopey and Rose, and instead "just stared right at us, gave us a stare down kinda thing". Officer Lopey stated that there was ambient light all around because of the moon and clear sky, and "any person would be able to easily identify me as a cop...or Rose as a cop". Officer Lopey also stated that there was no noise which would drown out Officer Rose's commands. Officer Lopey made his way towards the passenger door, standing approximately three feet from the vehicle, when he observed Sedano grab a key, insert it into the ignition, and start the car. Seeing this, Officer Lopey drew his firearm and began screaming as loud as he could, "Driver stop, driver stop, driver stop, driver stop," while shining his light at Sedano.

Officer Lopey said that Sedano failed to comply with his commands, and instead he saw Sedano put his hand down towards where a manual gear shift would be, heard the engine rev and the car accelerate with Officer Rose standing "very close" in front of the car. Officer Lopey estimated that "it was half a second" from when Sedano put the car in gear until he drove forward. Officer Lopey stated that he thought that Sedano was going to run over and kill Officer Rose, which scared him. He stated that he felt the only thing he could do was shoot Sedano to save Officer Rose's life. Officer Lopey then discharged his firearm at Sedano, and noted that Officer Rose ended up next to him as Sedano continued to drive fast past them, going through a chain-link fence on the east side of the storage facility and ultimately stopping approximately 30 yards to the east. Officers Lopey and Rose then ran over to the vehicle, and saw that Sedano was not moving, was unresponsive, and slumped over the middle console. As Officer Rose provided cover, Officer Lopey opened the door and pulled Sedano out of the vehicle,

placing him on the ground. Officer Lopey observed blood, but did not know where it was coming from. When RPD Officer Riedel arrived on scene, Officer Lopey heard Officer Rose ask him for gloves, and then proceeded to start CPR on Sedano. Officer Lopey immediately contacted Dispatch requesting medical assistance.

After contacting Dispatch, Officer Lopey said he observed another subject near a second vehicle back in the storage facility, so he began heading that way due to the initial report of "multiple people". Officer Lopey performed a tactical reload, dropping the magazine that was in his firearm on the ground before inserting a new magazine. He then began giving the other male verbal commands to walk backwards towards him, but the male just stood there. Officer Lopey approached the male and placed him in handcuffs before walking him to the front of the storage units and sitting him down. Additional officers arrived, and Officer Lopey relayed that he did not know if there were any outstanding suspects.

Officer Lopey stated that his duty firearm is a Sig P320 9mm handgun, and he carries two magazines in addition to the magazine that is in his firearm. The magazine in Officer Lopey's firearm holds 21 rounds, and his two additional magazines hold 17 rounds each. Officer Lopey stated that he usually loads each of his magazines with one round less than maximum capacity, and one round in the chamber, so that on March 31, 2018, he had one round in the chamber, 20 rounds in the magazine inserted into his handgun, and 16 rounds in each of his spare magazines.

3. RPD Officer Christopher Rose

Officer Rose has been employed by the RPD for almost 4 years as of March of 2018, and is assigned to the Regional Gang Unit. Officer Rose was interviewed at the Reno Police Department on April 3, 2018 at approximately 9:40 am by WCSO Detective Joe Digesti (hereinafter "Detective Digesti") and SPD Detective Jennifer Vaught (hereinafter "Detective Vaught").

Officer Rose stated that on March 31, 2018, he was working his regularly-scheduled shift and dressed in full RPD uniform. Officer Rose was riding with Officer Lopey in the same patrol

vehicle, and Officer Rose was the passenger. At approximately 10:00 pm or a little later, Officer Rose heard RPD dispatch advise of a commercial burglary in progress in the area of Peckham Lane and Neil Road. Specifically, Officer Rose recalled hearing that three to four subjects were actively breaking into storage units by cutting the locks with saws. Officers Lopey and Rose decided to assist on the call. Officer Rose described the storage facility as being behind a strip mall at the corner of Peckham Lane and Neil Road, and Officer Lopey parked the patrol vehicle to the far east side of the strip mall. Both Officer Lopey and Officer Rose exited their vehicle and walked up to the storage facility. Officer Rose noticed that the gates to the storage facility were wide open, which struck him as strange being that it was late at night and they were responding to a commercial burglary in progress.

Upon entering the storage facility, Officer Rose looked to his right and observed a black Hatchback-style vehicle parked approximately 45 feet away facing him. The vehicle was not running, and Officer Rose did not believe that its lights were on. As Officer Rose walked west towards the vehicle, he saw that it was occupied by a Hispanic male on the driver's side, who was later identified as Sedano. Officer Rose pulled his firearm and used the light attached to his gun to illuminate the vehicle. Sedano was looking at Officer Rose, and the vehicle he was in had "quite a bit of stuff inside". As Officer Rose continued towards the vehicle, he was unable to see Sedano's hands, but saw that Sedano was moving his arms underneath the dash. Sedano looked at Officer Rose, then at Officer Lopey, and then back down at whatever he was doing. Officer Rose began saying, "Reno Police, let me see your hands, let me see your hands, police, let me see your hands".

Officer Rose recalled that he was standing approximately five feet in front of the vehicle just left of center, and Officer Lopey had walked up to his left so that they could triangulate on Sedano. Officer Rose continued to scream at the top of his lungs, "Let me see your hands", but Sedano did not comply. Officer Rose said that there were no loud noises in the area which would have made it difficult to hear. All of a sudden, Officer Lopey said, "He's starting the car, he's starting the car". Officer Rose said that "instantaneously the car starts

and uh...I can hear the engine revving and it starts accelerating at me." Officer Rose described the vehicle as driving at him "fast" and striking the ball of his right foot, at which time he shot his gun, stating, "I was in fear for my life." Officer Rose said he thought that Sedano was going to kill him, so he "was trying to stop the threat". Officer Rose further described his thoughts as the vehicle came towards him:

"I'm gonna die uh...and I just remembered thinking he's gonna kill me and uh...I gotta move, I gotta do something and so I lift my right foot up, I remember thinking gotta get up, I don't wanna be under the car, I gotta get up and I lift my right foot up and uh...I feel the car hit my foot and I think about that time uh...I fired and uh...I don't...I don't know how many times I fired, I just remember firing, and then next thing I know I...I feel like I'm coming back to and I'm not facing northbound, maybe a little bit northeast and the car's passing me."

Officer Rose clarified that he began to fire his weapon simultaneously as the vehicle struck his foot. Officer Rose then said he saw the vehicle continue eastbound, accelerating away from him and Officer Lopey and driving through a chain-link fence. Officers Lopey and Rose ran towards the vehicle, which ultimately stopped approximately 30 yards past the fence. Upon reaching the vehicle, Officer Rose saw that Sedano was unresponsive and slumped over towards the passenger side of the vehicle. Officer Lopey pulled Sedano out of the vehicle and Officer Rose recognized that Sedano needed medical aid, but neither he nor Officer Lopey had gloves. Thereafter, RPD Officer Riedel arrived and gave some gloves to Officer Rose, who then began CPR. Officer Rose said that Sedano was not breathing and did not have a pulse. However, he continued CPR, followed by Officer Riedel until REMSA arrived.

Officer Rose denied sustaining any injuries as a result of the incident, other than soreness to his legs. He stated that his duty firearm is a Sig P320 9mm handgun, and he carries two

magazines in addition to the magazine that is in his firearm. The magazine in Officer Rose's firearm holds 21 rounds, and his two additional magazines hold 17 rounds each. Officer Rose stated that he loads each of his magazines to maximum capacity, and one round in the chamber, so that on March 31, 2018, he had one round in the chamber, 21 rounds in the magazine inserted into his handgun, and 17 rounds in each of his spare magazines.

4. RPD Officer Paul Riedel

Officer Riedel has been employed by the RPD, and is assigned to the Patrol Division. Officer Riedel was interviewed at the Reno Police Department on April 1, 2018 at approximately 4:33 am by SPD Detective Ahdunko and WCSO Detective Urban.

Officer Riedel explained that on March 31, 2018, he was on-duty working his regularly-scheduled shift when Dispatch advised of a burglary involving five subjects cutting open a garage door or something similar. Thereafter, Dispatch advised of shots fired. Officer Riedel responded to the shooting scene, and observed Officers Lopey and Rose, along with a car and a subject down on the ground, who was later identified as Sedano. Upon arrival, Officer Riedel, who was the first officer to arrive after the shots were fired, parked his patrol vehicle directly north of the vehicle Sedano had been driving. Officers Lopey and Rose asked for gloves, which Officer Riedel provided. Officer Riedel checked Sedano's car to make sure nobody else was inside, and then took over CPR for Officer Rose until firefighters and medics arrived. Officer Riedel observed officers dealing with other people, but he did not know what was going on.

Sedano was transported to Renown Regional Medical Center by ambulance, and Officer Riedel rode with him in the ambulance. Officer Riedel did not hear Sedano make any statements at any time, and he showed no signs of movement or breathing.²

5. RPD Officer Daniel Hutmier

Officer Hutmier has been employed by the RPD for approximately one year as of March of 2018, and is assigned to the Patrol Division. Officer Hutmier was interviewed at the Reno Police

² Sedano was pronounced deceased by a doctor at Renown Regional Medical Center on March 31, 2018 at approximately 10:55 pm.

Department on April 1, 2018 at approximately 4:29 am by WCSO Detective Digesti and SPD Detective Vaught.

Officer Hutmier stated that on March 31, 2018, he was working his regularly-scheduled shift when he was dispatched to a commercial burglary in progress, in which four to five individuals were cutting locks and breaking into storage units. Officer Hutmier began responding to the area, and was advised that one of the gang units was also responding as a cover unit. Before Officer Hutmier could arrive, he learned through Dispatch that the gang unit had arrived on scene. Thereafter, Officer Hutmier heard the gang unit announce, "shots fired with the suspects fleeing eastbound."

While Officer Hutmier was trying to locate the scene, a citizen hailed him and advised that two Hispanic males had run through and were leaving the storage facility. Officer Hutmier followed another RPD patrol vehicle that pulled into a dirt lot, and observed the two gang unit officers who were supposed to cover him on the call. Officer Hutmier saw a chain-link fence that appeared damaged and "looked like it had been gone through". He noted, Officers Riedel and Rose were by a black vehicle in the dirt lot, and Officer Lopey had his gun drawn and he heard him say, "I've got another suspect over here". Officer Hutmier then walked with Officer Lopey towards an older white sedan and gave verbal commands to the vehicle's male occupant, who was detained. The male made statements similar to, "I'm just sleeping here. I'm scared too. I didn't do anything."

Officer Hutmier then returned to the dirt lot and the black vehicle, which he described as a Honda Hatchback, and observed Officer Riedel performing CPR on a male subject, who was later identified as Sedano. Sedano was unresponsive while Officer Hutmier was near him, and had suffered gunshot wounds. REMSA arrived on scene, and Officer Hutmier directed them to where they needed to be. Thereafter, Officer Hutmier canvassed the areas surrounding the storage facility for witnesses, but nobody advised that they saw anything.

6. J.R.³

J.R. was interviewed at the Washoe County Sheriff's Office on April 2, 2018 at approximately 1:30 pm by WCSO Detective Digesti.

J.R. stated that she and Sedano had a child in common, and had been living together until approximately one week prior to the shooting, at which time they had an argument and he left to live with his cousin. The last time J.R. saw Sedano was at approximately 9:00 pm on March 31, 2018, shortly before he was killed. Sedano, who was wearing a dark gray shirt and black jacket, had come to her residence and knocked on her window. Sedano asked J.R. if he could see their child. J.R. did not say anything to Sedano, but allowed him to see their child through the window. J.R. did not let Sedano into her residence or further let him see their child because Sedano "wasn't doing good" and was smoking methamphetamine, and she did not want their son "to see him in that condition." J.R. described Sedano as looking "sad". Sedano stayed for approximately 10 minutes, and J.R. told him to "be safe" as he was leaving. Right after Sedano left, J.R. walked outside to throw some trash away, and she heard him say "babe". However, J.R. did not see Sedano, nor did she know where he was at.

At approximately 10:30 pm that night J.R. and Sedano communicated again through text messages. J.R. said that Sedano initiated the text messaging, because he did not have a phone and the only way he could contact her was through somebody else's phone. J.R. stated that they were talking about their son and how Sedano was not doing well. Specifically, they were arguing about J.R. not letting Sedano see their son. J.R. stated that Sedano "was just mad and he needs to understand where I came from 'cause he's little and he doesn't need to see him like that".

J.R. stated that Sedano had a warrant for his arrest when he was killed, and he had previously been in trouble for drugs and possessing a stolen vehicle. J.R. remembered a time when Sedano had jumped out of her window and ran when his probation officer

³ J.R., who was 17-years old in March of 2018, is identified only as J.R. for privacy reasons.

came to arrest him for a violation. J.R. said when Sedano used methamphetamine, he got "mad" and "angry", and she was pretty sure he also became paranoid. J.R. also said that Sedano "didn't like his life" and "was always suicidal", having previously attempted to commit suicide. When J.R. had spoken with Sedano about it, he had responded, "I just wanna die". A few days prior to his death, Sedano had written a letter where he acknowledged, "I know I'm doing bad", and that he is sorry.

J.R. did not know why Sedano would have been at the storage facility where he was shot, as he did not have a storage unit of his own and there should not have been any reason for him to be there. Sedano did not own a car, nor did he possess a driver's license. J.R. additionally stated that although Sedano spoke Spanish, he understood English.

7. Jordan Ramos

Jordan Ramos (hereinafter "Ramos"), who is J.R.'s older brother, was interviewed at the Washoe County Sheriff's Office on April 25, 2018 by WCSO Detective Digesti. Ramos had been arrested and was in custody at the Washoe County Jail when interviewed. Prior to speaking with Ramos, Detective Digesti advised him that he did not have to talk and that he was free to return to his housing unit at any time.

Ramos stated that he was with Sedano shortly before he was shot and killed. Ramos explained that on the night of March 31, 2018, he was at the storage facility behind the Speedway talking to some people and getting some food. On his way back to J.R.'s house, he saw Sedano "standing like in the dark over there like in like...like basically like stalking my sister, you know, 'cause they were fighting I guess." Ramos confirmed that the sister he was referring to was J.R. Ramos told Sedano, "Hey, come over here", but Sedano responded, "I'm trippin'". Then, Sedano "took off running...like fast". Ramos saw Sedano jump over a fence and get into a car, which he described as a red Hatchback, and then drive away.

Ramos walked back over to the storage facility, and saw the Hatchback parked in the storage facility "next to a wall", and Sedano was inside. Sedano did not exit the vehicle, and was texting on an iPhone, which caused Ramos to wonder where he had

gotten an iPhone. Ramos noticed a lot of property in the Hatchback. Ramos entered the Hatchback, and had to sit on several stereo amps. Ramos asked Sedano if he was alright, to which Sedano replied, "Nah, fool, I'm fuckin' trippin'". When Ramos asked, "Why you trippin' though?", Sedano said, "I don't know". While in the vehicle, Ramos saw Sedano had a lot of property "in the car and it...it looked like hella stuff that he just came up on". Sedano said he was going to go sell all the property. Ramos said the property had not come from the storage units, but instead from other cars and places. Ramos stated that he did not know why Sedano was parked in the storage facility, except he was probably waiting for somebody to bring him drugs. Ramos told Sedano he was leaving, and the two shook hands, which was "weird" because Sedano was "like holding on for a bit". Ramos left the vehicle, and minutes later while on his way home, he heard gunshots.

Ramos said that Sedano had been acting "different than normal". Ramos was asked what Sedano would do if he thought he was going to be caught by the police, and Ramos said that Sedano did not want to go back to jail and would run as fast and far as he could. Ramos stated that he did not think Sedano would hurt an officer, but instead thought that Sedano "tripped out" and was trying to get away from the police. Ramos stated that Sedano and J.R. had broken up, but that Sedano was not struggling with that, rather "he already had some problems" and "there were some things just messing up his head". Ramos confirmed that Sedano was a daily methamphetamine user.

8. Jose Herrera

Jose Herrera (hereinafter "Herrera") was interviewed at the Reno Police Department on April 1, 2018 by WCSO Detective Digesti and SPD Detective Vaught, with SPD Detective Carlos Sandoval acting as an interpreter since Herrera spoke Spanish.

Herrera stated that he was homeless and staying in his car, which he described as a white four-door Honda Civic. Herrera stated the Peckham Plaza Mini Storage is "open twenty-four-seven" and he had parked his car there in front of a friend's storage unit for approximately two weeks. On March 31, 2018 at approximately 10:00 or 10:30 pm, he drove his bicycle to the storage facility so that he could sleep in his car. While

riding to his car, Herrera was carrying a Sawzall. Upon arrival, Herrera saw three males, one of whom he knew, that were already at the storage facility. Herrera described the males as "troublemakers". Earlier in the day, he had let the male he knew borrow his bicycle. He saw the three males in between storage units, in the same row of his vehicle. Herrera clarified that the male he knew did not have a storage unit in the facility. Herrera also saw a black or dark-colored car parked in the storage facility, facing east. He then placed his bicycle on top of his car and went to sleep in the driver's seat, which he reclined. Herrera described the area as "kinda dark". He stated that neither he nor the three males he saw were breaking into any storage units.

Approximately 30 minutes to one hour later, Herrera heard "two or three screams" followed by approximately six-to-eight loud sounds, which he thought were fireworks. Herrera then saw people running, including the male he knew who stated, "Hey run, it's gunshots", so Herrera ran too. Herrera jumped a fence towards Neil Road with the male he knew, at which time they went different directions. Herrera then went around nearby apartments and saw a gentleman walking with a lady who told him the loud noises were fireworks. Hearing that and thinking it was a joke, Herrera decided to go back to his vehicle because he had left the door open. Herrera jumped back over the same fence into the storage facility, and as he was walking up to his vehicle, saw an officer with his flashlight, who told him to put his hands on his head and walk towards him. Herrera complied, and he was handcuffed and placed in a patrol vehicle.

At the conclusion of the interview, Herrera voluntarily consented to allow police to search his white Honda Civic, which was still parked on-scene at the Peckham Plaza Mini Storage. Herrera provided both verbal and written consent.

10. Oscarlos Carranza-Lopez

Oscarlos Carranza-Lopez (hereinafter "Carranza-Lopez") was interviewed at the Washoe County Sheriff's Office on April 2, 2018 by WCSO Detective Josh Swanson, with WCSO Support Specialist Drew Mooney acting as an interpreter since Carranza-Lopez spoke Spanish.

Carranza-Lopez stated that on March 31, 2018, he had borrowed his friend's bicycle at approximately 7:00 pm to ride to his house to shower and eat, and at approximately 9:00 pm, he returned to the storage facility to return the bicycle to his friend. Carranza-Lopez said he did not know his friend's name, but called him "Primo". Carranza-Lopez did, however, state that Primo had been living out of his car at the storage facility for one-and-one-half or two weeks, and described his car as white. Carranza-Lopez stated that the storage facility is open all day, and at some point it is closed.

Carranza-Lopez said that when he returned to the storage facility on Primo's bicycle, he noticed a black car with somebody sitting in it, but he did not acknowledge it nor say anything, and just rode past the vehicle to Primo. Carranza-Lopez did notice that the black car was not running. Carranza-Lopez also stated that the black car was in a different aisle than Primo's car.

Carranza-Lopez said that he placed the bicycle on top of Primo's white car and then heard gunshots. Hearing this, both he and Primo ran off, jumping a fence as they left. Carranza-Lopez said that he did not hear anything other than the gunshots, and he did not see the black car when he heard the gunshots. After the gunshots had stopped, Carranza-Lopez went back to the storage facility and saw that the black car had moved from where he had initially seen it, and that police were around it. Carranza-Lopez left to go to his house and did not speak with police that night.

D. Countdown of Officer Lopey's and Rose's Firearms

On April 1, 2018 at approximately 12:45 a.m., an evidentiary documentation of Officer Lopey's and Officer Rose's equipment worn and used during the shooting occurred at the Reno Police Department. At that time, their used duty weapons and available magazines were examined by FSD Criminalist Elvira Koeder (hereinafter "Criminalist Koeder") and Sparks Police Detective Eric Curtis.

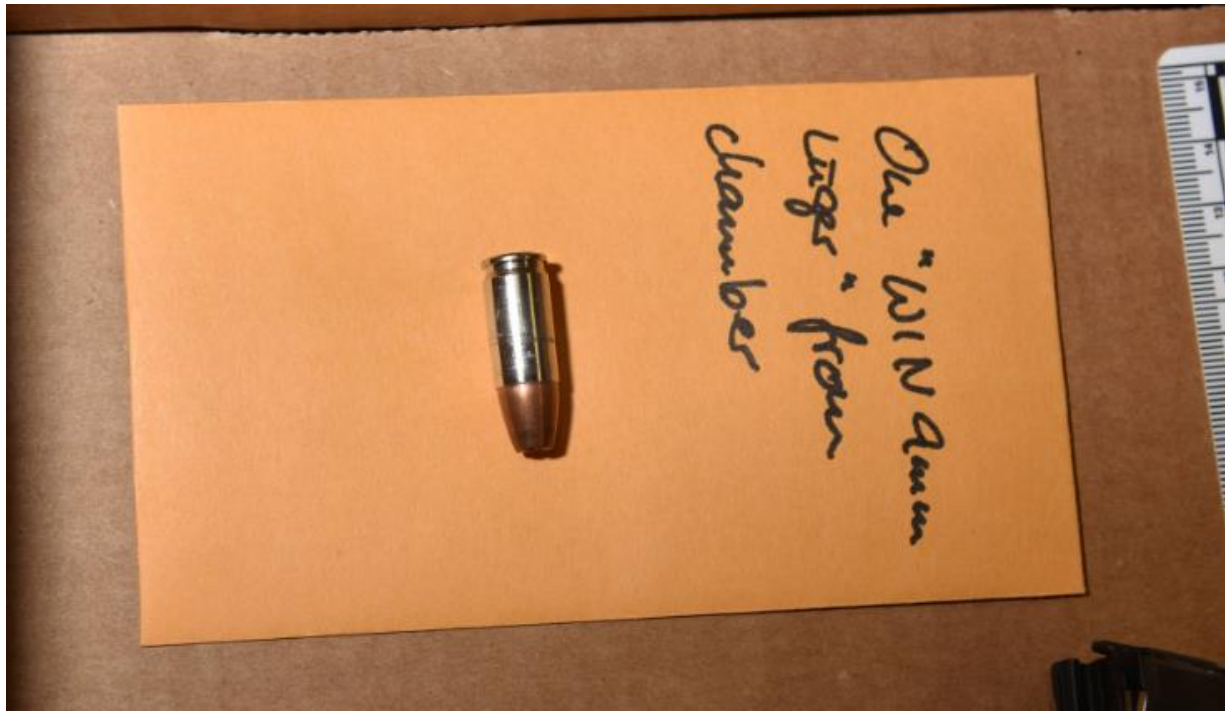
Officer Lopey's firearm was a Sig Sauer P320 9mm semi-automatic handgun, with a "X300 Ultra Surefire" light attached. The "countdown" of his firearm and accompanying magazines revealed 1

WIN 9mm Luger unfired cartridge case in the chamber of his handgun, 16 WIN 9mm Luger unfired cartridge cases in the 17-round magazine removed from the firearm, and 16 WIN 9mm Luger unfired cartridge cases in the extra 17-round magazine.⁴



Officer Lopey's duty handgun.

⁴ Officer Lopey's magazine which initially was in his handgun was left on-scene, specifically in the dirt between the black Honda Civic Hatchback and the storage units, after he released the same during a tactical reload. That magazine was likewise recovered, and the its evidentiary countdown is described later in this report, under the Shooting Scene section.



Unfired cartridge case in the chamber of Officer Lopey's handgun.



16 unfired cartridge cases in the magazine removed from Officer Lopey's handgun.

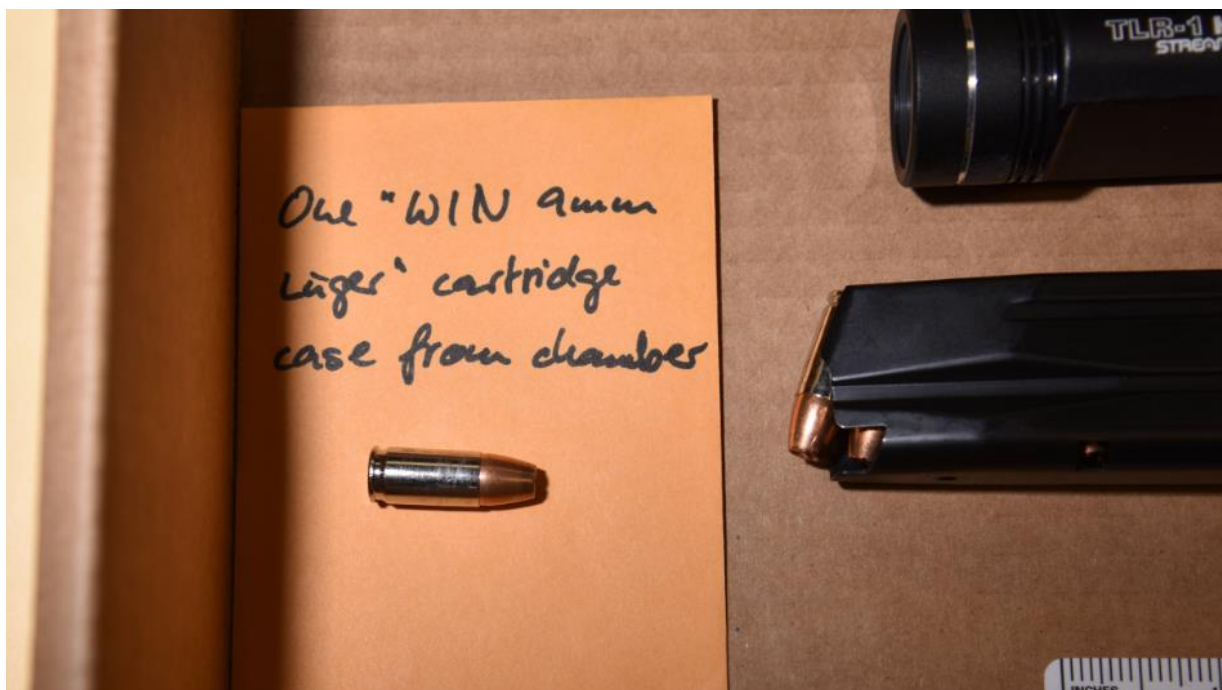


16 unfired cartridge cases in the extra magazine collected from Officer Lopey.

Officer Rose's firearm was a Sig Sauer P320 9mm semi-automatic handgun, with a "TLR-1 Streamlight" light attached. The "countdown" of his firearm and accompanying magazines revealed 1 WIN 9mm Luger cartridge cases in the chamber of his handgun, 15 WIN 9mm Luger cartridge cases in the 21-round magazine removed from the firearm, and 17 WIN 9mm Luger cartridge cases in each of the two extra 17-round magazines.



Officer Rose's duty handgun.



Unfired cartridge case in the chamber of Officer Rose's handgun.



15 unfired cartridge cases in the magazine removed from Officer Rose's handgun.



17 unfired cartridge cases in the first extra magazine collected from Officer Rose.



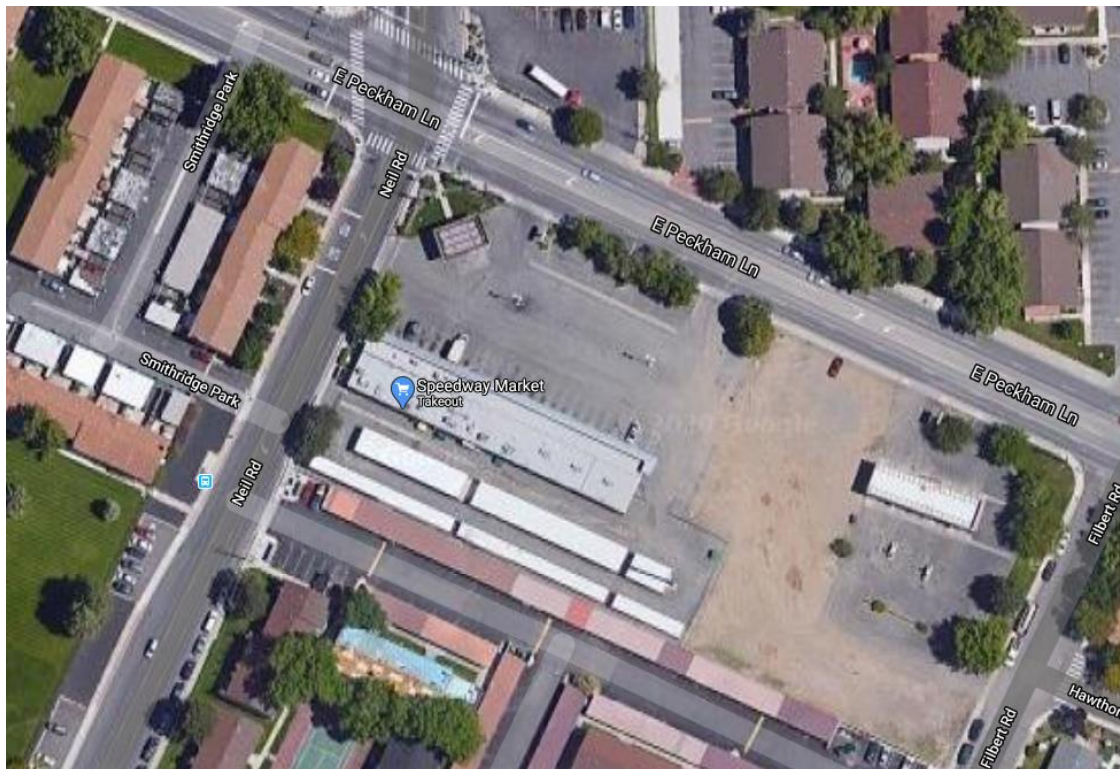
17 unfired cartridge cases in the second extra magazine collected from Officer Rose.

E. Area Overview

Peckham Plaza Mini Storage is located directly behind the Speedway Market, on the southeast corner of the intersection of East Peckham Lane and Neil Road, in Reno, Nevada. Peckham Plaza Mini Storage is located just north of Neil Road Apartments, where Alexander, the reporting party, lived. Peckham Plaza Mini Storage is located approximately 0.2 miles from 4751 Neil Road, the location where Gomez's Honda Civic Hatchback was stolen.



Satellite image of the Speedway Market, Peckham Plaza Mini Storage directly to the south, and The Church of Jesus Christ of Latter-Day Saints, located at 4751 Neil Road, where Gomez's vehicle was stolen.



Closer-up satellite image of the Speedway Market and Peckham Plaza Mini Storage directly to the south.

A canvass of the Speedway Market building, Peckham Plaza Mini Storage, and surrounding apartments and buildings was conducted by multiple law enforcement personnel in an attempt to identify any witnesses to the shooting as well as any video surveillance which captured the shooting and events immediately preceding or following the shooting. Several people stated they heard gunshots, but no witnesses were identified as observing the shooting, other than those listed above. Further, there were no video cameras which captured any of the relevant events. Detectives did obtain external video surveillance from the 7-11 store located at 1401 E. Peckham Lane, which is located to the northwest corner of Peckham Lane and Neil Road. However, due to the camera angles in relation to the storage facility and the lack of lighting in the area, the video surveillance did not capture any of the relevant events.

F. Nicolas Sedano

Sedano was a 21-year-old male on the date of his death. On November 17, 2016, Sedano was arrested for the felony offense of Possession of a Stolen Motor Vehicle. In that matter, Sedano was sitting in the driver's seat of a stolen Honda Civic, and upon his arrest, he was found to be in possession of the victim's cellular phone as well as shaven keys, which are commonly used to operate stolen vehicles.

A Criminal Complaint formally charged Sedano with Possession of a Stolen Motor Vehicle, and on February 8, 2017, he pled guilty to that felony offense as well as a gross misdemeanor Conspiracy to Possess a Stolen Motor Vehicle. Pursuant to plea negotiations, Sedano was to be placed on probation for the gross misdemeanor charge, and if he successfully completed probation, then the felony charge would be dismissed; conversely, if he failed to successfully complete probation, then he would be sentenced on the felony charge. On April 13, 2017, Sedano was sentenced and placed on probation for the gross misdemeanor conspiracy charge, and his sentencing for the felony charge was held in abeyance. Sedano's period of probation was to last for up to three years.

On November 2, 2017, a Bench Warrant was issued for Sedano's arrest, as he had failed to appear at a Probation Review Hearing concerning the above-referenced case and had absconded from

probation, meaning his whereabouts were unknown. A Violation Report, filed by the Division of Parole and Probation, stated that Sedano had not complied with the terms of his probation, in that he used methamphetamine, had not enrolled in substance abuse counseling, failed to report to his supervising officer, failed to be gainfully employed, and had fled from his supervising officer who tried to locate him at J.R.'s house by kicking out a window screen, jumping out of the house, and running away. Sedano was still outstanding, with an active warrant for his arrest, when Officers Lopey and Rose encountered him on March 31, 2018.

II. PHYSICAL EVIDENCE

A. Shooting Scene

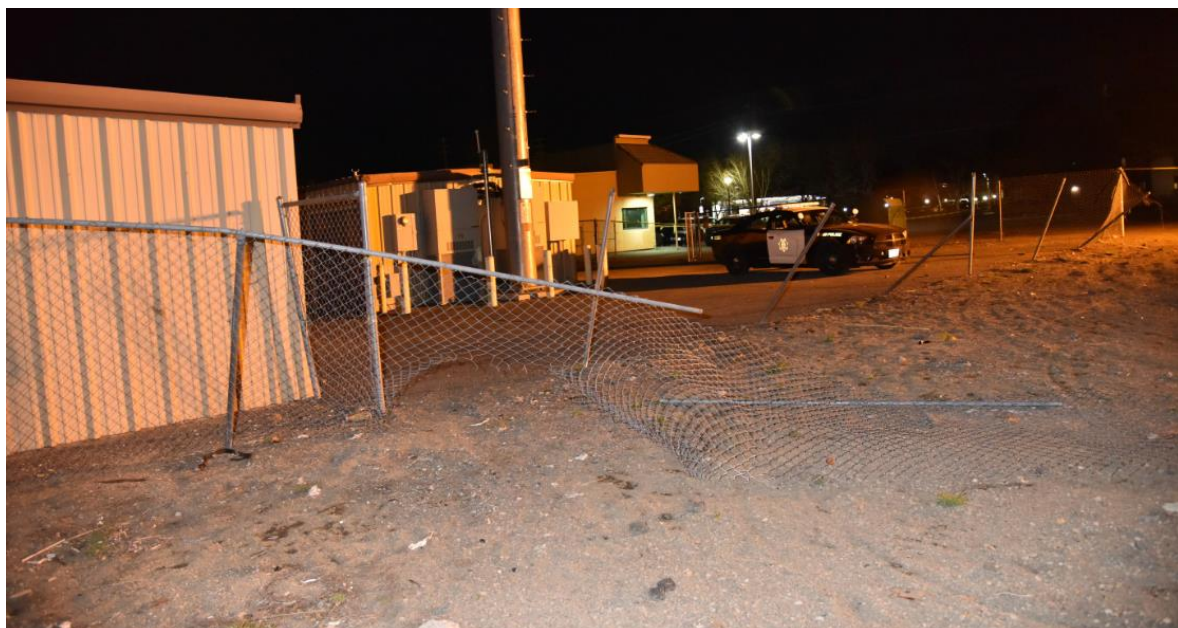
The shooting occurred in the Peckham Plaza Mini Storage, specifically between the back wall of the Speedway Market and the most-northern row of storage units. Sedano drove the Honda Civic Hatchback through a chain-link fence on the east side of the storage facility, and his vehicle ultimately stopped in a dirt lot to the east of the storage facility. The roll-up door to storage unit #69 was partially open and a screwdriver was wedged into one of the door's tracks. The scene was secured and taped-off by officers after the shooting. Photographs, observations from the scene, and evidence was collected by FSD forensic investigators.



South-facing photograph showing Officer Lopey and Rose's patrol vehicle parked near the northeast corner of the Speedway Market building, the Peckham Plaza Mini Storage directly behind it, and the black Honda Civic Hatchback Sedano was in to the east of the storage facility; all other law enforcement patrol vehicles, including the three pictured here, arrived after the shots had been fired.



West-facing photograph taken on April 1, 2018 during daylight hours depicting the damaged chain-link fence that Sedano drove through, identified by Placard 15; multiple placards depicting fired cartridge cases and other evidence between the back wall of the Speedway Market and first row of storage units; Herrera's white Honda Civic parked in a separate aisle of the storage facility from where the shots were fired; and Officer Lopey's magazine that was released from his duty handgun when he performed a tactical reload, identified by Placard 16.



The following relevant evidence was photographed in place and collected by Criminalist Koeder from the Peckham Plaza Mini Storage and dirt area east of the storage facility:

- Thirteen (13) fired cartridge cases bearing "WIN 9mm Luger" headstamp, identified by Placards 18-26, 28-29, and 34-35, located on the ground of the alley between the back of the Speedway Market and the first row of storage units. In this same area, there were also two fragments, identified by Placards 27 and 33; glass fragments on the ground next to the back wall of the Speedway Market, identified by Placard 30; two defects to the back wall of the Speedway Market, identified by Placards 31-32; and two pieces of black plastic, identified by Placard 36.
 - After forensically analyzing the 13 fired cartridge cases collected from the scene, FSD forensic investigators determined that seven were from Officer Lopey's gun and six were from Officer Rose's gun. This is consistent with the statements from both Officers Lopey and Rose as to how they load their respective guns, and the unfired cartridge cases collected from the chambers of the officers' handguns as well as all of their magazines.



- One (1) piece of Nevada license plate, identified by Placard 13, and one (1) damaged Nevada license plate with part of the holder, identified by Placard 14, located on the ground in the dirt area east of the storage facility.



- One (1) black magazine, identified by Placard 16, which was ejected from Officer Lopey's handgun after he fired shots during a tactical reload. This magazine, containing fourteen (14) "WIN 9mm Luger" unfired cartridge cases, was located in the dirt area east of the storage facility.





14 unfired cartridge cases in Officer Lopey's magazine, which was recovered on-scene after Officer Lopey ejected the magazine during a tactical reload.

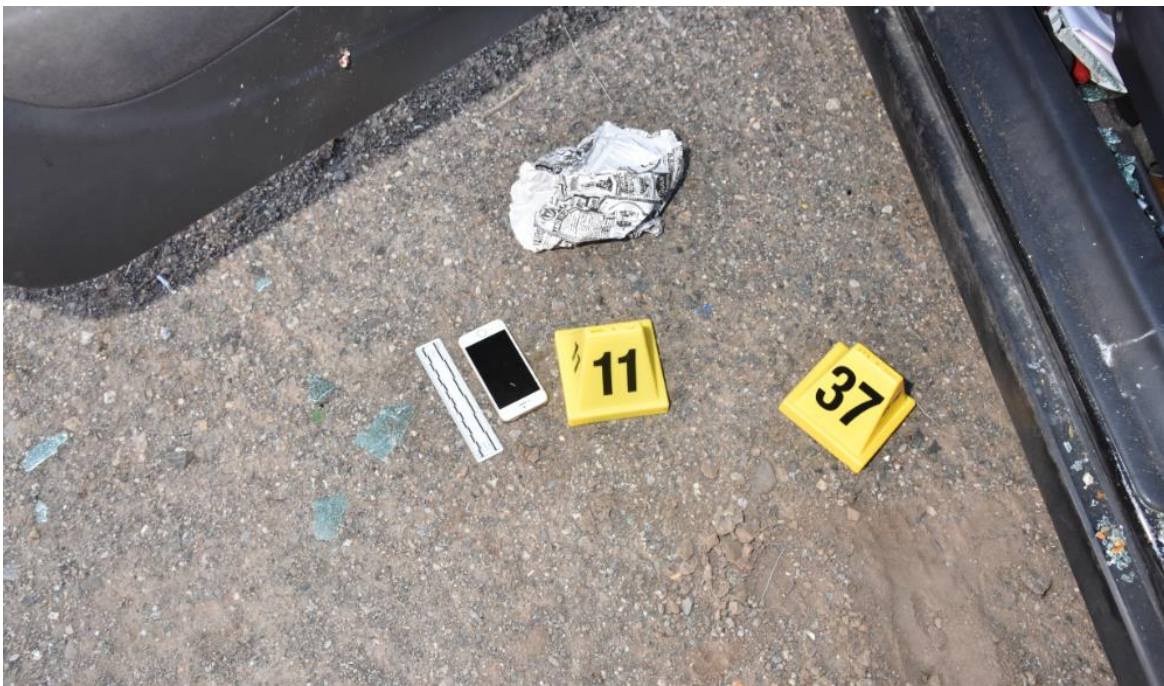
- One (1) black 2-door Honda Civic Hatchback with exterior defects bearing Nevada license plate 164XRD, located in the dirt area east of the storage facility. This vehicle was sealed and towed to the FSD, where it was subsequently processed by forensic investigators and detectives.



- Clothing, shoes, and a watch, to include a gray t-shirt with red stains and defects as well as a gray/black jacket with red stains and defects, located on the ground in the dirt area east of the storage facility after they had been removed from Sedano during life-saving measures.



- One (1) white and gold iPhone, located on the ground near the driver side of the black Honda bearing Nevada license plate 164XRD, identified by Placard 11.



- One white "Honda Civic Hybrid" with no license plate and bearing VIN ending in 2362, with a bicycle upon its roof, located between storage units and in front of units #95-#97. Examination of the white Honda revealed that the driver's seat was declined, there was a sunshade covering the windshield, and a Sawzall was in the trunk.





B. Black Honda Civic Hatchback

Gomez, the lawful and registered owner of the 2-door black Honda Civic Hatchback bearing Nevada license plate 164XRD, provided written consent to SPD Detective Eddie Wilson (hereinafter "Detective Wilson") to search his vehicle. The vehicle was fully processed on April 2, 2018 by FSD Criminalist Shaun Braly, along with SPD Detective Wilson. Indicia in Gomez's name, to include prescription medication bottles, insurance paperwork, registration paperwork, and a work payroll stub, was located in the said vehicle. Additionally, miscellaneous property was located in the said vehicle on the seats and floorboards, to include multiple items of stereo equipment on the front passenger seat. A key, which was located in the vehicle's ignition, did not bear any "Honda" identifiers and instead appeared to be a generic key. Damage and defects to the front and passenger sides of the said vehicle were identified. Specifically, a FSD Criminalist identified three bullet defects to the passenger side of the windshield, two bullet defects to the passenger side quarter panel, and three defects to the passenger door. Additionally, the passenger-door window was shattered. Further, various fired bullets and bullet fragments were collected from the vehicle, including from inside the driver-door panel; notably, there was no evidence of bullets entering the outside of the driver's door, but instead entering through the inside of the driver's door.





Trajectory rods, showing general direction of travel of fired bullets, inserted into the black Honda Civic Hatchback.

C. Text Messages

Gomez, the lawful owner of the white and gold iPhone 5s which was collected from the dirt just outside of the driver's door of his stolen black Honda Civic Hatchback, provided written consent to WCSO Detective Stefanie Brady to search said iPhone. A forensic search of Gomez's phone revealed text messages between his phone, as used by Sedano, and J.R. on March 31, 2018, as she had reported.⁵

Between 10:00 pm and 10:02 pm, Sedano tried calling J.R. four separate times. At 10:03 pm, Sedano sent the first text message to J.R. During their text conversation, Sedano and J.R. argued, with J.R. telling Sedano, "I love you so much, but leave me alone", and, "I don't want anything with you". When Sedano asked, "Why?", J.R. replied, "You know why". Sedano responded, "I don't care about you...Bye". J.R. then sent Sedano an image of their son and said, "Never forget". During a subsequent discussion about their son, J.R. stated she was not going to let Sedano see him. Sedano responded by telling J.R. that she is "already dead to me", he did not love her, that she is a "whore" and a "bitch", and that she is nothing compared to his new girlfriend. The last text message from Sedano was at 10:31 pm, in which he simply stated, "Sorry".⁶ The last text message between them was from J.R. to Sedano at 10:32 pm, wherein she stated, "Crack is wack".

D. Autopsy of Sedano

An autopsy was conducted on Sedano on April 2, 2018 at approximately 8:55 am by Assistant Washoe County Medical Examiner Julie A. Schrader. It was determined that Sedano died of multiple gunshot wounds, and the manner of death was determined to be homicide. Sedano sustained gunshot wounds to his right and left arms, right elbow, right and left wrists, right hand, right abdomen, and left thigh.

Consistent with the routine practices of the Washoe County Medical Examiner's Office during the course of an autopsy,

⁵ The text messages between Sedano and J.R. were partially in English and partially in Spanish. In preparation of this Report, all of the text messages were translated into English by Elite Translingo, a Certified Translation Service.

⁶ According to Dispatch records, "shots fired" was announced at 10:33 pm.

postmortem blood was collected from Sedano and submitted for forensic testing. A Toxicology Report, issued by NMS Labs on April 11, 2018, revealed the following positive findings: 1,200 ng/mL of methamphetamine, 250 ng/mL of amphetamine, and the presence of caffeine.⁷

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 Sedano to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and determining whether any criminality on their part existed at the time of the shooting.

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

⁷ Sedano's methamphetamine and amphetamine levels were both above the per se threshold levels for DUI cases in Nevada. Specifically, Sedano's methamphetamine level was twelve (12) times the legal limit, and his amphetamine level was two-and-one-half (2 ½) times the legal limit.

person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished”.

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

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

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

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

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

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

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

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

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

Id. 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer...when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty" and "When necessary...in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person".⁸

C. Use of Deadly Force to Effect Arrest

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

IV. ANALYSIS

During the night of March 31, 2018, RPD Officers Lopey and Rose responded to the Peckham Plaza Mini Storage regarding a reported

⁸ 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.

active commercial burglary with multiple subjects. Upon arrival, they observed a black Honda Civic Hatchback and, in the course of their investigation, attempted to make contact with the occupant seated in the driver's seat, who was later identified as Sedano. The driver's side of the vehicle was parked along the back wall of the Speedway Market, effectively preventing either officer from approaching on the driver's side. As such, Officer Lopey approached on the passenger side of the vehicle and Officer Rose approached the front of the vehicle. The verbal commands for Sedano to show his hands and to stop were ignored, and instead, Sedano inserted a key into the ignition, started the car, and immediately accelerated directly at Officer Rose who was standing a very short distance in front of the car.

Not expecting for Sedano to so dangerously drive his car directly at Officer Rose, and in an attempt to stop the immediate and legitimate threat to Officer Rose's life, both Officers Lopey and Rose discharged their duty handguns at Sedano. Both officers, when interviewed, stated that Sedano's actions caused them to fear that Officer Rose would be struck and killed; in fact, Officer Rose's right foot was struck by the vehicle, and his injuries certainly would have been much more serious but for the evasive actions he took to jump out of the way of the vehicle. Officers Lopey and Rose fired their handguns seven and six times, respectively, and the physical evidence supports their statements that they discharged their firearms towards the front and passenger side of the vehicle. Additionally, Sedano was driving his vehicle so fast that he ran through, and destroyed, a chain-link fence after the shooting. Once Sedano's vehicle came to a stop, Officer Rose and others began life-saving attempts.

Unbeknownst to Officers Lopey and Rose, Sedano was under the influence of methamphetamine and in a stolen motor vehicle while on probation for a separate stolen motor vehicle case. As such, had the officers learned that the Hatchback he was in was stolen, he would likely have been arrested for the felony offense of Possession of a Stolen Motor Vehicle and faced conviction for the same. Such an arrest would have been a violation of his probation, in addition to the other violations he had already accrued, to include absconding. Between an

arrest for a new charge and his violation of probation, he almost certainly would have lost the plea bargain that had been structured for him in his prior case. As a result, Sedano most likely would have suffered a felony conviction in his prior case as well, and would have been sentenced to a term of incarceration in the Nevada State Prison for both cases.

Also unbeknownst to Officers Lopey and Rose, Sedano had been dealing with personal life challenges, namely his addiction to methamphetamine and its effect on his ability to see his child, as J.R. was responsibly keeping their child away from Sedano while he was in such an altered state. Just minutes before the shooting, Sedano and J.R. were texting about their son, and Sedano's limited access to the child. In the immediate moments before Sedano chose to drive directly at Officer Rose, he texted J.R., "Sorry", which had been preceded by derogatory and unapologetic comments. This last comment by Sedano, which was coupled with his past suicidal ideations and attempt, suggests he knew exactly what he was going to do and what was going to happen. Sedano was "sad" and, in his own words, "trippin'" just before his interaction with Officers Lopey and Rose, and he did not want to return to jail. Consequently, Sedano chose to put Officer Rose's life in jeopardy by driving the stolen vehicle directly at him.

The evidence in this officer-involved shooting conclusively establishes that Sedano refused to comply with basic lawful commands by Officers Lopey and Rose, and instead drove his vehicle directly at Officer Rose, thereby resulting in a direct threat of death or substantial bodily harm to Officer Rose. Consequently, Officers Lopey and Rose felt they had no choice but to fire their weapons in order to defend Officer Rose.

Sedano's decision to ignore the officers' verbal commands, start the stolen vehicle he was in, and drive in a fast manner directly at Officer Rose presented a clear, imminent, and legitimate threat to Officer Rose's safety. This threat absolutely justified the officers' response in self-defense by employing deadly force and shooting Sedano. Accordingly, Officers Lopey and Rose had the right under Nevada law to use deadly force against Sedano, both in defense of Officer Rose as well as in the discharge of a legal duty.

V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the March 31, 2018 officer involved shooting of Sedano, the actions of Officers Thomas Lopey and Christopher Rose are warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.