

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
OFFICER'S REPORT

EVENT #: 110308-4024

AIMING A FIREARM AT A HUMAN BEING,  
ASSAULT WITH A DEADLY WEAPON,  
OFFICER INVOLVED SHOOTING (FATAL)

SUBJECT

DIVISION REPORTING: I.S.D. DIVISION OF OCCURRENCE: C.P.D.

DATE AND TIME OCCURRED: 03/08/2011 2054 HRS. LOCATION OF OCCURRENCE: 1987 N. NELLIS BOULEVARD LAS VEGAS, NV

INVESTIGATING DETECTIVES: **L. HANNA, P# 2430, HOMICIDE (F.I.T.)**  
**R. ROGERS, P# 2858, HOMICIDE**

OFFICER INVOLVED: **SERGEANT DAVID TONEY, 6271** (Page 13)  
DOH: /1999  
NEAC, , SWING SHIFT

OFFICER'S WEAPON: **WILSON COMBAT CQB .45 CAL. SEMI-AUTO,**  
SER.# WITH TACTICAL LIGHT.

SUSPECT / DECEASED: **MAURICIO S. HERNANDEZ, ID# 2580861**  
DOB: /1987 SSN:  
Hispanic Male Adult, 5'5", 160, Black Hair, Brown  
Eyes  
2347 Vegas Valley Drive  
Las Vegas, NV 89169

WEAPON: **AMT "BACKUP" .380 SEMI-AUTO**  
**STAINLESS STEEL PISTOL, SER. # J59226**  
(1984 Registration to Burlin H. Ackles, III. Page 8)

CHARGES CONSIDERED: **AIMING A FIREARM AT A HUMAN BEING**  
**NRS 202.290**  
**ASSAULT WITH A DEADLY WEAPON**  
**NRS 200.471**

Date and Time of Report: 5-3-2011 0900 hrs. Officer: DETECTIVE L. HANNA P#: 2430  
Approved: [Signature] 5293 Officer: DETECTIVE R. ROGERS P#: 2858

SIGNATURE: [Signature] 2430

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**SYNOPSIS**

On Tuesday, March 8<sup>th</sup>, 2011, at approximately 2052 hours, Sergeant David Toney entered The Bar, located at 1987 N. Nellis Boulevard, and upon Sergeant Toney entering, a patron, later identified as Mauricio S. Hernandez (23), rose from the bar, drew a .380 caliber semi-auto pistol, pointed the pistol at Sergeant Toney, and attempted to shoot Sergeant Toney. Sergeant Toney drew his duty weapon, discharged his weapon at Hernandez, striking and killing Hernandez. The investigation was assigned to the LVMPD Force Investigation Team (F.I.T.).

**PERSONS AT SCENE (\* Persons In Scene)****A. PATROL**

Lieutenant M. Reddon	P# 4884	Officer L. LeBlanc	P# 7525
Sergeant R. Denby	P# 4682	Officer G. Crossman	P# 13250
Sergeant I. Chatman	P# 6255	Officer M. Carter	P# 12991
Sergeant G. Lowe	P# 5305	Officer B. Slattery	P# 6531
Sergeant B. Briggs	P# 6201	Officer B. Artis	P# 13475
Sergeant S. Clark	P# 4261	Officer R. Mauga	P# 7210
*Officer M. Pendleton	P# 4343	Officer S. Corry	P# 13016
*Officer J. Ramierz	P# 9791	Officer D. Rosequist	P#12968
Officer M. McGinnis	P# 4878	Officer J. Smaistrila	P# 5807
Officer J. Swan	P# 7303	Officer J. Ferrante	P# 13331
Officer N. Schuller	P# 9814	Officer M. Brinkley	P# 9819
Officer E. Hutchason	P# 12955	Officer D. Ludwig	P# 12963
Officer N. Cortes	P# 8751	Officer J. Werner	P# 13017
Officer N. Lefebvre	P# 8383	Officer A. Hogan	P# 8279
Officer J. Enez	P# 13335	Officer C. Hill	P# 13387
Officer A. Kvam	P# 10023	Officer D. Drosos	P# 13492
Officer J. Houghton	P# 9789	Officer K. Roundy	P# 6214
Officer J. Donaldson	P# 13237	Officer B. Cobb	P#14099

*(Incident Log)***B. INVESTIGATIVE SERVICES DIVISION (I.S.D.)**

Deputy Chief J. Owens	P# 3409
Captain P. Neville	P# 2949

**MAJOR / VIOLENT CRIMES**

Sergeant M. Maines	P# 4040
Sergeant J. Scott	P# 4532
Detective K. Johnson	P# 2892
Detective F. Farmer	P# 6528
Detective M. Gillis	P# 6432
Detective J. Scott	P# 4532
Detective M. Mathes	P# 4040
Detective E. Pazos	P# 6817

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**HOMICIDE**

Lieutenant L. Roberts P# 3379  
\*Sergeant S. Naegele P# 4105  
\*Detective R. Rogers P# 2858  
Detective L. Hanna P# 2430 (F.I.T.)  
Detective D. Boucher P# 4636 (F.I.T.)  
Detective J. Kisner P# 4656 (F.I.T.)  
Detective T. Sanborn P# 5450 (F.I.T.)  
Detective T. Ivie P# 6405 (F.I.T.)

**D. CRIMINALISTICS**

Director L. Krueger P# 1471  
Director R. McLaughlin P# 4170  
\*SCSI J. Smink P# 6556  
\*CSI S. Shrum P# 7917  
\*CSI E. Taylor P# 6919  
\*CSI A. Madden P# 13206  
\*CSI N. Grealis P# 13572  
CSI E. McGhee P# 5158 (NEAC / Weapon Countdown)

**C. CRITICAL INCIDENT REVIEW TEAM (CIRT)**

Sergeant R. Black P# 4635  
Detective C. Jex P# 5597  
Detective R. Golgart, Sr. P# 4647

**E. MEDICAL PERSONNEL**

Clark County Fire Department (C.C.F.D.)  
Rescue 20 / \*Paramedic A. Davis

**F. CORONER'S OFFICE**

\*Assistant Coroner B. Gaza  
\*Coroner Investigator J. Brice MacCarthy  
Time of Death: 0230 Hours  
Coroner Case # 11- 2101

**G. MORTUARY**

Bunker Brothers  
\*J. Wiss and N. Baubetr

**H. PUBLIC INFORMATION OFFICE**

Officer B. Cassell P# 3077

**I. EMERGENCY MANAGEMENT**

Officer J. Moyer P# 7905

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**J. POLICE MANAGERS AND SUPERVISORS ASSOCIATION (P.M.S.A.)**

*\*Lieutenant J. Faulis, P# 4764*

*\*Attorney J. Aldrich*

**RECORDED INTERVIEWS**

**SERGEANT RAMON DENBY**

P# 4682 / NEAC

(Public Safety Statement. Page 10)

**TODD SOSEY**

DOB: /1978

5125 W. Reno Ave.

Las Vegas, NV 89118

(Owner of The Bar / Present during shooting. Page 11)

**SUSAN MILLER**

DOB: /1960

7052 Bodega Point Court

Las Vegas, NV 89113

(Bartender at The Bar at time of incident. Page 12)

**APRIL WOOLUM**

DOB: /1977

2068 North Nellis Boulevard, Apt. 254

Las Vegas, NV 89115

(Patron of The Bar at time of incident. Page 12)

**CHARLES SIMPSON**

DOB: /1966

2755 N. Nellis Boulevard

Las Vegas, NV 89115

(Patron of The Bar at time of incident. Page 13)

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**RECORDED INTERVIEWS** (Continued)

**SALVADOR HERNANDEZ**

DOB: /1957

**BEATRIZ HERNANDEZ**

DOB: 1970

2347 Vegas Valley Drive  
Las Vegas, NV 89169

(Father and Step-Mother of Mauricio Hernandez / R/Os of vehicle. Page 16)

**WILSON ANTONIO GUEVERA-PERDOMO**

DOB: 1981

4313 Stockbridge Street  
Las Vegas, NV 89115

(Shot outside residence 90 minutes before OIS / EN 110308-3782. Page 17)

**MARK MASSONG**

DOB: /1977

6500 Denning Avenue  
Las Vegas, NV 89107

(Associate of Hernandez. Page18)

**SHELIA MAZON**

DOB: 1988

4557 El Como Way  
Las Vegas, NV 89121

(Associate of Hernandez. Page 18)

**JESS LOPEZ**

DOB: 1990

4557 El Como Way  
Las Vegas, NV 89121

(Associate of Hernandez. Page19)

**PERSONS CONTACTED**

DOB: 1994

(ATM card found in Hernandez' wallet. Page 19)

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**INITIAL CALL(S) AND PELIMINARY INVESTIGATION**

On Tuesday, March 8<sup>th</sup>, 2011, at 2052 hours, Sergeant David Toney assigned himself to a "469" – LVMPD radio code for a bar / perimeter check – at THE BAR, 1987 N. Nellis Boulevard, in the Food For Less strip mall. At 2054 hours, Sergeant Toney broadcast over his radio he had been involved in a shooting, a suspect had been shot, and requested medical respond. Of the first officers to respond, Officers Pendleton and Ramirez, along with Sergeant Toney, approached the suspect who had collapsed in the bar's restroom. They found the apparently unconscious suspect lying on the floor, a small, stainless steel, semi-auto pistol lying near him. Officer Ramirez restrained the suspect with handcuffs and C.C.F.D. Rescue 20 Paramedic A. Davis determined the suspect was deceased.

Sergeant Toney was removed from the scene and sequestered pending contact with representatives of the *Police Managers and Supervisors Association (PMSA)*, the *Police Employees Assistance Program (PEAP)*, and F.I.T. investigators. As soon as possible after being removed from the scene, Sergeant Toney provided a *Public Safety Statement (PSS)* to Sergeant Denby. The owner of the bar, Todd Sosey, the bartender, Susan Miller, and two patrons present during the incident, April Woolum and Charles Simpson, were detained pending further investigation.

The scene was cordoned off with yellow and red crime scene tape, and relevant notifications were made. At approximately 2105 hours, Homicide Lieutenant Roberts was made aware of the incident and assigned Homicide Sergeant Naegele, along with Homicide Detectives Hanna, Rogers, Boucher, Kisner, Ivie, and Sanborn, to respond to 1987 N. Nellis Boulevard and assume the investigation. At approximately 2155 hours, the homicide detectives were briefed by the Major Crimes Unit. Sergeant Naegele assigned Detective Rogers, along with the Crime Scene Investigators, to document the scene, Detectives Hanna and Boucher officer contact, interview, and weapon(s) countdown, and Detectives Kisner, Ivie, and Sandborn witness interviews and ancillary investigations.

**CRIME SCENE INVESTIGATION****A. DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE**

The shooting scene was located inside "THE BAR", located at 1987 N. Nellis Boulevard, in the northwest corner of a strip mall on the southwest corner of Nellis Boulevard and Lake Mead Boulevard. The Bar is located at the north end of the strip mall building extending from the Food For Less anchor grocery store. Access to The Bar is through an east facing door opening onto a covered sidewalk and paved parking lot, all illuminated by overhead lighting. Sergeant Toney's patrol unit, a 2008 Ford Crown Victoria, 4-door sedan, LVMPD # NE 1969, was parked in the parking lot adjacent to a planter east of the business.

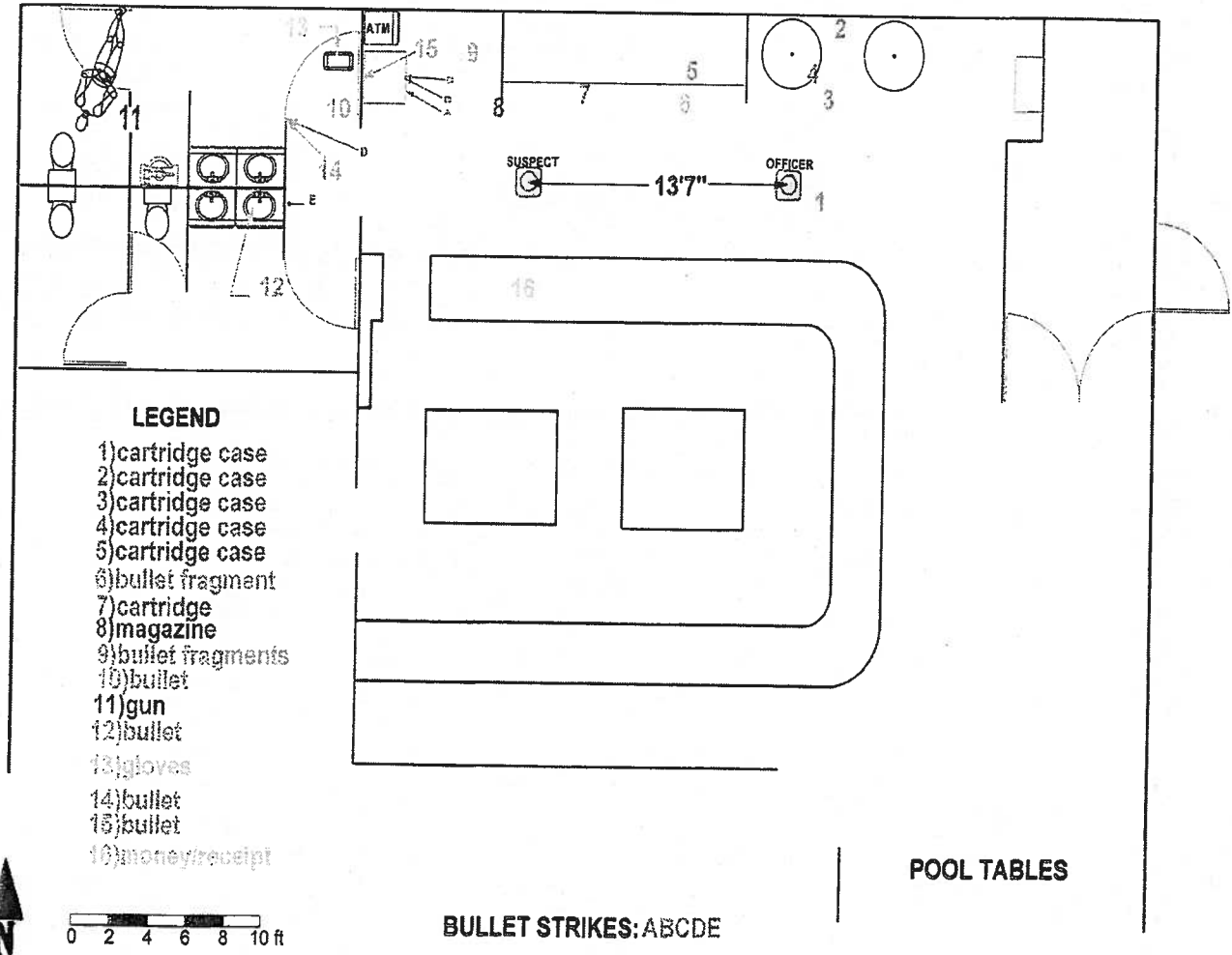
The public entrance to The Bar consisted of the aforementioned east facing doors which opened into a foyer area, then a second glass door providing access into the actual bar. (*See Scene Diagram on following page.*) A pool table and dining area are situated to the south / southwest of the entrance, the "U" shaped bar to the north of the entrance, two restrooms in the northwest corner, the office and storage rooms were behind the bar along the west wall.

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**OFFICER INVOLVED SHOOTING**  
 110308-4024  
 S7917S  
 1987 N. NELLIS (THE BAR)  
 2250 HRS



Along the north portion, east - west run of the bar, were stools for patrons and gaming machines inset in the bar, and at the west end of the bar was a pass through for employees. Along the north wall of the bar, east to west, were two round, high top bar tables, a stainless steel sidebar, and on the exterior wall of the men's restroom were an ATM and a "Players Rewards" machine. Several orange cones had been placed on the floor and sidebar, marking the location of firearms related evidence.

Documented and recovered in the bar area were Four SPEER 45 AUTO casings (items 1 thru 4), located on the floor at the east end of the north side of the bar, and in the vicinity of the two high top tables. Another SPEER 45 AUTO casing (item 5) was atop the east end of the stainless steel sidebar. On the floor below the sidebar was a bullet fragment (item 6) and an R-P 380

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AUTO cartridge (item 7). On the floor at the west end of the sidebar was a COBRAMAG HV magazine (item 8) containing three SPEER 45 AUTO cartridges. On the floor, in the area west of the sidebar, was another bullet fragment (item 9). The aforementioned Players Rewards machine had three bullet strikes (A, B, & C).

The two restrooms located in the northwest corner of the bar – the men's (north) and women's (south), separated by a common wall – were documented and revealed the following: The door leading into the men's restroom was propped open with a trash can and consisted of one toilet stall at the west end of the men's room, a urinal along the south wall, and two sinks on the south wall adjacent to the door. The women's restroom door was closed. On the east wall of the women's restroom was a bullet strike (E), and recovered from beneath the women's restroom lavatory was a spent bullet (item 12). On the east wall of the men's restroom was a bullet strike (D) and recovered from the wall was a bullet with apparent blood (item 14). Two additional bullets (items 10 and 15) were recovered from the floor and east exterior wall of the men's restroom, behind the aforementioned ATM and Player's Rewards machines.

Documented and recovered from inside the restroom, in the aforementioned trash can, was a pair of latex gloves with apparent blood (item 13) used by Officer Rodriguez when placing restraints on the subject. (Note: *Bloody footwear impressions were evident around the body. These impressions were consistent with Officer Ramirez' boots, which bore apparent blood stains.*) On the floor, adjacent to the suspect's body, was a stainless steel, AMT "BACKUP", .380 semi-automatic pistol, serial number J59226 (item 11). The weapon was closed (slide forward), the safety off, apparently ready to fire, but there was no ammunition in the weapon's chamber, nor in the magazine.

(Note: *It was later learned the AMT "Backup" pistol, serial number J59226, had been registered to a Burlin H. Ackles III in 1984, and was not reported stolen. Efforts to locate Ackles, believed to be a doctor who lost his license to practice, proved futile.*)

The suspect had been sitting at the far north end of the bar near the employee pass through and the restrooms. Documented and recovered from the station where the suspect had been seated was \$3.50 in U.S. currency and an application for a "Player Rewards New Member" in the name of Samuel Randals, Dob: '1987, and an address of 1001 Lewis Avenue (item 16); said application completed at 2026 hours. At the station immediately east of where the suspect sat was April Woolum's Nevada identification card and other items of personal property – a cellular telephone, keys, a pack of Marlboro cigarettes, a gray hoodie, and a cocktail glass.

For additional details, see the Crime Scene Investigation Report prepared by CSI Madden, and the CSI Evidence Impound Report prepared by CSI Grealis.

**B. LOCATION AND DESCRIPTION OF BODY**

The decedent appeared to be a Hispanic male in his 20's, clad in a blue short sleeve shirt, blue jeans, a black belt, and black shoes. The decedent was lying prone on the tiled men's restroom floor, his head was towards the southwest and the feet, crossed at the ankles, were to the north.



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Both arms were bent at the elbows and the hands were cuffed behind the lower back with a set of red handcuffs. There was a significant amount of blood around the body.

Coroner Investigator MacCarthy responded and pronounced death at 0230 hours. During a cursory examination of the body, MacCarthy noted apparent gunshot wounds to the upper right back and center chest. A wallet found in the decedent's pants pocket contained a Nevada driver's license in the name of Mauricio Hernandez. The photograph on the license appeared to be the same as the decedent. The license listed an address of 2347 Vegas Valley Drive, Las Vegas, Nevada. Also found in the decedent's pocket was a Toyota fob and car keys. MacCarthy retained the identification, while the wallet and keys were left with the body.

The decedent was photographed then placed in a body bag by Bunker Mortuary Attendants J. Wiss and N. Baubetr. The body bag was secured with seal number 618932, then transported to the Clark County Coroner's office.

**AUTOPSY**

On Wednesday, March 9<sup>th</sup>, 2011, at approximately 1020 hours, Doctor G. Telgenhoff of the Clark County Medical Examiner's office performed an autopsy on the body of Mauricio Hernandez at the Clark County Coroner's Office; Coroner case number 11-2101.

**A. PERSONS IN ATTENDANCE**

- Deputy Medical Examiner Doctor Telgenhoff
- Forensic Pathology Assistant Triplett
- Detective R. Rogers
- CSI J. Szukiewicz P# 5411

**B. LOCATION OF INJURIES:**

- Perforating gunshot wound to the right upper back with a corresponding exit wound to the center chest.
- Trajectory: Back to front, right to left, and slightly upward.

**C. SCARS / MARKS / TATTOOS**

- Tattoo left shoulder.
- Tattoo left forearm.

**D. EVIDENCE IMPOUNDED**

- One white sheet
- One buccal swab kit.
- One pair of blue jeans and black belt with apparent blood.
- One blue bandana with apparent blood and a black glove from the pant's pockets.
- One black cellular telephone case containing an ammunition magazine holding six (6) .380 cartridges with a head stamp R-P 380 Auto.

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**EVIDENCE (Continued)**

- One blue "Golden Nugget Las Vegas" T-shirt with defects to the front and back with apparent blood.
- One pair of black "Vans" casual shoes and black socks.
- One pair of gray boxer shorts with apparent blood.
- One pair of red handcuffs with apparent blood.
- One "Wells Fargo/Visa" debit card in the name of

**E. TOXICOLOGY**

- Ethanol (BAC 0.090)
- Amphetamine
- Methamphetamine

**F. RESULTS OF AUTOPSY**

Pursuant to the autopsy and his examination of Hernandez' body, Doctor Telgenhoff determined the cause of death to be a single perforating gunshot wound and the manner to be Homicide.

**INVESTIGATION****INTERVIEW OF SERGEANT RAMON DENBY**

On March 8<sup>th</sup>, 2011, at approximately 2217 hours, Detective Hanna conducted a recorded interview with Sergeant Ramon Denby regarding his receiving a Public Safety Statement (P.S.S.) from Sergeant David Toney subsequent to Sergeant Toney having been involved in an Officer Involved Shooting (O.I.S.). Sergeant Denby provided the following information: The P.S.S. was conducted 2107 hours and Sergeant Toney responded to the nine established questions as follows:

Question number one, are there any outstanding suspects? Sergeant Toney said there were no outstanding suspects.

Question number two, what crime were you investigating, or what crime was the person wanted for? Question number two was not applicable, because Sergeant Toney was not at the bar investigating any crimes.

Question number three, were you involved in an Officer Involved Shooting? Sergeant Toney affirmed he had been and he fired his weapon five times.

Question number four, approximately where were you in the bar when you fired, or where were you when you fired your weapon? Sergeant Toney said he was in the northwest portion of the bar.

Question number five, approximately how many times did you fire your weapon, and what direction? Sergeant Toney answered he fired his weapon five times in a westbound direction while standing in the north part of the bar.

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Question number six, do you know of any other officers who fired? Sergeant Tony said no other officers were involved, but the bar owner, Todd Sosey, who carries a concealed weapon, may have fired.

Question number seven, is it possible that the suspect fired at you? Sergeant Toney did not know if the suspect fired at him or not, but was certain he, Sergeant Toney, was not injured.

Question number eight, are there any weapons of evidence that need to be secured or protected? Sergeant Toney said his duty weapon, which was in his holster, and a magazine he dropped while reloading in the bar. The suspect's .380 semi-auto pistol on the restroom floor, and Todd Sossy's .45 H & K semi-auto pistol which was secured in the trunk of LVMPD police vehicle #1717.

Question number nine, are there any witnesses? Sergeant Toney believed there were four – Susan Miller, the bartender, and three patrons. Sergeant Toney also provided the bar was equipped with video surveillance.

Sergeant Denby recorded the answers on paper as Sergeant Toney responded to them.

For further details of this recorded statement, see the transcript of Sergeant Denby's interview.

**INTERVIEW OF TODD SOSEY**

On March 8<sup>th</sup>, 2011, at approximately 2222 hours, Detective Ivie conducted a recorded interview with Todd Sosey at Nellis Blvd. and Lake Mead Blvd., where he provided the following: On March 8<sup>th</sup>, at approximately 2045 hours, Sosey arrived at The Bar, 1987 North Nellis Blvd., which he owns. Upon his arrival there were several people in the bar to include: the bar tender "Susan" (Miller); a female named "April" (Woolum); an unknown white male (Charles Simpson); and an unknown Hispanic or white male sitting near the northwest end of the bar near the restrooms. April was sitting next to the unknown Hispanic male and Simpson was sitting a few bar stools east of April.

Sosey said he is friends with LVMPD Sergeant Toney and sent Sergeant Toney a text message inviting him to come by for a cup of coffee. Toney responded by text that he would come by in a few minutes. Sosey said a short time later Sergeant Toney entered the bar and walked west towards the restrooms where Hispanic male was seated. Sosey heard Sergeant Toney say, "What?", twice, then Sosey saw the Hispanic male was aiming a silver colored, semi-automatic handgun at Sergeant Toney. Sergeant Toney drew his handgun and fired several times at the Hispanic male, who fled into the men's restroom. Sosey, who was carrying a concealed weapon, drew his handgun in anticipation of assisting Sergeant Toney with the armed Hispanic male. After the Hispanic male ran into the men's restroom, Sergeant Toney reloaded his firearm and they waited outside the restroom until other officers arrived.

When additional officers arrived, Sosey went outside where an officer took possession of his firearm, a Heckler and Koch, USP compact, .45 caliber, semi-automatic handgun, serial

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, and secured it in the trunk of LMVPD patrol vehicle # 1717. (**Note:** As Sosey was not sure if the he or the Hispanic male had discharged their weapons, Sosey's firearm was photographed and counted down revealing he did not fire his weapon.)

For additional details of Sosey's statement, see the transcript of the recorded interview.

**INTERVIEW OF SUSAN MILLER**

On March 8<sup>th</sup>, 2011, at approximately 2230 hours, Detective Sanborn conducted a recorded interview with Susan Miller at 1987 North Nellis Boulevard, where she related the following: Miller, recently hired as a bartender at The Bar, was working the swing shift on March 8<sup>th</sup>. At approximately 2000-2030 hours, a white male adult came into the bar and sat in the last seat on the bar by the pass through between the public area and the employees area of the bar, near the entrance to the restrooms. The male subject, whom Miller had not seen in the bar previously, sat next to a female customer she knew as April (Woolum). Miller offered to register the subject for a player's slot card, and he completed the registration; Miller could only remember the subject called himself "Sam." Miller had little conversation with the subject.

Approximately 30 to 40 minutes after "Sam" came in, a uniformed police officer walked into the bar. Miller recognized the officer as a friend of the bar owner, she had seen the officer during her previous shifts. The officer walked around the corner of the bar toward the restrooms where "Sam" was seated. As soon as "Sam" saw the officer, "Sam" stood up, pulled out a black gun, and pointed it at the officer. Miller heard the officer yell something at "Sam," and she immediately ducked below the bar, then heard four or five gunshots. Miller raised up briefly and saw the officer shooting his gun in "Sam's" direction, and "Sam" running into the restroom.

Miller did not see "Sam" shoot his gun, nor did she hear him say anything to the officer. There were no words exchanged between "Sam" and the police officer prior to the shooting. Miller said she believed the officer, along with herself and the customers, would have been killed if the officer did not shoot "Sam."

For additional details of Susan Miller's statement, see the transcript of the recorded interview.

**INTERVIEW OF APRIL WOOLUM**

On March 8<sup>th</sup>, 2011, at approximately 2257 hours, Detective Sanborn conducted a recorded interview with April Woolum at 1987 North Nellis Boulevard, where she related the following: Woolum arrived at The Bar at approximately 1930 hours on March 8<sup>th</sup>. Woolum sat near the end of the bar, close to the restrooms, along the north side. A short time later a Hispanic male came into the bar and sat in the last seat to her right, closest to the restrooms. Woolum said she had never seen the subject before, but he asked her for a cigarette. Woolum talked with another patron, "Charles" (Simpson), until she retrieved another cigarette for herself and the subject seated to her right.

While she was turned toward the subject, her back to the entrance to the bar, she saw the subject's face turn from a calm expression to one of panic and fear. The subject dropped the

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cigarette, quickly pulled a handgun, and began shooting at something over her right shoulder toward the entrance of the bar. The subject fired four or five shots, and she could smell gunpowder. Woolum went to the floor and heard several more gunshots coming from behind her. When Woolum looked towards the entrance of the bar, she saw a uniformed pant leg of a police officer's uniform; the officer appeared to be returning fire.

As Woolum was trying to move behind the bar, she saw the subject dive into the restroom. Woolum said she could hear moaning coming from the restroom, and saw the police officer cautiously approach the restroom with his gun still drawn. The officer did not enter the restroom, and Woolum took the opportunity to crawl away and out of the bar. Woolum did not hear the shooter say anything to the officer before the shooting, and there was no apparent provocation. Woolum believed the officer had no other choice but to shoot the man.

For additional details of April Woolum's statement, see the transcript of the recorded interview.

**INTERVIEW OF CHARLES SIMPSON**

On March 8<sup>th</sup>, at approximately 2222 hours, Detective Ivie conducted recorded interview with Charles Simpson at Nellis Blvd. and Lake Mead Blvd., where he provided the following: Simpson arrived at the bar at approximately 2000 hours. There were a few other people inside to include: the bar tender "Susan" (Miller), a female named "April" (Woolum), the owner of the bar (Todd Sosey), and an unknown Hispanic or white male sitting on the northwest end of the bar, near the restrooms. Simpson sat down in the northeastern area of the bar and spoke with "Susan" and "April."

Sometime later a police officer entered the bar and walked towards the unknown Hispanic male and restrooms. As the officer approached the Hispanic male, the male suddenly stood up and pointed a handgun at the officer. The officer drew his handgun and fired several times at the suspect. During the shooting Sosey drew his firearm and pointed it at the suspect. The male then ran into the restroom out of his view. Simpson then helped Susan and April outside and waited for police. Simpson did not know if the suspect or Sosey discharged their firearms.

For further information refer to Charles Simpson's written and transcribed statement.

**CONTACT WITH SERGEANT TONEY**

On March 8<sup>th</sup>, 2011, at approximately 2300 hours, Sergeant Toney, accompanied by PMSA Representative Faulis and PMSA Attorney Aldrich, provided a cursory explanation of the scene and events to Detective Rogers, Sergeant Naegele, and CSI Supervisor Smink. Sergeant Toney said he received a call from the bar owner, Todd Sosey, who invited him over for coffee. Sergeant Toney parked his patrol vehicle in the lot and walked into the bar. As Sergeant Toney entered the bar he met Sosey and they had a brief conversation at the east end of the bar. Sergeant Toney noticed bar was occupied by a bartender and several patrons.

As Sergeant Toney moved around the north end of the bar, a Hispanic male stood up from the opposite end of the bar and walked in Sergeant Toney's direction. Sergeant Toney saw a weapon in the Hispanic male's hand and immediately drew his duty weapon. Sergeant Toney was standing

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near the northeast corner of the bar when he fired his weapon five times in a westbound direction towards the Hispanic male, who retreated into the men's restroom. Sergeant Toney then reloaded his weapon with a full magazine from this belt pouch.

Sergeant Toney pointed out the approximate positions he and the Hispanic male were standing at the time of the shooting (*see Scene Diagram page 7*), which measured approximately 14 feet apart. Sergeant Toney was not certain if the suspect fired his weapon, but ran into the men's restroom as Sergeant Toney fired. Once other officers arrived, the suspect was found on the restroom floor in the toilet stall. Officer Rarmirez placed handcuffs on the subject.

Upon completion of the "walk through", Sergeant Toney, accompanied by PMSA and PEAP representatives, went to the Northeast Area Command sub-station where, on March 9<sup>th</sup>, 2011, at approximately 1211 hours, CSI E. McGhee, P# 5158, with Detectives Hanna and Boucher present, photographed Sergeant Toney and counted down his duty weapon. Sergeant Toney's duty weapon was identified as a Wilson Combat CQB, single action, .45 semi-automatic, bearing serial number \_\_\_\_\_, and equipped with a tactical light under the frame. The weapon was found to have one live round of Speer 45 Auto ammunition in the chamber and eight rounds of Speer 45 Auto ammunition in the magazine. This is the normal capacity of the weapon. Recall Sergeant Toney reloaded his duty weapon at the scene leaving a magazine containing three cartridges. This would be consistent with Sergeant Toney firing five shots. Sergeant Toney's firearm and magazine were impounded by CSI McGhee for further forensic examination. (**Note:** *A forensic examination of Sergeant Toney's firearm was conducted by Forensic Scientist A. Moses, P# 8002, LVMPD Firearms Identification Unit, who determined Sergeant Toney's firearm functioned within the factory parameters. As well, the spent casings recovered at the scene were fired from Sergeant Toney's firearm. The recovered bullets could not be positively identified as coming from Sergeant Toney's firearm due to limited markings. For additional details, see Moses' report under event number 110308-4024.*)

Sergeant Toney was equipped with the following on his duty belt – clockwise from the front buckle: pouch of four magazines, cellular telephone, duty weapon, expandable baton, handcuffs, rubber gloves, handcuffs, flashlight, radio, ECD, key case, pouch with three magazines (one missing).

Subsequent to the countdown, Detective Hanna asked Sergeant Toney if he wished to make a recorded statement to F.I.T. regarding the incident. Sergeant Toney declined.

As the bar was equipped with video surveillance, LVMPD Forensic Multimedia Analyst Erik Tufteland, P# 8971, responded to the bar and recovered the video surveillance footage relating to the shooting. Tufteland determined the time stamp on the video was approximately five minutes behind LVMPD Communications time. A cursory, on scene, review of the video by Detective Ivie found the following:

On March 8<sup>th</sup>, at approximately 20:16:20, the suspect can be seen entering the bar and sitting down in the middle portion of the south side of the bar, near poker machine #4.

At approximately 20:19:55 the suspect moved to the north side of the bar near the restrooms, near poker machine #15 and next to Woolum.

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At approximately 20:34:20 the suspect enters bathroom, returning to his seat at 20:35:04.

At approximately 20:47:17 Sergeant Toney enters the bar and walks west towards suspect.

At approximately 20:47:30 the suspect stands up, moves in Sergeant Toney's direction, then, with a firearm visible in his hand, retreats into the restroom, where bullets appear to strike a machine outside the men's restroom. Sergeant Toney reloaded his firearm and waited for other officers to arrive.

*(Note: The camera that best covered the area where the incident occurred, in the northeast corner of the bar, aimed from the east to the west, was not recording and no data was recovered.)*

Detective Hanna later reviewed the downloaded surveillance videos – no time stamps visible on the copies – provided by Tufeland, and found cameras seven and eleven best show the confrontation, and cameras five and six recording audio; five being the better of the two. At approximately 30 minutes into the video captured from camera seven, the suspect can be seen rising up from his seat holding an object with his left hand, and while pointing it to the east where Sergeant Toney was purported to be, reaching up with his right hand and grasping the top of the object. It was at this point the subject apparently pulled the slide to the rear, possibly believing he was chambering a cartridge, and ejected the only cartridge in his weapon. The subject moved to the east, out of camera vantage, then backtracks into the camera vantage, and runs into the men's restroom.

At approximately two minutes into the video captured from camera eleven, the suspect's legs can be seen as he stands up from his seat and moves towards the northeast. The subject is briefly stationary, then retreats, left arm extended towards Sergeant Toney's location, and retreats into the men's restroom. As the subject enters the restroom, the machine near the entrance to the men's restroom is struck multiple times. *(Note: Based on the injuries documented on Hernandez' body and the bullet with apparent blood recovered from the restroom wall – item # 14 / bullet strike D – Hernandez was struck with what would be the second round fired by Sergeant Toney. This would be consistent with Sergeant Toney tracking Hernandez from the left to right: the first bullet entering the women's restroom; the second bullet striking Hernandez as he was turning into the men's restroom and the bullet lodging in the wall; and the last three into the machine, to the right of the restroom door, in line with where Hernandez would have been in the restroom.)*

While camera five is focused on the cash register, it does provide an audio recording of the events occurring in the bar. At approximately 31:25 minutes into the video, you can hear Sergeant Toney being greeted upon entering. Seconds later someone yelled, "What? What?", then several shots can be heard. Sergeant Toney can be heard broadcasting a description of the subject, and later challenging the subject to throw his firearm into plain view so medical attention can be provided if needed.

During the course of the investigation, it was speculated the suspect may have been involved in an attempted murder at 4313 Stockbridge Street, near the intersection of Lamb Boulevard and Lake Mead Boulevard approximately 90 minutes earlier. Detective Kisner responded to the scene while it was still active and learned that at approximately 1934 hours on March 8<sup>th</sup>, a White or

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Hispanic male subject, wearing a dark colored hoodie and armed with a silver colored handgun, had shot the resident at that address; said incident reported under event number 110308-3782. Recovered at the scene were four R-P 380 AUTO shell casings – the same headstamp as the cartridge recovered at 1987 N. Nellis Boulevard. As the victim was in surgery and unable to further the investigation at the time, associating the two incidences was pending the victim's recovery and comparison of ballistic evidence.

Based on the identification found in the suspect's wallet, Communications determined a Salvador and Beatriz Hernandez resided at 2347 Vegas Valley Drive, and had a 2004 Toyota Matrix, Nevada license 241VWA, registered to them at that address.

**INTERVIEW OF SALVADOR AND BEATRIZ HERNANDEZ**

On March 9<sup>th</sup>, 2011, at approximately 0340 hours, Detectives Hanna, Boucher, and Kisner, along with Sergeant Naegele and Coroner Investigator MacCarthy, contacted Salvador and Beatriz Hernandez, parents of Mauricio Hernandez, at their residence, 2347 Vegas Valley Drive. Salvador and Beatriz Hernandez acknowledged Mauricio was their unmarried son, and while he lived at the 2347 Vegas Valley Drive address, he was in the process of finding another place to live. Mauricio was currently attending the Community College of Southern Nevada, taking Criminal Justice classes, and beyond that he kept his life away from home to himself. They did not know who his friends were, why he would have been in that area of town, nor if he was involved in substance abuse or gang activity. Mauricio was last at their residence between 1900 and 1930 hours the evening of March 8<sup>th</sup>, and was known to be driving his burgundy, 2004 Toyota Matrix, which is registered to Salvador and Beatriz Hernandez.

Salvador Hernandez said Mauricio purchased a silver colored, .380, semi-auto pistol a few months ago, and they both had gone out and shot it. Salvador Hernandez did not know if Mauricio normally carried the weapon with him or where it was purchased.

They said Mauricio Hernandez used a cellular telephone, but it had recently been disconnected. (**Note:** *As no cellular telephone was found on Hernandez' person, nor later in his vehicle, a subpoena was sent to Metro PCS for subscriber and call activity.*)

Upon the Hernandez' identifying the photograph on the Nevada driver's license recovered from the subject at The Bar as their son, Detective Hanna informed Salvador and Beatriz Hernandez that Mauricio had died as the result of an armed confrontation with an LVMPD officer. Coroner Investigator MacCarthy completed a tentative identification of Mauricio Hernandez based on the driver's license identification.

For additional details of the contact with Salvador and Beatriz Hernandez, see the transcript of the surreptitiously recorded contact.

(**Note:** *During a later conversation with Salvador Hernandez, Detective Rogers learned Mauricio Hernandez was left handed.*)



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Subsequent to the interview, a representative of the Trauma Intervention Program (T.I.P.) was requested and responded to the Hernandez' residence.

On March 9<sup>th</sup>, 2011, at approximately 0553 hours, pursuant to a request by Homicide detectives to attempt to locate Mauricio Hernandez' vehicle, patrol officers located the burgundy, 2004 Toyota Matrix, bearing Nevada license 241VWA, in a parking area across from 4348 Hinsdale Street. This was within a small gated community and less than a block from the scene of the shooting reported under EN 110308-3782. At Homicide detectives' request, CSI A. Nemcik, P# 8504, responded to Hinsdale Street, sealed the vehicle, and accompanied it back to the Criminalistics garage.

At approximately 1250 hours, Salvador and Beatriz Hernandez met Detectives Hanna and Rogers at the Criminalistics garage where they signed a Consent to Search, LVMPD 79A, allowing the detectives to conduct a search of the Toyota Matrix. The search found twelve rounds of R-P 380 ammunition in the center console of the vehicle. The ammunition had the same head stamp as those found at the scenes of event numbers 110308-3782 and 110308-4024, and in the extra magazine of six cartridges found on Hernandez' person during autopsy. Nothing else of evidentiary value was found in the vehicle, and it was released to Salvador Hernandez.

On Friday, March 11<sup>th</sup>, Detectives Hanna, Sanborn, Ivie, Boucher, and Kisner returned to the area of Lake Mead Boulevard and Lamb Boulevard, near the scene of event number 110308-3782, to conduct an area search for the dark hoodie the suspect was purportedly wearing. As Hernandez was not wearing a jacket when he entered The Bar, and no jacket was found in his vehicle, detectives searched the desert and open areas between the two scenes for a jacket or hoodie should Hernandez have discarded a garment between the two locations. (**Note:** K-9 was contacted but advised due to the time lapse, an article search by K-9 would not be practical.)

**INTERVIEW OF WILSON ANTONIO GUEVARA-PERDOMO**

On Sunday, March 13<sup>th</sup>, Detective R. Hall, P# 6756, conducted a recorded interview with Wilson Antonio Guevara-Perdomo, the victim of the shooting under event number 110308-3782, at University Medical Center (U.M.C.) where Guevara-Perdomo was recovering from his paralyzing injury. Pursuant to the interview, Guevara-Perdomo provided the following information: Guevara-Perdomo was in front of his residence at 4313 Stockbridge Street when he was approached by a subject wearing a black hoodie. The subject, who Guevara-Perdomo did not know or recognize, said, "Hey," then drew a semi-auto pistol. The subject pulled the slide back, apparently loading a cartridge into the chamber, then began firing at Guevara-Perdomo, striking him once in the lower back and paralyzing him.

During the interview, Detective Hall showed Guevara-Perdomo a photographic lineup consisting of a photograph of Mauricio Hernandez, ID# 2580861, in position six, and five other, similar in appearance, photographs. Guevara-Perdomo, with 80 to 90 percent certainty, identified the photo in position six, Hernandez, as the subject who shot him. Guevara-Perdomo maintained he did not know Hernandez, nor why he would want to shoot him.

For further details of Guevara-Perdomo's statement, see the transcript of the recorded interview.

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Upon receipt of the subpoenaed information from Hernandez' cellular telephone, Detective Hanna identified two persons Hernandez was in contact with the morning of Tuesday, March 8<sup>th</sup>: Shelia Mazon and Mark Massong.

**INTERVIEW OF MARK MASSONG**

On April 4<sup>th</sup>, 2011, Detective Hanna contacted and conducted a recorded interview with Mark Massong at the I.S.D. building, Homicide office, and learned the following: Massong identified a booking photograph of Hernandez as a subject he knew as "SCOPE;" unknown significance or meaning. Massong met Hernandez at a convenience store across from the community college at Charleston Boulevard and Torrey Pines Drive approximately two months ago. Hernandez was with another subject Massong knew only as "Al." When they met, Massong was under the impression Hernandez was, or was going to be, involved in law enforcement. Massong was trying to start a business and Hernandez talked as if he was interested in investing.

The next time they met was at Massong's residence and Hernandez was a different person. Hernandez appeared jumpy, paranoid, saying he was going to hell because he was going to kill someone, and about having gang affiliation. Hernandez offered Massong methamphetamine and asked Massong if he had connections for pills. While at Massong's residence, Hernandez had a handgun, which Massong described as a mid-size semi-automatic, which Hernandez kept reaching for in his pocket.

The morning of March 8<sup>th</sup>, Hernandez called Massong about meeting, right away, because he had money to invest in his business. Due to the early hour and the aggressiveness in Hernandez' voice, Massong did not want to meet with Hernandez. Massong did not speak with Hernandez after that.

For additional details of Massong's statement, see the transcript of the recorded interview.

**INTERVIEW OF SHELIA MAZON**

On April 5<sup>th</sup>, 2011, Detective Hanna contacted and conducted a recorded interview with Sheila Mazon at her residence and learned the following: Mazon identified a booking photograph of Hernandez as a subject she knew by the name of "SCOPE." Mazon said she met Hernandez in November of 2010, and they would hang out together. Mazon knew Hernandez to sell and use methamphetamine and marijuana, but little else about him. Mazon did not know about Hernandez' family or friends, other than her cousin Jess Lopez, and had been to his apartment in the vicinity of Sahara Avenue and Durango Drive, which Hernandez shared with an unknown female. Mazon did not know the name of the apartments or the address.

Mazon said around the time of his death, Hernandez was having anger issues and was very depressed. The morning of March 8<sup>th</sup>, Hernandez called Mazon, picked her up at her residence, and drove her to the apartment off Sahara Avenue until around 0400 hours. While there Hernandez was upset about someone owing him money for dope, and he was going to take care of it. Mazon knew Hernandez to carry a small, silver colored, semi-automatic pistol, but never thought he would use it. Hernandez did not elaborate about who owed him money or where they lived, but was adamant he was going to go after the person.

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Mazon said in the past, upon seeing a police officer, Hernandez would make comments like, "...before he were to get arrested, he would die trying..." and pull his gun out. Hernandez would say, "Before I even get caught by anybody, I'll shoot them, blah, blah, blah." Mazon considered his rambling as bravado, and never took him serious.

For additional details of Mazon's statement, see the transcript of the recorded interview.

**INTERVIEW OF JESS LOPEZ**

On April 5<sup>th</sup>, 2011, Detective Hanna contacted and conducted a recorded interview with Jess Lopez, an associate of Mauricio Hernandez. Lopez provided the following information: Lopez identified Hernandez' booking photograph as a subject he knew as "SCOPE," whom he had met through his cousin Shelia Mazon. Lopez knew Hernandez to sell and use methamphetamine. Normally, when not using drugs, Lopez knew Hernandez to be a very likable. But when he was using drugs, Hernandez was very paranoid, aggressive, and threatening. When together and they would see a police officer or police vehicle, Hernandez would immediately believe they were after him, reach for a silver semi-automatic pistol he always carried, and would say that he would shoot it out with the police before going to jail. At first Hernandez' talk sounded like bravado, but as it continued Lopez became concerned and no longer wanted to associate with him.

Lopez had originally introduced Hernandez to The Bar as Lopez's friend, Matt Hann, is a bartender there. Lopez said he had not been to The Bar in a long time, and did not know anyone associated with Hernandez in that area. Lopez said Hernandez was very closed about himself and with whom he associated, and besides Mazon, Lopez did not know any other associates of Hernandez' that may have information about his person.

For additional details of Lopez' statement, see the transcript of the recorded interview.

**CONTACT WITH**

On April 5<sup>th</sup>, 2011, Detective Hanna contacted \_\_\_\_\_, DOB \_\_\_\_\_ '1994, at Silverado High School, where \_\_\_\_\_ is a student. \_\_\_\_\_ Wells Fargo ATM card was found in Hernandez' wallet and, according to Wells Fargo, the card was issued as a second card on Melissa Hutapea's account. \_\_\_\_\_ acknowledged Melissa Hutapea, a student at UNLV, is his sister, but he was not aware of the existence of the card; he was never told about the card, nor was it given to him. \_\_\_\_\_ said he did not know or recognize the booking photograph of Hernandez. When asked for his current address, \_\_\_\_\_ said his family had just moved into the residence and he did not know the address. (**Note:** The addresses on file with DMV, Wells Fargo Bank, and Clark County School District were checked and found to not be current.)

Detective Hanna has attempted to reach Melissa Hutapea in an effort to determine her association, if any, with Hernandez. Hutapea has not returned Detective Hanna's calls, nor requests to call through family members.

The magazine from the AMT 380, serial number J59226, recovered at 1987 N. Nellis Boulevard was processed for latent prints by LVMPD Forensic Scientist II F. Boyd, P# 5216; no latent prints were found. (See Boyd's report dated April 5<sup>th</sup>, 2011.)

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Forensic Scientist A. Moses completed a comparison of the AMT .380 pistol recovered at 1987 N. Nellis Boulevard and the evidence from 4313 Stockbridge Street, and identified two of the bullets and all of the casings came from the referenced AMT .380 pistol. As well, the pistol test fired and found to have consistent feeding issues, but once the cartridge was chambered, the pistol was operational with a grip safety, manual thumb safety, a concealed hammer, and always functioned in single action mode. For additional details, see Moses' report under event number 110308-4024.

**CONCLUSION**

Absent any witnesses or physical evidence to the contrary, the investigation has reasonably established that Mauricio Hernandez attempted to shoot Sergeant Toney with a .380 semi-auto pistol as Hernandez believed Sergeant Toney was about to confront him regarding another shooting Hernandez committed less than 90 minutes earlier. As Hernandez did not reload his firearm after the earlier incident, he unwittingly ejected the single remaining cartridge when he initiated his assault on Sergeant Toney and pulled the slide to the rear in the belief he was chambering a live cartridge. An examination of the evidence at the scene and the video surveillance footage proved to be consistent with the witnesses' and Sergeant Toney's description of Hernandez' actions, and Sergeant Toney's response. Hernandez' threat to Sergeant Toney's life compelled Sergeant Toney to respond with deadly force in defense of his own life as set forth in NRS 200.200<sup>(1)</sup> and/or 200.160<sup>(2)</sup>.

LH/tim

(1) **NRS 200.200** Killing in self-defense. If a person kills another in self-defense, it must appear that:

1. The danger was so urgent and pressing that, in order to save the person's own life, or to prevent the person from receiving great bodily harm, the killing of the other was absolutely necessary; and
2. The person killed was the assailant, or that the slayer had really, and in good faith, endeavored to decline any further struggle before the mortal blow was given.

[1911 C&P § 137; RL § 6402; NCL § 10084]

(2) **NRS 200.160** Additional cases of justifiable homicide. Homicide is also justifiable when committed:

1. In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother or sister, or of 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; or
2. In the actual resistance of an attempt to commit a felony upon the slayer, in his or her presence, or upon or in a dwelling, or other place of abode in which the slayer is.

[1911 C&P § 133; A 1931, 160; 1931 NCL § 10080]—(NRS A 1993, 932)