

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

Event #: 110419-3621

USE OF FORCE INVESTIGATION

SUBJECT

DIVISION REPORTING: ISD DIVISION OF OCCURRENCE: PATROL SERVICES
DATE & TIME OCCURRED: 04/19/2011 2005 HOURS LOCATION OF OCCURRENCE: E FLAMINGO / SWENSON

INVESTIGATING DETECTIVES: DOLPHIS BOUCHER, P#4636
HOMICIDE SECTION

JOEL KISNER, P#4656
HOMICIDE SECTION

OFFICERS INVOLVED #1: PATRICK BURKE, P#7035
SOUTH CENTRAL AREA COMMAND
CALL SIGN:

WEAPON USED: SPRINGFIELD ARMORY, 45 CALIBER,
S/A HANDGUN, MODEL 1911-A1,
SERIAL

OFFICER INVOLVED #2: ANGELA SUAREZ, P#13126
SOUTH CENTRAL AREA COMMAND
CALL SIGN:

SUSPECT: DAVID PAUL GONZALEZ
DOB: '1978
SSN:

WEAPON USED: SMITH & WESSON .38 SPECIAL REVOLVER
UNKNOWN SERIAL NUMBER

SUSPECT VEHICLE: 2001 CHEVEY CAVALIER, NV 633-XCG
RO: AGUSTIN TRUJILLO-GONZALEZ

Date and Time of Report: 06/07/2011 0900 Officer: D. Boucher P#: 4636

Approved By: _____ Officer: J. Kisner P#: 4656

SIGNATURE: _____

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SYNOPSIS:

Officers Burke and Suarez were conducting routine patrol in a marked unit. They observed a 2001 Chevy with the rear passenger taillight out. The attempted to conduct a vehicle stop on Cambridge north of Flamingo. The vehicle failed to stop, and instead ran the light at Flamingo, turning west on to Flamingo.

Officers sped after the vehicle, activating lights and siren. The vehicle became reckless shifting back and forth, left to right, in what Officers believed was an attempt by the driver to stop them from executing a Precision Intervention Technique (P.I.T.) maneuver. As they approached the intersection, Officer Burke executed a P.I.T. which caused the vehicle to spin out and come to a stop just east of Swenson in the westbound lanes facing southeast. The patrol vehicle was still in contact with the Chevy at the driver side rear of the vehicle, and the patrol vehicle was facing southwest.

The driver of the suspect vehicle, later identified as David Gonzalez, exited the vehicle from the passenger side front door and fired at the Officers. Officer Burke returned fire stopping Gonzalez, who collapsed in the street. Gonzalez was transported to Sunrise Hospital but succumb to his injuries.

PERSONS AT SCENE:

A. PATROL DIVISION:

1. CAPTAIN C. HANKS, P#3803
2. LIEUTENANT G. LOWE, P#5305
3. SERGEANT E. WILDS, P#5801
4. SERGEANT R. WARBURTON, P#4911
5. OFFICER J. BLUM, P#8924
6. OFFICER C. JOTZ, P#5608
7. OFFICER R. HALASI, P#8793
8. OFFICER S. IZZO, P#9319
9. OFFICER L. SIMENTAL-CORRAL, P#9844
10. OFFICER W. SHARP, P#7179
11. OFFICER K. CRAWFORD, P#10050
12. OFFICER C. HOWELL, P#9634
13. OFFICER B. JONES, P#9679
14. OFFICER S. PARRISH, P#12899
15. OFFICER C. LEMUS-BARCENA, P#8063
16. OFFICER R. SEYMORE, P#7617
17. OFFICER C. PIRIH, P#6023
18. OFFICER J. CUNNINGHAM, P#5466
19. OFFICER W. LUKOWSKI, P#4659

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20. OFFICER M. ROE, P#6833
21. OFFICER S. TRZPIS, P#8563
22. OFFICER D. GROBERSKI, P#8643
23. TRAFFIC OFFICER J. ARRIGO, P#7933
24. P.S.R. S MITCHELL, P#13765

B. INVESTIGATIVE SERVICES:

1. SERGEANT M. MAINES, P#4040
2. DETECTIVE K. JOHNSON, P#2872
3. DETECTIVE F. FARMER, P#6528
4. DETECTIVE E. PAZOS, P#6817 – Sunrise Hospital

C. HOMICIDE SECTION:

1. CAPTAIN P. NEVILLE, P#2949
2. LIEUTENANT L. ROBERTS, P#3379
3. SERGEANT M. SANFORD, P#5293
4. DETECTIVE D. BOUCHER, P#4636
5. DETECTIVE L. HANNA, P#2430
6. DETECTIVE J. KISNER, P#4656
7. DETECTIVE T. IVIE, P#6405
8. DETECTIVE C. MOGG, P#5096
9. DETECTIVE T. SANBORN, P#5450

D. CRIMINALISTICS:

1. C.S.A. SUPERVISOR P. SHELLBERG, P#5413
2. C.S.A. SUPERVISOR M. PERKINS, P#4242
3. C.S.A. J. MALDONATO, P#6920
4. C.S.A. M. ROSS-LYNCH, P#9976
5. C.S.A. A. WRIGHT, P#9974 - Sunrise Hospital
6. C.S.A. E. TAYLOR, P#9619 - Firearm Countdowns

E. CRITICAL INCIDENT REVIEW TEAM:

1. SERGEANT R. BLACK, P#4635
2. DETECTIVE D. POND, P#3791
3. DETECTIVE C. JEX, P#5597

F. FATAL DETAIL

1. SERGEANT R. STRADER, P#4434
2. DETECTIVE R. TUSKO, P#4515
3. DETECTIVE K. TOMASO, P#6848
4. DETECTIVE T. BABCOCK, P#2188

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G. POLICE PROTECTIVE ASSOCIATION:

1. OFFICER K. LOCHNEAR, P#6245
2. P.P.A. ATTORNEY CHARLES KELEY

H. PEAP

1. OFFICER L. TELLEZ, P#5916

I. AMR 3915

1. MATT SHAMLAY
2. BILLY KALOGERAS

J. CORONER INVESTIGATOR

1. DUBASIK, #313

K. MORTUARY – LA PALOMA

1. A. HIGH
2. C. CADE

WITNESSES:

Vorshon D. Cole
DOB: /1974
11257 Accademia Court, Las Vegas, NV 89141

Aaron M. Nance
DOB: -1974
Deputy District Attorney

Joelyne A. Gold
DOB: -1980
11006 Santorini Drive, Las Vegas NV, 89141

Taylor Huffman
DOB: -1992
700 E. Flamingo Road #B-106, Las Vegas NV 89119

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DOB: -1994
700 East Flamingo Road, B-106, Las Vegas, NV 89119

Sugnay P. Patel
DOB: 1967
10969 N. John Albert, Fresno, CA 93730

DOB: 1995
10969 N. John Albert, Fresno, CA 93730

Dinaben M. Patel
DOB: -1969
10969 N. John Albert Avenue, Fresno Ca. 93730

Manisha Dave
DOB: -72
12 Lotus Court, Ocean, NJ 07712

Timothy Harris
DOB: -85
10170 Quilt Tree Street, Las Vegas, NV 89118

Eduardo Borgato
DOB: 1969
1 Hughes Center, #801, Las Vegas, NV 89169

Myron Jones
DOB: 73
2209 Demetrius Avenue, Las Vegas, NV 89101

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Valerie King
DOB: 1983
5132 Hallet Drive, Las Vegas, NV 89122

Michael Henderson
DOB: 1972,
3955 Swenson Court, F-160, Las Vegas, NV 89119

INITIAL RESPONSE / FIT NOTIFICATION:

On 04/19/2011 at 2005 hours, Officers Patrick Burke and Angel Suarez were operating a marked LVMPD patrol car with the call sign in the area of Cambridge and Flamingo. Officer Burke was driving the patrol vehicle. They observed a 2001 Silver Chevy Cavalier driving south on Cambridge with the rear tail light out. Officers initiated a vehicle stop on the car, however the vehicle sped away, turning west on to Flamingo.

Officer Burke followed the vehicle with his lights and siren activated. The Chevy was swerving left to right in what Officer Burke believed was an attempt by the driver to keep him from pulling up next to the Chevy. As they approached Swenson, Officer Burke decided to attempt to P.I.T. the Chevy to prevent it from racing towards Las Vegas Boulevard. The P.I.T. was successful, causing the Chevy to spin out before entering the intersection at Swenson. The Chevy ended up facing south east, while the patrol vehicle ended up facing south west. The buddy bumper of the patrol vehicle was still in contact with the driver side of the Chevy.

The driver of the Chevy, later identified as David Paul Gonzalez, exited the car from the passenger side door. As Officer Burke and Suarez exited the patrol vehicle, Gonzalez fired at them from his revolver. Officer Burke tried to immediately return fire, but had left his safety on, however he took the safety off and returned fire. Gonzalez was still pointing his gun at Officer Burke and began to run away from the cars to the southwest of the intersection. Officer Burke was aware that his back drop behind Gonzales was multiple vehicles stopped at the light in the east bound lanes of Flamingo as well as vehicles stopped in the northbound lanes of Swenson. There was an open area between the blocks of traffic with a building in the distance. Officer Burke tried to parallel Gonzalez to keep the open are and the building in his backdrop as he fired. Officer Burke fired a total of five shots. Gonzalez had been struck and fell near the east crosswalk, in the east travel lanes of Flamingo. Officer Burke approached Gonzalez, cuffed him and requested medical respond. Officer Suarez cleared the Chevy to ensure no one else was inside it. Officer Suarez did not fire her weapon. Responding officers secured the scene, with both yellow crime scene tape and positioned officers. The intersection was closed down in all directions.

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Homicide Lieutenant Roberts was notified of the incident and responded with Homicide Sergeant Sanford, as well as Homicide Detectives Boucher, Kisner, Hanna, Sanborn, Mogg, and Ivie. Detective Boucher was assigned responsibility for documenting the crime scene along with C.S.A. Acting Director Schellberg, C.S.A. Supervisor Perkins, C.S.A. Maldonado, and C.S.A. Ross-Lynch. Detective Kisner was assigned responsibility for conducting weapons countdowns, with C.S.A. Taylor. Detectives Hanna, Ivie, Sanborn and Mogg were assigned responsibility for conducting interviews.

The Fatal Unit responded to handle the P.I.T. portion of the investigation.

DESCRIPTION OF SCENE AND VISIBLE EVIDENCE:

A. DESCRIPTION OF SCENE AND VISIBLE EVIDENCE

The scene is located at the intersection of East Flamingo and Swenson. In the westbound lanes of Flamingo, just east of the intersection with Swenson is LVMPD patrol vehicle SC10074. The patrol vehicle is facing southwest and is in contact with a 2001 silver Chevy Cavalier which bears Nevada license plate 633-XCG, registered to Agustin Trujillo-Gonzalez.

A telephonic search warrant was obtained by Sergeant Sanford authorizing a search of the Chevy Cavalier.

The Chevy is facing southeast, with the rear bumper on the ground, but still attached on the passenger side. The driver side rear of the Chevy is in contact with the front of the patrol vehicle. The passenger side door of the Chevy is open, the vehicle is running, and is in drive. On the ground below the open door is an eyeglass case and a plastic bag from Dr. Bizer's Visionworld. The car's lights are on and functioning, with the exception of the passenger side rear taillight, which is out. There is a defect in the glass of the Chevy's windshield on the passenger side of the window. The defect appears consistent with a bullet strike. The window is still intact, and the damage does not penetrate through the window. There is a Cricket phone on the passenger side seat, and a child's car seat lying on its side in the back seat. The Cricket phone was seized by Detective Boucher for examination. (The phone was released to Coroner's investigator Rick Jones on 4/28/2011, to assist him in locating Gonzalez's next of kin.)

To the east of the two vehicles, on the ground are five 45 caliber cartridge cases. One cartridge case is just below the driver side front bumper of the Chevy. There are two cartridge cases on the ground between the two vehicles. There is a cartridge case under the patrol vehicle just below where the back door is hinged. There is a cartridge case to the driver side rear of the patrol vehicle.

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There is a Paramedic Rescue vehicle facing west, in the westbound lanes at the cross walk, south of the Chevy. In the middle of the intersection facing south is Engine 33. Both vehicles arrived after the incident occurred. Both vehicles were removed from the intersection prior to overall photographs being taken of the incident, as they obstructed the view of the involved vehicles. As the vehicles were removed, their tires were examined to ensure no cartridge cases of bullets were in the vehicle tire treads.

There is a tow truck in the southeast portion of the intersection facing east, and blocking the northbound lanes of Swenson. Myron Jones was driving the tow truck when the shooting occurred. After the shooting he pulled into the intersection to stop northbound traffic from running over Gonzalez. The tow truck was removed from the intersection prior to photographs being taken.

LVMPD patrol vehicle SC10137 is in west of the intersection facing south. This vehicle was driven by Officer Izzo, who arrived after the shooting occurred. Officer Izzo pulled in the intersection to stop eastbound travel. Officer Izzo's vehicle was removed from the intersection prior to photographs being taken.

In the intersection in the westbound lanes there are two apparent bullet strikes on the ground both in an east/west direction. Both marks tested positive for lead and copper.

In the north to south crosswalk on the east side of the intersection, in the eastbound lanes is the area where Gonzalez collapsed. There is miscellaneous medical debris on the ground. There is a blue and black checkered baseball cap, miscellaneous keys on a lanyard, a black tee shirt which appears to have been cut, with apparent blood on it, a pair of glasses and a black revolver. The hammer to the revolver is not cocked and the cylinder is closed. When the cylinder was opened, the hammer was located between chamber 1 and 2. There was only one fired cartridge in the gun, and it was located in chamber 5. West of the intersection in the eastbound lanes of Flamingo is a spent bullet.

At the time of the shooting Sugnay Patel was driving his Toyota Camry with California license plate 6J0A513. He was in the left turn lane of Flamingo, facing east, intending to make a u-turn to head west on Flamingo. His vehicle was struck by a bullet in the roof of the car, above the driver seat. After the shooting, Sugnay made a u-turn, drove west on Flamingo and parked his vehicle in a business parking lot, and contacted police. Detective Boucher had Sugnay pull his vehicle back to the approximate location he was parked, so that it could be photographed in the approximate area.

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B. DESCRIPTION OF BODY

The body of David Paul Gonzalez is lying supine on a backboard, on a hospital gurney in a quiet room at Sunrise Hospital. Gonzalez is naked, and there are obvious signs of medical intervention, to include incised wounds to the left and right sides of the chest which appear were made for chest tubes, although there are none in place. There are apparent gunshot wounds to the left and right upper arm, the left chest by the arm pit, and the center back. There is an apparent grazing gunshot wound to the stomach. There is an abrasion to the right knee. There are several healing injuries to the face.

Detective Pazos requested medical staff bag Gonzalez's hands after he was pronounced, but prior to the arrival of C.S.A. Wright. The only available bags were white garbage bag, which were put in place by hospital staff.

C.S.A. Wright responded to Sunrise Hospital, and took overall photographs of Gonzalez. Coroner's Investigator Dubasik responded to the hospital. Time of death had previously been pronounced by Dr. Fischer at 2037 hours. C.S.A. Wright collected Gonzalez's personal affects and impounded them into evidence. Included, in part, in Gonzalez's affects were a wallet with an Arizona driver's license in the name of Timothy Wilson, \$89.75 in US currency, clothing, a gun holster, eye glasses, two hearing aids, paperwork, and two plastic baggies with a white crystal substance. C.S.A. Wright bagged Gonzalez's hands, leaving the plastic bags in place. The body was wrapped in a sterile sheet, placed in a body bag and sealed by Coroner's Investigator Dubasik with seal #793169. The body was transported to the Clark County Coroner's office by La Paloma Funeral Home representatives. See C.S.A. Wright's Crime Scene Investigation Report for a complete list of impounded items.

AUTOPSY:

A. PERSONS ATTENDING:

1. Dr. L. Gavin
2. Forensic Technician J. Bichsel
3. Detective D. Boucher, P#4636
4. Detective J. Kisner, P#4656
5. C.S.A. S. Lynch, P#13206

B. LOCATION OF INJURIES:

1. Perforating gunshot wound to right arm which exited the back.
2. Perforating gunshot wound to left arm, which entered left armpit (bullet recovered)
3. Apparent graze on the left stomach.
4. Incised wounds to both sides of the chest, (apparent medical intervention).
5. Abrasion to left hand, and knees.
6. Healing injuries to the face and head.

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C. EVIDENCE IMPOUNDED:

1. Bullet
2. Buccal swabs
3. Fingernail clippings
4. Hand bags and two plastic bags.

D. RESULTS OF AUTOPSY:

On 04/28/2011 a complete autopsy was conducted upon the body of David Gonzalez by Dr. Gavin, of the Clark County Coroner's Office. Doctor Gavin determined the cause of death to be a gunshot wound, and the manner of death to be homicide.

E. TOXICOLOGY

Postmortem toxicology analysis conducted on Gonzalez's peripheral blood revealed positive results for Amphetamine and Methamphetamine.

INVESTIGATION:

Sergeant E. Wilds, P#5801 was the first patrol Sergeant to arrive on the scene, and therefore obtained the public safety statement from both Officer Burke and Officer Suarez. Detective Kisner conducted an audio recorded interview Sergeant Wilde regarding the statements. During the statements it was determined that Officer Burke fired his handgun and Officer Suarez did not.

Officers Burke and Suarez were transported to South Central Area Command where they were photographed by C.S.A. E. Taylor. Detective Kisner and C.S.A. Taylor conducted a countdown of each officer's weapons and magazines.

Officer Burke carries a Springfield Armory 1911-A1 TRP Operator 45 caliber, Serial
Burke believes he carries his pistol with seven cartridges in the magazine and one cartridge in the chamber. He carries three spare magazines with 8 cartridges in each.

The countdown of the weapon found 3 cartridges in the magazine and one cartridge in the gun for a total of four expected shots fired. However there were five, 45 caliber cartridge cases located at the scene, suggesting Officer Burke is mistaken regarding the total number of rounds in his handgun. The countdown of his extra magazines found one with seven cartridges and two with eight cartridges.

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Officer Suarez carries a Glock 17, 9mm, Serial _____ with flashlight attachment. Burke believes she carries her pistol with 17 cartridges in the magazine and one in the chamber. She carries two spare magazines with 17 cartridges in each.

The countdown revealed 17 cartridges in the magazine and one in the chamber. Both magazines were found to have 17 cartridges in each. See C.S.A. Taylor's report for complete details.

On 04/19/2011 at approximately 2005 hours, Detective Hanna conducted an audio recorded interview with Vorshon D. Cole at Flamingo and Swenson. During the contact/interview Cole related the following: Cole was driving southbound on Cambridge Street when a silver vehicle sped past him. The silver vehicle was being pursued by a marked police vehicle with its emergency lights on. The silver vehicle turned westbound on to Flamingo Road, being chased by the police vehicle. Cole followed behind them in his vehicle.

As the two vehicles were approaching Swenson Street, the officer executed a P.I.T. on the silver vehicle and the vehicle spun crossways in Flamingo Road. From approximately a half a block away, Cole watched, through a vehicle that pulled in front of him, as the subject exited the silver vehicle through the driver's door. Cole had a better view of the officer who drew his weapon though. Cole heard gunfire, but did not see either the subject or the officer fire their firearms. Cole then saw a subject lying on the ground. See Cole's transcribed and written statements for complete details.

On 04/19/2011 at approximately 2150 hours, Detective Mogg conducted an audio recorded interview with Aaron Nance. During the contact/interview Nance related the following: Nance was driving his girlfriend, Joelyne Gold's car, and was stopped for the traffic light on southbound Swenson at Flamingo Road. Nance's vehicle was the second car back from the intersection. Also in Nance's vehicle was Joelyne Gold, and Gold's ten year old daughter _____. While Nance was stopped at the intersection, he saw a Police car execute a slow moving left side P.I.T. on a silver Chevy Cavalier just east of the intersection on Flamingo Road. Both the police vehicle and the silver car were traveling west on Flamingo. As soon as the silver car stopped a male exit the passenger side of the car. The male took about three strides (approximately 15 to 20 yards) in a southbound direction from his car at which point he stopped, turned 180 degrees back toward the police car, raised a revolver in his right hand, and fired two shots toward the police car. After the suspect fired, the suspect turned south again as the male officer, who was driving the police car, fired three shots at the suspect. After the officer fired, the suspect went down. Nance did not hear either the suspect, or the officer say anything before, during, or after the shots were fired. After the suspect was down, the officer approached the suspect with his gun drawn. Nance drove through the intersection, made a u-turn and returned to the scene. Nance concluded his statement by saying "he was a clear and present danger to those

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officers and he had just fired and the officers returned fire, and he was down within five seconds. I thought he was a clear and present danger, and I couldn't believe my eyes of how brazen that was." See Nance's transcribed statement for complete details.

On 04/19/2011 at approximately 2218 hours, Detective Mogg conducted an audio recorded interview with Joelyne Gold. During the contact/interview Gold related the following: Gold was riding in her car with her boyfriend Aaron Nance, and her daughter

They were stopped for the traffic light on southbound Swenson at Flamingo Road. While they were stopped at the intersection, Gold saw a police car with its emergency lights on hit / push a small silver car just east of the intersection. Both the police car and the silver car were traveling west on Flamingo Road. When the police car hit the silver car, the silver car spun around and stopped. A male exited the passenger side of the silver car. The male took a couple of steps (approximately 10 feet), turned around and began shooting at the police officers. Gold believes the suspect fired two times at the officers. After the suspect shot at the officers, one of the officers fired back, but Gold could not be sure which officer fired. The suspect went down in the intersection at which point the officer approached the suspect and was standing over him. Nance had to move their car because traffic was behind them. The last time Gold saw the officer he was standing over the suspect. They returned to the scene after driving through the intersection. When Gold was asked what she thought the suspect was trying to do, she replied "I thought he was going to kill the police officers." See Gold's transcribed statement for complete details.

On 04/19/2011 at approximately 2254 hours, Detective Mogg conducted an audio recorded interview with Taylor Huffman. During the contact/interview Huffman related the following: Huffman and his girlfriend were on a moped, and stopped in the turn lane from southbound Swenson Street to eastbound Flamingo Road. A silver car was being followed by a police car which had its red lights and siren on west on Flamingo Road approaching Swenson Street. The police car "P.I.T'ed" the silver car on the driver's side which caused the silver car to spin around. As the silver car was stopping a Hispanic male got out of the passenger side of the car and began shooting at the officers. Huffman estimated the suspect was 10 to 20 feet away from the officers when he began firing at them. The suspect fired one shot at the officers from a handgun, then turned, and while still pointing his pistol toward the officers began to run southbound. As the suspect began to run, a male officer on the driver's side of the police car returned fire striking the suspect. The officer told the suspect something to the effect of, stop running, or get on the ground before he fired. After the suspect collapsed in the roadway, the officer approached him and told him to stay down. The officer rolled the suspect over and put the suspect's hands behind his back as if he was handcuffing him, but Huffman couldn't be sure if handcuffs were placed on the suspect. Huffman has a visual acuity of 50/60, and was not wearing his glasses at the time of the shooting. Huffman could see fine with the available lighting and even commented that

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he saw bullets ricocheting off the pavement. See Huffman's transcribed statement for complete details.

On 04/19/2011 at approximately 2240 hours Detective Ivie conducted an audio recorded interview with _____ at Flamingo and Swenson. During the contact/interview _____ related the following: At approximately 2030 hours _____ was riding a moped with her boyfriend Taylor Huffman. They were stopped south bound Swenson to go east bound Flamingo, when she heard sirens. _____ looked east and saw a black and white police vehicle with its lights and siren activated, strike a newer two door beige car. The car spun around, and stopped facing the police vehicle in the middle of Flamingo. Immediately after the vehicle stopped a Hispanic male exited the passenger side, produced a black handgun, and fired once towards the police car as a male officer exited the police car. The Hispanic male then fled on foot south across Flamingo. As the male ran he pointed his handgun back towards the officer and fired two more shots. The officer gave the suspect verbal commands to "stop" then fired 3-4 times towards the suspect. The suspect continued to run, when the officer fired one more shot towards the suspect, who fell to the ground. The officer approached the suspect and told him not to move. See _____ transcribed statement for complete details.

On 04/19/2011 at approximately 2224 hours, Detective Hanna conducted an audio recorded interview with Sugnay P. Patel at Flamingo and Swenson. During the contact/interview Patel related the following: Patel and his family were stopped in the eastbound left turn lane from Flamingo Road to Swenson Street preparing to make a U-turn onto westbound Flamingo Road when he heard and saw a patrol vehicle westbound on Flamingo Road approaching Swenson Street. The police vehicle struck the back of another vehicle and through the smoke Patel saw the drivers of both vehicles get out of their vehicles, and then he heard gunshots. Patel ducked down, so he did not know who was shooting. When Patel looked up, he saw a subject lying in the road and numerous officers responding to the scene.

Trying to calm his children, Patel completed the U-turn and drove to a small strip mall west of the intersection. Patel realized his 1999 Toyota Camry, California license 6DOJ713, had been struck by a bullet and notified officers. Patel said no one was injured in his vehicle. See Patel's transcribed and written statements for complete details.

On 04/19/2011 at approximately 2230 hours, Detective Hanna conducted an audio recorded interview with _____ at Flamingo and Swenson. During the contact/interview _____ related the following: _____ was riding in the front passenger seat of a vehicle being driven by her father, Sugnay Patel. While stopped on westbound Flamingo at Swenson she saw a police vehicle apparently pursuing another vehicle. The police vehicle crashed into the back of the second vehicle, whereupon the driver of

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the second vehicle got out the passenger side and immediately began firing at the police officer. The driver of the second vehicle, who was wearing a blue shirt and gray sweat pants, started to run south across Flamingo Road and the officer shot at him. The subject collapsed in the street and the officer placed handcuffs on him.

During the incident, thought she heard something hit their vehicle and after moving away from the intersection they inspected their vehicle, a Toyota Camry, and found an apparent bullet hole on the leading edge of the roof, just above the windshield over the driver's position. They returned to the scene and made officers aware of the damage to their vehicle. See transcribed and written statements for complete details.

On 04/19/2011 at approximately 2239 hours, Detective Mogg conducted an audio recorded interview with Dinaben Patel at Flamingo and Swenson. During the contact/interview Patel related the following: Patel was in her car headed east on Flamingo at Swenson, stopped behind her husband in the left turn lane. She was preparing to make a u-turn when she saw a police car with its emergency lights and siren on coming westbound on Flamingo. The police car was following a small silver car which was traveling westbound at a high rate of speed. The police car struck the rear of the silver car and spun it around. When the silver car stopped, a thin white male, wearing light pants exited the driver's side of the silver car. When the Police Officers got out of their car she ducked down, and seconds later Patel heard several gunshots. Patel did not see who was shooting, and when she looked up the white male was lying in the street. See Patel's transcribed and written statements for complete details.

(Detective Mogg used Patel's transcribed statement to correct for her confusion on street directions at the scene during the interview. Although Patel described the Police vehicle driving southbound on Swenson, in actuality it was traveling westbound on Flamingo.)

On 04/19/2011 at approximately 2248 hours, Detective Sanborn conducted an audio recorded interview with Manisha Dave at Flamingo and Swenson. During the contact/interview Dave related the following: Dave is in Las Vegas on vacation from New Jersey and was stopped at the intersection of Flamingo and Swenson. She was following her family to an Indian restaurant and was the second car in line to turn north on Swenson, from east bound Flamingo. Dave saw what she believed was a car accident. Then she saw a guy running from the accident. She heard several gunshots, but did not see anyone shooting. The male who ran from the car fell to the ground in the intersection. After the shooting, she and her family made a u-turn and went to a near-by Indian restaurant. At the restaurant, her brother noticed his vehicle was struck by gunfire. They returned to the scene and contacted the police. Dave was not able to see

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either the officer or the male shooting, and she did not see any weapons. See Dave's transcribed and written statements for complete details.

On 04/19/2011 at approximately 2150 hours, Detective Sanborn conducted an audio recorded interview with Timothy Harris at Flamingo and Swenson. During the contact/interview Harris related the following: Harris was stopped at a red light with his uncle, Eduardo Borgato, at the intersection of Flamingo and Swenson. He was in the left turn lane on north bound Swenson, waiting to make a west bound turn onto Flamingo, when he heard sirens. He noticed a police car approaching the intersection from the east, driving west bound on Flamingo. He watched as the police car approached the intersection. He heard screeching tires and a collision and saw the police car had spun out a silver vehicle at the intersection. Harris believed the officer had just been involved in an accident, when a white or Hispanic male with a shaved head jumped out of the passenger side of the silver vehicle and began to run away. While running away, the male turned and began shooting at the police officer. Harris heard several gunshots fired quickly, and the male began running toward Harris's vehicle (NV 395-WWE). He and Borgato ducked down in the vehicle to protect themselves, and he heard several louder gunshots, which he believed came from the police officer. Harris looked up and saw the officer standing over the male, who was now lying in the intersection. The officer turned the male over on his side to help him breathe, before the paramedics arrived. The officer appeared frustrated about having to shoot the male, and Harris felt the officer's actions were "100% justified." See Harris' transcribed and written statements for complete details.

On 04/19/2011 at approximately 2148 hours, Detective Hanna conducted an audio recorded interview with Eduardo Borgato at Flamingo and Swenson. During the contact/interview Borgato related the following: Borgato was riding in a vehicle with his nephew, Timothy Harris, stopped at a red light at the intersection of Flamingo and Swenson. They were in the left turn lane on north bound Swenson, waiting to make a west bound turn onto Flamingo, when he heard sirens. Borgato saw a marked patrol vehicle pursuing a silver colored vehicle west bound on Flamingo. Just before the intersection the two vehicles made contact and the silver vehicle spun sideways and came to a stop facing south just east of the intersection.

Immediately upon the silver vehicle coming to a stop, a subject jumped out of the passenger side of the vehicle, reached over the roof of the vehicle with a handgun, and fired in the direction of the police vehicle and the officer exiting the vehicle. The subject began running south across Flamingo Road, whereupon the officer shot at the subject and the subject fell in the roadway. The officer went to the suspect and placed handcuffs on him. See Borgato's transcribed and written statements for complete details.

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On 04/19/2011 at approximately 2221 hours, Detective Sanborn conducted an audio recorded interview with Myron Jones at Flamingo and Swenson. During the contact/interview Jones related the following: Jones was stopped at a red light at Flamingo and Swenson, in the northbound lanes, in his company tow truck, when he heard sirens coming from the east. He looked over and saw a police car going west bound on Flamingo approaching the intersection. He watched the police car as it intentionally spun out a silver Cavalier right at the intersection. A white or Hispanic male immediately got out of the passenger's side of the Cavalier and ran southwest through the intersection. The officer exited his patrol vehicle and ordered the male to stop. The male turned toward the officer and fired two shots from a smaller sized revolver. The officer returned fire approximately 3 times at the male, who collapsed to the ground in the intersection. The officer approached the male, kicked the gun away and placed him in handcuffs. The officer's female partner exited the patrol vehicle after the shooting and cleared the Cavalier. He felt the officer's life was in danger and contemplated running the suspect over with his tow truck (NV 549-VYV) to help the officer. After the shooting, he pulled his tow truck into the intersection to block north bound traffic on Swenson, and to help preserve evidence in the crime scene. See Jones' transcribed and written statements for complete details.

On 04/19/2011 at approximately 2205 hours Detective Ivie conducted an audio recorded interview with Valerie King at Flamingo/Swenson. During the contact/interview King related the following: King works at the Speedee Mart at Flamingo and Swenson as a cashier. At approximately 2040 hours King was outside smoking a cigarette when she heard sirens. King looked towards Flamingo and saw a black and white police vehicle, with its lights and siren activated; hit a newer two door silver car. The car spun around 360 degrees and stopped in the middle of Flamingo. Immediately after the vehicle stopped an unknown person, possibly a male, exited the silver car and fired several times towards the patrol vehicle which had a female officer still sitting inside. After the shots were fired King turned and entered the Speedee Mart, when she heard several more gunshots. In all King heard 5-6 gunshots, but was unsure who had fired. See King's transcribed and written statements for complete details.

On 04/19/11 at approximately 2146 hours Detective Ivie conducted an audio recorded interview with Michael Henderson at Flamingo / Swenson. During the contact/interview Henderson related the following: At approximately 2030 hours Henderson was walking west bound through the parking lot of the Speedee Mart located at Swenson and Flamingo, when he heard sirens. Henderson looked towards Flamingo and saw a newer two door silver or white car attempt to ram a black and white police vehicle, which had its red and blue lights and siren activated. The car then spun around, 360 degrees and stopped in the middle of Flamingo. Immediately after the vehicle stopped a male exited the car and fired 2-3 times towards a female officer who was approaching. Henderson then walked north on Swenson when he heard what he believed was the officer firing 3-

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4 shots towards the male as he ran south across Flamingo. See Henderson's written and transcribed statements for complete details.

Detective Ivie contacted the Speedee Mart store manager, Henry Weatherford, Weatherford was able download all video surveillance and provide a copy to Detective Ivie on 4/21/2011. Detective Boucher reviewed the video and determined none of the camera's provided any video of the street, only the parking lot and store.

The Traffic Fatal detail responded and handled the vehicle portion of the investigation. Detective Richard Tusko was the primary investigator. Detective Tusko's investigation revealed that Officer Burke was driving between 37 to 39 MPH when he conducted the P.I.T. maneuver. Detective Tusko completed a separate Officers Report detailing his investigation and analysis, as well as a crime scene diagram.

FIREARM & BALLISTIC EVIDENCE EXAMINATIONS:

On 05/24/2011, Forensic Scientist James Krylo conducted an examination of the involved firearms and related collected evidence.

The examination of the Smith & Wesson revolver revealed it was capable of firing, however it was gummed up with an unknown residue, making it difficult to operate, and preventing it from locking up in the proper positions. The RWS .38 special cartridge case was identified as being fired from the Smith & Wesson revolver.

A bullet which was recovered under event 110326-3709, an attempt murder investigation in which David Gonzales was a suspect, was examined, and identified as having been fired from the Smith & Wesson revolver.

Officer Burke's Springfield Armory pistol was examined, test fired and found to be operational with no noted malfunctions. The five "Speer" .45 Auto cartridge cases were all identified as being fired from Officer Burke's pistol. The bullet recovered on Flamingo Road, and the bullet recovered at autopsy were both determines to have rifling characteristics consistent with having been fired from the Springfield Armory pistol, but lacked sufficient microscopic details for conclusive identifications. Please refer to James Krylo's separate report for complete details.

CONCLUSION:

Based on the evidence at the scene and statements obtained from witnesses and involved parties, none of the elements of NRS 197.200 exist and all of the elements of 200.140, 200.160 and 200.200 exist. No criminal charges are applicable regarding the actions of Officer Burke.