

OFFICER'S REPORT

Event #: 110704-5637

Battery Domestic Violence / Assault with a Deadly Weapon on a Police Officer
Officer Involved Shooting

SUBJECT

DIVISION REPORTING: ISD DIVISION OF OCCURRENCE: FSD / Northeast Area Command

DATE & TIME OCCURRED: 07-04-2011 / 2328 hours LOCATION OF OCCURRENCE: 2842 Taurus Court, LV Nv. 89115

INVESTIGATING OFFICERS: Detective Clifford Mogg P# 5096
Homicide Section Force Investigation Team

Detective Buddy Embrey P# 8644
Homicide Section Force Investigation Team

VICTIM (Domestic Violence): DeLuna, Christine Erminda
WF, DOB: 1955
SSN:
ID# 1766758
2842 Taurus Court, Las Vegas Nv. 89115

VICTIM (Battery): Childers, Lisa Lynette
WF, DOB: -1972
SSN:
ID# 176858
2842 Taurus Court
Las Vegas, NV 89115
Contact phone: (Mother Christine DeLuna)

OFFICERS INVOLVED # 1: Officer Raymond Novak
P# 8408
Patrol Division, Northeast Area Command
Date of Hire: -2005

Date and Time of Report: 07-25-2011 / 0730 hrs Officer: Det. Clifford Mogg P#: 5096

Approved By: Sgt. M. Sanford P# 5293 Officer: Det. Buddy Embrey P#: 8644

SIGNATURE: 

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WEAPONS: Glock 21, .45 caliber semiautomatic pistol, s/n
with attached Surefire X-200 tactical light.

X-26 Taser, s/n X00-061330, deployed one cartridge
s/n T06-1083716

OFFICERS INVOLVED # 2: Officer Nicole Gonzales
P# 9492
Patrol Division, Northeast Area Command
Date of Hire: -2010

WEAPON: Glock 17, 9mm semiautomatic pistol, s/n

OFFICERS INVOLVED # 3: Officer Charles Smith
P# 13800
Patrol Division, Northeast Area Command
Date of Hire: -2009

WEAPON: Remington 12 gauge Low Lethality Shotgun s/n
firing 12 gauge drag stabilized bean
bags.

OFFICERS INVOLVED # 4: Officer Suzana Markovic
P# 13477
Patrol Division, Northeast Area Command
Date of Hire: -2009

WEAPON: X-26 Taser, s/n X00-341731, deployed two cartridges
s/n T08-2020421 and C3100MDM0.

SUSPECT: Luis Carlos Silva
LM, DOB: -1957
SSN
ID# 2811114
2841 Taurus Court, LV Nv. 89115

WEAPON USED: Ruger P89, 9mm semiautomatic pistol, s/n
registered with the LVMPD by Luis Silva on

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	01-03-2010. This weapon was also listed on Silva's CCW permit.	
CRIMINAL OFFENSES:	Battery Domestic Violence	NRS 200.485
	Battery	NRS 200.481
	AWDW on a Police Officer	NRS 200.471

I. SYNOPSIS:

(Note: For the purposes of this report, the terms X-26, X-26 Taser, Taser, and Electronic Control Device (ECD) all refer to the X-26 Taser manufactured By Taser International in Scottsdale Arizona.)

During the afternoon and evening of 07-04-2011, Christine DeLuna, her boyfriend Luis Silva, her 39 year-old daughter Lisa Childers, and Childers two children were at DeLuna and Silva's house at 2842 Taurus Court drinking beer and barbecuing. Around 2300 hours, DeLuna and Silva got into an argument and Silva retired to his bedroom. DeLuna followed Silva into the bedroom where the argument continued, and Silva placed a 9mm pistol to his head. Childers entered Silva's bedroom and attempted to take the gun away from him because she was afraid Silva would shoot her mother. During the struggle for the gun Silva wrestled with Childers and pushed her away causing several bruises on her arm. Childers and DeLuna left Silva's bedroom and DeLuna called 9-1-1.

At approximately 2328 hours, DeLuna's 9-1-1 call was received by the LVMPD, and DeLuna told the operator that Silva was being violent and had struck her daughter (Childers). During DeLuna's first 9-1-1 call she told the operator that Silva was not armed with any weapons, and that her daughter did not require medical attention. At approximately 2335 hours, Officer R. Novak and Officer N. Gonzales assigned themselves to event 110704-5637 which was the 9-1-1 call from DeLuna. At approximately 2342 hours, DeLuna recalled the police and told the dispatcher that Silva was in the bedroom, armed with a pistol, and that he had the gun to his head approximately 20 minutes ago and was threatening suicide.

Officers Novak and Officer Gonzales arrived at DeLuna's house at approximately 2344 hours and met DeLuna at the front door. DeLuna let the officers in her house, and told Officer Novak that Silva was armed with a gun in the back bedroom. While Officer Novak talked with DeLuna, Officer Gonzales began to clear the house. When Officer Gonzales approached the master bedroom she found the door locked. Officer Novak yelled to Officer Gonzales that the suspect was in the bedroom and he was armed with a gun. Both DeLuna and Childers remained in the living room while Officer Novak and Officer Gonzales positioned themselves in the hallway outside of Silva's bedroom. DeLuna and Childers said they heard Officer Novak trying to convince

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Silva to come out of the bedroom before they were ushered out of the house by other responding officers.

At 2345 hours, the LVMPD Dispatcher notified the responding officers that the male suspect was armed with a gun and threatening to kill himself. Two minutes later at 2347 hours, Officer Gonzales told the dispatcher that they have not made contact with the suspect yet. Over the next several minutes, several officers including Sgt. Stauffer, Officer S. Markovic, and Officer C. Smith assigned themselves to the call. Officer Novak negotiated with Silva for approximately 23 minutes while Silva was locked inside the master bedroom. During the negotiations, Officer Novak and the other officers were in the hallway outside the suspect's bedroom.

On 07-05-2011, at approximately 0010 hours Silva unlocked and opened the bedroom door. While Officer Novak was tried to convince Silva to put his gun down, Officers Smith, Gonzales, and Markovic entered the bedroom while Sgt. Stauffer stood in the doorway. When the officers entered the bedroom, Silva was standing in the southeast corner of the room with a black semiautomatic pistol to the right side of his head. Officer Novak continued to talk with Silva for approximately 36 more minutes while Silva drank a beer and talked on his cell phone.

On 07-05-2011, at approximately 0034 hours, Officer Smith, who was armed with a low lethality shotgun fired three drag stabilized bean bag rounds at Silva. Officer Smith's rounds struck Silva in the center of his chest, his right abdomen, and his left hip. None of Officer Smith's rounds caused the suspect to drop his weapon. When Officer Markovic saw that the bean bag rounds had no effect on Silva, she discharged one cartridge from her X-26 Taser, this also had no effect on Silva. As Officer Markovic reloaded her X-26 Taser with another cartridge, Officer Novak who had both his .45 caliber pistol, and his X-26 Taser drawn fired one cartridge at Silva which again did not appear to have an effect on him. After Officer Novak Fired, Officer Markovic fired a second Taser cartridge at Silva which again did not cause Silva to drop his weapon. As the officers were attempting to subdue Silva with their Tasers, Silva told them to shoot him. After Silva was shot with Markovic's second cartridge, he turned toward Officer Gonzales and began to raise his pistol in her direction at which time Officer Gonzales fired one shot from her 9mm pistol striking Silva in the right arm.

After being shot by Officer Gonzales, Silva turned toward Officer Novak and as he began to raise his pistol toward Officer Novak Officer Novak fired three shots from his .45 caliber pistol striking Silva twice in the center of his chest, and once in the right hip. Silva collapsed after being shot and was pronounced dead at the scene. Silva's 9mm pistol was loaded with one round in the chamber, four additional rounds in the installed magazine, the hammer was back, and the safety was off when he was shot.

DeLuna and Childers were both outside when the officers shot Silva.

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II. PERSONS AT THE SCENE:

A. PATROL DIVISION

1.	Ofc.	T. Novak	P# 8408	Shooting Officer
2.	Ofc.	N. Gonzales	P# 9492	Shooting Officer
3.	Ofc.	C. Smith	P# 13800	Low Lethal Shotgun
4.	Ofc.	N. Markovic	P# 13477	ECD (Taser X-26)
5.	Ofc.	J. Rude	P# 13916	
6.	Ofc.	T. Chapman	P# 13079	
7.	Sgt.	R. Stauffer	P# 5287	Supervisor present
8.	Lt.	J. Whitehead	P# 3487	Area Lt.
9.	Lt.	M. Belcher	P# 4701	Watch Commander
10.	Lt.	M. Reddon	P# 4884	
11.	Sgt.	R. Weaver	P# 6367	
12.	Ofc.	B. Boxler	P# 13376	
13.	Ofc.	S. Ostrovsky	P# 13902	
14.	Ofc.	P. Glover	P# 14196	
15.	Ofc.	A. Frey	P# 9113	
16.	Ofc.	K. Roundy	P# 6214	
17.	Ofc.	N. Herlean	P# 14085	
18.	Ofc.	J. Ferrante	P# 13331	
19.	Ofc.	D. Delaria	P# 13338	
20.	Ofc.	J. Briggs	P# 8545	
20.	Ofc.	J. Jacobs	P# 6068	
21.	Ofc.	J. Poulsen	P# 9023	
22.	Ofc.	L. Duerden	P# 1803	
23.	Ofc.	S. Morris	P# 5620	
24.	Ofc.	J. Rivera	P# 4417	PIO

B. MAJOR CRIMES SECTION:

1.	Sgt.	W. Hutchings	P# 4851
2.	Det.	B. Kowalski	P# 8550
3.	Det.	B. Farmer	P# 6528

C. HOMICIDE SECTION:

1.	Capt.	P. Neville	P# 2949
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2.	Lt.	L. Roberts	P# 3379
3.	Sgt.	M. Sanford	P# 5293
4.	Det.	C. Mogg	P# 5096
5.	Det.	B. Embrey	P# 8644
6.	Det.	D. Long	P# 3969
7.	Det.	R. Wilson	P# 3836
8.	Det.	D. O'Kelley	P# 4109

D. CRIMINALISTICS:

1.	CSA Sup.	J. Smink	P# 6556
2.	CSA Sup	T. Martin	P# 5946
3.	CSA	A. Madden	P# 13205
4.	CSA	N. Grealis	P# 13572
5.	CSA	E. McGhee	P# 5158
6.	CSA	O. Klosterman	P# 13177

Photos
Diagram
Evidence
Officers

E. CRITICAL INCIDENT REVIEW TEAM (CIRT)

1.	Lt.	J. Larochelle	P# 4353
2.	Sgt.	R. Black	P# 4635
3.	Det.	R. Kegley	P# 4981
4.	Det.	D. Pond	P# 3791

F. POLICE EMPLOYEE ASSISTANCE PROGRAM (PEAP)

1. Det. M. Causey

G. P.P.A. or PMSA REPRESENTATIVE:

1.	Det.	D. Clodt	P# 4319
1.	Mr.	J. Harper	PPA General Counsel

H. CLARK COUNTY CORONERS OFFICE:

1. Inv. J. Wright-Heuerman (**Pronounced 07-05-11 at 0913 hours**)

I. MORTUARY: Hites Mortuary

1.	Mr.	P. Jacobs
2.	Mr.	C. Carroll

J. NORTH LAS VEGAS CITY FIRE DEPARTMENT:

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Engine 51

1. Firefighter Sager
2. Firefighter Bernstien
3. Firefighter Long
4. Firefighter Jensen

Rescue 51

1. Paramedic A. Bonifatto

K. MEDIC WEST AMBULANCE: Unit 633

1. Paramedic T. Blanco
2. Paramedic A. Fickland

L. LVMPD ADVANCE TRAINING UNIT (POST INCIDENT INVOLVEMENT)

1. Ofc. E. Carlson P# 7208 (Downloaded the Officer's Electronic Control Devices "ECD", X-26 Tasers)

III. WITNESSES INTERVIEWED:

- A. Christine M. Deluna
WF, DOB: 1955
SSN:
ID# 1766758
2842 Taurus Ct., Las Vegas, NV. 89115
- B. Lisa Childers
WF, DOB: 1972
SSN:
ID# 1768658
2841 Taurus Ct., Las Vegas, NV. 89115
- C. Antonio Silva (Suspect's Brother)
HM, DOB: 1945
SSN:
7574 Camino de la Rosa, San Diego Ca. 92127
- D. Andre Silva (Suspect's Nephew)

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HM, DOB: -1975
SSN:
7574 Camino de la Rosa, San Diego Ca. 92127

VI. OFFICERS PROVIDING A WALK-THRU OF THE SCENE:

- A. Officer R. Novak (No Statement Given)
P# 8408
Northeast Area Command
Call Sign:

- B. Officer N. Gonzalez (No Statement Given)
P# 9492
Northeast Area Command
Call Sign:

- C. Officer S. Markovic (No Statement Given)
P# 13477
Northeast Area Command
Call Sign:

- D. Officer C. Smith (No Statement Given)
P# 13800
Northeast Area Command
Call Sign:

- E. Sgt. R. Stauffer (No Statement Given)
P# 5287
Northeast Area Command
Call Sign:

V. INCIDENT OVERVIEW:

Luis Silva and Christine DeLuna have been in a dating / cohabitating relationship for the past four years, and living together at 2842 Taurus Court since March of 2010. In October of 2010, Silva lost his job as a transmission mechanic. According to DeLuna, Silva has been despondent since losing his job. A couple of months prior to 07-04-2011, DeLuna said Silva stopped eating, refused to come out of his bedroom, and said

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he was going to fast until he died. DeLuna said Silva eventually came out of his room after she threatened to call his mother and tell her about what he was doing. DeLuna said Silva had been looking for a job every day, and had finally found one with Allstate Batteries which he was supposed to start on 07-05-2011.

Deluna said Silva had several guns in the house including a 9mm, a .380 caliber pistol, and a shotgun. DeLuna believed all of Silva's guns were registered with the police.

Deluna said Silva had never been violent toward her until the night of 06-30-2011. DeLuna said her daughter Lisa Childers had moved to Las Vegas with her two children from Montana three days prior, and was living with them in the house on Taurus Court. Deluna said she was at work on the 06-30 when she received a phone call from her daughter who said she was at a friend's house because Silva was being mean to her. Deluna said she called Silva to confront him about his behavior toward her daughter, and during the phone call Silva "freaked out" and hung up on her. Deluna said she got home from work around 2130 hours, and stayed up watching television. When she went to her bedroom to go to sleep, she said Silva jumped out of the bed, tried to hit her, and threatened to "kick her ass." DeLuna said she was scared so she called the police. Deluna said Silva took her phone away from her and threatened to throw it in the toilet, but then gave the phone back to her. Deluna said the police called her back, but she didn't answer the call and just went to bed. I researched DeLuna's 9-1-1 call, and found she placed a call from her cell phone to the LVMPD 9-1-1 center on 07-01-2011 at 2315 hours under event 110701-4645. Officers did not respond to the call because it was from a cell phone at an unknown Las Vegas address.

DeLuna said all was well between her, her daughter, and Silva until 07-04-2011. DeLuna said she came home from work around noon, cleaned up the house, and took a shower. DeLuna said while she was in the shower Silva went to the store and bought a large quantity of beer and began drinking. She was concerned about Silva, because he rarely drinks, and had not eaten anything to absorb the alcohol.

On 07-04-2011, at approximately 1400 hours, Lisa Childers (DeLuna's daughter) said everyone was in the backyard drinking and barbequing. Childers said she went into the living room and Silva pulled a black handgun from his waistband and handed it to her. Childers said she refused to take the gun from Silva, and told him to put it in his room. Childers thought Silva was handing her the gun because he was leaving for the store again. Childers said after Silva returned from the store she saw him in the backyard with the gun. Childers described Silva's state of mind as depressed, and mentioned that he had gotten into a fight with his ex-wife over child custody issues the night of 07-03-2011.

DeLuna said late in the evening on 07-04-2011, she, her daughter, her grandson, and Silva were in the house and she began telling everyone how Silva had threatened her

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life a couple of days ago. DeLuna said Silva became very upset, and she continued to confront him about the incident because he wouldn't confess to threatening her. DeLuna said Silva went to his bedroom then came out a few minutes later to get a beer before returning to the bedroom. DeLuna said she went to Silva's bedroom a few minutes later and asked Silva "why aren't you telling them the truth, why are you lying" at which point Silva put a gun to the right side of his head. The argument between Silva and DeLuna was overheard by Childers who also came into the bedroom. Childers said Silva began waving the gun around so she tried to grab it and they wrestled over the gun for a moment before Childers told her mother to get out of the bedroom. Childers said Silva was telling them to just leave him alone, and that he wanted his daughter to have the 1966 car that was in the garage. Childers said she wrestled with Silva over the gun because she didn't want him to shoot her mom. Childers said once they got into the living room she showed her mother the bruises she sustained wrestling with Silva, and her mother called the police.

At 2328 hours, DeLuna called 9-1-1 and reported that her boyfriend was being violent and that he hit her daughter. DeLuna told the operator that her boyfriend was Luis Silva, that he was still in the residence, and that he had been drinking. When the operator asked if Silva had any weapons, DeLuna said no. DeLuna also told the operator that her daughter did not need medical attention. Police Officers were dispatched to DeLuna's residence under event 110704-5637. At 2342 hours, DeLuna re-called 9-1-1 and said Silva was armed with a gun, and had the gun with him in the bedroom. DeLuna also told the operator that Silva had the gun to his head 20 minutes prior to her call.

VI. INITIAL RESPONSE / FIT NOTIFICATION:

(Note: For the purposes of this report, the terms X-26, X-26 Taser, Taser, and Electronic Control Device (ECD) all refer to the X-26 Taser manufactured By Taser International in Scottsdale Arizona.)

Christine DeLuna's 9-1-1 call was received on 07-04-2011 at 2328 hours. At approximately 2335 hours, Officers Novak and Officer Gonzales assigned themselves to the incident at DeLuna's residence, and arrived there at approximately 2344 hours. DeLuna met the officers at the front door and let them in her house. DeLuna told Officer Novak that Silva was in the bedroom armed with a gun. Officer Gonzales told Officer Novak the master bedroom door it was locked, and he told her that the suspect was in the room and he was armed with a gun. Officers Novak and Gonzales then took up positions in the hallway outside of Silva's bedroom door and began to talk with Silva. Both DeLuna and Childers heard Officer Novak trying to convince Silva to come out of the room before they were ushered out of the house by other responding officers.

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At 2345 hours, the LVMPD Dispatcher notified the responding officers that the male suspect was armed with a gun and threatening to kill himself. Two minutes later at 2347 hours, Officer Gonzales told the dispatcher that they have not made contact with the suspect yet. Officer Markovic assigned herself to the call at 2347 hours. Over the next several minutes, several officers including Sgt. Stauffer, Officer N. Markovic, and Officer C. Smith arrived at DeLuna's residence. Officer Novak and the other officers stationed themselves in the hallway outside of Silva's bedroom while Silva remained in his room behind a locked door. The negotiations between Officer Novak and Silva continued for approximately 23 minutes.

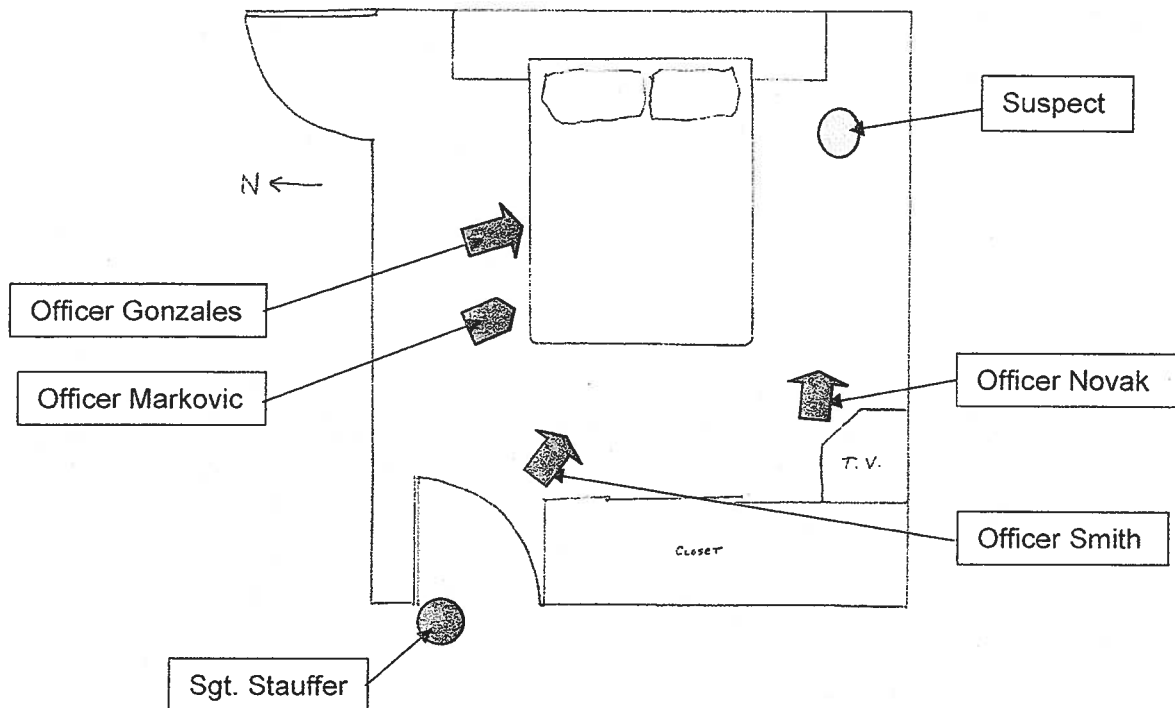
On 07-05-2011, at approximately 0010 hours Silva unlocked and opened his bedroom door. Immediately prior to entering Silva's bedroom, Officer Smith handed Officer Markovic his X-26 Taser while Officer Smith went outside to retrieve his low lethality shotgun from his vehicle. When Silva opened the bedroom door, Officer Markovic turned Officer Smith's X-26 Taser on activating the onboard video camera. When the officers entered the room, Officer Novak had his .45 caliber pistol drawn and pointed at Silva, Officer Smith had his low lethality shotgun pointed at the suspect, and Officer Gonzales had her 9mm pistol drawn and pointed at the suspect. Sgt. Stauffer remained outside the room in the doorway. Officer Smith's Taser camera recorded a time of 07-05-2011 at 07:13:22 hours GMT. The time on Officer Smith's Taser was approximately 7 hours and 3 minutes fast. The below listed times are based on Officer Smith's Taser camera and adjusted back 7 hours and 3 minutes to compensate for GMT to Pacific Standard time, and because the camera was approximately 3 minutes fast.

The first image on Officer Smith's Taser camera appeared at 07-05-2011 / 00:10:22 hours, and showed the suspect standing in the southeast corner of the bedroom with a black semiautomatic pistol pressed against the right side of his head, and a bottle of beer in his left hand. As soon as the officers walked into the room Officer Novak said "I don't want to shoot you, code red, listen to me" to which Silva replied "boy there are a lot of cops." As the officers continued to enter the room, a female officer told Silva to "drop the gun, put the gun down dude," and a male officer said "put it down." Silva told the officers "I'm not fucking around, but you guys are pushing me to this, I would never hurt you." During the next 19 minutes and 58 seconds, Officer Novak attempted to get the suspect to put his gun down, but the suspect kept asking the officers to shoot him. The suspect remained in the southeast corner of the room approximately six to eight feet from the officers while holding the pistol to his head during the majority of the confrontation. Silva told the officers "I'm not a suicidal motherfucker, you guys put me in this position, and if I point my gun at you, you will shoot me, I want you guys to shoot me." While talking with Officer Novak, Silva moved the gun from his head, pointed it his chest, then moved it back to the right side of his head. At one point Silva leaned across the bed and shook hands with Officer Novak and said "it's nice knowing you." Silva continued to tell the officers that because they showed up it put him in a bad position,

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that he was never going to hurt himself or anyone else, but because the police showed up he has no choice he doesn't want to be here anymore. He told the officers that if he puts his pistol down he will lose his CCW permit because he is trying to commit suicide, and that there was only two ways out – either he blows his brains out, or the police take him to jail. During the standoff in the bedroom, the suspect put a cigarette in his mouth and asked Officer Novak for a light. After Officer Novak handed Silva a lighter, Officer Novak moved to a position in the southwest corner of the room, Officer Smith stayed near the entrance to the room, and Officer Markovic and Officer Gonzales took up positions on the north side of the bed (See Diagram 1).

Diagram 1 (Master Bedroom 2842 Taurus Court)



On 07-05-2011 at approximately 00:27:03 hours, Silva picked up his cell phone and placed a call to his nephew Andre Silva. During the next 3 minutes and 18 seconds Silva spoke to his brother Antonio Silva in Spanish, then at approximately 00:30:21 hours Silva handed the phone to Officer Novak at which time the video on Officer Smith's Taser stopped. The video stopped because Taser cameras automatically turn

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off after running for 20 minutes. At the time the video camera turned off it had been running for approximately 19 minutes and 58 seconds.

When Officer Smith's Taser camera turned off, Officer Markovic threw Officer Smith's Taser on the bed, and drew her own X-26 Taser, turned it on, and activated the onboard camera. The time on Officer Markovic's Taser camera was 07-05-2011 at 07:46:10 hours GMT when it was activated. The time on Officer Markovic's Taser was approximately 7 hours and 16 minutes fast. The below listed times are based on Officer Markovic's Taser camera and adjusted back 7 hours and 16 minutes to compensate for GMT to Pacific Standard time, and because the camera was approximately 16 minutes fast.

The first image on Officer Markovic's Taser camera was on 07-05-11 at 00:30:10 hours, and showed Silva leaning against the wall in the southeast corner of the master bedroom with his left hand in his pocket, and his right hand holding a pistol against the right side of his head. Also at 0030 hours, the camera audio recorded Officer Novak talking on the phone to Silva's brother. After speaking with Silva's brother, Officer Novak handed the phone back to Silva. At approximately 0031 hours, Silva laid the phone on the bed and continued talking with Officer Novak. At approximately 0033 hours, Silva spoke to his brother again saying "listen to me this is gonna turn out bad man." Silva then put the phone down and told Officer Novak "this is gonna turn out bad Ray." During this part of the conversation with Silva, Officer Novak was approximately 6 feet west of Silva.

At approximately 0034 hours Silva's phone rang, and while on the phone he told Officer Novak not to come any closer and that this was his choice. Approximately 30 seconds later, Officer Smith fired three shots from his low lethal shotgun striking Silva in the chest, abdomen, and hip. As Silva was shot with the bean bag rounds, he lowered his pistol to his waist, dropped his phone, and as he moved his hands toward his abdomen he pointed his pistol at Officer Novak. After being shot with the bean bag rounds, Silva stood upright, spread his arms, and said shoot me! As Silva was telling the Officers to shoot him, Officer Markovic fired her first X-26 Taser cartridge at Silva causing Silva to flinch and bend over. When Officer Markovic fired her Taser, Officer Smith stepped out of the bedroom and into the hallway to reload the magazine tube of his low lethality shotgun with shells from the shotgun's side saddle. As Silva was bent over he began to raise his pistol in the direction of Officer Gonzales at which time Officer Gonzales fired one shot from her 9mm pistol striking Silva in the left upper arm. Officer Gonzales bullet passed through Silva's left upper arm, through the south bedroom wall, and was recovered in the dirt in the southeast corner of the backyard.

Even though Silva was shot he still did not drop his pistol, and continued to tell the officers to shoot him. As Silva began to raise back up, Officer Novak told Silva "don't do it." At approximately 0035 hours, Sgt. Stauffer told Officer Markovic to reload her Taser. After reloading her Taser, Officer Markovic fired one additional cartridge striking

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Silva. As Silva was struck by Officer Markovic's second cartridge, he turned toward Officer Novak who also fired one cartridge from his X-26 Taser at Silva. After being struck by Officer Novak's cartridge, Silva turned toward Officer Novak, began to raise his pistol toward Officer Novak and said "I want you to do it." As Silva raised his pistol toward Officer Novak, Officer Novak fired three times striking Silva twice in the chest, and once in the right upper leg. The bullet that struck Silva in the right leg passed through his leg, and lodged in the exterior wall on the east side of the bedroom behind Silva.

After Silva was shot he dropped his pistol next to his right side and collapsed in a seated position in the southeast corner of the bedroom. The pistol was picked up by Officer Gonzales who put it on the southeast corner of the bed. The pistol was then moved from the bed to the north side of the headboard by Officer Smith. After securing the pistol, Officers Gonzales and Novak pulled Silva on to the floor on the south side of the bed and rolled him onto his back while other officers in the room called for medical personnel. When paramedics with the North Las Vegas Fire Department arrived, they determined the suspect was deceased.

After the scene was secured, Supervisors requested Crime Scene Analysts and the Homicide Section Force Investigation Team respond. Homicide Sergeant M. Sanford notified Detectives Long, Wilson, Embrey, and I and directed us to respond to the scene. Upon arrival, Detective Long and Detective Embrey were assigned to interview DeLuna and Childers, and Detective Wilson was assigned to count down the involved Officers weapons. I was assigned to conduct the investigation of the crime scene. After DeLuna and Childers were interviewed, Detectives Long and Embrey canvassed the surrounding area for witnesses, but none were found.

VII. DESCRIPTION OF SCENE AND VISIBLE EVIDENCE:

A. DESCRIPTION OF THE SCENE

2842 Taurus Court is a located on the east side of Taurus Court four houses north of Alto Avenue. The front door of the residence faced west onto Taurus Court. The front door and the security gate were both standing open when I arrived, and the porch light was on. A Nissan XTerra (MT license 516402A) was parked in the driveway, and a Dodge Neon (NV license 151WRF) was parked in the grass in front of the house. A trash can was located on the sidewalk at the southwest corner of the garage. Within the trash can were approximately 12 empty Budweiser beer bottles. I also found three (3) 20 bottle cases of Budweiser beer with approximately 30 empty bottles in them on the sidewalk in front of the residence next to the road. The beer bottles were photographed, but not collected.

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Prior to entering the residence, Det. D. Long obtained consent to search the residence from Christine DeLuna. DeLuna was the primary lease holder of the house along with the deceased suspect Luis Silva.

Crime Scene Analysts (CSA) and I located an expended bullet fragment in the dirt in the southeast corner of the backyard. The bullet appeared to be a 9mm, and appeared to have originated from an apparent exit hole in the south wall near the southeast corner of the residence. The bullet hole was in-line with the suspect's location in the master bedroom at the time he was shot by Officer Gonzales. Crime Scene Analysts and I also located a fired bullet in the exterior stucco of the east wall near the southeast corner of the residence. The bullet in the stucco appeared to be a .45 caliber. The bullet hole was in-line with the suspect's location in the master bedroom at the time he was shot by Officer Novak.

2842 Taurus Court is a three bedroom, two bathroom single story house. The front door opens into the living room which adjoins the dining room and kitchen. A hallway lead south from the living room to the three bedrooms which were located on the south side of the house.

After entering the residence, I searched the living room and kitchen / dining room area of the house. I found an open Budweiser beer bottle on the coffee table, an unopened beer bottle on the bar, and several empty beer bottles in the kitchen trash can. I also found a .12 gauge shotgun in the living room against the north wall. The shotgun was unrelated to the incident which occurred on 07-04-2011. The living room, kitchen, and dining room were photographed, but nothing of evidentiary value was found.

Hallway outside the master bedroom:

Located in the hallway outside of the master bedroom were a Taser dart, two lengths of loose dart wire, and a .12 gauge Drag Stabilized Bean Bag shotgun shell (unfired). The Taser dart and wires appear to have been drug out of the bedroom when the wires became entangled in the shoes of an unknown person as they were walking out of the bedroom. The shotgun shell was dropped by Officer Smith as he was in the process of reloading the magazine tube of his low lethality shotgun.

Master bedroom:

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The master bedroom was approximately 14' x 13', and the entry door was located in the northwest corner of the room. A closet was located along the west wall, and the master bathroom was located in the northeast corner of the room. Lying on the carpet in front of the closet was a floor fan which was originally on the south side of the bedroom, but was moved by officers and medical personnel while they were rendering aid to the suspect. A television stand with a television on top of it was located in the southwest corner of the bedroom, and a king size bed and headboard was located against the east wall. The headboard was constructed with two built-in 2-drawer night stands, one on the north end of the headboard, and the other on the south end. The mattress was turned on top of the box spring at an approximately 45 degree angle to the north. The mattress was displaced by Officers at the scene as they attended to the suspect after he was shot. There was an overturned wooden chair on the north side of the bed in front of the entrance to the master bathroom. The master bathroom was searched, but nothing of evidentiary value was found. When I arrived, the door to the bedroom was open, and the lamp in the southeast corner of the room was on.

Six Taser dart wires were located in the bedroom, some were connected to darts, and some were not. The wires were located on the carpet on the southeast and east sides of the bed, and leading from the east side of the bed through the doorway and into the hallway. I recovered one Taser dart from the carpet on the suspect's right side, and four additional darts from the suspect's person. The darts on the suspect were recovered from the following locations; one from the suspect's left arm pit, one from the suspect's groin area, one from the suspect's left back, and one from the suspect's right chest. I found numerous components from the Taser cartridges in various spots in the room including on top of the bed. The components consisted of cartridge doors, rubber grommets, and AFID identification tags bearing serial numbers T08-2020421, T06-1083716, and serial number C3100MDM0. The three serial numbers identified by the AFID tags were consistent with the three cartridges fired by Officer Markovic and Officer Novak. The specific locations of the components were not critical in reconstructing the sequence of events because the confined space of the bedroom, and the various people walking in and out of the bedroom moved the very small AFID tags around the room.

I recovered the three Taser cartridges associated with the AFID serial numbers listed above from the master bedroom. Cartridge T08-2020421 was located on the carpet under the mattress near the northeast corner of the bed, cartridge T06-1083716 was located on the carpet in front of the closet, and cartridge C3100MDM0 was recovered from Officer Markovic's Taser at the Northeast Area

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Command later in the morning on 07-05-2011. Officer Markovic fired cartridges C3100MDM0 and T08-2020421, and Officer Novak fired cartridge T06-1083716.

I found Officer Smith and Officer Novak's X-26 Tasers sitting on the top of the mattress on the south side of the bed. Officer Smith's X-26 Taser serial number X00-343717 had an unfired cartridge in the barrel and another unfired cartridge in the grip. *Note: Officer Smith's Taser was used by Officer Markovic to record the first 19 minutes and 58 seconds of the officers' encounter with the suspect, it was not employed against the suspect.* Officer Novak's X-26 Taser serial number X00-061330 did not have a cartridge in the device. All of the aforementioned Tasers and Taser components were impounded by CSA McGhee. Officer Markovic retained her Taser, and turned it over to Detective Wilson during the countdown of her weapon.

I found one (1) Speer 9mm Luger cartridge casing inside the bedroom near the door on the north side of the closet. The 9mm cartridge casing's location was consistent with Officer Gonzales firing toward the south from the north side of the bed.

I found three (3) 12 gauge low lethality drag stabilized bean bag shells in the bedroom. Two of the fired shells were in the doorway inside the bedroom on the north side of the closet. The third shell was in the bedroom on the carpet near the northeast corner of the closet. The location of the shotgun shells was consistent with Officer Smith firing his 12 gauge Low Lethality Shotgun in a southeasterly direction from the northwest corner of the bed. I found the three (3) rag stabilized bean bags which were fired from Officer Smith's shotgun in the bedroom. One bean bag was located on the top center of the mattress, the second was located in front of the nightstand on the south side of the bed, and the third bean bag was located on the carpet on the north side of the bed.

I found three (3) Speer .45 caliber cartridge casings in the southwest corner of the room. One of the casings was on the carpet east of the television stand in the southwest corner of the room, one casing was on top of the television stand, and one was on the carpet behind the television stand. The location of the cartridge casings is consistent with Officer Novak firing from west to east while standing near the southwest corner of the bed.

I found the suspect's Ruger P89 9mm pistol, serial number _____ on top of the north nightstand. The barrel was pointed toward the south, and the grip was pointed toward the north. The pistol's hammer was back, and the safety was

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off. The pistol was loaded with one (1) FC 9mm Luger cartridge in the chamber, and four (4) FC 9mm Luger cartridges in the installed magazine. The pistol was registered with the LVMPD by Luis Silva on 01-03-2010. The Ruger pistol was also listed on Silva's Concealed Weapon Permit. Silva's Concealed Weapon Permit was found in his wallet on top of the bed.

All of the cartridge casings, shotgun shells, bean bags, and the suspect's Ruger pistol which are listed above were impounded by CSA McGhee.

The suspect's Sprint cell phone was found on the carpet in front of the nightstand on the south side of the bed. I also found three Budweiser beer bottles in the bedroom, one partially full bottle was lying on the carpet on the south side of the bed, and two empty bottles were in the trashcan in the southeast corner of the room. Neither the cell phone nor the beer bottles were collected as evidence.

The suspect's wallet was found on top of the mattress. The wallet contained the suspect's Nevada driver's license and his LVMPD Concealed Weapon Permit. The Concealed Weapon permit listed two pistols, a Ruger P89 9mm, and a David P380 .380 caliber. The Ruger was recovered at the scene, however, the David 380 was not recovered. The wallet was not collected, and the ID was turned over to Investigator Wright-Heuerman from the Coroner's Office.

The blood evidence in the bedroom was confined to the south side of the bed. There were bloodstains on the south side of the mattress, on the wall and carpet in the southeast corner of the bedroom, and on the carpet on the south side of the bed. The blood evidence was consistent with the suspect being shot and collapsing against the wall in the southeast corner of the bedroom then being dragged out of the corner and laid on the carpet on the south side of the bed. I also found bloodstains on the suspect's pistol. No blood samples were collected as evidence since the suspect was the only person bleeding.

LVMPD Vehicle NE 1617

During the examination of the crime scene, CSA McGhee and I recovered Officer Smith's low lethality shotgun from the trunk of LVMPD vehicle NE1617 which was parked near the suspect's residence. The shotgun was a .12 gauge Remington pump-action shotgun, serial number . The shotgun had one (1) .12 gauge drag stabilized bean bag shell in the chamber, none in the

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magazine tube, and five bean bag shells on the installed side saddle shell holder. The capacity of the magazine tube was four (4), and the capacity of the side saddle was six (6). The low lethality shotgun is normally loaded with four (4) bean bag shells in the magazine tube, and six (6) on the side saddle. Based on my countdown of the shotgun, it appears that Officer Smith fired three bean bag rounds which was consistent with the three (3) expended bean bag shell casings I recovered in the master bedroom.

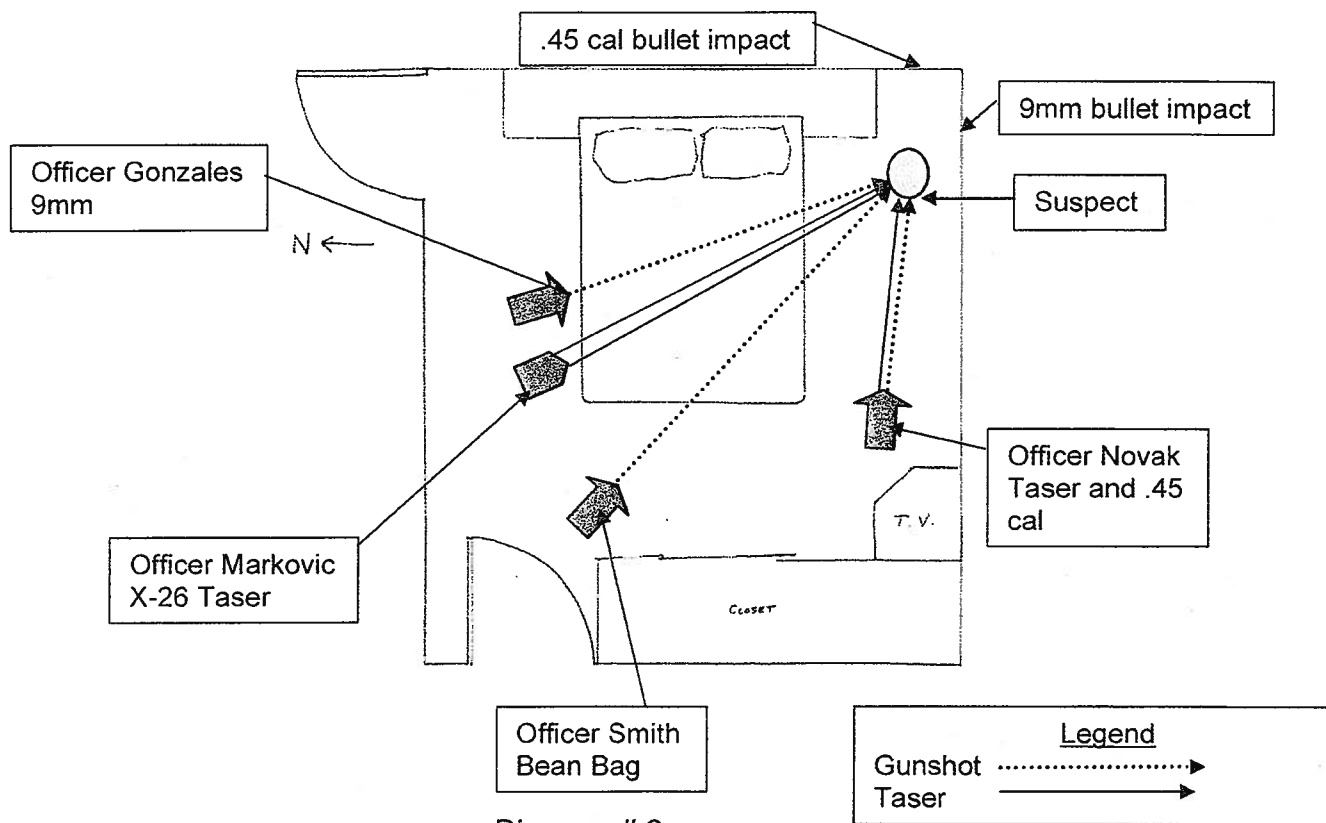
Trajectories and Distances

Based on the video footage from Officer Smith's, Officer Markovic's, and Officer Novak's Tasers, and on the information provided by the officers during a walk-thru of the scene the following trajectory determinations were made. Officer Smith fired three (3) low lethality drag stabilized bean bag rounds in a southeasterly direction at the suspect who was standing near the southeast corner of the bedroom. Officer Smith was approximately 10'10" northwest of the suspect when he fired. After Officer Smith fired, Officer Markovic fired one cartridge from her X-26 Taser from her position on the north side of the bed at the suspect who was standing on the south side of the bed. Officer Markovic was approximately 10' north of the suspect when she fired.

Officer Gonzales was the next officer to fire at the suspect. Officer Gonzales fired one (1) shot from her 9mm pistol at the suspect who was standing on the south side of the bed west of the east wall. Officer Gonzales was approximately 9'10 north of the suspect when she fired.

After Officer Gonzales fired, Officer Markovic and Officer Novak each discharged one X-26 Taser cartridge at the suspect. Officer Markovic fired her second cartridge from the north side of the bed at the suspect who was approximately 10' away from her on the south side of the bed. Officer Novak was approximately 6'8" west of the suspect when he fired an X-26 Taser cartridge at the suspect who was standing near the southeast corner of the bedroom. After Officer Novak fired his Taser, he fired three (3) shots from his .45 caliber pistol in an easterly direction at the suspect who was crotched in the southeast corner of the bedroom. Officer Novak was approximately 6'8" west of the suspect when he fired. (See diagram #2)

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I found two bullet impacts in the master bedroom. The first impact point was located on the south wall approximately 1'11" west of the east wall, and 2'8" above the floor. The second impact point was located on the east wall approximately 1'7" north of the south wall and 2'5" above the floor. The bullet from the first impact passed through the wall and was recovered in the southeast corner of the backyard. The bullet from the second impact lodged in the exterior east wall and was recovered. The first impact on the south wall was caused by Officer Gonzales' bullet, and the impact on the east wall was caused by the shot fired by Officer Novak which passed through the suspect's right leg.

Scene Clean-up

After the crime scene processing was completed and the suspect's body was removed, H2O cleaners arrived and cleaned up the blood in the master bedroom. When H2O cleaners were finished, I released the scene to Christine DeLuna on 07-05-2011 approximately 1132 hours.

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B. LOCATION AND DESCRIPTION OF THE BODY

(Note: For the purposes of this report, the terms X-26, X-26 Taser, Taser, and Electronic Control Device (ECD) all refer to the X-26 Taser manufactured By Taser International in Scottsdale Arizona.)

The body of Luis Silva was lying supine on the south side of the bed. Silva's head was pointed toward the west, and his feet were pointed toward the east. Silva's arms were lying at his sides slightly away from his body, and his legs were slightly bent at the knees. Silva was dressed in a white t-shirt, blue jeans with a black belt, and black boots. Silva's t-shirt was bloodstained on the front and left side, his pants had blood on the groin and right hip, and he had bloodstains on the tops of his boots. Silva's jeans were pulled down around his knees by officers and medical personnel assessing his injuries.

I recovered one Taser dart from the carpet on the suspect's right side, and four additional darts from the suspect's person. The darts on the suspect's person were recovered from the following locations; one from the suspect's left arm pit, one from the suspect's groin area, one from the suspect's left back, and one from the suspect's right chest. All of the darts were removed from the suspect's body after approval was obtained from Deputy Coroner John Fudenberg. The darts and associated wires were impounded by CSA McGhee.

When Clark County Coroner Investigator Jennifer Wright-Heuerman arrived at the scene she pronounced death on 07-05-2011 at 0913 hours. During Investigator Wright-Heuerman's examination of Silva's body, I saw an apparent gunshot wound on Silva's left bicep, another in the center of his chest, and a third in his right leg. Silva also had what appeared to be bean bag impact wounds on his chest and abdomen. After Investigator Wright-Heuerman's completed her examination, Silva's body was transported to the Coroner's Office by Paul Jacobs and Casey Carroll from Hites Mortuary.

VIII. AUTOPSY:

On 07-06-11, at approximately 0925 hours, preparation for the autopsy of Luis Silva was begun at the Clark County Coroner's Office, and the following persons were in attendance. After the body was prepared, Dr. Alane Olsen performed an autopsy on the body of Silva.

A. PERSONS IN ATTENDANCE

1. Medical Examiner Dr. A. Olsen

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- 2. Forensic Assistant Jolie Ballard
- 3. Forensic Assistant Sue Miele
- 3. CSA M. McIntyre P# 13207 LVMPD Crime Lab
- 4. Detective C. Mogg P# 5096 Homicide Section
- 5. Detective B. Embrey P# 8644 Homicide Section

B. EVIDENCE IMPOUNDS

During the processing of Silva's body, the following items of evidence were recovered by CSA McIntyre.

- 1. One pair of black boots
- 2. One pair of white socks
- 3. One pair of green plaid boxer shorts. The boxer shorts had an apparent bullet defect in the fabric on the right side of the fly, and another apparent bullet defect on right outside thigh.
- 4. One pair of blue jeans, with a black belt and a black cellular phone case. The pants had apparent bloodstains on the front of both pant legs. There was also an apparent bullet defect in the cloth on the right side of the fly, and another apparent bullet defect on the right hip.
- 5. A white t-shirt with apparent bloodstains on the front. The shirt had two apparent bullet defects in the upper center of the shirt, and two other larger defects associated with bean bag rounds on the mid-section of the shirt. There also a smaller defect on the lower right side of the shirt, and another smaller defect on the center mid-section of the shirt.
- 6. Buccal saliva sample.
- 7. White sheet with apparent bloodstains.
- 8. Two bullets recovered during autopsy.
- 9. Finger / Palm prints.
- 10. Piece of broken plastic.

C. INJURIES

During the preparation for autopsy, the below listed injuries were observed on Silva's body.

- 1. Two apparent gunshot wounds on the left side of the upper chest.

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2. Apparent abrasion / contusion from a bean bag on the center of the chest.
3. Apparent abrasion / contusion from a bean bag on the right side of the torso.
4. Apparent contusion from a bean bag on the left hip.
5. Small laceration possibly from a Taser probe on the left side of the torso.
6. Small laceration from a Taser probe on the center of the abdomen.
7. Small laceration from a Taser probe on the right side of the abdomen.
8. Apparent gunshot wound on the right inner thigh.
9. Apparent gunshot wound on the outside of the right thigh.
10. Two apparent gunshot wounds on the left upper arm.
11. Minor abrasion on the left elbow.

Note: For a complete description of the injuries sustained by Luis Silva refer to Dr. Olson's autopsy report under Coroner case number 11-5950.

D. RESULTS OF THE AUTOPSY

After performing a complete autopsy on the body of Luis Silva, Dr. Olsen determined the cause of Silva's death was multiple gunshot wounds to the torso, and the manner of his death was a Homicide.

IX. INVESTIGATION:

(Note: For the purposes of this report, the terms X-26, X-26 Taser, Taser, and Electronic Control Device (ECD) all refer to the X-26 Taser manufactured By Taser International in Scottsdale Arizona.)

CSA Supervisor J. Smink, and CSAs Madden, Grealis, and McGhee, assisted me in the investigation of the crime scene. CSA Klosterman went to the Northeast substation and assisted Detective Wilson with the countdown of the weapons of the officer involved in the incident. Even though Officer Novak and Officer Gonzales were the only two officers who fired handguns, all of the officers present in the residence at the time of the shooting counted down.

After arriving at the scene and obtaining the initial briefing, Detectives Long and Embrey interviewed Christine DeLuna and her daughter Lisa Childers. DeLuna also signed an

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LVMPD Consent to Search card for the residence at 2842 Taurus Court which was witnessed by Detective Long.

The Officers involved in the incident were transported from the scene to the Northeast Area Command Substation by Police Employee Assistance Program (PEAP) detectives. Detective Wilson was assigned along with CSA Klosterman to respond to the Northeast Area Command to count the involved officers weapons down. While at the Northeast substation, the officers were photographed and met with their union representatives. During the countdown, Detective Wilson took custody of Officer Markovic's X-26 Taser and later gave the device to me for downloading.

Officers Novak, Gonzales, Markovic, and Smith were brought back to the scene where one by one accompanied by their union attorney they walked me through the scene describing where they were at the time of the shooting. After the walk-throughs were completed the officers were returned to the Northeast Area Command. None of the officers involved in the incident provided a recorded statement to Homicide Detectives.

Since Sgt. Stauffer's union representative did not respond to the scene, he provided a description of his actions and observations to me on a later date when his representative was available. Sgt. Stauffer did not provide a recorded statement.

During my investigation of the crime scene, Detective Wilson brought me Officer Markovic's X-26 Taser. After completing the investigation of the scene, I took Officer Markovic, Officer Smith, and Officer Novak's X-26 Tasers to the LVMPD Training Section where Officer E. Carlson downloaded the data and video from each device with the following results:

Officer Novak's X-26 Taser, serial number X00-061330, indicated one five (5) second firing on 07-05-2011 at 00:38:07 hours PST. The time on Officer Novak's Taser camera was approximately 3 minutes fast, so the corrected time was approximately 00:35:07. Officer Novak's Taser did not have any cartridges installed in the device when it was downloaded.

Officer Smith's X-26 Taser, serial number X00-343717 had an unfired cartridge serial number C3100FW82 installed in the barrel, and another unfired cartridge serial number C3100FRTF installed in the grip. Officer Smith's Taser camera was activated on 07-05-2011 at 00:13:22 hours PST. The time on Officer Smith's Taser camera was approximately 3 minutes fast, so the corrected time was approximately 00:10:22 hours PST. The camera recorded for approximately 19 minutes and 58 seconds before the self timer in the Taser turned the device off and stopped the camera. Officer Smith's Taser was not discharged during the incident.

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Officer Markovic's X-26 Taser, serial number X00-341731 had a fired cartridge serial number C3100MDM0 in the barrel. The clock in Officer Markovic's Taser was approximately 16 minutes fast, so the following times have been adjusted back to reflect the correct time. Officer Markovic's Taser indicated three separate discharges, the first occurred on 07-05-2011 at 00:34:45 hours PST, the second occurred on 07-05-2011 at 00:34:55 hours PST, and the third firing occurred on 07-05-2011 at 00:35:10 hours PST. The camera on Officer Markovic's Taser's indicated a recording on 07-05-2011 at 00:30:10 hours which lasted for 5 minutes and 42 seconds.

On 07-21-2011, Detective McCarthy and I traveled to Taser International in Scottsdale Arizona in order to have Officer Markovic's and Officer Novak's X-26 Tasers examined, and also to have the Taser darts recovered at the scene examined. Mr. Andrew Hines who is the Director of Technical Programming for Taser International examined the Tasers and darts. Mr. Hines said the battery on Officer Markovic's Taser was dead and so the Taser could not be examined. After examining Officer Novak's Taser, Mr. Hines said it was operating within normal limits. Mr. Hines examined the six darts recovered from the scene, two (2) darts were C series darts, and four (4) were T series darts. The darts were examined with the following results;

<u>Dart Style</u>	<u>Evidence Item</u>	<u>Wire Present</u>	<u>Contact</u>	<u>Arc Time</u>
"T" series dart	Item 1	Yes	good circuit	2-5 seconds
"T" series dart	Item 41	Yes	none	none
"T" series dart	Item 42	No	Unable to determine	Unknown
"T" series dart	Item 44	Yes	None	none
"C" series dart	Item 43	Yes	Unknown too much blood	
"C" series dart	Item 45	Yes	Unknown too much blood	

** There was not enough information related to the darts to determine which dart was fired by which officer.

On 08-04-2011, I reviewed the 9-1-1 call which were received by the LVMPD in connection with the incident at 2842 Taurus Court. On 07-05-2011, at approximately 0010 hours, Haydee Silva, phone number _____, called the LVMPD to report that he son Luis Silva who lived at an unknown address in Las Vegas was threatening to commit suicide. Haydee said she received this information from her other son who had spoken to Luis by telephone. Haydee told the 9-1-1 operator that Luis' phone number was _____. Haydee recalled 9-1-1 at 0018 hours, 0027 hours, and 0037 hours. When Haydee called at 0027 hours, she told the operator she thought the police was with her son, and that one of the officers was named "Ray." Haydee told the operator that all of the information she was getting was second hand from her other son who was

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speaking to Luis on the phone. During the last call, Haydee also told the operator that Luis told his brother to say goodbye and he was going to kill himself. When Haydee called 9-1-1 at 0037 hours, she reiterated what she had already said.

CIVILIAN WITNESS INTERVIEWS:

On 07-05-11 at approximately 0251 hours, Detectives Long and Embrey interviewed Christine Deluna. During the interview she relayed the following information: Deluna said she has lived with Luis Silva at 2842 Taurus Court since March of 2010, and that she has been in a relationship with him for the past four years. Deluna said Silva was laid off in October 2010 and has been depressed because he hasn't been able to find work. DeLuna said Silva was supposed to start a new job on 07-05-2011. Deluna said approximately two months ago, Silva locked himself in his bedroom, and refused to come out or eat and told her that he wasn't going to eat until he died. Deluna said she told Silva she was going to call his mother and tell her how he was acting, at which point he came out of the bedroom. Deluna said Silva had also been depressed over a custody issue with his ex-girlfriend Angie Serrano involving his thirteen year-old-daughter,

Deluna told the detectives that on 06-30-2011, she was at work and received a phone call from her daughter Lisa Childers who told her she was at a friend's house because Silva was being "mean to her." Deluna said she called Silva, and during the phone call she had asked Silva why he was being mean to her daughter. Deluna said Silva "freaked out" and hung up. Deluna said when she got home from work she stayed up for a little while watching television, and when she went into her bedroom Silva jumped out of bed and tried to hit her. Deluna said when Silva threatened to "kick her ass" she called the police. Deluna said while she was on the phone, Silva took the phone from her and threatened to throw it in the toilet, but gave it back to her moments later. Deluna said the police called her back, but she didn't answer it and just went to bed. *(Note: A check of the LVMPD Computer Dispatch System showed a 9-1-1 disconnect call from DeLuna's cell phone on 07-01-2011 at approximately 2315 hours. The call was documented under Event 110701-4645. No action was taken on the call, because the call came from DeLuna's cell phone from an unknown location in Las Vegas.)*

Deluna said on 07-04-2011, she got home from work around noon, and cleaned the house because they were going to have a barbeque. Deluna said she took a shower and when she got out of the shower, she saw that Silva had bought an 18 pack and a 20 pack of Budweiser beer. Deluna said she felt it was strange because Silva doesn't normally drink beer. Deluna said during the course of the day and into the evening she estimated that Silva drank approximately 15 beers. Deluna told the detectives that Silva had a handgun in his waistband all day, and commented that he doesn't normally carry the gun when he is at home. Deluna said Silva overheard her telling her daughter that he had threatened her life during the incident on Thursday. She said Silva got angry

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when he overheard the conversation and went to his bedroom. DeLuna said she followed Silva into the bedroom and continued to confront him about threatening her, and asked him why he was not admitting to threatening her. DeLuna said as she was confronting Silva he raised a black handgun to his head and held it there. DeLuna said her daughter came in to the bedroom and struggled with Silva over the gun, but she wasn't able to get it away from him. DeLuna said she and her daughter went to the living room where she called the police. DeLuna said Silva remained in the room with the door closed. DeLuna said when the police arrived she let them in, and was escorted out of the house when other officers arrived. DeLuna said she was outside with her daughter when the officers shot Silva. For further details refer to Christine DeLuna's transcribed statement.

On 07-05-2011, at approximately 0344 hours Lisa Childers was interviewed by Detectives Long and Embrey. During the interview, Childers said she came to Las Vegas from Helena, Montana on 07-01-2011 with her children: 9 YOA, 13 YOA and 15 YOA and her grandchild 3 YOA.

Childers said she was aware that Silva lost his job in October of 2010, and was not only depressed over that, but was also depressed because he had a bad argument with his ex-girlfriend, Angie Serrano, about the custody of his 13 year old daughter. Childers was also aware of an incident related to Silva losing his job wherein Silva locked himself in his bedroom for three days and refused to eat.

Childers said during the afternoon of 07-04-2011, she, her children, her mother, and Silva were in the backyard drinking and barbequing. Childers said she went into the living room, and while she was in there Silva pulled a black handgun from his waistband and handed it to her. She said she refused to take the gun from him, and told him to put it in his room. Childers thought Silva was handing her the gun because he was leaving the house to go to the store. When Silva returned, Childers said she saw Silva in the backyard with the gun in the back waistband of his pants. Childers said her mom told her that it was odd for Silva to carry the gun, and that he had never done that before.

Childers said they continued with their festivities in the backyard until later in the evening when DeLuna began telling the family how Silva threatened her life during a domestic violence incident on Friday. Childers said Silva became angry and went to his bedroom. Childers said a short time later DeLuna went into Silva's bedroom and began arguing with Silva over the fact that he wouldn't admit to the family that he had threatened her. After hearing the argument, Childers went into Silva's bedroom and saw Silva waving a gun around and pointing it at his head. Childers thought Silva was going to hurt her mother so she grabbed Silva and tried to take the gun from him. Childers said she wrestled over the gun with Silva before he slammed her into the wall. Childers told her mother to leave the room at which time she and her mother went to the

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living room. Once in the living room Childers showed her mother (DeLuna) the injuries she sustained while wrestling with Silva, and DeLuna called the police.

Childers said initially two police officers arrived and were talking to Silva through the bedroom door. She said moments later more police arrived and directed her and her mother to leave the house. Childers said the police knew that Silva had battered her, had a gun with him in the bedroom, and was making suicidal comments and gestures. Childers said the police negotiated with Silva for about 30 minutes, before she heard several gunshots. Childers told detectives that she felt Silva brought all of this upon himself, and he could have stopped the situation at any time even when the police were there. For further details refer to Childers transcribed statement.

Andre Silva
7574 Camino de la Rosa
San Diego Ca. 92127

On 07-05-2011, at approximately 2015 hours, Detective Embrey and I interviewed Andre Silva who is the suspect's nephew. Andre said he last had contact with his Uncle Luis Silva a couple of years ago. Andres told us when uncle called him on his home phone on 07-04-2011 around 2330 hours it was very unusual. Andre said when he answered the phone Luis identified himself and asked if Antonio was there. Andre said it sounded like his uncle had been drinking. After Andre took the phone to Antonio he listened to the conversation between Antonio and Luis. Andre said the conversation sounded like Luis wanted to end his life. Andre said the call disconnected, and when Luis called back it sounded like Luis had laid the phone down on the bed. Andre said he heard Luis telling Antonio "they're outside, they're gonna jump on me, I'm gonna go to jail and I wasn't doing anything." Andre said Luis told Antonio "there's a bunch of cops, too many guns against one." Andre said the conversation continued and he heard Luis say "Ray, I want you to come in, I'm not gonna shoot you" Andre said the conversation between "Ray" and Luis went on for about 15 minutes before "Ray" came into the room. *(Note: Ray is Officer Raymond Novak)*

Andre said as he continued to listen to the conversation between Luis and "Ray" he heard Luis ask "Ray" if he was married and if he had any children. Andre said the second conversation lasted approximately 30 minutes, and at one point in the conversation Luis said "tell my mom I love her, I love all of you and this is it" after which the phone disconnected. Andre believed that Luis was depressed because he didn't have a job, and Andre felt that Luis had given up all hope and decided to end it. When I asked Andre if he thought it was Luis' intention to have the officers shoot him he said yes because he didn't believe Luis had the guts to do it himself. For further details refer to Andre Silva's transcribed statement.

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Antonio Silva
7574 Camino de la Rosa
San Diego Ca. 92127

On 07-05-2011, at approximately 2041 hours, Detective Embrey and I interviewed Antonio Silva who is the suspect's brother. Antonio was in San Diego with his Nephew Andre Silva on 07-04-2011 at approximately 2330 hours when his nephew received a telephone call from the suspect. Antonio said his brother told him that the police were at his house, and that he was going to commit suicide by shooting himself in the head. Antonio said Luis told him he was tired, and was going to finish everything today. Antonio said he listened on the phone as a person named "Ray" tried to talk his brother out of hurting himself. Antonio thought "Ray" was a police officer. *(Note: Ray is Officer Raymond Novak)* Antonio said he continued to listen as his brother talked, but said the line disconnected a couple of times. Antonio said he recalled his brother the first time the line disconnected, but was unable to reconnect after the line disconnected the second time. For further details refer to Antonio Silva's transcribed statement.

X. OFFICER WEAPON COUNTDOWNS

Detective R. Wilson and CSA O. Klosterman conducted the countdown of the weapons from the officers who were inside 2842 Taurus Court at the time of the shooting. In addition to the countdowns, photos were taken of each of the officers as they appeared on the morning of 07-05-2011.

OFFICER RAY NOVACK, P# 8408

On 07-05-2011 at approximately 0457 hours a countdown was conducted on Officer Novak's Glock Model 21 .45 caliber pistol, serial number . Officer Novak normally carried his pistol with one (1) cartridge in the chamber, and 13 cartridges in the installed magazine. When Officer Novak's pistol was counted down, it had one (1) round in the chamber, and 10 in the installed magazine which indicated that Officer Novak fired his pistol three (3) times during the incident. Officer Novak also carried an X-26 Taser with an attached camera, however, it was not on his duty belt during the countdown. According to Officer Novak, he fired a cartridge from his Taser during the incident, and left the Taser and the cartridge at the scene. Officer Novak's pistol and magazine, his ammunition, and his four spare magazines were impounded by CSA Klosterman.

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OFFICER NICOLE GONZALES, P# 9492

On 07/05/2011 at approximately 0511 hours a countdown was conducted on Officer Gonzales's Glock 17 9mm handgun, serial number Officer Gonzales normally carried her pistol with one (1) cartridge in the chamber, and 17 cartridges in the installed magazine. When Officer Gonzales's pistol was counted down, it had one (1) round in the chamber, and 16 in the installed magazine which indicated that Officer Gonzales fired her pistol one (1) time during the incident. Officer Gonzales also carried an X-26 Taser, but did not deploy it during the incident. Officer Gonzales's pistol and magazine, her ammunition, and her two spare magazines were impounded by CSA Klosterman.

In addition to the aforementioned items, a DNA Buccal swab was collected from Officer Gonzales because she handled the suspect's pistol.

OFFICER CHARLES SMITH, P# 13800

On 07-05-2011 at approximately 0545 hours a countdown was conducted on Officer Smith's Sig Saur P226 9mm pistol, serial number Officer Smith normally carried his pistol with one (1) cartridge in the chamber, and 15 cartridges in the installed magazine. When Officer Smith's pistol was counted down, it had one (1) round in the chamber, and 15 in the installed magazine which indicated that Officer Smith did not fire his pistol during the incident. Officer Smith carried an X-26 Taser with an attached camera. Officer Smith's Taser was used by Officer Markovic to record the suspect's actions during the incident, however, the Taser was not fired. Officer Smith's Taser was left at the scene.

During the incident, Officer Smith obtained a 12 gauge low lethality shotgun from his vehicle (NE 1617) and brought it into the scene. Officer Smith said the shotgun was loaded with four (4) drag stabilized bean bags in the magazine tube, nothing in the chamber, and six (6) drag stabilized bean bag shells on the attached side saddle. When the shotgun was counted down at the scene by Detective Mogg, it had one bean bag shell in the chamber, none in the magazine tube, and five (5) on the side saddle indicating that Officer Smith fired three bean bag rounds. Officer Smith's shotgun was impounded by CSA McGhee.

In addition to the aforementioned items, a DNA Buccal swab was collected from Officer Smith because he handled the suspect's pistol.

OFFICER SUZANA MARKOVIC, P# 13477

On 07-05-2011 at approximately 0523 hours a countdown was conducted on Officer Markovic's Beretta PX4 Storm 9mm pistol, serial number The pistol had a Streamlight TLR 1 tactical flashlight mounted under the barrel. Officer Markovic normally carried her pistol with one (1) cartridge in the chamber, and 17 cartridges in

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the installed magazine. When Officer Markovic's pistol was counted down, it had one (1) round in the chamber, and 17 in the installed magazine which indicated that she did not fire her pistol during the incident.

Officer Markovic also carried the X-26 Taser serial #X00-341731 which she deployed during the course of the incident. Officer Markovic fired two cartridges from her Taser during the incident. She removed the first cartridge from her Taser and left it at the scene, the second fired cartridge, serial number C3100MDM0, was installed in her Taser during the countdown. The Taser and cartridge was collected by Detective Wilson and turned over to Detective Mogg to be downloaded.

SERGEANT ROBERT STAUFFER, P# 5287

On 07-05-2011 at approximately 0400 hours a countdown was conducted on Sgt. Stauffer's Glock 22C, .40 caliber pistol, serial number . The pistol had a Streamlight TLR1 tactical flashlight mounted under the barrel. Sgt. Stauffer normally carries his pistol with one (1) cartridge in the chamber and 15 in the installed magazine. When Sgt. Stauffer's pistol was counted down, it had one (1) round in the chamber, and 15 in the installed magazine which indicated that Sgt. Stauffer did not fire his pistol. Sgt. Stauffer also carried an X-26 Taser with an attached camera. Sgt. Stauffer's Taser was not deployed during this incident.

OFFICER TRAVIS CHAPMAN, P# 14079

On 07-05-2011 at approximately 0408 hours a countdown was conducted on Officer Chapman's Glock Model 23 .40 caliber pistol, serial number . Officer Chapman normally carried his pistol with one (1) round in the chamber, and 13 in the installed magazine. When Officer Chapman's pistol was counted down, it had one (1) cartridge in the chamber, and 13 cartridges in the installed magazine which indicated that Officer Chapman did not fire his pistol. Officer Chapman also carried an X-26 Taser with an attached camera. Officer Chapman's Taser was not deployed during this incident.

OFFICER JAMES RUDE, P# 13916

On 07-05-2011 at approximately 0418 hours a countdown was conducted on Officer Rude's Glock Model 21SF .45 caliber pistol, serial number . The pistol had a Streamlight TLR1 tactical flashlight mounted under the barrel. Officer Rude normally carried his pistol with one (1) cartridge in the chamber, and 13 cartridges in the installed magazine. When Officer Rude's pistol was counted down, it had one (1) round in the chamber, and 13 in the installed magazine which indicated that Officer Rude did not fire his pistol. Officer Rude also carried an X-26 Taser which was not deployed during the incident.

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During the incident, Officer Rude was also armed with a Remington 870 12 gauge shotgun, serial number [REDACTED]. The shotgun had a Streamlight TLR1 tactical flashlight mounted under the barrel. Officer Rude normally carried the shotgun with an empty chamber, five (5) 00 Buck shotgun shells in the magazine tube, and six (6) Tactical Slug shells on a side saddle. When Officer Rude's shotgun was counted down, it was found to have an empty chamber, five (5) 00 buck rounds in the magazine tube, and six (6) Tactical Slug rounds on the side saddle. According to Officer Rude, at the time of the shooting he had a round chambered, however after the incident he cleared the weapon and placed the round back in the magazine tube. At the conclusion of the countdown it was determined that Officer Rude did not fire the shotgun during this incident.

OFFICER PHIL GLUBBER, P# 14196

On 07-05-2011 at approximately 0438 hours a countdown was conducted on Officer Glubber's Glock Model 21 .45 caliber handgun, serial number [REDACTED]. The pistol had a Surefire X200 tactical flashlight mounted under the barrel. Officer Glubber normally carried his pistol with one (1) cartridge in the chamber, and 13 cartridges in the installed magazine. When Officer Glubber's pistol was counted down, it had one (1) round in the chamber, and 13 in the installed magazine which indicated that Officer Glubber did not fire his pistol. Officer Glubber also carried an X-26 Taser with an attached camera. Officer Glubber's Taser was not deployed during the incident.

XI. FIREARM EXAMINATION

LVMPD Firearms Examiner James Krylo, examined Officer Novak's Glock 21 pistol. After test firing the pistol, Mr. Krylo found Officer Novak's firearm to be in normal operating condition with no malfunctions. The trigger pull was determined to be 6 ½ to 7 pounds. The barrel length of Officer Novak's pistol was 4 5/8 inches with an overall length of 8 1/8 inches. The magazine had a maximum capacity of 13 cartridges.

Mr. Krylo, also examined Officer Gonzales' Glock 17 pistol. After test firing the pistol, Mr. Krylo found Officer Gonzales' firearm to be in normal operating condition with no malfunctions. The trigger pull was determined to be 4 ¾ to 5 ¾ pounds. The barrel length of Officer Gonzales's pistol was 4 ½ inches with an overall length of 7 7/8 inches. The pistol magazine had a maximum capacity of 17 cartridges.

Officer Smith's low lethality shot gun was also examined by Firearms Examiner Krylo. After test firing the shotgun, Mr. Krylo found Officer Smith's shotgun to be in normal operating condition with no malfunctions. The trigger pull on the shotgun was determined to be 6 ¾ to 7 ¼ pounds. The barrel length of the shotgun was 18 1/8

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inches with an overall length of 38 3/8 inches. The shotgun's magazine tube had a capacity of four (4) 2 3/4 inches shells.

The suspect's Ruger P89 9mm pistol was also examined by Mr. Krylo. After test firing the pistol, Mr. Krylo found the suspect's firearm to be in normal operating condition with no malfunctions. The single action trigger pull was determined to be 5 3/4 to 6 pounds, and the double action trigger pull was determined to be 10 1/4 to 11 pounds. The barrel length of the suspect's pistol was 4 1/2 inches with an overall length of 7 3/4 inches. The pistol magazine had a maximum capacity of 15 cartridges. Mr. Krylo also entered images of a test fired cartridge into the National Integrated Ballistic Information Network (NIBIN) with negative results.

A. BULLET COMPARISON

The two .45 caliber bullets recovered from Luis Silva's body, the .45 caliber bullet recovered in the east wall, and the 9mm bullet recovered in the backyard of 2842 Taurus Court were microscopically compared to a test fired .45 caliber bullet from Officer Novak's .45 caliber pistol, and Officer Gonzales's 9mm pistol. Based on the comparative examination, it was determined the bullets recovered are marked with the same general rifling characteristics as Officer Novak's and Officer Gonzales's pistols, but lack sufficient microscopic detail for a positive identification.

B. CARTRIDGE CASE EXAMINATION

Firearms Examiner Krylo test fired a cartridge casing from Officer Novak's Glock Model 21 pistol. The test fired cartridge was microscopically compared to the .45 caliber cartridge casings collected at the scene. Based on the comparative examinations, Mr. Krylo determined the three .45 caliber cartridge casings recovered at the scene had all been fired from Officer Novak's Glock pistol.

Firearms Examiner Krylo test fired a cartridge casing from Officer Gonzales's Glock Model 17 pistol. The test fired cartridge was microscopically compared to the 9mm cartridge casing collected at the scene. Based on the comparative examination, Mr. Krylo determined the single 9mm cartridge casing recovered at the scene had been fired from Officer Gonzales's Glock 17 pistol.

Mr. Krylo also test fired a Drag Stabilized Bean Bag shot shell from the Remington low lethality shotgun which Officer Smith used on 07-04-2011. The test fired shot shell was microscopically compared to the three bean bag shot shells collected at the scene. Based on the comparative examinations, Mr. Krylo determined the three bean bag shot shells had similar cycling marks to the

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test fired shot shell, but lacked sufficient microscopic detail for a positive identification.

C. WEAPON RELEASE

On 08-17-2011, I received permission from Chief Deputy District Attorney Christopher Laurent to release Officer Novak and Officer Gonzales' pistol to them. On 08-29-2011, I released Officer Novak and Officer Gonzales' pistols to Officer Gonzales. Officer Smith's Remington 870 low lethality shotgun was released on 08-24-2011 to Mr. Calogero Bruno-Gallo from the Northeast Area Command.

XII. CONCLUSION:

Based on the statements from the witnesses and officers involved, and the video footage of the incident as recorded on Officer Smith's, Officer Markovic's, and Officer Novak's Taser cameras the following conclusion was reached. That the officers responded to 2842 Taurus Court in reference to a Domestic Violence incident, and when they spoke to the person reporting the incident they learned that the suspect was in a bedroom armed with a handgun. After arriving, Officer Novak established a dialog with the suspect Luis Silva, and attempted to talk Silva out of his bedroom. During the negotiations, the suspect opened the bedroom door and when the officers entered the bedroom they were confronted by Silva who was holding a pistol to his head. The suspect made numerous statements to the officers that he wanted them to shoot him, and even told his brother that he wanted to kill himself, that he loved his mother, and that this was the end. After the officers attempted to negotiate, they employed a low lethality shotgun, and three Taser cartridges before the suspect pointed his pistol at the officers and was shot.

XIII. CORONER'S INQUEST:

As of 07-20-2011, the Coroner's Inquest process has been placed on an indefinite hold by the District Court pending a hearing. This section will be updated once a decision is made as to the future of the inquest process, or another forum for review of this shooting is created.