

No. \_\_\_\_\_

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In the  
**Supreme Court of the United States**

ESTATE OF REX VANCE WILSON;  
PETRA WILSON; MARIO WILSON;  
AARON WILSON; JESSE WILSON;  
HAYLEY WILSON; HARMANI WILSON;  
MATTHEW WILSON; ALEX WILSON;  
HALINA WILSON, a Minor, by and through  
guardian Petra Wilson; ELIJAH WILSON, a  
Minor, by and through guardian Petra Wilson,  
*Petitioners,*

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; JOSEPH LOMBARDO;  
CHRISTOPHER GOWENS; ERIC LINDBERG;  
JOHN SQUEO; TRAVIS SWARTZ,  
*Respondents.*

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ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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**APPENDIX TO PETITION FOR WRIT OF CERTIORARI**

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**[FILED NOVEMBER 28, 2022]**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**ESTATE OF REX VANCE WILSON; et al.,  
Plaintiffs-Appellants,**

**v.**

**LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; et al.,  
Defendants-Appellees.**

**No. 21-16760  
D.C. No. 2:18-cv-01702-APG-VCF**

**MEMORANDUM\***

**Appeal from the United States District Court  
for the District of Nevada  
Andrew P. Gordon, District Judge, Presiding**

**Argued and Submitted November 16, 2022  
San Jose, California**

**Before: SCHROEDER, GRABER, and FRIEDLAND,  
Circuit Judges.**

Rex Vance Wilson was a suspect in a series of robberies and was driving a stolen SUV. After two officers from the Las Vegas Metropolitan Police Department (LVMPD) spotted the stolen vehicle, Wilson fled. During the lengthy high-speed pursuit that ensued, he repeatedly evaded spike strips and other efforts to disable the SUV. The chase ended when several police cars boxed in Wilson,

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

and Officer John Squeo intentionally drove his police car into the stolen SUV that Wilson was driving. Officers then saw what they perceived to be a firearm and fired thirty-five shots, killing Wilson. Plaintiffs—Wilson’s estate, wife, and children—brought this action against the LVMPD, Squeo, and several other police officers. The district court granted summary judgment in favor of all Defendants on all claims. Plaintiffs timely appeal. We review de novo the entry of summary judgment, Oswalt v. Resolute Indus., Inc., 642 F.3d 856, 859 (9th Cir. 2011), and may affirm on any ground supported by the record, Simo v. Union of Needletrades, Indus. & Textile Emps., 322 F.3d 602, 610 (9th Cir. 2003). We affirm.

1. The arguments made in the opening brief pertain only to Plaintiffs’ state- law negligence claims against Squeo and to his actions in driving his police car into the stolen SUV that Wilson was driving. Accordingly, we do not consider the district court’s rulings on any other claims, including claims related to the shooting that, according to the autopsy report, killed Wilson. See Arpin v. Santa Clara Valley Transp. Agency, 261 F.3d 912, 919 (9th Cir. 2001) (issues not specifically and distinctly raised in a party’s opening brief are forfeited).

2. Defendants argued in support of summary judgment on the negligence claims that there was no evidence that the collision with Squeo’s police car caused Wilson any damages. Plaintiffs’ opposition to summary judgment identified no such evidence, thereby leaving this argument unrebutted. As Defendants correctly point out, Plaintiffs cannot claim damages to the SUV because it was stolen. See Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992)

(requiring invasion of a legally protected interest to establish standing); Brown v. United States, 411 U.S. 223, 230 n.4 (1973) (describing petitioners' interest in stolen property as "totally illegitimate").

In their reply brief on appeal, Plaintiffs now suggest that some of the injuries described in the autopsy report were caused specifically by the contact between the police car and the SUV, but this argument was forfeited because it was not raised in the district court. See Tibble v. Edison Int'l, 843 F.3d 1187, 1193 (9th Cir. 2016) (en banc) (citing Visendi v. Bank of Am., N.A., 733 F.3d 863, 869 (9th Cir. 2013)). In any event, it is not obvious from the face of the autopsy report that the injuries in question would have been caused by the contact between the cars as opposed to impact from broken glass after the bullets hit the car during the later shooting, and Plaintiffs presented no evidence that they were.

**AFFIRMED.**

[FILED SEPTEMBER 24, 2021]

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ESTATE OF REX VANCE WILSON, by  
administrator PETRA WILSON, et al.,  
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.,  
Defendants.

JUDGMENT IN A CIVIL CASE

Case Number: 2:18-cv-01702-APG-VCF

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

that Consistent with the Court's Orders, [29] and [47] that Judgment is entered on behalf of the Defendants. This matter is now closed.

9/24/2021

DEBRA K. KEMPI  
Date Clerk

/s/ D. Reich-Smith  
Deputy Clerk



**[FILED DECEMBER 29, 2022]**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ESTATE OF REX VANCE WILSON; et al.,  
Plaintiffs-Appellants,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; et al.,  
Defendants-Appellees.

No. 21-16760

D.C. No. 2:18-cv-01702-APG-VCF  
District of Nevada, Las Vegas

**ORDER**

Before: SCHROEDER, GRABER, and FRIEDLAND,  
Circuit Judges.

The panel judges have voted to deny Appellants' petition for panel rehearing. Judge Friedland has voted to deny the petition for rehearing en banc, and Judges Schroeder and Gruber have so recommended.

The full court has been advised of Appellants' petition for rehearing en banc, and no judge of the court has requested a vote on it.

Appellants' petition for panel rehearing and rehearing en banc, Docket No. 52, is DENIED.

[FILED JANUARY 29, 2021]

Excerpt from Defendant Officer Squeo's  
Motion for Summary Judgment Arguing  
Lack of Evidence of Causation

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**2. Argument No. 2: No reasonable jury could conclude Officer Squeo acted unreasonably.**

To prevail on their negligence claim, plaintiffs must show that Officer Squeo acted unreasonably and that his unreasonable behavior harmed the Decedent. *See Price v. Cty. San Diego*, 990 F.Supp. 1235, 1245 (S.D. Cal. 1998). Therefore, if Officer Squeo acted reasonably in using his vehicle to block the Decedent's vehicle from further flight, then plaintiffs have no claim.

First, this Court has already found that Officer Squeo's use of his vehicle to block the Decedent and stop further flight was reasonable under the circumstances. In addressing plaintiffs' Fourth Amendment excessive force claim, this Court stated that "Squeo's use of his police car to end Wilson's flight was not an unreasonable use of force." ECF No. 29 at 10. This finding is binding on plaintiffs' state-law negligence claim. *See Price*, 990 F.Supp. at 1245 (courts finding that officers acted reasonably under the Constitution barred similar state law claims).

Second, no reasonable jury could watch the body worn camera and find that Officer Squeo acted unreasonably. It cannot be disputed that Officer Squeo, at the time he attempted to stop the Decedent's vehicle, was allowed to use some level of force. The Decedent had just taken the officers on a

dangerous and reckless high-speed chase, had escaped all prior attempts to stop his vehicle, and had never shown any signs of compliance and/or surrender. The Decedent had to be stopped and, clearly, some force was required to effectuate that stop. Therefore, the plaintiffs must provide evidence that Officer Squeo's use of his vehicle was unreasonable force. Here, Squeo's body camera confirms that the use of his vehicle was reasonable - as this Court has already stated.

**3. Argument No. 3: Plaintiffs generated no evidence of damages suffered by the Decedent as a result of Officer Sguco's use of his vehicle.**

Assuming that this Court finds issues of fact prevent summary judgment on the negligence-based claims, the claims still fail as plaintiffs cannot establish causation of damages. Causation has two components: actual and proximate cause. *Clark Cty. School Dist. V Paya*, 403 Nev. 1270, 1279 (Nev. 2017) (citations omitted). Proximate cause is defined as "any cause which in natural [foreseeable] and continuous sequence unbroken by any efficient intervening cause, produces the injury complained of and without which the result would not have occurred." *Id.* (citations omitted).

Throughout discovery, plaintiffs' only argument on damages was that the officers' actions resulted in the Decedent's death. The defendants never disputed that the Decedent died due to the gunshots. Plaintiffs never argued (or submitted any evidence) that Squeo's use of his vehicle was the proximate

cause of any injuries or damages to the Decedent.<sup>3</sup> Even in plaintiffs' opposition to defendants' original summary judgment motion, there is no allegation or assertion that Officer Squeo's vehicle use caused any injury. plaintiffs cannot establish the causation element of their negligence-based claims.

#### **V. CONCLUSION**

Based upon the above, defendant Officer Squeo requests summary judgment on plaintiffs' state law negligence claims against him.

Dated this 29 day of January, 2021.

MARQUIS AURBACH COFFING

By   
\_\_\_\_\_  
Craig R. Anderson, Esq.  
Nevada Bar No. 6882  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorney for Defendants

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<sup>3</sup> Plaintiffs cannot even argue that the impact caused property damage because they lack standing as it is undisputed that the Decedent was driving a stolen vehicle.

[FILED MARCH 5, 2021]

Excerpt from Plaintiffs' Response to Officer Squeo's  
Motion for Summary Judgment, responding to  
argument asserting lack of evidence of causation  
U.S. District Court District of Nevada

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“Under LVMPD policy, “blocking” and “pinching” are considered low level force, whereas a PIT maneuver and “ramming” can constitute deadly force.” *Id.*,  
**Exhibit 3.**

A jury is well equipped to determine which of the vehicle-to-vehicle situations that Squeo’s driving fell under, and whether it violates a policy or not.

“Ramming is prohibited unless it is a deadly force situation which can be clearly articulated.” *Id.* Yet, Officer Squeo could not clearly articulate that this was a deadly force situation. Deposition of Officer Squeo, Doc. 22-6, pgs. 99:7-108:7. Defendant Squeo further engaged in the violent exchange, “Go get that motherfucker, bro! **Ram him! Ram him!**” (See, Body Worn Camera videos, Doc. 22-2). Additionally, Officer Gowens stated that he believed the maneuver was a “ram”. See Gowens Dep at 74:3-25 (“Q. And what was it you believe Squeo’s maneuver was of these? A. [...] **I would say it would be a ram.** Q. So you would agree it was a ram? A. **Sure.** [...]”).

The foregoing provides that a question of fact remains for the jury as to whether the conduct in question does in fact constitute a “ram” according to the department policies. This determination does not require specialized knowledge as people understand what constitutes dangerous speed of vehicles.

Further, an average juror knows to adhere to policies in their own workplace.

Therefore, an expert is not needed to establish the standard of care under these circumstances, and, Defendant should not prevail on summary judgment here.

**iv) The remaining elements of Negligence – breach, causation and damages –should be evaluated by the jury**

Since the standard of care can be established by the LVMPD policies and procedures pertaining to the “ramming” incident (or other characterization to be determined by the jury) without an expert (given the comprehensible reading of the policies themselves, the officer’s own testimonies, and other exhibits such as body cam and vehicle footage, to be elicited at trial), the remaining elements of Plaintiffs negligent type causes of action would need to be proven for plaintiff to prevail.

Since there remains genuine issues of material fact as to the remaining elements, Defendants’ Motion for Summary Judgment should be denied.

Regarding a juries’ determination of whether the Defendant Squeo breached his duty to act reasonably, the policy and other evidence can be taken into consideration, as discussed previously.

Regarding causation, the relatively quick transition from the “ramming” to the shooting itself raising genuine issues as to causation which can be resolved by the jury, such as whether the “ramming” proximately caused the shooting. “A duty of care does arise when an officer engages in “an affirmative

act which places the person in peril or increases the risk of harm.”” See *Lugtu* at 717.

It has been recognized that the “CHP officers, in making the traffic stop, had a duty “to perform their official duties in a reasonable manner.” See *Lugtu* at 717. See also *Lutgo* at 717, citing *Reed v. City of San Diego* (1947) 77 Cal.App.2d 860, 866–867, 177 P.2d 21 (“**upholding jury verdict imposing liability upon police department where officers' negligence in positioning their patrol car during a traffic stop resulted in an injury to the stopped motorist when a third car collided with the police vehicle.**”).

This principle clearly demonstrates that causation and damages can be found if Squeo’s “ramming” was negligent and created the risk of harm which caused the shooting of Wilson, even if the shooting is found to be justified (which Plaintiff does not herein concede) when evaluated after the ramming itself.

Therefore, all of the elements of negligence can be evaluated by the jury.

**[FILED APRIL 19, 2022]**

Attachment 14 to Defendant Officer Squeo's Motion for Summary Judgment, Exhibit M – Photo of Rex Wilson's Vehicle's Console [3-ER-326-329]

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**DECLARATION OF TREVER ALSUP IN  
SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

I, Trever Alsup, hereby declare and say:

1. I am over the age of eighteen (18) years of age and have personal knowledge of the facts stated herein, except for those stated upon information and belief and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a Court of law and will so testify if called upon.
2. I submit this Declaration in support of LVMPD Defendants' Motion for Summary Judgment in Rex Wilson, et al. v. Las Vegas Metropolitan Police Department, et al., 2: 18-cv-01702-APG-VCF.
3. I am currently a detective at Las Vegas Metropolitan Police Department's ("LVMPD") Internal Oversight and Constitutional Policing. I was the Force Investigation Team ("FIT") leader with respect to the officer involved shooting involving Rex Wilson.
4. As the FIT leader, I am intimately familiar with the case file and the documents and tangible items contained therein.
5. Attached as Exhibit B is a true and correct compilation of videos obtained by LVMPD involving robberies allegedly committed by Rex Wilson. This

series of robberies became known at LVMPD as "The Rogaine Series."

6. Attached as Exhibit C is a true and correct copy of my Force Investigative Team Report.

7. Attached as Exhibit E is a true and correct copy of a home surveillance video obtained by LVMPD of Rex Wilson's carjacking of a resident in Henderson, Nevada.

8. Attached as Exhibit I is a CD containing a true and correct copy of the radio traffic from LVMPD Event No. 161012-4303.

9. Attached as Exhibit J is a CD Rom containing a true, correct and complete copies of the Body Worn Camera videos of Officer Smith, Officer Williams, Officer Squeo, Officer Gowens, Officer Lindberg, and Officer Swartz for the Wilson incident.

10. Attached as Exhibit K is a true and correct copy of LVMPD's Vehicle Pursuit Policy that was in effect on October 12, 2016.

11. Attached as Exhibit L is a true and correct photo of a screenshot taken from Officer Lindberg's body worn camera video at 23:19 showing Rex Wilson pointing a dark object out of his driver's side window.

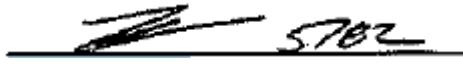
12. Attached as Exhibit M is a true and correct copy of an LVMPD Crime Scene Investigators photograph of the console inside Rex Wilson's vehicle where he wrote the word "SORRY" in his blood.

13. Attached as Exhibit N is a true and correct copy of an LVMPD Crime Scene Investigator's photograph of the water nozzle found in Rex Wilson's vehicle that was manipulated to look like a firearm.

14. Attached as Exhibit O is a true and correct copy of LVMPD's Use of Force Policy in effect on the date of the subject incident.

15. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 6th day of January, 2020.



Trever Alsnp

[FILED APRIL 19, 2022]



[FILED APRIL 19, 2022]

Exhibit 3 to Plaintiffs' Response to Def.  
Officer Squeo's Motion for Summary  
Judgment, Coroner's Autopsy Report  
[3-ER445-474]

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Clark County Coroner  
1704 Pinto Lane  
Las Vegas, NV 89106  
(702) 455-3210



**AUTOPSY REPORT**  
**Case Number: 16-09937**

October 14, 2016

**PATHOLOGICAL EXAMINATION ON THE BODY  
OF REX VANCE WILSON**

**PATHOLOGIC DIAGNOSES**

- I.     Gunshot wound of left temporal scalp, indeterminate range.
  - A.     Entrance: left temporal scalp; abrasions near wound consistent with intermediary objects striking skin surface.
  - B.     Associated Injuries: perforation of left temporal scalp/skin, left temporalis muscle, left temporal bone (with fracture and keyhole defect), left temporal lobe, left sphenoid bone, left aspect of posterior pharynx, tongue, right upper neck muscle and soft tissue adjacent to hyoid bone with hemorrhage along wound track; focal subarachnoid hemorrhage and subdural hemorrhage;

contusions of the brain; fractures of left temporal bone, left sphenoid bone, left frontal bone, and left parietal bone.

- C. Recovered: moderately deformed, copper-jacketed, gray metal missile in right upper anterior aspect of neck muscles; markedly deformed, copper-jacketed fragment in brain matter.
- D. Exit: no corresponding exit.
- E. Trajectory: left-to-right and downward.

II. Gunshot wound of left ear/tragus, indeterminate range.

- A. Entrance: left ear/tragus.
- B. Associated Injuries: perforation of left ear/tragus, left posterior neck muscles and soft tissue with extensive hemorrhage along wound track.
- C. Recovered: moderately deformed, copper-jacketed, gray metal missile and markedly deformed, copper-jacket fragments in left posterior neck muscle.
- D. Exit: no corresponding exit.
- E. Trajectory: front-to-back, left-to-right and downward.

III. Gunshot wound of left upper chest, indeterminate range.

- A. Entrance: left upper chest; abrasions extending across chest, left upper arm, left shoulder and left upper back (consistent with injury from

intermediary objects striking skin surface).

- B. Associated Injuries: perforation of left upper chest skin, subcutaneous tissue, left 1st rib and associated intercostal space (with fracture), pericardial sac, aorta, right upper lung lobe, right lateral posterior 5th rib (with external beveling), right scapula and right back muscles, right hemothorax of approximately 1500 mL and hemopericardium of 150 mL; contusions and hemorrhage of left upper lung lobe, mediastinal soft tissue, and right upper lung lobe.
- C. Recovered: moderately deformed, copper-jacketed, gray metal missile in right back muscle/right shoulder; markedly deformed fragment recovered from region of upper chest, left upper arm, left shoulder, left upper back and chest (some during processing of body).
- D. Exit: no corresponding exit.
- E. Trajectory: left-to-right, front-to-back and downward.

IV. Gunshot wound of right mid-abdomen, indeterminate range.

- A. Entrance: right mid-aspect of abdomen.
- B. Associated Injuries: perforation of right mid-aspect of abdomen skin, subcutaneous tissue and right mid-abdomen subcutaneous tissue and skin with hemorrhage along wound track.

- C. Recovered: no missile recovered at autopsy; mild-moderately deformed, copper-jacketed, gray metal missile recovered during processing in waist of pants.
- D. Exit: right mid-aspect of back.
- E. Trajectory: left-to-right and downward.

V. Gunshot wound of left upper buttock, indeterminate range.

- A. Entrance: left upper buttock.
- B. Associated Injuries: perforation of left upper buttock skin, subcutaneous tissue, left upper buttock fat and muscle, right upper buttock fat and muscle with extensive hemorrhage along the wound track
- C. Recovered: moderately deformed, copper-jacketed, gray metal missile in right upper buttock,
- D. Exit: no corresponding exit.
- E. Trajectory; left-to-right and slightly upward.

VI. Gunshot wound of left lower buttock, indeterminate range.

- A. Entrance: left lower buttock,
- B. Associated Injuries: perforation of left lower buttock skin, subcutaneous tissue, left lower buttock fat and soft tissue, left perianal subcutaneous tissue and skin with hemorrhage along the wound track.

- C. Exit: left perianal skin,
- D. Re-entrance: right perianal skin.
- E. Associated Injuries: perforation of right perianal skin, subcutaneous tissue, right buttock fat, soft tissue and muscle, and right posterior aspect of pelvic ramus (right ischial tuberosity near right femoral head) with extensive hemorrhage along wound track; fracture of pelvic ramus/ischial tuberosity.
- F. Recovered: mildly deformed, copper-jacketed, gray metal missile in right pelvic ramus (right ischial tuberosity).
- G. Exit: no corresponding exit.
- H. Trajectory: left-to-right.

VII. Gunshot wound of left posterior thigh near buttock, indeterminate range.

- A. Entrance: left posterior thigh near buttock.
- B. Associated Injuries: perforation of left posterior thigh/near the buttock skin, subcutaneous tissue, left buttock soft tissue, fat and muscle, right buttock soft tissue fat and muscle, right anterior inferior pelvic soft tissues with extensive hemorrhage along the wound track,
- C. Recovered: moderately deformed, copper-jacketed, gray metal missile in anterior inferior aspect of right pelvic soft tissues.

- D. Exit: no corresponding exit.
- E. Trajectory: left-to-right and slightly upward.

VIII. Gunshot wound of medial aspect of left knee, indeterminate range.

- A. Entrance; medial aspect of left knee.
- B. Associated Injuries: perforation of medial aspect of left knee skin, subcutaneous tissue, left popliteal muscles and soft tissue, left popliteal subcutaneous tissue and skin with hemorrhage along wound track.
- C. Recovered no missile recovered.
- D. Exit: left popliteal region with focally associated abrasion.
- E. Trajectory: anatomical right-to-left and front-to-back.

IX. Blunt force injuries of head.

- A. Abrasions on right aspect of forehead (abrasions consistent with intermediary objects striking skin surface).
- B. Scattered abrasions on center of forehead, left side of face and chin (abrasions consistent with intermediary objects striking skin surface).

X. Blunt force injuries of torso.

- A. Multiple abrasions extending across upper aspect of chest, left shoulder, left upper aspect of back, some containing markedly deformed, metal fragments,

some containing glass (injuries consistent with intermediary objects striking skin surface).

XI. Blunt force injuries of extremities.

- A. Abrasions of left upper outer arm, left dorsal forearm and left dorsal hand, some with penetration into subcutaneous tissue (many of these injuries consistent with intermediary objects striking skin surface and penetrating).
- B. Abrasions on medial aspect of right upper arm, some penetrating into underlying subcutaneous tissue (injuries consistent with intermediary objects striking skin surface and penetrating).
- C. Scattered abrasions on dorsal aspects of right forearm and right hand.
- D. Abrasions on right anterior lateral aspect of hip, anterior aspect of right thigh, and anterior aspect of right lower leg.

XII. Cocaine intoxication.

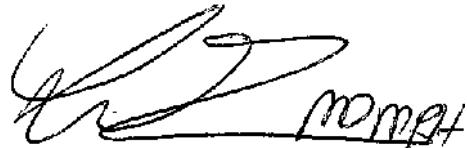
XIII. Atherosclerotic cardiovascular disease.

- A. Left anterior descending coronary artery 25% stenosis.
- B. Right coronary artery 50% stenosis.
- C. Mild cardiomegaly (400 grams}.

OPINION

CAUSE OF DEATH: This 50-year-old man, Rex Vance Wilson, died of multiple gunshot wounds.

MANNER OF DEATH: HOMICIDE.

A handwritten signature in black ink, appearing to read "Lisa Gavin, MD, MPH".

Lisa Gavin, MD, MPH  
Medical Examiner  
Clark County Coroner  
Las Vegas, NV  
LG/amu

Date: 11/22/2016

October 14, 2016

**POSTMORTEM EXAMINATION ON THE BODY  
OF REX VANCE WILSON**

**ADULT POSTMORTEM EXAMINATION**

An autopsy examination is performed on the body tentatively identified as Doe, John "Hualapai", at the Clark County Office of the Coroner/Medical Examiner (CCOCME) 1 on the 14th day of October 2016, commencing at 1320 hours. Identification is later confirmed to be Wilson, Rex Vance by viewing of an ID photo.

The body is received within a sealed body bag (seal #355605), which is opened on 10/14/16 at 1010 hours by #267. The body is identified by a Clark County Office of the Coroner/Medical Examiner (CCOCME) "toe tag" around the right great toe, which includes: CCOCME Case #16- 993 7; Name: Doe, John "Hualapai"; Date of Death: 10/13/16; Time of Death: 0753 hours; CCOCME Investigator: #346.

The autopsy is conducted in the presence of (P#8289), Crime Scene Investigator J. Smith Scene Investigator D. Keller (P#l2712) Metropolitan Police Department.

**EXTERNAL EXAMINATION  
(EXCLUDING INJURIES)**

The body is that of a well-developed, adult Asian male who weighs 159 pounds, is 73 inches in length, and appears compatible with being in his 50s.

The body is received unclad and there are no accompanying personal effects (status-post processing).

The body is cold (refrigerated) . Rigor mortis is receding. Fixed pink-purple livor mortis extends predominantly over the posterior surface of the body, except in areas exposed to pressure. There is no evidence of postmortem change, attention from a mortician, or organ procurement.

The scalp hair is black- gray, slightly curly, short with some male pattern baldness.

The irides appear darker in color. The pupils are round. The corneas are clouded. The sclerae contain tache noire and are injected and the conjunctivae are slightly congested. No petechial hemorrhages are identified on the sclerae , bulbar conjunctivae, facial skin or oral mucosa.

The nose and ears are normally formed.

The decedent wears beard stubble.

The anterior teeth appear natural and in adequate condition.

The neck is unremarkable.

The thorax is well developed and symmetrical with a slight barrel-chest appearance to the rib cage .

The abdomen is flat.

The anus is free of lesions.

The spine is normally formed and the surface of the back is free of lesions.

The external genitalia are those of a normal adult male, with the testes descended bilaterally into the normally rugated scrotum.

The upper and lower extremities are dirty. The toenails are dirty and poorly kept. The fingernails

appear irregularly bitten/clipped. Fingerprint ink and fingerprint powder are present on the fingertips and palms.

**IDENTIFYING MARKS/ SCARS:**

On the right upper arm is a tattoo of a bird with a banner and flowers; within the banner appears to be tattooed "MARIS". On the left upper aspect of the chest is a tattoo of a rose within which is a banner; illegible tattooing is present within the banner. On the left upper arm is a tattoo of a cross with three dots above it. On the left lower is a tattoo of what appears to be R.

On the right inner upper arm is an 8 inch vertical surgical scar.

**EVIDENCE OF MEDICAL INTERVENTION:**

There is no evidence of medical intervention.

**EVIDENCE OF INJURY**

**GUNSHOT WOUND OF  
LEFT TEMPORAL SCALP:**

ENTRANCE: On the left temporal scalp, centered approximately 1-1/2 inches below the top of the head and 3-1/2 inches to the left of anterior midline, is an entrance gunshot wound consisting of a 1/2 x 1/4 inch defect with a circumferential marginal abrasion that appears widest at the 2 o'clock position (1/8 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound, however, red abrasions ranging in size from 1/4 to 3/8 inch are near the entrance gunshot wound and are consistent with intermediary objects striking the skin surface.

ASSOCIATED INJURIES: Perforation of the left temporal scalp/skin, the left temporalis muscle, the left temporal bone (with fracture and keyhole defect), the left temporal lobe, the left sphenoid bone, the left aspect of the posterior pharynx, the tongue, the right upper neck muscle and soft tissue adjacent to the hyoid bone is seen with hemorrhage along wound tract. Focal subarachnoid hemorrhage and subdural hemorrhage are present. Contusions of the brain are seen. Fractures of the left temporal bone, the left sphenoid bone, the left frontal bone, and the left parietal bone are seen.

RECOVERED: Recovered in the right upper anterior aspect of the neck muscles is a moderately deformed, copper-jacketed, gray metal missile. Recovered in the brain matter is a markedly deformed, copper- jacket fragment.

EXIT: There is no corresponding exit.

TRAJECTORY: The wound track travels from the decedent's left - to - right and downward.

**GUN SHOT WOUND OF LEFT EAR/ TRAGUS:**

ENTRANCE: On the left ear/tragus, centered approximately 4-1/2 inches below the top of the head and 4-3/4 inches to the left of anterior midline, is an entrance gunshot wound consisting o f a 1 x 1/4 inch defect with a marginal abrasion that appears widest at the 11 o'clock position (1/4 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the left ear/ tragus , the left posterior neck muscles and soft tissue i s seen with extensive hemorrhage along the wound track.

RECOVERED: Recovered in the left posterior neck muscle is a moderately deformed, copper-jacketed, gray metal missile and a markedly deformed, copper-jacket fragment.

EXIT: There is no corresponding exit.

TRAJECTORY: The wound track travels from the decedent's front to-back, left-to-right and downward.

**GUNSHOT WOUND OF LEFT UPPER CHEST**:

ENTRANCE: On the left upper chest, centered approximately 14 inches below the top of the head and 3-1/8 inches to the left of anterior midline, is an entrance gunshot wound consisting of a 1/4 x 3/4 inch defect with a circumferential marginal abrasion that appears widest between the 3 o'clock - 4 o'clock positions (1/2 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound, however, numerous red abrasions ranging from 1/16 to 1/4 inch extend across the chest, the left upper arm, the left shoulder and the left upper back (consistent with injury from intermediary objects striking skin surface).

ASSOCIATED INJURIES: Perforation of the left upper chest skin, subcutaneous tissue, the left 1st rib and associated intercostal space (with fracture), the pericardial sac, the aorta, the right upper lung lobe, the right lateral posterior 5th rib (with external beveling), the right scapula, as well as the right back muscles is seen. A right hemothorax of approximately 1500 mL of liquid and clotted blood and a hemopericardium of 150 mL of liquid and clotted are measured. Contusions and hemorrhage of

the left upper lung lobe, the mediastinal soft tissues, and the right upper lung lobe are seen.

RECOVERED: Recovered in the right back muscle/right shoulder is a moderately deformed, copper-jacketed, gray metal missile. Of note, several markedly deformed fragments are recovered from the region of the upper chest, left upper arm, left shoulder and left upper back intermediary object injuries. Additionally, a markedly deformed, gray metal fragment is recovered from the chest region during processing.

EXIT: There is no corresponding exit.

TRAJECTORY: The wound track travels from the decedent's left to-right, front-to-back and downward.

**GUNSHOT WOUND OF RIGHT MID-ABDOMEN:**

ENTRANCE: On the right mid-aspect of the abdomen/ centered approximately 27 1/4 inches below the top of the head and 3-1/ 2 inches to the right of anterior midline, is an entrance gunshot wound consisting of a 1/4 x 1/4 inch defect with a circumferential marginal abrasion that appears widest at the 12 o'clock position (1/4 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the right mid-aspect of the abdomen skin, subcutaneous tissues and the right mid-abdomen subcutaneous tissue and skin is seen with hemorrhage along the wound track.

RECOVERED: No missile is recovered at the time of autopsy. However, a mild-moderately deformed,

copper-jacketed, gray metal missile is recovered during processing in the waist of the pants.

EXIT: On the right mid-aspect of the back, centered approximately 28-1/2 inches below the top of the head and 4-3/4 inches to the right of anterior midline, is a 1/4 x 1/4 inch gaping laceration.

TRAJECTORY: The wound track travels from the decedent's left to-right and downward.

**GUNSHOT WOUND OF LEFT UPPER BUTTOCK:**

ENTRANCE: on the left upper buttock, centered approximately 35-1/2 inches below the top of the head and 4-1/4 inches to the left of posterior midline, is an entrance gunshot wound consisting of a 1/2 x 1/4 inch defect with a circumferential marginal abrasion that appears widest at the 9 o'clock position (1/4 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the left upper buttock skin, subcutaneous tissue, the left upper buttock fat and muscle, the right upper buttock fat and muscle is seen with extensive hemorrhage along the wound track.

RECOVERED: Recovered in the right upper buttock is a moderately deformed, copper-jacketed, gray metal missile.

EXIT: There is no corresponding exit.

TRAJECTORY: The wound track travels from the decedent's left-to-right and slightly upward.

**GUNSHOT WOUND OF LEFT LOWER BUTTOCK:**

ENTRANCE: On the left lower buttock, centered approximately 37 inches below the top of the head and 3-3/4 inches to the left of posterior midline, is an entrance gunshot wound consisting of a 1/4 x 1/4 inch defect with a circumferential marginal abrasion that appears widest at the 9 o'clock position (1/2 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the left lower buttock skin, subcutaneous tissue, the left lower buttock fat and soft tissue, the left perianal subcutaneous tissue and skin is seen with hemorrhage along the wound track.

EXIT: On the left perianal skin, centered approximately 37 inches below the top of the head at the posterior midline, is an exit gunshot wound consisting of a 1/4 inch laceration.

RE-ENTRANCE: In the right perianal region, located approximately 37 inches below the top of the head at the midline, is an entrance gunshot wound consisting of a 1/4 x 1/4 inch laceration with a marginal abrasion that appears widest at the 9 o'clock position (1/4 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the right perianal skin, subcutaneous tissue, the right buttock fat, soft tissue, the right buttock muscle, and the right posterior aspect of the pelvic ramus (right ischial tuberosity/near the right femoral head) is

seen with extensive hemorrhage along the wound track. Fracture of the pelvic ramus/ischial tuberosity is seen.

RECOVERED: Recovered in the right pelvic ramus (right ischial tuberosity) is a mildly deformed, copper-jacketed, gray metal missile.

EXIT: There is no corresponding exit.

TRAJECTORY: The wound track travels from the decedent's left- to- right.

**GUNSHOT WOUND OF LEFT POSTERIOR THIGH NEAR BUTTOCK:**

ENTRANCE: on the left posterior thigh near the buttock, centered approximately 38 inches below the top of the head and approximately 6 inches to the left of posterior midline, is an entrance gunshot wound consisting of a 1/2 x 1/4 inch defect with a marginal abrasion that appears widest at the B o'clock position (1/4 inch). Soot, unburned gunpowder particles and gunpowder stippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the left posterior thigh/near the buttock skin, subcutaneous tissue, the left buttock soft tissue, fat and muscle, the right buttock soft tissue, fat and muscle, the right anterior inferior pelvic soft tissues is seen with extensive hemorrhage along the wound track.

RECOVERED: Recovered in the anterior inferior aspect of the right pelvic soft tissues is a moderately deformed, copper jacketed, gray metal missile.

EXIT: There is no corresponding exit.

TRAJECTORY: The wound track travels from the decedent's left - to-right and slightly upward.

**GUNSHOT WOUND OF MEDIAL ASPECT OF LEFT KNEE:**

ENTRANCE: On the medial aspect of the left knee, located approximately 48 inches down from the top of the head, is an entrance gunshot wound consisting of a 3/8 x 1/4 inch defect with a circumferential marginal abrasion that appears widest at the 3 o'clock position (3/8 inch). Soot, unburned gunpowder particles and gunpowder tippling are not visible on the skin surrounding the wound.

ASSOCIATED INJURIES: Perforation of the medial aspect of the left knee skin, subcutaneous tissue, the left popliteal muscle and soft tissue, the left popliteal subcutaneous tissue and skin is seen with hemorrhage along the wound track.

RECOVERED: No missile is recovered

EXIT: In the left popliteal region, located approximately 48 - 1/2 inches below the top of the head, is a 3/8 x 1/4 inch laceration with a focally associated abrasion.

TRAJECTORY: The wound track travels from the anatomical right - to- left and front-to-back.

**BLUNT FORCE INJURIES OF HEAD:**

On the right aspect of the forehead are 1/8 to 3/4 inch red-brown abrasions. Scattered on the center of the forehead, the left side of the face and the chin are 1/16 to 1/4 inch red-brown abrasions. Of note, the abrasions of the head/face are consistent with injury from intermediary objects striking the skin surface.

**BLUNT FORCE INJURIES OF TORSO:**

As previously mentioned, multiple abrasions extend across the upper aspect of the chest, the left

shoulder, the left upper aspect of the back and range in size from 1/16 to 1/4 inch; these injuries are predominantly consistent with intermediary objects striking the skin surface and several of them contain markedly deformed metal fragments. Of note, some glass is present in these wounds. Also, this area of injury is partly contiguous with injuries on the left upper arm.

**BLUNT FORCE INJURIES OF EXTREMITIES:**

On the left upper outer arm, the left dorsal forearm and the left dorsal hand are scattered 1/16 to 1/2 inch red-brown abrasions, some of which contain penetrating injury into the subcutaneous tissue. Of note, many of these injuries are consistent with intermediary objects striking the skin surfaces and penetrating into them. Similarly, on the medial aspect of the right upper arm are scattered 1/16 to 1/4 inch red-brown abrasions, some of which are penetrating into the underlying subcutaneous tissue; likewise, these injuries are consistent with intermediary objects striking and penetrating into the skin surfaces. Scattered on the dorsal aspect of right forearm and the dorsal aspect of the right hand are 1/16 to 1/2 inch red-brown abrasions.

On the right anterior lateral aspect of the hip are 1/2 to 3/4 inch red-brown abrasions. On the anterior aspect of the right thigh is a 1/4 inch pink abrasion. On the anterior aspect of the right lower leg is a 1/4 inch brown abrasion.

**INTERNAL EXAMINATION  
(EXCLUDING INJURIES)****BODY CAVITIES:**

No adhesions are in any of the body cavities. All body organs are in normal and anatomic position. The serous surfaces are glistening.

**HEAD (CENTRAL NERVOUS SYSTEM):**

The brain weighs 1570 grams and is disrupted by injury; the brain is swollen. The dura mater is disrupted by injury. The cerebral hemispheres are asymmetrical due to injury. The structures at the base of the brain, including cranial nerves and blood vessels, are free of abnormality. Sections through the uninjured cerebral hemispheres reveal no lesions within the cortex, subcortical white matter, or deep parenchyma of either hemisphere. The cerebral ventricles are of small caliber. Sections through the brain stem and cerebellum reveal no lesions. The spinal cord is not removed.

**NECK:**

Examination of the soft tissues of the neck reveals evidence of injury. The large vessels contain no abnormalities. The hyoid bone is intact.

**CARDIOVASCULAR SYSTEM:**

The heart weighs 400 grams. The pericardial sac has been disrupted by injury. The pericardial surfaces are otherwise glistening.

The coronary arteries arise normally and follow the distribution of a right dominant pattern with 25% stenosis of the left anterior descending coronary artery and 50% stenosis of the right coronary artery.

The chambers and valves are proportionate. The valves are normally formed, thin and pliable and free of vegetations and degenerative changes. The myocardium is red-brown and contains some increased perivasculär fibrosis. The atrial and ventricular septa are intact.

The uninjured aorta and its major branches arise normally and follow the usual course, with no significant atherosclerosis. The vena cava and its major tributaries are patent and return to the heart in the usual distribution and are unremarkable.

#### **RESPIRATORY SYSTEM:**

The right and left lungs weigh 400 and 480 grams, respectively. The upper and lower airways contain some bloody fluid. The mucosal surfaces are smooth and yellow-tan. The uninjured pleural surfaces are glistening. The uninjured pulmonary parenchyma is a dark red-purple in the dependent portions. The cut surface exudes slight to moderate amounts of blood and frothy fluid. The pulmonary arteries are normally developed and without thromboemboli and atherosclerosis. There is no saddle embolus on the in situ examination of the pulmonary trunk.

#### **LIVER AND BILIARY SYSTEM:**

The liver weighs 1580 grams. The hepatic capsule is smooth, glistening, and intact, covering red-brown parenchyma. The gallbladder contains a moderate amount of tan, slightly green watery bile without stones.

#### **ALIMENTARY TRACT:**

The esophagus is lined by gray-white smooth mucosa. The gastric mucosa contains the usual rugal folds. The lumen contains approximately 300 ml of

tan liquid with partially digested food fragments. The serosa of the small and large bowel is unremarkable. The appendix is present. The pancreas has a normal tan lobulated appearance.

#### **GENITOURINARY TRACT:**

The right and left kidneys weigh 160 and 180 grams, respectively. The renal capsules are opaque and strip with minimal difficulty from the underlying granular, red-brown, firm, cortical surfaces. The cortices are of normal thickness and delineated from the medullary pyramids. The calyces and pelvis are not dilated and free of stones. The urinary bladder contains an abundant amount of yellow urine; the mucosa is gray tan and smooth. The prostate is enlarged but not nodular.

#### **RETICULOENDOTHELIAL SYSTEM:**

The spleen weighs 120 grams and has an intact capsule covering a red-purple firm parenchyma. The splenic white pulp is prominent. The bone marrow (rib) is red-purple. There is prominent cervical lymphadenopathy. The thymus is dispersed in the anterior mediastinal fat.

#### **ENDOCRINE SYSTEM:**

The pituitary gland is of large size. The thyroid gland is of normal position, large size and normal texture. The adrenal glands have normal cut surfaces with yellow cortex and gray medulla.

#### **MUSCULOSKELETAL SYSTEM:**

The uninjured bony framework, supporting musculature, and soft tissues are not unusual. The cervical spinal column is stable on internal palpation.

## RADIOGRAPHS

Radiographs of the head and neck identify radiopaque fragments present in the skull, predominantly on the left side; additional minute fragments extend towards the neck. A radiopaque missile is present in the region of the right side of the mandible anterior to the neck and superior to the hyoid. An additional radiopaque missile is present in the region of the cervical spine C4-C7.

Radiograph of the chest reveals an additional radiopaque missile near the right 4<sup>th</sup> rib. A right hemothorax is seen. Radiograph of the abdomen reveals prominent loops of bowel. Radiograph of the pelvis reveals a radiopaque missile near the right ileus, the right femoral head, and the right pubic ramus.

Radiograph of the upper extremities confirms some of the radiopaque missiles present in the neck and chest. Additional radiopaque fragments are present in the left upper arm soft tissue and the left hand soft tissue; several of these are minute. Likewise, minute fragments are identified within the soft tissues of the right arm.

Radiographs of the lower extremities confirm the radiopaque missiles near the right femoral head and the right ramus. In addition, extensive soft tissue hemorrhage is evident within the region of the groin and the left thigh. A minute radiopaque missile is present in the region of the left femur. A radiopaque missile with associated soft tissue injury is present near the left knee. Metallic portions of clothing are visible in some of the radiographs, particularly those taken pre-processing.

**SPECIMENS OBTAINED/RESULTS**

**TISSUE:** Representative sections of all of the major organs are retained.

**TOXICOLOGY:** Heart blood, peripheral blood, vitreous, liver and bile are obtained at autopsy.

**TOXICOLOGY RESULTS:**

A blood alcohol concentration (BAC) of 0.051% is measured in femoral blood. Cocaine is detected at a toxic/lethal level; also, cocaethylene (cocaine & alcohol metabolite) and benzoylecgonine (cocaine metabolite) are identified. Delta-9 THC (tetrahydrocannabinol) is found at a non-toxic/therapeutic level in femoral blood. Ethylecgonine (cocaine metabolite), methylecgonine (cocaine metabolite), nicotine, cotinine (nicotine metabolite), caffeine and levamisole are positive femoral blood.

**VITREOUS SCREEN:** A vitreous screen shows no clear evidence of dehydration, uremia, or hyperglycemia.

**NMS Labs**  
 3701 Welsh Road, PO Box 433A,  
 Willow Grove, PA 19090-0437  
 Phone: (215) 657-4900 Fax: (215) 657-2972  
 e-mail: nms@nmslabs.com  
 RobertA. Middleberg, PhD, F-ABFT,  
 DABCC-TC, Laboratory Director

**Toxicology Report**

Report Issued 10/31/2016 15:00

To: 10294

Clark County Coroner's Office

Attn: Bill Gazza

1704 Pinto Lane Las Vegas, NV 89106

Patient Name: DOE, JOHN "HUALAPAI"

Patient ID: 16-09937

Chain: 16317125

Age Not Given    DOB Not Given

Gender: Male

Work order: 16317125

**Positive Findings:**

Compound	Result	Units	Matrix Source
Ethanol	51	mg/dL	001 - Femoral Blood
Blood Alcohol Concentration (BAC)	0.051	g/100 mL	001 - Femoral Blood
Ethylecgonine	Positive	ng/mL	001 - Femoral Blood
Levamisole	Positive	ng/mL	001 - Femoral Blood
Methylecgonine	Positive	ng/mL	001 - Femoral Blood
Nicotine	Positive	ng/mL	001 - Femoral Blood
Caffeine	Positive	mcg/mL	001 - Femoral Blood
Cotinine	Positive		001 - Femoral Blood
Cocaine	440	ng/mL	001 - Femoral Blood
Cocacthydene	100	ng/mL	001 - Femoral Blood
Benzoylecgonine	3100	ng/mL	001 - Femoral Blood
Delta-9 THC	0.61	ng/mL	001 - Femoral Blood
Creatinine (Vitreous Fluid)	0.80	mg/dL	005 - Vitreous Fluid
Sodium (Vitreous Fluid)	138	mmol/L	005 - Vitreous Fluid
Potassium (Vitreous Fluid)	14	mmol/L	005 - Vitreous Fluid
Chloride (Vitreous Fluid)	122	mmol/L	005 - Vitreous Fluid
Urea Nitrogen (Vitreous Fluid)	12	mg/dL	005 - Vitreous Fluid

See detailed findings section for additional information

## Testing Requested:

Analysis      Description  
Code

80928      Postmortem, Expert, Blood (Forensic)  
 1919FL      Electrolytes and Glucose Panel  
 (Vitreous), Fluid (Forensic)

## Specimens Received:

ID	Tube/Container	Volume/Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	10.85 mL	10/14/2016 14:30	Femoral Blood	
002	Gray Top Tube	10.85 mL	10/14/2016 14:30	Femoral Blood	
003	Gray Top Tube	10.85 mL	10/14/2016 14:30	Cardiac Blood	
004	Gray Top Tube	5.65 mL	10/14/2016 14:30	Cardiac Blood	
005	Red Top Tube	5.8 mL	10/14/2016 14:30	Vitreous Fluid	
006	Green Vial	11.75 mL	10/14/2016 14:30	Urine	
007	White Plastic Container	4 mL	10/14/2016 14:30	Bile	
008	White Plastic Container	32.47 g	10/14/2016 14:30	Liver Tissue	

ID	Tube/Container	Volume/Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
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All sample volumes/weights are approximations.

Specimens received on 10/13/2016.

## Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Ethanol	51	mg/dL	10	001 - Femoral Blood	Headspace GC
Blood Alcohol Concentration (BAC)	0.051	g/100 mL	0.010	001 - Femoral Blood	Headspace GC
Ethylecgonine	Positive	ng/mL	100	001 - Femoral Blood	GC/MS
Levamisole	Positive	ng/mL	5.0	001 - Femoral Blood	GC/MS
Methylecgonine	Positive	ng/mL	100	001 - Femoral Blood	GC/MS
Nicotine	Positive	ng/mL	12	001 - Femoral Blood	GC/MS
Caffeine	Positive	mcg/mL	0.10	001 - Femoral Blood	GC/MS
Cotinine	Positive			001 - Femoral Blood	GC/MS
Cocaine	440	ng/mL	20	001 - Femoral Blood	GC/MS
Cocachthylene	100	ng/mL	20	001 - Femoral Blood	GC/MS
Benzoylecgonine	3100	ng/mL	50	001 - Femoral Blood	GC/MS
Delta-9 THC	0.61	ng/mL	0.50	001 - Femoral Blood	LC-MS/MS
Ethanol	Confirmed	mg/dL	10	001 - Femoral Blood	Headspace GC
Creatinine (Vitreous Fluid)	0.80	mg/dL	0.050	005 - Vitreous Fluid	Colorimetry
Sodium (Vitreous Fluid)	138	mmol/L	80	005 - Vitreous Fluid	Chemistry Analyzer
Potassium (Vitreous Fluid)	14	mmol/L	1.0	005 - Vitreous Fluid	Chemistry Analyzer
Chloride (Vitreous Fluid)	122	mmol/L	70	005 - Vitreous Fluid	Chemistry Analyzer
Glucose (Vitreous Fluid)	None Detected	mg/dL	35	005 - Vitreous Fluid	Chemistry Analyzer
Urea Nitrogen (Vitreous Fluid)	12	mg/dL	3.0	005 - Vitreous Fluid	Chemistry Analyzer

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

**Reference Comments:**

1. Benzoylecgonine (Cocaine Degradation Product) - Femoral Blood:

Benzoylecgonine is an inactive metabolite and chemical breakdown product of cocaine. Cocaine is a DEA Schedule II controlled central nervous stimulant drug. Effects following cocaine use can include euphoria, excitement, restlessness, risk taking, sleep disturbance, and aggression. A period of mental and physical fatigue and somnolence follow the use of cocaine after the excitant-stimulant effects wear off. Benzoylecgonine has a half-life of 6 to 10 hours. The average blood benzoylecgonine concentration in 906 impaired drivers was 1260 ng/ml (range 5 - 17600 ng/ml). Benzoylecgonine blood concentrations in patients admitted to an emergency room for cocaine related medical complaints were 1280 ng/mL (SD= 1290 ng/mL). Benzoylecgonine concentrations In plasma following oral administration of 2 g/day of cocaine over 6 days, averaged 4900 ng/ml. The average blood benzoylecgonine concentration in 37 cocaine related fatalities was 7900 ng/ml(range 700- 31000 ng/mL).

2. Caffeine (No-Doz) - Femoral Blood:

Caffeine is a xanthine-derived central nervous system stimulant. It also produces diuresis and cardiac and respiratory stimulation. It can be readily found in such items as coffee, tea, soft drinks and chocolate. The reported qualitative result for this substance is indicative of a finding commonly seen following typical use and is usually not toxicologically significant. If confirmation testing is required please contact the laboratory.

3. Chloride (Vitreous Fluid) - Vitreous Fluid:

Normal: 105-135 mmol/L

4. Cocaethylene (Cocaine/Ethanol By-Product) - Femoral Blood:

Cocaethylene is a transesterification artifact formed in vivo when cocaine and alcohol are in the circulation at the same time. It is an active metabolite with activity equal to or greater than that of cocaine.

5. Cocaine - Femoral Blood:

Cocaine is a DEA Schedule II controlled central nervous stimulant drug. Effects following cocaine use can include euphoria, excitement, restlessness, risk taking, sleep disturbance, and aggression. A period of mental and physical fatigue and somnolence follow the use of cocaine after the excitant-stimulant effects wear off. Cocaine is metabolized to the inactive compounds benzoylecgonine, ecgonine methyl ester, and ecgonine. Benzcydine and ecgonine

methyl ester can form from cocaine breakdown after death and even after sample collection. The average blood cocaine concentration in 906 impaired drivers was 87 ng/mL (range 5 - 2390 ng/ml). Blood cocaine concentrations in patients admitted to an emergency room for cocaine related medical complaints were 260 ng/mL (SD= 500 ng/mL). Cocaine concentrations in plasma following oral administration of 2 g/day over 6 days, averaged 1260 ng/mL. The average blood cocaine concentration in 37 cocaine related fatalities was 4600 ng/ml (range 40 - 31000 ng/mL).

6. Colinine - Femoral Blood:

Cotinine is a metabolite of nicotine and may be encountered in the fluids and tissues of an individual as a result of tobacco exposure. Anabasine is a natural product occurring in tobacco, but not in pharmaceutical nicotine and a separate test for anabasine in urine can be used to distinguish tobacco from pharmaceutical nicotine use. The reported qualitative result for this substance is indicative of a finding commonly seen following typical use and is usually not toxicologically significant. If confirmation testing is required please contact the laboratory.

7. Creatinine (Vitreous Fluid) -Vitreous Fluid:

Normal: 0.6 - 1.3 mg/dL

8. Delta-9 THC (Active Ingredient of Marijuana)  
- Femoral Blood:

Marijuana is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects. Collectively, the chemical compounds that comprise marijuana are known as Cannabinoids.

Delta-9-THC is the principle psychoactive ingredient of marijuana/hashish. It rapidly leaves the blood, even during smoking, failing to below detectable levels within several hours. Delta-9-carboxy-THC (THCC) is the inactive metabolite of THC and may be detected for up to one day or more in blood. Both delta-9-THC and THCC may be present substantially longer in chronic users.

THC concentrations in blood are usually about one-half of serum/plasma concentrations. Usual peak levels in serum for 1.75%; or 3.55% THC marijuana cigarettes: 50 - 270 ng/mL at 6 to 9 minutes after beginning smoking, decreasing to less than 5 ng/mL by 2 hrs.

9. Ethanol (Ethyl Alcohol) - Femoral Blood:

Ethyl alcohol (ethanol, drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgment, reduced alertness and impaired muscular coordination. Ethanol can also be a product of decomposition or degradation of biological samples. The blood alcohol concentrations (BAC) can be expressed as a whole number with the units of mg/dL or as a decimal number with units of g/100 mL which is

equivalent to % w/v. For example, a BAC of 85 mg/dL equals 0.085 g/100 mL or 0.085% w/v of ethanol.

10. Ethylecgonine (Coc.aethylene Metabolite) - Femoral Blood:

The reported qualitative result for this substance was based upon a single analysis only. If confirmation testing is required please contact the laboratory.

11. Glucose (Vitreous Fluid) -Vitreous Fluid:

Normal: <200 mg/dL

Postmortem vitreous glucose concentrations >200 mg/dL are associated with hyperglycemia.

Since postmortem vitreous glucose concentrations decline rapidly after death both in vivo and in vitro, care should be taken in the interpretation of results. Stability of vitreous glucose for up to 30 days has been noted by NMS Labs when specimens are maintained frozen (-20°C).

12. Levamisole (Ergamisol®; Levasoie®) - Femoral Blood:

Levamisole is an imidazothiazole derivative used as a veterinary anthelmintic (worming agent) in animals. It was previously used as an immunomodulator in rheumatoid arthritis and as adjuvant therapy in the treatment of colorectal cancer but was withdrawn because of sometimes-fatal agranulocytosis. It is no longer available in North America for human use. However, from July-September 2008 approximately 30% of cocaine seized by the DEA was contaminated with levamisole. Levamisole was associated with

irreversible agranulocytosis in patients taking it for therapeutic purposes and in five patients following consumption of cocaine tainted with levamisole.

The reported qualitative result for this substance was based upon a single analysis only. If confirmation testing is required please contact the laboratory.

13. Methylecgonine (Cocaine Metabolite) - Femoral Blood:

The reported qualitative result for this substance was based upon a single analysis only. If confirmation testing is required please contact the laboratory.

14. Nicotine - Femoral Blood:

Nicotine is a potent alkaloid found in tobacco leaves at about 2 - 8% by weight. It is also reportedly found in various fruits, vegetables and tubers, e.g., tomatoes and potatoes, but at a smaller per weight fraction. As a natural constituent of tobacco, nicotine is found in all commonly used smoking or chewing tobacco products. It is also in smoking cessation products, e.g., patches. Nicotine has been used as a pesticide, although not as widely since the advent of more effective agents. Toxic effects of nicotine overdose include nausea, vomiting, dizziness, sweating, miosis, EEG and ECG changes, tachycardia, hypertension, respiratory failure, seizures and death. Anabasine is a natural product occurring in tobacco, but not in pharmaceutical nicotine. A separate test for anabasine in urine can be used to distinguish

tobacco from pharmaceutical nicotine use. The reported qualitative result for nicotine is indicative of a finding commonly seen following typical use and is usually not toxicologically significant. If confirmation testing is required please contact the laboratory.

15. Potassium (Vitreous Fluid)-Vitreous Fluid:

Normal: <15 mmol/L

Quantitative results for Potassium will be affected if performed on gray top tubes since these collection tubes contain potassium oxalate.

16. Sodium (Vitreous Fluid) - Vitreous Fluid:

Normal: 135- 150 mmol/L

Quantitative results for sodium will be affected if performed on gray top tubes since these collection tubes contain sodium fluoride.

17. Urea Nitrogen (Vitreous Fluid)-Vitreous Fluid:

Normal: 8 - 20 mg/dL

**Sample Comments:**

001 Physician/Pathologist Name: GAVIN

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded thirteen (13) months from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed. Chain of custody documentation has been maintained for the analyses performed by NMS Labs.

Workorder 16317125 was electronically signed on 10/31/2016 14:59 by:

  
Sherri L. Kacinko, Ph.D., F-ABFT  
Forensic Toxicologist

#### Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 1910FL - Electrolytes and Glucose Panel (Vitreous), Fluid (Forensic) - Vitreous Fluid

-Analysis by Chemistry Analyzer for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Chloride (Vitreous Fluid)	70 mmol/L	Sodium (Vitreous Fluid)	80 mmol/L
Glucose (Vitreous Fluid)	35 mg/dL	Urea Nitrogen (Vitreous Fluid)	3.0 mg/dL
Potassium (Vitreous Fluid)	1.0 mmol/L		

-Analysis by Colorimetry (C) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Creatinine (Vitreous Fluid)	0.050 mg/dL		

Acode 50014B - Cocaine and Metabolites Confirmation, Blood (Forensic) - Femoral Blood

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Benzoylegonine	50 ng/mL	Cocaine	20 ng/mL
Cocethylene	20 ng/mL		

Acode 521885 - Cannabinoids Confirmation, Blood (Forensic) - Femoral Blood

-Analysis by High Performance Liquid Chromatography/Tandem Mass Spectrometry (LC-MS/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
11-Hydroxy Delta-9 THC	1.0 ng/mL	Delta-9 THC	0.50 ng/mL
Delta-8 Carboxy THC	5.0 ng/mL		

Acode 52250B - Alcohols and Acetone Confirmation, Blood (Forensic) - Femoral Blood

-Analysis by Headspace Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

Acode 8092B - Postmortem, Export, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Benzodiazepines	100 ng/mL	Buprenorphine / Metabolite	0.50 ng/mL

#### Analysis Summary and Reporting Limits:

Compound	Rpt. Limit	Compound	Rpt. Limit
Cannabinoids	10 ng/mL	Oxycodone / Oxymorphone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Salicylates	120 mcg/mL
Opiates	20 ng/mL		

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for: Anesthetics, Anticoagulant Agents, Antifungal Agents, Antihypertensive Agents, Anxiolytics (Benzodiazepine and others), Hypnotics (Barbiturates, Non-Benzodiazepine Hypnotics, and

others) and Non-Steroidal Anti-inflammatory Agents (excluding Salicylate).

**-Analysis by Gas Chromatography/Mass Spectrometry**

(GC/MS) for: The following is a general list of compound classes included in the Gas Chromatographic screen. The detection of any particular compound is concentration-dependent. Please note that not all known compounds included in each specified class or heading are included. Some specific compounds outside these classes are also included. For a detailed list of all compounds and reporting limits included in this screen, please contact NMS Labs.

Amphetamines, Analgesics (opioid and non-opioid), Anorectics, Antiarrhythmics, Anticholinergic Agents, Anticonvulsant Agents, Antidepressants, Antiemetic Agents, Antihistamines, Antiparkinsonian Agents, Antipsychotic Agents, Antitussive Agents, Antiviral Agents, Calcium Channel Blocking Agents, Cardiovascular Agents (non-digitalis), Local Anesthetics Agents, Muscle Relaxants and Stimulants (Amphetamine-like and others).

**-Analysis by Headspace Gas Chromatography (GC) for:**

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

Clark County Coroner/Medical Examiner  
1704 Pinto Lane  
Las Vegas, NV 89108  
(702) 455-3210



REPORT OF INVESTIGATION  
Coroner Case

CALL INFO	NAME OF DECEASED (LAST, FIRST, MIDDLE): <b>Wilson, Rex Vance</b>			AKA <b>Doe, John "Hualapai"</b>	CASE NUMBER <b>16-09937</b>					
	INVESTIGATOR <b>Kristen Peters</b>	REPORTED BY <b>LVMPD Dispatch</b>	REPORTING AGENCY <b>Las Vegas Metropolitan Police Department</b>	REFERENCE NUMBER <b>16/012-4303</b>						
CALL DATE AND TIME <b>10/13/2016 7:20:00 AM</b>	DISPATCH DATE AND TIME <b>10/13/2016 7:30:00 AM</b>	ARRIVAL DATE AND TIME <b>10/13/2016 7:48:00 AM</b>	RETURN DATE AND TIME <b>10/13/2016 10:00:00 AM</b>							
DATE AND TIME OF DEATH <b>10/13/2016 7:53:00 AM</b>	AGE <b>50 Yrs</b>	GENDER <b>Male</b>	RACE <b>Native American</b>	WEIGHT <input type="checkbox"/>	HAIR COLOR <b>Brown/Gray</b>					
RESIDENT COUNTY <b>Unknown</b>	TELEPHONE NO. <b>(999) 999-9999</b>	DATE OF BIRTH <b>■■■ 966</b>								
SOCIAL SECURITY NO. <b>■■■ 425</b>	DRIVERS LIC. NO. AND STATE <b>■■■■■</b>	OCCUPATION <b>Tank top, pants, and shoes</b>	EMPLOYER <b>■■■■■</b>							
DECEDENT	MARITAL STATUS <b>Unknown</b>					HEIGHT <b>73</b>	WEIGHT <b>159</b>	EYE COLOR <b>■■■■■</b>	HAIR COLOR <b>Brown/Gray</b>	
DEATH	CLOTHING <b>Tank top, pants, and shoes</b>					SCARS/STIGMAS/MARKS <b>■■■■■</b>				
INCIDENT	LOCATION OF DEATH <b>CC 215 and Hualapai Way</b>					AT RESIDENCE <input type="checkbox"/>				
	ADDRESS (STREET, CITY, STATE, ZIP) <b>AD00888 (STREET, CITY, STATE, ZIP) Las Vegas, NV 89149</b>					COUNTY <b>Clark</b>				
	NOTIFIED BY <b>Kristen Peters</b>	AGENCY <b>Clark County Coroner Office</b>								
NOTIFICATION	LOCATION OF INCIDENT <b>CC 215 and Hualapai Way</b>					AT WORK <input type="checkbox"/>				
	ADDRESS (STREET, CITY, STATE, ZIP) <b>Las Vegas, NV 89149</b>					COUNTY <b>Clark</b>				
	DATE AND TIME OF INCIDENT <b>10/13/2016 11:50:00 PM</b>	INVESTIGATING AGENCY <b>Las Vegas Metropolitan Police Department</b>			OFFICERS <b>Det. Alsup P#5782 and CSA K</b>					
	LEGAL NEXT OF KIN <b>Petra Wilson</b>	RELATIONSHIP <b>Wife</b>		METHOD <b>■■■■■</b>		TELEPHONE NO. <b>(702) 612-6111</b>				
	NOTIFIED BY <b>10/14/2016 2:45:00 PM</b>	METHOD <b>In Person</b>		DATE AND TIME <b>10/14/2016 2:45:00 PM</b>						
	NAME OF PERSON NOTIFIED <b>Petra Wilson</b>	RELATIONSHIP <b>Wife</b>		TELEPHONE NO. <b>(702) 612-6111</b>						
DISP	IDENTIFIED BY <b>Petra Wilson</b>	METHOD <b>Viewing ID Photo</b>		DATE AND TIME <b>10/14/2016 2:45:00 PM</b>						
	TRANSPORTED TO MORGUE BY <b>Davis Funeral Home</b>	TRANSPORTED TO MORTUARY BY <b>La Paloma Funeral Services</b>								
	FUNERAL HOME <b>■■■■■</b>	CLOTHING RELEASED <b>■■■■■</b>								
	□ Yes <input type="checkbox"/>	□ Yes <input checked="" type="checkbox"/>					No <input type="checkbox"/>			
VEHICULAR	TYPE OF EXAM <b>Autopsy</b>	EXAM BY <b>Lisa Ann Gavin M.D., MPH</b>								
	INCIDENT WAS <b>■ Pedestrian</b>	Driver <b>■ Passenger</b>					Bicyclist <b>■ Motorcyclist</b>			Skateboard <input type="checkbox"/>
	VEHICLE <b>■■■■■</b>						LICENSING NUMBER <b>■■■■■</b>		STATE <b>■■■■■</b>	
	OCCURRED ON PRIVATE PROPERTY <b>■■■■■</b>	DECEDENT WEARING SEATBELT? <b>■■■■■</b>		SEAT POSITION <b>■■■■■</b>		DECEDENT WEARING CRASH HELMET? <b>■■■■■</b>				

**REPORT OF INVESTIGATION**  
**Case Number: 16-09937**

DECEDENT NAME: Rex Vance Wilson  
ALSO KNOWN AS: Doe, John "Hualapai"  
LOCATION OF DEATH: CC 215 and Hualapai Way  
DATE OF DEATH: 10/13/2016

DATE OF BIRTH: xx/xx/1966  
AGE: 50  
SSN: xxx-xx-1425  
TIME OF DEATH: 7:53AM

**SUMMARY OF INVESTIGATION**

**Reason for Coroner Jurisdiction:**

Officer Involved Shooting (OIS)/ Open wounds to head and chest/ Referencing Las Vegas Metropolitan Police Department (LVMPD) Event #161012-4303

**Circumstances of Death:**

Per LVMPD preliminary investigation, the decedent was the suspect in multiple robberies in Las Vegas and Henderson. On 10/12/16 at approximately 2315 hours, he was spotted in a reported stolen vehicle in the area of Fairfield Avenue and West Saint Louis Avenue by patrol officers. The decedent fled and a pursuit ensued. Multiple stop sticks and pits were placed and eventually the decedent was forced to a stop on the Clark County (CC) 215 and Hualapai Way. The decedent reportedly brandished what officers thought was a weapon and four of the officer's on scene reportedly fired a total of 36 shots. LVMPD approached the vehicle and the decedent was unresponsive. Paramedics arrived to find the decedent beyond resuscitation. 1 pronounced death at the scene on 10/13/16 at 0753 hours.

**Medical History:**

The decedent's medical history is unknown. There was alcohol and tobacco inside the vehicle.

**Scene:**

The decedent was found seated in a reported stolen vehicle on CC 215 and Hualapai Way in Las Vegas, Nevada 89149. The decedent was found in a 2015 Nissan Rouge with a LVMPD vehicle against the front bumper and another LVMPD vehicle up against the front passenger side door. Multiple apparent bullet holes were observed to the driver's side of the car, the passenger door, and the windshield. Both the driver's and front passenger side windows were broken. On the front passenger floor of the vehicle, I observed a bottle of alcohol, cigarettes, and an apparent hose spray nozzle that was taped with black duct tape and resembled a gun. The hose spray nozzle was reportedly in one of the decedent's hands when officer's approached the car and was thrown onto the passenger floor by one of the officers. An apparent blood like substance was observed on the center console, the passenger seat, and the driver's seat. On the screen of the vehicle's stereo was the word "Sorry" written in a red blood like substance. Glass littered the vehicle. In the backseat of the vehicle, I observed -what appeared to be empty cash register tills.

The roadway consists of two east and west bound lanes divided by a large gravel median. In the area surrounding the vehicle that the decedent was found in, I observed small orange cones that were numbered one through thirty six. It was reported to me by LVMPD that these small cones indicated where bullet casings were located. There were also large orange cones with manila envelopes reflecting

the shooting officers and large orange cones with brown paper bags indicating the officer's that witnessed the shooting. Per LVMPD, the weapons that were discharged by the officers were all Glock 9 millimeter (mm). The weapons were no longer at the scene to photograph and all of the casings had been retrieved by LVMPD Crime Scene Analysts prior to my arrival.

**Body:**

On 10/13/16 I viewed the body of a possible Asian male of unknown age seated in the driver's seat of a vehicle. He was clad in a tank top, pants, and shoes. Part of the tank top had been wrapped around the head rest propping the decedent up. Stippling "vas present to his posterior left shoulder. Apparent open wounds were observed to his upper left chest, above his left ear, and his left temple. Tattoos were present to his left shoulder, left upper chest, and right shoulder. Apparent blood and glass were observed all over the decedent. Apparent abrasions were noted to his lower right abdomen. A limited physical examination was conducted per homicide protocol. Lividity was blanching positional and consistent with the position in which he was found. Rigor mortis was full body.

**Property:**

The Inventory of Personal Effects #172636 states that no property was impounded.

**Forensic Issues and Reasons for Seal:**

- OIS
- Seal #355605
- Limited physical examination
- Open wounds to head and chest
- All Officer Weapons: Glock 9mm

- 36 casings located
- Decedent's weapon: Duct taped hose spray nozzle
- "Sorry" written in apparent blood on stereo screen
- Detective Alsup and Crime Scene will attend exam
- Assistant Coroner Parker on scene

**Witnesses and Information Sources:**

LVMPD Detective Alsup  
LVMPD CSA Klosterman

**Narrative:**

On 10/13/16 this office received a dispatch from LVMPD regarding the above stated death.

Upon my arrival I met with LVMPD who provided me with the aforementioned circumstances, the original time of call, and their event number.

The scene was photographically documented and a joint physical examination of the decedent took place alongside LVMPD Crime Scene.

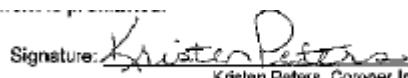
Davis Funeral Horne was contacted per rotation. Attendant L. Kent and her partner arrived and wrapped the decedent into a sterile sheet provided by LVMPD, placed him into a new body bag which I sealed, and prepared him for direct transport to the Clark County Office of the Coroner/ Medical Examiner.

**Special Requests:**

None

**Tissue/Organ Donation:**

Nevada Donor Network contacted per protocol./DMS

Signature:   
Kristen Peters, Coroner Investigator

**[FILED APRIL 19, 2022]**

Attachment 5 to Defendants' Motion for Summary  
Judgment, Exhibit C –  
Force Investigative Team Report  
[3-ER-483-484, 505]

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LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT  
FORCE INVESTIGATION TEAM REPORT  
CONTINUATION

Event: 161012-4303

MEDICAL PERSONNEL  
LAS VEGAS FIRE & RESCUE

- 1) Paramedic Chairsell
- 2) Paramedic Saracene
- 3) Paramedic Grey

**III. INCIDENT DETAILS**

On 10-12-2016 Downtown Area Command (DTAC) officers were given information about a vehicle taken during a residential robbery in Henderson, NV. Officers were told the vehicle was a Nissan Rogue with NV license plate 773YW. Officers also watched video surveillance from the residence which showed the robbery suspect, later identified as Rex Wilson, who appeared to be armed with a firearm. Officers were also told that Wilson was possibly the same suspect who committed multiple robberies in the Las Vegas area.

At approximately 2315 hours, Officers Steven Williams and Scott Tompkins were in the area of Fairfield Avenue and St. Louis Avenue and observed a Nissan Rogue sport utility vehicle (SUV) parked

near an apartment complex. Officer Tompkins observed the numbers 73 on the license plate and believed it was possibly the Nissan Rogue which was taken in the robbery that was talked about during their briefing. The officers passed the vehicle and pulled over to confirm the license plate on the vehicle taken during the robbery.

Officers Tompkins and Williams returned to where the vehicle had been parked to confirm the license plate; however, the vehicle was gone. Officers broadcast the information over the radio and asked for other officers to attempt to locate the vehicle.

At approximately 2322 hours, Officer Jennifer Smith located the vehicle in the area of Wyoming Avenue and Commerce Street. Officer Smith initiated a vehicle stop, but after stopping briefly, the driver [Wilson] fled in the vehicle westbound on Oakey Boulevard. Due to the severity of the crime associated with the vehicle, a vehicle pursuit was initiated.

The pursuit travelled westbound on Oakey Boulevard to northbound Decatur Boulevard. Wilson then turned onto eastbound Charleston Boulevard and then quickly made a U-turn and travelled westbound on Charleston Boulevard. Officers attempted to conclude the pursuit by utilizing the Precision Intervention Technique (PIT); however, the PIT was unsuccessful, and Wilson turned northbound on Decatur Boulevard. Officers continued the pursuit as Wilson travelled onto northbound US 95 and continued to eastbound CC 215. Wilson went eastbound on CC 215 until exiting on N. 5th Street. Wilson travelled onto northbound N. 5th Street and merged onto westbound CC 215.

As Wilson was travelling westbound on CC 215, officers attempted to end the pursuit several times utilizing STOP STICK. Unsuccessful deployments were made at Aliante Boulevard, Decatur Boulevard, and Bradley Road. Officers were able to successfully use STOP STICK at CC 215 and Sky Point Drive to strike the front right tire of Wilson's vehicle.

Wilson continued travelling on westbound CC 215 despite his vehicle having had a deflated right front tire. Wilson exited and reentered CC 215 at Durango Drive then stopped east of Hualapai Way. After stopping briefly, Wilson continued westbound, and officers conducted another PIT. As a result of the PIT, the Nissan Rogue was pushed into and travelled across the center median. To prevent Wilson from fleeing, officers pinched the vehicle on three sides. (Stationary Vehicle Immobilization Technique, also known as "pinching," is a containment tactic that employs extremely low-speed intentional vehicle contact with a subject vehicle. The purpose is to render a vehicle immobile by blocking it in place with police vehicles so that subjects can be taken into custody.)

Officers Gowens and Squeo's patrol vehicle made contact with the driver's door of the Rogue. Officer Swartz' patrol vehicle made contact with the passenger door of the Rogue, and Officer Lindberg's patrol vehicle made contact with the front of the Rogue.

As all four officers were exiting their patrol vehicles, Wilson raised what appeared to be a firearm, and Officers Gowens, Squeo, Swartz, and Lindberg discharged their firearms. Not knowing if Wilson was injured or not, officers waited for the arrival of a ballistic shield before approaching the Rogue.

Sergeant Bitsko, who had a ballistic shield in his vehicle, arrived and officers approached the Nissan Rogue. Officers noticed Wilson appeared to have a significant head wound and was bleeding. Officers also observed Wilson was still holding what appeared to be a black firearm in his right hand. Officers determined Wilson was likely deceased, removed the firearm from his hand, and had medical personnel approach to attend to Wilson. Medical personnel determined Wilson was deceased, and all personnel backed away and secured the scene. Investigative personnel were then requested.

Upon arrival of investigators, Detective Tyler conducted a briefing. The following persons were present:

- 1) Deputy Chief Hank
- 2) Deputy Chief Zimmerman
- 3) Captain Andersen
- 4) Captain Fletcher
- 5) Captain O'Leary
- 6) Captain Walsh
- 7) Lieutenant Bechler
- 8) Lieutenant Clements
- 9) Lieutenant Donegan
- 10) Lieutenant Huddler
- 11) Lieutenant Jenkins
- 12) Lieutenant McMahill
- 13) Sergeant Clark
- 14) Sergeant Junge
- 15) Sergeant MacDonald
- 16) Sergeant Ward
- 17) Sergeant Whitmarsh

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT  
FORCE INVESTIGATION TEAM REPORT  
CONTINUATION

Event: 161012-4303

Location and Description of the Body

**Decedent—Rex Wilson (DOB xx/xx/66)**

The decedent was seated in the driver's seat of V1 and was slumped over towards the center console. The decedent was wearing a pair of red and black plaid boxers, a pair of black pants with a white colored strip down the outside of each leg, a pair of black shoes, a white "A-shirt" which had the upper shoulder portion wrapped around the driver's seat headrest. The decedent had visible injuries to the left side of his head near his ear, his right lower stomach, upper left chest, a bullet located in the right hip which was stuck in the exterior of his pants, and several defects to the lower legs of his pants.

**Coroner**

Clark County Coroner Investigator K. Peters #346 examined the body and pronounced time of death at 0753hrs. The decedent was placed into a body bag with a new LVMPD sheet and sealed with seal #355605 and was taken to the Coroner's office by Davis Mortuary personnel, Lisa Kent and Chris Folger.

### Evidence Recovered

SCSA S. Thi P#14373 recovered the following items and impounded them as evidence:

- Thirty five (35) expended cartridge cases with headstamps "SPEER 9mm LUGER + P" **(items 1-35)** from the area surrounding V1
- Two (2) bullets from the #1 eastbound travel lane, west of V2 (Item 36) and from the ground near the rear passenger tire of V1 **(Item 37)**
- Twelve (12) bullets and several bullet fragments **(Items 38-53)** from inside of V7
- One (7) spray nozzle head with front end wrapped in black duct tape; with apparent blood **(Item 54)** from the passenger side front floorboard of V1
- One (1) damaged cash drawer (SN# A01096909200918) with apparent blood **(Item 55)** from the rear seat of V1
- US Currency coins totaling one dollar and twenty nine cents [\$1.29] **(Item 56)** from the rear seat of V1
- One (1) glass pipe with residue **(Item 57)** from the passenger side rear floorboard of V1
- One (1) roll of black "Gorilla" duct tape **(Item 58)** from the driver's side front floorboard of V1

Please refer to the Crime Scene Investigation Evidence Impound Report submitted by SCSA S. Thi P#14373 for further details.

[FILED APRIL 19, 2022]

Attachment 6 to Defendants' Motion for Summary  
Judgment, Exhibit D –  
Deposition Transcript of Officer John Squeo  
[3-ER-569-573]

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Oral Deposition of John Squeo, 7/24/2019

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1 stop, which just us fanning out, all vetting in one  
2 line essentially where we could use our takedown  
3 lights as a wall of concealment, also block off the  
4 road for any traffic that may be coming our  
5 direction.

6 Q. All right. So he's got a deflated tire,  
7 pulls off, slows down. You guys all get out.  
8 Is this the point where he then drives away  
9 again?

10 A. He's going to start driving away again,  
11 yes.

1?\_ Q. All right. So he starts doing that.  
13 You got out of your vehicle at this point,  
14 correct?

15 A. I actually stepped out of the vehicle.  
16 Hearing the helicopter, the sirens and just how  
loud  
17 it was echoing in the freeway, I made the decision  
18 to get back in my car to get on our PA system, our

19 public announcement system, to order commands  
just

20 because [didn't believe a reasonable person would  
21 hear us verbally just yelling at him from the  
22 distance we were at with all of the factors going  
23 on.

24 Q. All right. So when you got out, you were  
25 going to -- after you got out, you made the  
decision

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1 that you would need to use the PA in order for him  
2 to be able to hear you?

3 A. Yes.

4 Q. All right. So you get back in the vehicle.

5 Then what happens?

6 A. I look up -- I grab the P~, 1 look up, and  
7 Wilson is rolling again.

8 Q. Okay. And at this point, what speed was he  
9 able to get up to`?

10 A. Approximately 20, 25, maybe 30 miles an  
11 hour, but I'm not positive.

12 Q. Okay. Now, at this point do you recall  
13 approximately what location on the highway you  
would

14 have been at?

15 A. I think we're still near Durango, but like

16 I said, I'm not 100 percent on location.

17 Q. All right. Now, you were talking about the  
18 environmental factors earlier.

19 Can you apply that to that situation?

20 A. Environmental factors fbr what?

21 Q. F'or at this point of the incident in that  
22 area of town you were in, what were the  
23 environmental factors being considered?

24 A. zero -- obviously, zero pedestrian traffic  
25 because we were on the freeway. There's zero

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1 citizen traffic that's coming our direction because  
2 we already have vehicles behind us that are  
stopping

3 traffic, and then the paralleling vehicles that are  
4 stopping the on-ramps and off-ramps.

5 It was relatively -- well, obviously it  
6 was a dry night out. Lighting conditions were poor,  
7 but nonetheless we had streetlights.

8 We had 1 want to say six lanes of traffic  
9 of flat freeway that could be utilized for a PIT,  
10 something of that nature.

11 Rex was near the emergency lane median and  
12 the wall, and then across the six lanes would be  
the  
13 center median, which is relatively flat and rock.

14 Q. Okay. There was no traffic or pedestrians  
15 in the area?

16 A. At that point, no.

17 Q. And you would agree at that point he had a  
18 deflated tire, correct?

19 A. Deflated front driver tire I believe.

20 Q. And he also from that point on he had never  
21 gone over 20 or 25 miles per hour?

22 A. [believe you're correct.

23 Q. Would you agree that all the exits for the  
24 most part had police at them and blocked off or at  
25 least police presence at each exit?

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1 A. The presence at the exit was solely to  
2 prevent citizens from entering the highway. This is  
3 not presence such as road blocks to prevent him  
from  
4 getting off of the freeway.

5 Q. But had he attempted to exit the freeway,  
6 there would have been police present right there,  
7 correct?

8 A. There would be a vehicle, but I can't  
9 recall what exits they were at. But that was the  
10 strategy that we were broadcasting.

11 Q. Okay. So then what happens? He's got a

12 deflated tire. He starts pulling off again.

13 What happens next?

14 A. Well, he was relatively close to the wall.

15 I start moving up for a PIT maneuver.

16 Q. All right. I'm sorry. Let me stop you

17 there.

18 What made you determine at that point to

19 use a PIT maneuver?

20 A. Well, he slowly started to bank away from

21 the wall. (t was very slight. But then also radio

22 broadcast saying PIT him before he gets off the

23 freeway because what it looked like that he was

24 angling or pointing in the direction of his vehicle

25 towards the off-ramp.

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1 Q. All right. And at this point he was going

2 under 40 miles per hour and [believe iPs even

3 referenced on the radio or on the videos, and at a

4 this point he was under 40, so you guys then

5 determined you could P[T him, correct, and it

6 wouldn't be deadly force?

7 A. Yes, I could do anon-deadly force PIT.

8 Q. And at that point had you or Gowens if

9 you're aware made any determination on whether

10 deadly force would have been justified?

11 A. Well, [ do believe deadly force would have  
12 been justified, but my intent here was to use the  
13 least amount of force necessary.

14 Q. Now, when you say deadly force would have ~  
15 been justified, you mean at the point when you  
did

16 the PIT maneuver?

17 A. Yes.

18 Q. All right. Now, if you can, walk me  
19 through the ability, opportunity, preclusion,  
20 imminent jeopardy that would have justified  
deadly  
21 force at that point.

22 A. Well, it's not so much me being in danger;  
23 it's the public. You have to understand Wilson is  
24 alleged to have committed 16 armed robberies,  
two of  
25 which may have been bank robberies and an  
armed

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1 carjacking.

2 My experience, not only as a police officer  
3 but as growing up with a drug addict who we spoke  
4 about in my past history I know the tendencies and  
5 the ever escalating violence of a person that is  
6 addicted to narcotics.

7 Q. Let me stop you real quick.

8 At this time did you have any information

9 as to whether Rex Wilson had anything to do with  
10 narcotics or was addicted to narcotics?

11 A. Based on his behavior at the robberies, the  
12 quick grabs, the quick movements, the almost  
13 desperate manner in which he conducted these  
14 robberies and the timeframe in between robberies  
15 would lead me to believe that he was a narcotic  
16 user.

17 Also, the location he was found at  
18 initially, the vehicle at St. Louis and Fairfield.

19 Naked City in general is a high narcotic  
trafficking

20 area, and that vehicle had never been in that area  
21 or at least that we've ever seen or ever heard of.

22 I've never even seen a Nissan Rogue in that  
23 area besides that situation because it's a  
24 relatively nice car, right.

25 So I believed at that moment, yes, no,

98

1 there was no -- he didn't stand there with a meth  
2 pipe or something I have video or photos of. But  
3 from my experience and training, I recognize the  
4 signs of a narcotic user.

5 So seeing the crimes that he had committed,  
6 believing him to be a narcotic user and the ever  
7 increasing violence of that nature because, as we  
8 said, we watched those videos surveillance, his  
9 robberies may have started off just pointing a gun  
10 at someone, but then later he's actually physically  
11 grabbing people.

12 And this was desperate acts it looked like.

13 So desperate people can do almost anything. It's  
14 dangerous.

15 So at no point could he get off that  
16 freeway because if we were to lose him at any  
point,

17 that would be the --like he's a danger to the  
18 public.

19 This is -- we gave him 40 minutes of  
20 vehicle pursuit of lights and sirens. We gave him  
21 spike strips. We gave him PIT maneuvers.  
There's

22 no other means that we had to tell him, Hey, you  
23 need to stop. He is actively fleeing. He's  
24 actively, you know, wanted for violent felonies.

25 My concern is the public. So I know and

99

1 I'm confident in saying that although I used a low  
2 level PIT or a low level force, non-deadly force

3 PIT, I am of the understanding that t could have  
4 used deadly force if he was going over 40 with that  
5 flat tire, you know, making his way towards that  
6 ramp.

7 Q. Now, correct me if ['m wrong, for you to  
8 justified to use deadly force, there needs to be  
9 ability, opportunity, preclusion, and imminent  
10 jeopardy.

11 Where would be the imminent jeopardy?

12 A. Once he made it on that ramp, if we start  
13 to lose him. The imminent jeopardy would be that  
14 him being freed, him being let go, him getting  
away

15 from us. That's the imminent jeopardy.

16 Q. But until he gets away, it's not imminent  
17 yet?

18 A. I can't do anything if he's not there.

19 Q. Let's use it in the context of the railroad  
20 example you used earlier.

21 A. Okay.

22 Q. If somebody is standing five feet from the  
23 train, the train is about to hit them, it's coming,  
24 that's imminent jeopardy as opposed to more  
25 speculation, you're a half mile down the track.

1 I'm confident in saying that although I used a low  
2 level PIT or a low level force, non-deadly force  
3 PIT, I am of the understanding that t could have  
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23 train, the train is about to hit them, it's coming,

24 that's imminent jeopardy as opposed to more  
25 speculation, you're a half mile down the track.

101

1 I think that you are of the understanding that  
2 deadly force automatically means execution. That's  
3 not it.

4 Deadly force is me using a level of force  
5 which may result in substantial bodily harm or  
6 death. Okay. I am going to escalate the situation.

7 We've already done de-escalation. My  
8 preclusion is that I've done everything in my power  
9 and everything that we have been trained to do to  
10 stop this guy. He's had more opportunities than  
11 almost anyone I've ever seen. Okay.

12 Granted we don't get very many vehicle  
13 pursuits, but more than I've ever seen in any of  
my

14 experience or training that he has had or allotted,  
15 time allotted to stop. He now cannot get off that  
16 ramp.

17 If at any point - and now I understand  
18 that if, okay, he is a danger to the public. Now, I  
19 didn't use deadly force there. like I said. But if  
20 we were looking at fleeing felon, he was actively  
21 fleeing, wanted for violent crimes, and actively a

22 danger to the public. I would have been  
comfortable

23 using the deadly force there as a clear  
24 articulation.

25 Q. And this is despite the fact that he had a

102

1 deflated tire and had not gone over 25 miles per  
2 hour at this point?

3 A. The span you're looking at is a 30-second  
4 window. What's to say that he couldn't hit the  
5 guess?

6 I'm not a mechanic. I can't tell you that  
7 when one tire is deflated, that your vehicle cannot  
8 go above 25 miles an hour.

9 Q. In your experience, if a vehicle has a  
10 deflated tire, are they likely to get away?

11 A. They could. If he bailed on foot, if he's  
12 able to get onto the surface street, if he was able  
13 to get onto a surface street where there are  
14 still -- we weren't able to shut down - pedestrians  
15 or vehicle traffic that he might be able to block.

16 Q. Prior to this pursuit how many police  
17 pursuits have you been involved?

18 A. One.

19 Q. How long was that one?

20 A. Roughly five minutes.

21 Q. So when you say this one you gave him more  
22 opportunities than you've ever experienced  
before,

23 you really just mean more than the other one  
you've

24 been involved in?

25 A. Well, the experience and training that I've

103

1 had where I've reviewed critical incidents of  
2 vehicular pursuits.

3 Q. Now, at this point he has a deflated tire;  
4 he's about 25, 20 miles per hour on a highway with  
5 no pedestrians, no other traffic. We have police  
6 vehicles at most of the exits *as far as we're aware*.

7 So at this point you determined you needed  
8 to escalate the situation?

9 A. No, no, no. I used a lower level of force  
10 than what I could have. I understand and am  
11 confident in my ability to use deadly force. I  
12 understand that I could have used deadly force  
which

13 may result in substantial bodily harm or death to  
14 stop Rex Wilson's vehicle. Rex Wilson was only  
15 doing 25 miles an hour. I made the conscious  
16 decision to conduct a PIT maneuver, which is the

17 lowest level of force that I could conceive at that  
18 moment to make this into a peaceful ending.

19 Q. Okay. So then you do the PIT maneuver.

20 Then what happens?

21 A. I made the initial PIT maneuver. I missed  
22 the first time. Second PIT maneuver, as you saw  
in

23 the jX>licy, the word is literally finesse.

24 I was unable to get deep enough on the  
25 quarter panel, so his vehicle slid off the hood of

104

1 my vehicle and now was going in a diagonal  
2 direction, continuing towards the center median I  
3 should say because (don't know my directionals in  
4 that area. So he's headed towards the median.

5 I know you watched the body cam. You could  
6 hear Chris telling me to go get him, to PIT him.

7 What Chris is not aware of, which Pm aware  
8 of because I'm watching my mirror's, there's  
another

9 vehicle unknown who, who was coming up the side  
of

10 me to conduct a second or third PIT' maneuver.

11 That vehicle then conducted a P[T maneuver  
12 near my A pillar. Wilson's vehicle goes -- enters  
13 into the median and then comes to rest.

14 1 then turn my vehicle towards his driver  
15 side to make blocking without contact because we  
had  
16 enough distance.

17 Q. Now let me stop you here.

18 A. Okay.

19 Q. Is this the point in the video where Gowens  
20 says, Ram him, bro?

21 A. After. Well, no, no, no. Nn, no. I'm  
22 sorry.

23 Chris's statements are after so -- or to be  
24 honest, I don't recall exactly.

25 Q. Do you recall –

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1 A. I came to rest without any contact being  
2 made initially. As I go to exit my vehicle, Wilson,  
3 I can hear the vehicle revving and [can see the  
4 tires are kicking up rocks. He's still trying to  
5 move.

6 I noticed or recognized a gap which he's  
7 about to exploit. [then re-enter my vehicle,  
8 conducting the turn -- this is where you have Chris  
9 yelling at me about, Ram him.

10 As I turn the corner Rex's -- sorry.

11 Q. Do you recall or did you hear him tell you,

12 Ram him, bro?

13 A. During the initial incident, I'm focused.

14 From watching our body cameras, you can see the  
15 difference of personalities.

16 Chris normally is relatively quiet. High  
17 stress situations he's very vocal. In that  
18 situation I don't talk much. I'm processing.

19 I was taking direction -- directionals, you  
20 know, map directionals --

21 Q. Yeah.

22 A. -- from Officer Gowens during the time when  
23 it was still -- it's still dynamic, but there's a  
24 certain level or certain threshold that you surpass  
25 during the incident when you actually start  
closing

106

1 in on Rex. Okay.

2 So during that time, I'm completely quiet.

3 That's because I'm processing the situation around  
4 me: Where the vehicles are and where are  
openings

5 that are going to be exploited are or are  
6 opportunities to stop Mr. Wilson.

7 At that point [did conduct a left turn  
8 where Chris was yelling, but I'm not positive if I  
9 recalled him saying it or I can literally hear him

10 saying the words, but you have to understand I'm  
11 here. I have audio exclusion that's starting to  
12 kick in. I have tunnel vision that's starting to  
13 kick in.

14 I'm trying to naturally calm myself combat  
15 breathing. I'm trying to break tunnel vision by  
16 turning my head, trying to get out of this gap on  
17 what's ahead of me to look out my peripheral to  
open  
18 up my vision.

19 That's where [see Rex coming to rest ahead  
20 of me and that's where I make the decision that  
this  
21 has gone on -- he's exploited all of our -- every  
22 time we try to PIT maneuver him and try to  
23 immobilize his vehicle, that [I'm making contact,  
and  
24 I come across and make a low level contact with  
his  
25 vehicle at a low speed.

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1 Q. So it's your position that was a block, not  
2 a ram?

3 A. Yes.

4 Q. You would agree you intentionally struck  
5 the vehicle with your vehicle though, correct?

6 A. [did intentionally strike the vehicle with  
7 my vehicle to immobilize his vehicle and to prevent  
8 his escape.

9 Q. What about to shake him up or disorient  
10 him?

11 A. I know from my experience that someone  
12 who's involved in an accident could be shaken up,  
13 could mishandle items in their hands. So knowing  
14 that, that came into play as a benefit of me  
15 conducting the contact.

16 So not only am I trying to limit his  
17 escape, but I understand that by me doing this  
18 tactic, me actually making contact with his  
vehicle,

19 it would be beneficial for me and the other officers  
20 because this might happen.

21 Q. All right. So at this point, your vehicle  
22 makes contact.

23 Then what happens?

24 A. So my vehicle makes contact.

25 Obviously this is two years later so I'm

108

1 trying to recall everything specifically, you know,  
2 how it happened. I don't want to contradict myself  
3 obviously. It's unintentional if I do because, like

4 I said. I don't recite this every day. This isn't  
5 something I talk about with people every day.  
6 Very few people even get to hear the length  
7 of this story.

8 Q. At some point we're going to go over your  
9 statement.

10 A. Okay.

11 Q. You would agree that your- · the statement  
12 you gave to CIRT, do you remember being  
interviewed  
13 by CIRT?

14 A. Ido.

15 Q. You would agree that that is probably the  
16 most fresh recollection you had of the incident  
and

17 the most full story of it, the most reliable version  
18 of events?

19 A. Well, besides tunnel vision, audio  
20 exclusion, there are a lot of physiological effects  
21 that do happen to a person in dynamic situations.

22 That's why we actually bow out to take 48-hour  
23 interviews is because after that 48 hours there's  
24 going to be more information that comes to light.

25 Now, that could extend to weeks or even

1 further on, you know, so I'm not saying that's the

2 most accurate because ultimately you're dealing  
3 with  
3 the human element.  
4 You're dealing with people who are trying  
5 to recall major incidents and then, you know, their  
6 memories are starting to block out certain things  
7 because of a high stress situation. **But** I believe  
8 that to accumulated from beginning to start would  
be  
9 one of the best documents displaying this entire  
10 event.

11 Q. All right So you strike the vehicle and

12 then you get out of the vehicle., correct?

13 A. Yes.

14 Q. Now, earlier you had testified you had

15 stopped previously, gotten out and then had to get  
16 back in to use the PA because you knew you  
would

17 have to use the PA.

18 Is there any reason you didn't do that

19 before you just jumped out of the vehicle after  
this

20 PIT maneuver or block maneuver that I will tell  
you

21 I consider a ramming?

22 A. Distance. I understand what you consider

23 it as, but-- okay. Distance. Now, you have to

24 understand the reason during a felony car stop  
we

25 give ourselves distance is because we are better

110

1 trained than our average suspect.

2 The idea is that if we have distance.. it's

3 going to give us more opportunity to use low level

4 force and also take away possibly his accuracy if

5 he's going to use a firearm against me.

6 Once you're that close, I'm a hood away,

7 I'm a hood of a vehicle. the Explorer, away from  
the

8 driver side window of this armed suspect. I don't

9 have that distance. That means my time is going to  
10 be narrowed

11 So I have to be able and ready to react and

12 I have to be able to give verbal commands. and at  
13 that distance I believe he would be able to be  
hear.

14 A reasonable person would be able to hear me  
from me

15 to him.

16 Q. That makes sense.

17 So you get out of the vehicle, and then

18 from what I recall, you immediately shut your  
door?

19 A. Yes.

20 Q. Why did you do that?

21 A. Because my door - with how close we are,

22 my door is a blockade. It's a barrier.

23 Now, if I was to engage in an incident that

24 maybe a gunfight. the last thing I want is to have

25 that door in front of me because now I cannot

111

1 progress forward in an overwhelming fashion to  
close

2 distance of a suspect

3 I can't move laterally because my door is

4 actually at an angle when it was opened. so now  
I'm

5 going to run into the door, take my eyes off of the  
6 suspect to get past the A pillar, which is going to

7 be the back side of the window near the rear

8 passenger.

9 Secondly, with being how close we were and

10 knowing firearms and tactics, if Wilson was to  
11 present a firearm, which later we'll talk about,

12 okay. I know from my experience at the range  
that he

13 doesn't have to acquire sight alignment. He  
doesn't

14 have to aim. He merely has to point and pull the  
15 trigger.

16 Average weight of a trigger is five pounds.

17 He has the ability. rm standing right in front of  
18 him. There's my opportunity. Okay. There's my  
19 imminent jeopardy. I'm seconds away. Okay. So I  
20 have to be able to move freely to step off the line  
21 of attack and possibly evade gunfire.

22 Another reason why I closed the door is  
23 it's concealment. All it's doing is hiding my body.  
24 What people don't take into consideration is the  
25 glass, the metal and the plastic.

**[FILED APRIL 19, 2022]**

Attachment 10 to Defendants' Motion for Summary  
Judgment, Exhibit H – Deposition Transcript of  
Officer Christopher Gowens  
[3-ER-600, 602-604, 608]

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Oral Deposition of Officer Christopher Gowens,  
10/16/2019

40

1 with Squeo as driver whether it's Squeo or a  
2 different officer, is there kind of a different role  
3 the driver takes versus what the passenger takes?  
4 A. Yes.

5 Q. What are the different roles?  
6 A. Driver is just focused on driving. He's  
7 going to be focused more on the other vehicles that  
8 are on the roadway, on the suspect vehicle.

9 The passenger or in this situation I was  
10 basically trying to communicate just all the other  
11 peripheral information or ancillary information  
that

12 was coming in just because it's hard to focus  
13 especially in a high speed pursuit on - I mean,  
14 it's not the time to multitask He should just  
15 focus on driving at that point

16 Q. Would you agree that as a passenger you  
17 kind of make more of *the* tactical decisions at that

18 point?

19 A. No.

20 Q. Do you recall what type of vehicle you and

21 Squeo were in?

22 A. It was a marked patrol unit. It was a Ford

23 Explorer.

24 Q. At any point during the chase, prior to

25 when you guys actually started making like the  
PIT

41

1 maneuvers and what I'll call the final event.

2 Prior to the final event, during the chase

3 at any point did either did you witness a weapon or

4 a gun of any sort?

5 A. No.

6 Q. All right. So now he's on the highway.

7 You're four or five - the fourth or fifth car in

8 line.

9 What happens after that?

10 He's still going down the highway.

11 What's the next thing that happens?

12 A. He goes northbound 1~95. Then he goes

13 eastbound 215 from the 95 all the way up to  
North

14 Fifth. He exits on North Fifth. Goes north over

15 the 215. Gets back on the on-ramp. Heads 215

16 westbound.

17 Q. Let me stop you here.

18 He's on 215 heading westbound.

19 What was like the status of the traffic at  
20 this time?

21 This was late at night; correct?

22 A. Correct.

23 Q. Was there much traffic at the time?

24 A. There were other civilian vehicles on the  
25 road.

42

1 Q. Is that something that you take into  
2 consideration when you're in the midst of a vehicle  
3 pursuit?

4 A. Yes.

S Q. All right, So how was *the* lighting at that  
6 time?

7 It's dark, but are there streetlights on  
8 the highway?

9 A. Whatever lights ~~yeah, whatever lights  
10 there are on the highway.

11 Q. Now, he's on the 215 heading west on the  
12 north side of town. Then what?

13 Are you guys still approximately fourth or  
14 fifth?

15 A About four or five.  
16 Other units have arrived or were arriving  
17 to assist NHP tried to assist with the air unit.  
18 We had I think K9 units en route. So we had like  
a  
19 lot of resources coming to us.  
20 As we were headed back westbound, some of  
21 the units that were further behind, got off I think  
22 on the Aliante, Jones exits. So they were now  
west  
23 of us, we're headed back west towards them.  
24 I think a couple of those units tried to  
25 deploy stop sticks in order slow his vehicle down.

43

1 At some point I think one of the stop sticks was  
2 ineffective. Another one of the stop sticks wound  
3 up stop-sticking a patrol vehicle.  
4 That patrol vehicle pulled off. Two units  
5 behind the patrol vehicle assumed that the unit  
was  
6 pulling off because Wilson had pulled off or that  
7 vehicle had pulled off. They pulled off behind it.  
8 So at that point, Squeo and I were the second  
9 vehicle in the pursuit.  
10 Q. And how do stop sticks work?  
11 Is that like the strip of spikes you throw

12 out?

13 A. Yeah. It looks like large-gauge needles  
14 that are angled, so when they insert into the tire,  
15 the tire basically deflates over time.

16 Q. At some point one of those actually did  
17 deflate Rex's tire; correct?

18 A. Yes.

19 Q. So now the stop strips thrown out One of  
20 the patrol vehicles gets hit, pulls off to the side.  
21 Couple others pull off to the side.

22 So now you get up to second. You're still  
23 going.

24 At this point would you agree that other  
25 officers had bubbled and started covering the

48

1 right. There's no room for error.

2 So it's important to provide people with as  
3 much information as possible so they can make the  
4 best informed decision.

5 So during that time I was basically just  
6 reminding him of what we covered in the briefing  
and

7 letting him know how that related to the situation  
8 at hand

9 So we have potential ability. That's the

10 first thing. So potential because we know that  
11 based on the robbery series, it was an armed  
robbery  
12 series. He had a firearm.  
13 The fact that he went to a woman's house  
14 and carjacked her at her home, it's an escalating  
15 series. It's a residential area.  
16 It's a little different -- I mean, it's a  
17 little more persona] than asking someone you  
don't  
18 know at a cash register for a few bucks.  
19 So the ability was there - the potential  
20 ability was there. Opportunity was going to be  
21 there just based on the circumstances.  
22 If we come into contact with him, we're  
23 going to be-- the proximity itself is going to give  
24 him the opportunity.  
25 If he has a firearm, again, that increase

49

1 his opportunity. It's different than a bladed  
2 weapon or a blunt instrument. He's going to need a  
3 firearm You can cover distance with it So that's  
4 going to present more of an opportunity for him.  
5 Imminent jeopardy, if he produces a firearm  
6 in that situation, again, that's going to - that  
7 will be there.

8 In terms of preclusion, we've exhausted all  
9 of our resources at that point. We've been in a  
10 vehicle pursuit for miles at speeds well over a  
11 hundred miles an hour.

12 He's already been endangering other  
13 citizens. He's endangered himself. He's  
14 endangered  
15 officers.

16 We have NHP. We have air units. We have  
17 K9. We have all these resources there. Clearly,  
18 this is what we're at.

19 So what it ultimately comes down to, Are  
20 you going to see a firearm? And if you see the  
21 firearm, then all four of those clements are going  
22 to have been met.

23 So I let Squeo know that and just any other  
24 information that took place during the pursuit  
25 Q. All right. Now, what about prior to  
potentially seeing a weapon, let's say you don't  
see

50

1 a weapon, would there be authorization to use  
2 deadly  
3 force?

4 A. Well, yeah. At that point he's already a  
fleeing felon. He's committed not just felony

5 crimes but violent felony crimes.

6 He's had numerous opportunities to stop, to  
7 pull over even on his own volition and just stop and  
8 surrender and give up, but he chose to continue  
this

9 pursuit.

10 Again, I mean, his vehicle, the way he's  
11 driving his vehicle itself is a deadly weapon so -

12 Q. Then at some point he ended up having a  
13 flat tire; correct?

14 A. Correct

15 Q. After having a flat tire, one of the  
16 officers did a successful PIT maneuver, correct?

17 A. Correct.

18 Q. Do you recall which officer did the PIT  
19 maneuver?

20 A. We did an initial PIT and I think Officer  
21 Williams and Tompkins initiated contact again  
after

22 we had PIT'ed the vehicle.

23 Q. So Squeo did the PIT. Somebody else did a  
24 PIT.

25 Would you agree then you told Squeo to ram

51

1 the vehicle?

2 A. Yes.

3 Q. Would you agree that Squeo rammed the  
4 vehicle?

5 A. I think that could just be a matter of  
6 interpretation.

7 Q. What do you consider -- you're trained on a  
8 ram versus a PIT maneuver versus a pinch;  
correct?

9 A. We're not trained on a ram PIT, yes.

10 Pit, pinch, or stationary vehicle immobilization  
11 technique, blocking, yes.

12 Q. But you're trained what a ramming is;  
13 correct?

14 A We know what a ramming is.

15 Q. What is a ramming?

16 A. So blocking is when you're not anticipating  
17 to make contact Pinching, you're anticipating  
18 slight or minimal contact Ramming would be  
19 anything other than that

20 Q. Would you agree that ramming is deadly  
21 force?

22 A. Yes.

23 Q. Would you agree --

24 MR. BISSON: I'm not deposing you.

25 MR. ANDERSON: I was going to say

1 objection.

2 BY MR. BISSON:

3 Q. When Squeo struck his vehicle, Rex's  
4 vehicle, after you told him to ram him, do you  
5 believe deadly force was authorized at that point?

6 A. Yes.

7 Q. Why?

8 A. He's a violent fleeing felon.

9 Q. Even though he had a flat tire?

10 A. Yes.

11 Q. Do you believe he was going to get away  
12 with that flat tire?

13 A. I believe that we were going to try to  
14 prevent him from getting away. I mean, I can't  
15 predict the future, but I was worried now again  
16 we're in an environment, there's a ton of residents  
17 around, the environment's different.

18 Was he attempting to get away? Yeah.

19 That's where all the dust was coming from is that  
he

20 was spinning his tires so there was dust being  
21 kicked up.

22 So, yes, I believe he was trying to get  
23 away.

24 Q. At this time, you would agree his vehicle  
25 was in the median, correct, of the highway, the  
215?

53

1 A. Yes.

2 Q. Do you recall after this specific time  
3 after the PIT maneuver, do you recall whether-  
there

4 were any civilian vehicles on scene?

5 A. There was civilian vehicles on scene after,  
6 but I don't recall during because we were focused  
in

7 on his vehicle.

8 Q. You would agree at the time Squeo did the  
9 maybe ram maneuver, that Rex's vehicle was  
10 surrounded by other police officers; correct?

11 A. Not to south.

12 Q. All right. So at some point Squeo does  
13 the -- I guess what would you call it if it's not a  
14 ram?

15 Would you consider what he did more of a  
16 block?

17 A. It would be more of a pinch because we were  
18 anticipating contact.

19 Q. Do you know whether or not Officer Squeo  
20 was authorized to do a pinch maneuver?

21 A. Yes, we're authorized to do a pinch  
22 maneuver. I mean, it's a deadly force situation, so  
23 everything in that force continuum is --  
24 Q. Are you aware of whether you need to have  
25 specialized training to be able to do the pinch

54

1 tactic?  
2 A. Yes, you are required to have specialized  
3 training.

4 Q. And you and Squeo have that training or  
5 Squeo had that training?

6 A. At the time, I don't recall, but now, yes.

7 Q. All right So you tell him to ram him. He  
8 strikes the vehicle.

9 Then what happens?

10 A. So as we're approaching the vehicle -- as  
11 we're approaching the vehicle, I see his tires  
12 spinning. He's looking ahead.

13 It was Officer Lindberg's vehicle, but at  
14 the time I couldn't tell it was Officer Lindberg  
who

15 was driving,

16 But he was looking at the vehicle ahead,  
17 and then he looked directly over out his driver  
side

18 window at Officer Squeo and I. This is I guess as

19 we are approaching and made eontact.  
20 We made contact with the vehicle. He looks  
21 back at Officer Lindberg - it turns out to be  
22 Officer Lindberg. His hands are still on the wheel.  
23 He's still adjusting the wheel, trying to drive  
24 or--  
25 Then he looks back at Officer Squeo and 1,

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1 and he's kind of squinting again because of all the  
2 dust. And that's only compounded by the fact that  
3 the lights and the dust, it's like a cloud of dust  
4 in the air.  
5 So he's squinting at us, and it looks like  
6 he's basically try to like size up his options in  
7 the situation.  
8 So at that point, again. I'm starting to  
9 develop like a sight picture because, based on the  
10 space and the circumstances, it's going to - if  
11 something happens based on proximity, based on  
the  
12 number of officers arriving, the direction and  
13 location that they're arriving from, it's -- if it  
14 comes to that point where I'm going to have to  
15 shoot. then I don't have room for error.  
16 So I'm already starting to develop my sight

17 picture so I have it if I need it. I exit my  
18 vehicle. As I'm starting to exit my vehicle,  
19 Wilson. he's like squinting and then trying to like  
20 assess the situation and he's looking at us.  
21 He looks back forward to Officer Lindberg.  
22 Looks like he takes a deep breath to gather  
himself.  
23 Takes his hands off the steering wheel, puts them  
in  
24 his lap. Another deep breath. Again. looks at us  
25 and then turns and addresses us with what at the

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1 time believed to be a firearm.

2 Q. So you saw him come up with what you  
3 thought was a firearm before anybody shot as far  
as

4 you're aware?

5 A. Yeah.

6 Q. Do you recall who fired the first shot?

7 A. No.

8 Q. Do you recall whether or not anybody  
9 shouted "gun" or anything?

10 A. Did anyone shout "gun"? I don't recall.

11 Q. Now, watching the video, as soon as you and  
12 Squeo's vehicle strikes Rex's vehicle, it appears  
13 you jumped out.

14 And it all happened very quickly I assume?

15 A. Yeah

16 Q. Is that ··· can you tell me whether or not

17 you took into account any crossfire potential?

18 A. Yes.

19 Q. Do you know whether the department

20 determined there was any potential for crossfire?

21 A Initially I think they thought there was a

22 crossfire issue, but that was based on when CSA  
and

23 they arrived to do the investigation, in order to

24 get to Wilson, they had to move our vehicle back,

25 and then that's where they did their assessment  
from

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1 so it changed the angle of everything completely.

2 But once they took that into account, they

3 realized there was no crossfire.

4 Q. Okay. Now, after the vehicle maneuvers

5 were maneuvered, did anybody make any verbal

6 commands of Rex Wilson?

7 A. I gave verbal commands for him to stop

8 shooting.

9 Q. And how did you make those commands? Over

10 the PA system?

11 A. Yeah. Stop. Stop, stop.

12 Q. Is that when you were in the vehicle or  
13 outside?

14 A. Outside of the vehicle.

15 Q. Do you know whether Rex had his windows up  
16 or down?

17 A. Well, at that point they were - so I know  
18 that they were up part - at least partially prior  
19 to because I had glass hitting me in the face and  
so

20 I knew that the rounds coming through the  
vehicle

21 that were hitting me in the face were glass. So his  
22 window had to be up.

23 Q. At some point you were concerned that  
24 Officer Squeo had been shot; correct?

25 A. Correct

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1 Q. Tell me a little bit about that

2 A. So, again, after addressing the threat, I  
3 noticed that he had started to slump forward I  
4 notified everyone, Hey, like stop firing.

5 Everyone stopped firing. At that point  
6 there was more communication about basically  
how and

7 where we were going to form an action team.

8 At that point someone yelled, I've been

9 shot, or, Officer's been shot. So I was going to  
10 holster my weapon and then I had to re\*assess  
and  
11 decide, Well, we don't know whether the threat is  
no  
12 longer a threat or what's going on or if he's just  
13 posing or posturing. So I just held.  
14 And it looked like he wasn't moving, and I  
15 heard that it was Officer Squeo who had thought  
he  
16 had been shot.  
17 So I re\*holstered, grabbed Officer Squeo,  
18 took him behind some cover and did like an  
19 assessment. I stripped off his gear, checked him  
20 for any like wounds or anything like that.  
21 Q. All right So at that point you had made  
22 the determination that Rex was no longer a  
threat;  
23 correct?  
24 A. Correct.  
25 Q. Now, do you know how long it took any

1 officer to actually approach the vehicle after the  
2 shots were fired?  
3 A. I don't.  
4 Q. Any idea why nobody approached for I

5 believe 15, 20 minutes?

6 A. Because it's still a potential threat

7 Q. Although you had determined he was no  
8 longer a threat; correct?

9 A. At that moment -

10 MR. ANDERSON: Object.

11 THE WITNESS: But until he doesn't have a  
12 firearm in his hand, he's still a threat. He's just  
13 not a threat that needs to be addressed  
immediately.

14 BY MR. BISSON:

15 Q. When I watched the video again after the  
16 shots were fired for 1 believe the next probably  
17 almost ten minutes there's a lot of on the PA  
18 speaker- and I don't think it was you, so this  
19 isn't really directed at you. I'm just trying to  
20 understand kind of what was going on during  
that.

21 There was a lot of shouting and yelling at  
22 Rex to, Put your fucking hands up, Get out of the  
23 car. Everybody yelling at a guy that, to me, I  
24 think it was obvious --

25 A. So it was officers -- you're taught to

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1 Q. Looking at this page specifically, LVMPD  
2 686, No. 10 the definition of imminent threat

3 Would you agree, again, that prior to you  
4 being authorized to use deadly force there must be  
5 an imminent threat?

6 A. Yes.

7 Q. At the time you guys did the vehicle, the  
8 ramming or the PIT maneuvers, do you believe  
there

9 was authorization or it was authorized to use  
deadly

10 force at that point?

11 A. Yes.

12 Q. Can you tell me what the imminent threat  
13 was at that point?

14 A. It was a violent fleeing felon, who again  
15 went on I don't know how many miles, 15, 20 plus  
16 mile pursuit. Speeds in excess of a hundred miles  
17 an hour. Prior to that, committed several armed  
18 robberies or what we believe to be armed  
robberies.

19 Carjacked a woman from her home.

20 That's kind of a textbook definition of an  
21 imminent threat

22 Q. But at the time you told Squeo to ram the  
23 vehicle, Rex's vehicle was no longer going high  
24 speeds; correct?

25 A. No. It was not going high speed.

1 Q. And it had a flat tire; correct?

2 A. Correct.

3 Q. And there were a minimum of three police  
4 vehicles around it?

5 A. Sure.

6 Q. What was the threat at that point that was  
7 imminent, because doesn't imminent mean about  
to  
8 immediately occur?

9 A Sure. It says: Refers to an impending  
10 violent act or resistance that officer reasonably  
11 believes will occur.

12 So based on the totality of circumstances.

13 So based on the totality of circumstances, it was  
14 more than reasonable to believe that a violent act  
15 and the resistance was still occurring. That's the  
16 imminent threat.

17 Q. And you guys hadn't seen a gun at that  
18 point; correct?

19 A. Correct.

20 Q. Go to page 687, the next one. No. 20 is  
21 the definition of the PIT maneuver.

22 I'll just read it real quick: The PIT is a  
23 specific manner of intentional contact using a

24 police vehicle against a fleeing vehicle to cause  
25 the fleeing vehicle to come to a stop. This

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1 technique is used only in accordance with the  
2 official department training and policy.

3 Now, looking at ramming, which is No. 22:

4 The use of a vehicle to intentionally hit another  
5 vehicle outside the approved PIT, blocking, and  
6 stationary vehicle immobilization policies.

7 Based on that definition, would you agree  
8 that any time an officer were to intentionally use a  
9 vehicle to hit another vehicle and if it's not a  
10 PIT, block, or stationary immobilization policy,  
11 it's a ram?

12 A. Yes.

13 Q. And what was it you believe Squeo's  
14 maneuver was of these?

15 A. I would say it was a PIT and then I would  
16 say it would be the ram.

17 Q. So you would agree it was a ram?

18 A. Sure. I mean, very soft ram, but sure. By  
19 definition, it would be a ram.

20 Q. All right. You made that a lot easier than  
21 Squeo. He wouldn't tell me it was a ram.

22 Would you agree that deadly force can

23 result from an improperly applied or used non-deadly

24 use of force?

25 A. Sure.

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1 Q. For example, handcuffing somebody,

2 handcuffing them and maybe the position you lay them

3 in isn't-- the use of handcuffs isn't necessarily

4 deadly force, but if you do it improperly, maybe it

5 effects their breathing and it could become deadly;

6 correct?

7 A. Sure.

8 Q. What are the factors an officer looks at

9 when determining whether deadly force or whether any

10 force is reasonable?

11 A. The factors?

12 Q. Yeah. For example, I know one is severity

13 of the crime?

14 A. Sure, Graham v. Connor.

15 Q. Yeah.

16 A. So severity of crime.

17 Q. Let's go through them.

18 Severity of crime. What was the severity

19 of crime?

20 A. He was- numerous armed robberies and a  
21 carjacking.

22 Q. All right. And then what would be another  
23 factor?

24 A. Is the subject resisting or evading  
25 officers.

**[FILED APRIL 19, 2022]**

Attachment 11 to Defendants' Motion for Summary  
Judgment, Exhibit I – CD  
Containing Radio Traffic [4-ER-610-613]

---

**DECLARATION OF TREVER ALSUP IN SUPPORT  
OF MOTION FOR SUMMARY JUDGMENT**

I, Trever Alsup, hereby declare and say:

1. I am over the age of eighteen (18) years of age and have personal knowledge of the facts stated herein, except for those stated upon information and belief,, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I submit this Declaration in support of LVMPD Defendants' Motion for', Summary Judgment in Rex Wilson, et al. v. Las Vegas Metropolitan Police Department, et al., 2:18-cv-01702-APG-VCF.

3. I am currently a detective at Las Vegas Metropolitan Police Department's ("LVMPD") Internal Oversight and Constitutional Policing. I was the Force Investigation Team ("FIT") leader with respect to the officer involved shooting involving Rex Wilson.

4. As the FIT leader, I am intimately familiar with the case file and the documents and tangible items contained therein.

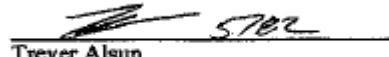
5. Attached as Exhibit B is a true and correct compilation of videos obtained by LVMPD involving robberies allegedly committed by Rex Wilson. This series of robberies became known at LVMPD as "The Rogaine Series."

6. Attached as Exhibit C is a true and correct copy of my Force Investigative Team Report.
7. Attached as Exhibit E is a true and correct copy of a home surveillance video obtained by LVMPD of Rex Wilson's carjacking of a resident in Henderson, Nevada.
8. Attached as Exhibit I is a CD containing a true and correct copy of the radio traffic from LVMPD Event No. 161012-4303.
9. Attached as Exhibit J is a CD Rom containing a true, correct and complete copies of the Body Worn Camera videos of Officer Smith, Officer Williams, Officer Squeo, Officer Gowens, Officer Lindberg, and Officer Swartz for the Wilson incident
10. Attached as Exhibit K is a true and correct copy of LVMPD's Vehicle Pursuit Policy that was in effect on October 12, 201b.
11. Attached as Exhibit L is a true and correct photo of a screenshot taken from Officer Lindberg's body worn camera video at 23:19 showing Rex Wilson pointing a dark object out of his driver's side window.
12. Attached as Exhibit M is a true and correct copy of an LVMPD Crime Scene Investigator's photograph of the console inside Rex Wilson's vehicle where he wrote the word "SORRY" in his blood.
13. Attached as Exhibit N is a true and correct copy of an LVMPD Crime Scene Investigator's photograph of the water nozzle found in Rex Wilson's vehicle that was manipulated to look like a firearm.

14. Attached as Exhibit O is a true and correct copy of LVMPD's Use of Force Policy in effect on the date of the subject incident.

15. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 6th day of January, 2020.

  
\_\_\_\_\_  
Trevor Alsup

**[FILED APRIL 19, 2022]**

Attachment 12 to Defendants' Motion for Summary Judgment, Exhibit J – CD Rom of Body Worn Camera Videos [4-ER-614-617]

---

**DECLARATION OF TREVER ALSUP IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

I, Trever Alsup, hereby declare and say:

1. I am over the age of eighteen (18) years of age and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

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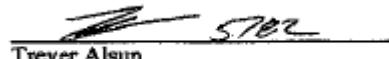
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10. Attached as Exhibit K is a true and correct copy of LVMPD's Vehicle Pursuit Policy that was in effect on October 12, 2016.
11. Attached as Exhibit L is a true and correct photo of a screenshot taken from Officer Lindberg's body worn camera video at 23:19 showing Rex Wilson pointing a dirk object out of his driver's side window.
12. Attached as Exhibit Nd is a true and correct copy of an LVMPD Crime Scene Investigator's photograph of the console inside Rex Wilson's vehicle where he wrote the word "SORRY" in his blood.
13. Attached as Exhibit N is a true and correct copy of an LVMPD Crime Scene Investigator's photograph of the water nozzle found in Rex Wilson's vehicle that was manipulated to look like a firearm.

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Dated this 6th day of January, 2020.

  
\_\_\_\_\_  
Trevor Alsup

**[FILED APRIL 19, 2022]**

Attachment 13 to Defendants' Motion for Summary  
Judgment, Exhibit K –  
Respondent LVMPD's Vehicle Pursuit Policy  
[4-ER-618-622]

---

**DECLARATION OF TREVER ALSUP IN SUPPORT  
OF MOTION FOR SUMMARY JUDGMENT**

I, Trever Alsup, hereby declare and say:

1. I am over the age of eighteen (18) years of age and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

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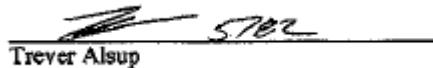
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15. Pursuant to NKS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 6th day of January, 2020.

  
\_\_\_\_\_  
Trevor Alsup

[FILED JUNE 20, 2022]

Excerpts of Vehicle Pursuit Policy

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**VIII. ADDITIONAL PURSUIT  
PREVENTION/TERMINATION  
TECHNIQUES**

A. Tire Deflation Devices (Stop Sticks)  
A.S. 41.2.2, 41.2.3

1. When properly utilized, tire deflation devices offer an alternative to a pursuit or may bring about the safe resolution of police pursuits under controlled conditions. Only those trained in the proper deployment of the pursuit prevention device are authorized users.
7. PIT as non-deadly use of force:
  - a. PIT may be used to apprehend violators at speeds 40-mph and below, and does not meet the criteria for PIT as deadly force.
8. PIT as deadly force:
  - a. PIT at a speed of over 40-mph;
  - b. PIT used on motorcycles;
  - c. PIT used on high center of gravity vehicles likely to roll over, such as vans, SUVs, and jeeps;
  - d. Circumstances create a substantial risk of death or serious bodily injury;
  - e. Circumstances warranting the use of PIT as deadly force are as follows:

- 1) Continued movement of the pursued vehicle would place others in danger of bodily harm or death; and/or
- 2) Apparent risk of harm, to other than the occupants of the pursued vehicle, is so great as to outweigh the risk of harm in making the forcible stop; and
- 3) Other means of apprehension have been considered and rejected as impractical, i.e., continue to follow, stop sticks, call for the air unit.

**[FILED JUNE 20, 2022]**

Supplemental Excerpts of Record  
U.S. Court of Appeals  
For The Ninth Circuit  
filed June 20, 2022

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Complaint  
U.S. District Court District of Nevada  
dated September 6, 2018  
[SER-160-161]

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*Attorney for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ESTATE OF REX VANCE WILSON, by Case No.:  
administrator PETRA WILSON, PETRA

WILSON, individually; MARIO COMPLAINT  
WILSON, individually; AARON  
WILSON, individually; ALEX WILSON,  
individually; JESSE WILSON,  
individually; HAYLEY WILSON,  
individually; HARMAN! WILSON,  
individually; MATTHEW WILSON,  
individually; HALINA WILSON, a minor,  
by and through her guardian Petra Wilson;  
ELIJAH WILSON, a minor, by and  
through his guardian Petra Wilson;  
Plaintiffs

vs.

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT, a political  
subdivision of Clark County, Nevada;  
JOSEPH LOMBARDO, Sheriff of Clark  
Count , Nevada, in his individual and official  
capacity; OFFICER  
CHRISTOPHER GOWENS, individually  
and in his official capacity; OFFICER  
ERIK LINDBERG, individually and in his  
official capacity; OFFICER JOHN  
SQUEO, individually and in his official  
capacity; TRAVIS SWARTZ,  
individually and in his official capacity;  
DOES 1 through 10;  
Defendants

**COMES NOW**, ESTATE OF REX VANCE  
WILSON, by and through administrator PETRA  
WILSON, PETRA WILSON, individually; MARIO  
WILSON, individually; AARON WILSON,

individually; ALEX WILSON, individually; JESSE WILSON, individually; HAYLEY WILSON, individually; HARMAN! WILSON, individually; MATTHEW WILSON, individually; HALINA WILSON, a minor, by and through her guardian Petra Wilson; and ELIJAH WILSON, a minor, by and through her guardian Petra Wilson; by and through their attorneys, Mitchell S. Bisson, Esq. of Callister Law Group and William H. Brown, Esq. of The Law Offices of William H. Brown, Ltd., for their claims for relief and causes of action against Defendants LVMPD, Lombardo, Gowen, Lindberg, Squeo, and Swartz, and hereby complains, alleges, and asserts as follows:

### **I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action. Plaintiffs seek monetary damages for violations of their civil rights, privileges and immunities guaranteed under the Fourth and Fourteenth Amendments to the Constitution of the United States of America and Title 42 U.S.C. § 1983. Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343 and 1367. Plaintiff further invokes the pendent jurisdiction of this Court to consider claims arising under state law.

2. Venue is proper in this court pursuant to 28 USC§ 1391 because Defendants reside in Clark County, Nevada, and all of the incidents, events, and occurrences giving rise to this action occurred in the Las Vegas, Nevada.

**[FILED JUNE 20, 2022]**

Excerpt from LVMPD  
Respondents' Answering Brief  
U.S. Court of Appeals  
For The Ninth Circuit  
filed June 20, 2022

---

**CASE NO.: 21-16760**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

ESTATE OF REX VANCE WILSON; et  
al.,

Plaintiffs-Appellants,

vs.

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT; et al.,  
Defendants-Appellees.

Appeal from the United States District Court  
District of Nevada, Las Vegas  
Case No.: 2:18-cv-01702-APG-VCF

**LVMPD DEFENDANTS' ANSWERING BRIEF**

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canderson@maclaw.com  
*Attorneys for LVMPD Defendants*

**2. Plaintiffs Failed to Establish that Squeo's use of His Vehicle Caused Wilson any Damages.**

Finally, Plaintiffs never attempted to connect Squeo's vehicle use to any damages. Causation has two components: actual and proximate cause. *Clark Cty. School Dist. v. Payo*, 403 Nev. 1270, 1279, 430 P.3d 1270 (2017) (citations omitted). Proximate cause is defined as "any cause which in natural [foreseeable] and continuous sequence unbroken by any efficient intervening cause, produces the injury complained of and without which the result would not have occurred." *Id.* (citations omitted).

Throughout discovery, Plaintiffs' only argument on damages was that the defendant officers' actions resulted in the Wilson's death. The LVMPD Defendants never disputed that Wilson died due to the gunshots. Plaintiffs never argued (or submitted any evidence) that Squeo's use of his vehicle was the proximate cause of any injuries or damages to the Decedent.<sup>3</sup> Even in Plaintiffs' filings, there is no allegation or assertion that Squeo's vehicle use caused any injury. Therefore, Plaintiffs cannot establish the causation element of their negligence-based claims.

---

<sup>3</sup> Plaintiffs cannot even argue that the impact caused property damage because they lack standing as it is undisputed that the Decedent was driving a stolen vehicle.

[FILED JULY 8, 2022]

Excerpt from Appellants' Reply Brief  
U.S. Court of Appeals  
For The Ninth Circuit  
filed July 8, 2022

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**RECORD NO. 21-16760**  
**In The United States Court Of Appeals**  
**For The Ninth Circuit**

ESTATE OF REX VANCE WILSON; PETRA WILSON; MARIO WILSON; AARON WILSON; JESSE WILSON; HAYLEY WILSON; HARMANI WILSON; MATTHEW WILSON; ALEX WILSON; HALINA WILSON, a Minor, by and through guardian Petra Wilson; ELIJAH WILSON, a Minor, by and through guardian Petra Wilson,

*Plaintiffs - Appellants,*

v.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT; JOSEPH LOMBARDO; CHRISTOPHER GOWENS; ERIC LINDBERG; JOHN SQUEO; TRAVIS SWARTZ,  
*Defendants - Appellees.*

ON APPEAL FROM THE U.S. DISTRICT COURT FOR NEVADA, LAS VEGAS  
NO. 2:18-CV-01702-APG-VCF (HONORABLE ANDREW P. GORDON)

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**APPELLANTS' REPLY BRIEF**

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**B. The Evidence Raises A Jury Question As  
To Whether Squeo's Ramming Of  
Decedent's Car Caused Decedent  
Damages.**

Proximate causation is generally a question for the jury. *Accera Group Corp. v. L/P Insurance Services, Inc.*, 495 P.3d 1122 (Table), 2021 WL 4847202, at \*1 (Nev.Sup.Ct. Oct. 15, 2021) (unpublished disposition); *see Van Cleave*, 97 Nev. At 417, 633 P.2d at 1222 (proximate cause is usually a question of fact for the jury).

LVMPD defendants nonetheless contend there is no evidence "Squeo's use of his vehicle was the proximate cause of any injuries or damages to the Decedent." (LVMPD's Ans. Br., at p. 34.) The autopsy report, however, shows that, aside from the gunshot wounds suffered by decedent, he also suffered "blunt force injuries" of his head, torso, and extremities. (3-ER-445, 448.) A jury could reasonably infer that those blunt force injuries were proximately caused, in whole or in part, by the collisions occurring when Officer Squeo rammed decedent's vehicle and may award damages for such injuries and for the mental anguish or emotional distress caused to decedent by such injuries. That Plaintiffs' decedent suffered severe emotional distress after his

vehicle was rammed and prior to his death can be seen from the fact that investigators later found one word scrawled in blood on the vehicle's navigation screen: "sorry."<sup>1</sup> (3-ER-327-329.)

Thus, the District Court's judgment cannot be affirmed on the grounds that Plaintiffs failed to present any evidence that Squeo's use of his vehicle to ram the decedent's car caused the decedent injuries or damages.

## CONCLUSION

In view of the arguments made and authorities cited above, as well as in their initial brief, Plaintiffs respectfully request that the summary judgment granted by the District Court in favor of the Defendants be reversed and vacated, and that the matter be remanded for a trial on the merits of the Plaintiffs' negligence and negligent infliction of emotional distress claims.

Respectfully submitted,  
/s/ Mario Gonzalez  
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<sup>1</sup> While of course a great deal of this emotional distress was attributable to the subsequent gunshot wounds suffered by decedent following the ramming of his vehicle, it will be up to the jury to parse and determine to what extent or degree the decedent suffered emotional distress due to the injuries caused by the ramming as opposed to that emotional distress suffered as a result of the fatal wounds arising from the shooting.

**DEFINITIONS OF  
PRECISION INTERVENTION TECHNIQUE  
AND RAMMING**

20. Precision Intervention Technique (PIT) - The PIT is a specific manner of intentional contact using a police vehicle against a fleeing vehicle to cause the fleeing vehicle to come to a stop; this technique is used only in accordance with official department training and policy.
22. Ramming - The use of a vehicle to intentionally hit another vehicle, outside the approved PIT, blocking and stationary vehicle immobilization policies. Ramming is prohibited unless it is a deadly force situation which can be clearly articulated.