

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

February 16, 2023



REPORT ON THE OCTOBER 19, 2021, OFFICER INVOLVED  
SHOOTING OF RICHARD THOMAS

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**WASHOE COUNTY DISTRICT ATTORNEY**

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## INTRODUCTION

On October 19, 2021 detectives in a specialized unit known as the Repeat Offender Program, ("ROP"), were provided information through Secret Witness tips. Secret Witness is an organization that allows citizens to report on criminal activity anonymously. ROP is a specialized unit which is staffed with police officers from the Reno Police Department ("RPD"), the Sparks Police Department ("SPD") and the Washoe County Sheriff's Office ("WCSO"). These detectives are undercover, dress in plain clothes and drive unmarked law enforcement issued vehicles. ROP's objective is to focus on criminal defendants who have multiple prior felonies and qualify for the habitual criminal enhancement as defined under the Nevada Revised Statutes.<sup>1</sup>

The Secret Witness tips articulated that a subject named Richard Thomas ("Thomas") had missed a scheduled hearing date for his current criminal case and had plans to flee the jurisdiction. The information in the tip indicated that if police contacted Thomas he would most likely flee from them. The tip also provided information as to what type of vehicle Thomas could be driving and an address where Thomas was staying. ROP detectives took the information outlined in the tip and worked to corroborate whether Thomas in fact had an active warrant for his arrest.

A ROP detective contacted Pretrial Services, which is the agency that oversees the pretrial supervision of defendants who have current criminal cases pending. Upon contacting Pretrial Services, Detectives learned that Thomas had a current bench warrant issued for his arrest by a District Court Judge for his failure to appear at a scheduled sentencing hearing on an open criminal case. Additionally, ROP detectives were familiar with the address listed in the Secret Witness tip as they had previous contacts with Thomas at the listed address.

Based on the active warrant, ROP detectives went to the address associated with Thomas and began surveilling the residence in their unmarked vehicles. Within a short time, detectives observed a red Ford F-150 pull into the driveway of the

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<sup>1</sup> ROP detectives do not wear Body Worn Cameras ("BWC") due to their undercover assignment. Therefore, there is no BWC available for the time of the incident.

residence, park and watch a male exit the vehicle and enter the home. The individual returned to the truck shortly thereafter and drove away. Detectives were unsure at that point whether the individual driving the truck was Thomas. However, upon following the vehicle as it left the residence, detectives were able to obtain a better view of the driver and positively identified the male as that of Richard Thomas. Detectives then determined that a traffic stop on Thomas' vehicle would occur and that he would be placed under arrest on the outstanding warrant.

After leaving the residence, Thomas drove the red Ford F-150 to a Golden Gate gas station in North Reno. All of the ROP detectives, except one, had followed Thomas when he left the residence. Thomas stopped his truck at a gas pump while a ROP Detective pulled in directly behind Thomas' vehicle. The detective whose vehicle was equipped with red and blue flashing lights and a siren, initiated a traffic stop in the parking lot of the gas station. However, Thomas drove his vehicle forward away from the gas pumps and through the parking lot towards an exit in an apparent attempt to flee. RPD ROP Detective Jeremy Catalano parked his vehicle, a van, parallel to the entrance/exit to stop Thomas. Thomas drove his truck within feet of the van before stopping.

SPD ROP Detective Kenny Fye had followed Thomas' vehicle and was inching up behind it in order to stop the vehicle from backing up and leaving the gas station. After stopping directly parallel to the van, Thomas placed the truck in reverse and backed up contacting Detective Fye's vehicle. Detective Fye then placed his vehicle in park, exited and began to give verbal commands telling Thomas to turn off his vehicle while holding him at gunpoint. Detective Fye walked to the driver's side door and opened it. Thomas initially placed his hands in the air but then began reaching for something in the truck with his right hand. Detective Fye grabbed on to Thomas' left hand while commanding Thomas to show both of his hands.

While Detective Fye was contacting Thomas on the driver's side, Detective Catalano exited his vehicle, pulled his firearm and held Thomas at gunpoint while standing on the floorboard of his van. Upon observing Detective Fye's interaction with Thomas, Detective Catalano moved to the passenger side of Thomas'

vehicle. Believing that Detective Fye had Thomas' left arm and that Thomas was exiting the truck, Detective Catalano opened the passenger side door and entered Thomas' truck to attempt to place the vehicle in park to render it safe.

At that time, Thomas stopped reaching and took his right hand and placed the vehicle in drive and began to accelerate. This caused Thomas' truck to travel forward into Detective Catalano's van. As the vehicle moved forward Detective Fye became trapped inside the driver's door. Believing that he or Detective Catalano, whom he still believed was in front of Thomas' truck, were in imminent danger and would be crushed by Thomas' vehicle, Detective Fye discharged his weapon one time into the driver's side of the truck. Detective Fye then became dislodged from the doorway and fell backwards away from the truck.

Thomas did not stop his vehicle after Detective Fye discharged his weapon but instead accelerated further, striking Detective Catalano's van with enough force to push it out of the way, allowing his truck to exit the gas station onto Golden Valley Road. Meanwhile, Detective Catalano, who believed he had placed the truck into park was taken aback when the truck began to move forward. Detective Catalano was situated on the passenger side floorboard with the door swinging open as Thomas drove away from the gas station. Thomas accelerated quickly and headed eastbound towards an on ramp to US 395 southbound. Detective Catalano was hanging onto the truck commanding Thomas to stop the vehicle but Thomas refused. After warning Thomas that he would be shot if he did not stop the vehicle, Detective Catalano discharged his firearm numerous times from inside the cab of the truck. Detective Catalano then fell from the truck while it was still travelling, causing him to land on the pavement and suffer multiple injuries. Thomas' truck travelled over a raised median and then stopped on the side of the road.

WCSO ROP Detective Travis Bailey had also been involved in the surveillance of Thomas that day. Upon reaching the Golden Gate gas station he had entered into the gas station from the north east entrance/exit, where he observed Thomas stopped at a gas pump with Detective Fye in back of him with his red and blue lights flashing. Detective Bailey drove past the gas pumps and turned his vehicle around in the parking lot and was now faced the same direction as Thomas. Detective Bailey parked to the

rear of Thomas' truck. Detective Bailey observed Thomas reverse the truck into Detective Fye's vehicle. Detective Bailey also observed Detective Catalano at the passenger door of Thomas' vehicle and saw Detective Catalano open the door and reach inside the truck. Thomas' truck tires were spinning in reverse as the truck made contact with Detective Fye's vehicle and then Thomas accelerated forward ramming Detective Catalano's van. Thomas' vehicle broke free and began driving forward out the exit of the gas station onto Golden Valley Road heading east. Detective Bailey saw Detective Catalano being dragged on the passenger side of the vehicle and then Detective Catalano was able to enter the truck on the passenger side and the vehicle door slammed shut. Thomas was headed towards the onramp for the interstate at a high rate of speed. Detective Bailey, who had never exited his vehicle, drove off behind Thomas' truck and was the only law enforcement vehicle to immediately follow. While following the truck, Detective Bailey heard a volley of gunshots which he believed emanated from inside the cab of Thomas' truck. As Detective Bailey continued to follow Thomas' vehicle he observed Detective Catalano fall from the passenger doorway of the vehicle onto the roadway and watched as his body rolled over several times before coming to a stop. Detective Bailey avoided running over Detective Catalano and continued pursuing Thomas. Detective Bailey saw the truck drive over a median and then stop on an embankment facing south at the entrance of the on ramp to US 395. Detective Bailey immediately exited his vehicle and approached the driver's side door of Thomas truck. There he saw Thomas' driver's door ajar and Thomas lying on the ground suffering from what appeared to be gunshot wounds.

Life saving measures were started for Thomas on scene. However, Thomas succumbed to his injuries and his cause of death was later determined to be multiple gunshot wounds.

Consistent with the regionally adopted Officer Involved Shooting ("OIS") Protocol, the WCSO led the investigation into the shooting of Thomas. RPD provided secondary investigative support, and the Washoe County Sheriff's Office Forensic Science Division ("FIS") provided forensic services. The Washoe County District Attorney's Office provided assistance in obtaining search warrants and seizure orders in this case. The investigation included interviewing witnesses, collecting

physical evidence from the scene of the Golden Gate gas station, US 395 on ramp and Thomas' vehicle, collecting video surveillance from the Golden Gate gas station as well as canvassing the area for witnesses or additional surveillance video, photographing the scene, forensically testing collected evidence including the firearms utilized in the shooting, and interviewing the detectives who were present when the shooting of Thomas occurred.

All investigation reports along with FIS forensic reports, photographs, and recorded interviews were then submitted to the Washoe County District Attorney's Office for a determination of whether the shooting of Richard Thomas was legally justified. No criminal charges were recommended by WCSO. The District Attorney's evaluation included reviewing hundreds of pages of reports and documents which included interviews of police and civilian witnesses, photographs, video surveillance and examination of the scene of the shooting. This report follows.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Richard Thomas by Reno Police Department Detective Jeremy Catalano was justified and not a criminal act.

## I. STATEMENT OF FACTS<sup>2</sup>

### A. Witness Accounts

#### 1. SPD SERGEANT PATRICK MCNEELY

Sergeant McNeely was interviewed at the Sparks Police Department on October 19, 2021, at 4:05 p.m. by WCSO Detective Trisha Fitzmier and RPD Detective Jeff Boyd. Sergeant McNeely has been employed as a police officer with the Sparks Police Department for eighteen years, and a Sergeant for approximately two and a half years. Sergeant McNeely was assigned to the ROP Unit and oversaw Detectives from multiple agencies. Sergeant McNeely's assigned police vehicle was a grey Chevy Traverse.

On or around October 19, 2021, Sergeant McNeely learned of Secret Witness Tips involving an individual by the name of Richard Thomas. Thomas was a ROP target and known to detectives in the unit because of his recent open criminal investigations.

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<sup>2</sup> The Statement of Facts is synopsised from recorded witness interviews, photographs, police reports, video surveillance and forensic reports.

The Secret Witness tip provided information that Thomas had failed to appear at a recent sentencing date and had a warrant for his arrest. The tip provided information that Thomas was getting ready to skip town and provided a possible address where Thomas was staying. The information in the tip also indicated that if police contacted Thomas he would most likely flee from them. This was not unexpected as Detectives inside the unit had personal knowledge of a recent criminal case with Thomas wherein when officers attempted to contact him, Thomas fled from police. Sergeant McNeely had ROP detectives take steps to verify that Thomas had an active warrant for his arrest.

Once the information provided in the Secret Witness tip was corroborated, detectives began to surveil the address provided in an attempt to locate Thomas before he could flee. Detectives went to the address located in the North Valleys and parked in various locations around the residence in order to get a good view of any vehicles coming and going from the residence. While watching the residence a red Ford F-150 pulled into the driveway and left again with a single male occupant. The Ford truck was not the vehicle described in the tip nor was it previously associated to Thomas. At the time the truck left the driveway, detectives were not positive that the driver was in fact Thomas. Detectives followed the vehicle in an attempt to verify the identity of the driver while leaving ROP detective, Lance Tindell, at the residence in case the driver turned out not to be Thomas.<sup>3</sup> While following the truck a detective was able to observe the driver from a side profile and positively identify the driver as that of Richard Thomas. Once Thomas' identity was confirmed a plan to apprehend Thomas was discussed and it was determined it would be best to wait until Thomas stopped and exited his vehicle in order to lower the chances he would flee from police.

At the intersection of N. Virginia Street and Golden Valley Road Thomas proceeded through a yellow light crossing Golden Valley Road. He then turned east into Golden Gate gas station. Detective Fye was first in line of the law enforcement vehicles following Thomas. Detective Fye went around traffic, through

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<sup>3</sup> Detective Tindell remained at Thomas' residence throughout the incident at the Golden Gate gas station and only arrived on scene after the shooting had taken place.

the intersection and entered the gas station utilizing the same entrance as Thomas did. Sergeant McNeely believed that Thomas would stop at the gas station and they would be able to apprehend him there but instead when Sergeant McNeely entered the gas station in his Chevy Traverse behind Detective Fye, Thomas continued to drive through the gas station to the other side where an additional entrance/exit was located. Sergeant McNeely observed Detective Jeremy Catalano, who had turned east on Golden Valley Road at the intersection, drive parallel to the entrance to the gas station on Golden Valley Road and stop in front of Thomas' vehicle. Detective Fye, who had turned on his lights and siren, had maneuvered his van directly behind Thomas' rear bumper and Sergeant McNeely stopped his vehicle directly to the left of Thomas' driver's side door. Therefore, Thomas' truck was essentially blocked in from three sides, with only the passenger side free of any vehicles. Sergeant McNeely exited his vehicle and observed Detective Fye placing Thomas at gunpoint and ordering him to show his hands.

Thomas did not comply so Detective Fye opened the driver's door of Thomas' truck and detectives could see Thomas digging for something in his vehicle. Sergeant McNeely approached Thomas' vehicle and positioned himself directly behind Detective Fye while Detective Catalano was located directly in front of Thomas' vehicle. Detective Catalano had his weapon drawn and pointed at Thomas over the top of his van. Sergeant McNeely then recalled observing Detective Catalano on the passenger side of Thomas' vehicle. Sergeant McNeely then recalled seeing Thomas' vehicle begin moving forward and it actually managed to exit onto Golden Valley Road. As this occurred, Sergeant McNeely saw Detective Catalano hanging out of the passenger side door. Initially Sergeant McNeely attempted to run after Thomas' vehicle but due to the speed that Thomas was driving, Sergeant McNeely turned back and headed towards his own car in order to catch up to Thomas' vehicle. Upon reaching the southbound on ramp to US 395 Sergeant McNeely saw Thomas' truck off the embankment of the onramp. Detective Bailey had already reached Thomas' vehicle and was standing next to Thomas who was lying on the ground. An ambulance was summoned to treat Thomas and Sergeant McNeely checked on Detective Catalano as he was suffering from multiple injuries.

## 2. WCSO DETECTIVE TRAVIS BAILEY

Detective Bailey was interviewed at the Sparks Police Department on October 19, 2021 at 5:17 p.m. by SPD Detective Chris Dutra and RPD Detective Allison Jenkins. Detective Travis Bailey indicated he was employed with the Washoe County Sheriff's Office and assigned as a Detective to the ROP Unit where he had been for approximately the past five years. Detective Bailey was assigned a silver Chevrolet Silverado truck for use in his undercover capacity.

On October 19, 2021 Detective Bailey recalled being made aware of several Secret Witness tips with information regarding a subject by the name of Richard Thomas. The tips outlined that Thomas had failed to appear for court and subsequently had a bench warrant issued for his arrest. Based on this information ROP had planned to look for and arrest Thomas on the outstanding warrant. Detective Bailey followed up on the Secret Witness tip by contacting the Second Judicial District Court's Pretrial Court Services office to try and confirm the validity of the tip. Detective Bailey spoke with Pretrial Services Case Manager, Mary Morris, who in fact confirmed that a bench warrant had been issued by the Honorable Connie Steinheimer for Thomas' arrest. Detective Bailey requested an official copy of the warrant to have in hand while the team began searching for Thomas.

Once ROP detectives had the warrant in hand, they went to a possible address near Stead in the North Valleys and began surveillance on a residence. This address was known to ROP detectives based on previous investigations involving Thomas as well as being named in the Secret Witness tip. During the surveillance of the residence Detective Bailey was set up approximately a block away. At one point RPD Detective Lance Tindell advised over the radio that a red Ford F-150 pickup, with an extended cab, had pulled into the driveway of the residence. The male driver appeared similar to that of Thomas. Shortly thereafter the same subject exited the residence, re-entered the truck and drove away. The male driver was the only occupant of the truck. Detective Tindell stayed at the residence in case the male driver was not in fact Thomas. The remaining detectives followed the red Ford F-150 on Red Rock Road and then south onto N. Virginia Street. While following

the vehicle a detective confirmed that the driver was likely Thomas so a plan was put in place to effectuate a traffic stop. Detective Bailey articulated during his interview that he had personal knowledge that Thomas had previously fled and fought with law enforcement during a prior contact. Based on this incident Detective Bailey and the ROP team believed that it was more than likely Thomas would attempt to flee from any contact with police.

Upon approaching Golden Valley Road Detective Fye initiated a traffic stop with red and blue lights. The Ford proceeded through the intersection of Golden Valley Road and N. Virginia Street and turned east into the Golden Valley gas station. Detective Bailey did not proceed through the intersection but turned east onto Golden Valley Road and entered the gas station on the north side in order to observe or assist in the traffic stop of Thomas. Upon entering the gas station Detective Bailey drove south past the gas pumps and could see Thomas inside the Ford pickup truck stopped at a gas pump facing north. Detective Bailey observed Thomas looking in his rearview mirror. Detective Bailey, believing Thomas would in fact not comply with the traffic stop, radioed his fellow detectives that Thomas would attempt to flee from the north entrance onto Golden Valley Road. Detective Bailey drove through the parking lot, past the gas pumps and turned around so that he was now facing north, the same direction as Thomas' vehicle. At this point Detective Bailey observed that the red Ford pickup was stopped and Detective Fye's van which had its red and blue lights on, was directly behind the truck. Detective Bailey also observed Detective Jeremy Catalano's van parked parallel to the north entrance and directly to the north of Thomas' truck, essentially blocking the Ford pickup's pathway. Sergeant McNeely had also entered the gas station and parked parallel to the Ford on its driver's side. Detective Bailey was now parked in the gas station parking lot just to the rear and east of the Ford truck's passenger side.

From his vehicle, Detective Bailey observed Detective Fye at the driver's side door of Thomas' pickup truck. Detective Bailey also saw Detective Catalano run from the driver's side door of his own van to the passenger side of the pickup truck and place his hand on the door handle. Detective Bailey then noted that

the pickup truck had its reverse lights on and the tires were spinning.

The actions of the Ford truck were causing Detective Fye's van to move backwards. The Ford truck then shifted forward and rammed Detective Catalano's vehicle. Detective Bailey, who had not exited his vehicle, observed Detective Catalano reach inside the Ford truck and then heard a single gunshot as the Ford began to drive forward. The Ford pickup truck accelerated and broke free from Detective Catalano's van, pushing past it, and headed northbound exiting the gas station onto Golden Valley Road. Detective Catalano was being dragged on the passenger side of the vehicle as it sped away. Detective Bailey immediately followed the Ford truck as it continued east on Golden Valley Road. While following the Ford, Detective Bailey saw Detective Catalano move from outside of the vehicle to inside the passenger area of the truck. However, Detective Bailey was unable to determine if Detective Catalano had been pulled inside the motor vehicle or had voluntarily entered the truck. The vehicle continued at a high rate of speed as it neared the on ramp to southbound US 395. As the Ford approached a concrete median which allowed vehicles to turn south onto the onramp for US 395 or continue straight on Golden Valley Road, Detective Bailey heard a volley of gunshots which appeared to be emanating from inside the cab of the pickup truck. Detective Bailey could not determine the identity of the shooter. Detective Bailey then decided to impact and disable the Ford truck for the safety of Detective Catalano and the public, believing that if Thomas' truck were allowed to enter the interstate, civilians would be placed in danger by Thomas' flight. As Detective Bailey accelerated his vehicle to catch up to the truck he saw Detective Catalano leave the passenger side of the truck and roll onto the payment at speeds of approximately 20 mph. He landed near the concrete median at the base of the on ramp. Detective Bailey swerved his vehicle to avoid striking Detective Catalano and then saw that the Ford had come to a stop on the embankment facing southbound. Detective Bailey then exited his vehicle and approached the Ford truck on the rear driver's side. There he observed Thomas lying on the ground on his back and the vehicle still running with the driver's side door open. Thomas was breathing and medical aid was immediately sought. Medical

personnel arrived and began treating Thomas. At that point Detective Bailey removed himself from the scene.

### 3. SPD DETECTIVE KENNY FYE

On October 19, 2021 Detective Kenny Fye was interviewed at the Sparks Police Department by WCSO Detective Stephanie Brady and RPD Detective Allison Jenkins. Detective Fye worked for SPD as a police officer for nine years and was currently assigned to the multi-agency task force ROP and had been in that assignment for approximately one year. On October 19, 2021 Detective Fye carried a Glock 43 9 mm duty weapon and was assigned an undercover vehicle, a grey Dodge Caravan, which was equipped with police lights and sirens that could be activated and observed by the public when needed.

During his interview Detective Fye articulated that on October 19, 2021 the ROP team was tasked with locating and arresting an outstanding fugitive, Richard Thomas. Detective Fye had knowledge of Thomas based on prior cases in which he was involved where Thomas was a suspect including a pending case in the Second Judicial District Court in which Thomas had failed to appear for sentencing and a bench warrant had been issued by the Court. A Secret Witness tip was routed to the ROP team regarding Thomas and the belief that he was getting ready to flee the area. The tip provided an address and a vehicle in which Thomas might be located. The address provided was previously known to ROP detectives from prior investigations, including a case in which an undercover officer purchased a firearm from Thomas as well as a shooting case in which Thomas was identified as being involved. Additionally, Detective Fye was aware that on a prior occasion when police attempted to arrest Thomas he fled on foot through the back door of a gas station and fought with officers upon being detained.

After confirming the outstanding bench warrant for Thomas' arrest, ROP detectives went to the provided address located in Stead and began surveillance on the residence. While surveilling the house a red Ford F-150 arrived at the address driven by a male that appeared to be Thomas. The male entered the residence and left again a short time later in the same red Ford F-150. While the truck was leaving the residence it drove by Detective Fye who observed the male driver and believed it to in fact be Richard Thomas. Detective Fye followed Thomas but

lost contact with the truck at one point due to being stuck at a red light. Other detectives continued to follow Thomas believing he had turned south on US 395. While detectives were driving southbound on US 395 they observed Thomas driving south on the frontage road, old US-395 which directly parallels the freeway. Detectives continued driving on the interstate until they exited at Stead Boulevard and caught up with Thomas who was now heading south on N. Virginia Street. At Golden Valley Road the light turned yellow and Thomas accelerated through the intersection of Golden Valley Road and N. Virginia Street. Detective Fye continued through the intersection and followed Thomas, who had turned into the Golden Valley gas station. Thomas initially stopped at a gas pump in the parking lot. Detective Fye turned on his lights and activated his siren a few times so that Thomas was aware that he was the subject of a traffic stop. Detective Fye continued to advance forward while Thomas drove very slowly through the parking lot. Meanwhile Detective Catalano had turned east onto Golden Valley and entered the gas station at the north entrance and parked his car in an attempt to prevent Thomas' escape. While behind Thomas, Detective Fye could see Thomas looking in his rear view mirror and all around as if to locate a path to flee. Detective Fye continued to inch forward until Thomas' vehicle was situated between his van and Detective Catalano's van. Thomas then began to back up his vehicle and make contact with Detective Fye's van. Detective Fye placed his van into park and exited his vehicle. Detective Fye was wearing a black vest which contained the words "police" on the front and back and had his duty weapon drawn. Detective Fye gave commands for Thomas to turn the vehicle off. Detective Fye approached the driver's side of Thomas' truck while continuing to yell and give commands to Thomas to stop the vehicle. Detective Fye observed Detective Catalano exit his vehicle. Detective Catalano also wore a vest which identified himself as a police officer. Detective Catalano was giving commands to Thomas as well. Detective Fye upon reaching the driver's side door, opened it and grabbed Thomas' left arm and positioned his firearm at the ready position. Thomas then began reaching his right hand down next to the seat. Detective Fye continued to give commands to Thomas to show his hands and turn off the vehicle. Thomas looked right at Detective Fye and then continued to look down near the seat

while pulling his left arm away from Detective Fye. Thomas then shifted the truck from reverse to drive with his right hand and pushed down on the accelerator. Detective Fye believed that Detective Catalano was situated in front of Thomas' vehicle. Detective Fye attempted to pull himself out of the driver's side doorway as Thomas' vehicle accelerated but he was unable to do so for some reason. Detective Fye did not know if he was caught on the door but he could not break free from the doorway. Detective Fye, believing that he would be crushed between the driver's side door and Detective Catalano's vehicle, fired one shot into Thomas' truck. Detective Fye had no recollection of observing Detective Catalano on the passenger side of Thomas' vehicle prior to or during the firing of his weapon.

After firing the single shot, Detective Fye became dislodged from the doorway and observed Thomas drive away, pushing past Detective Catalano's vehicle and enter onto Golden Valley Road. Detective Fye initially began to run after Thomas' vehicle but realized, based on the speed of the truck, that he could not catch up to the vehicle on foot. Detective Fye returned to his van and drove towards the on ramp to US 395 where he then observed Detective Catalano lying in the road near the median. Detective Fye parked his vehicle near Thomas' truck and went to check on Detective Catalano. After checking on Detective Catalano, Detective Fye went to assist Detective Bailey with securing Thomas.

#### 4. RPD DETECTIVE JEREMY CATALANO

On October 21, 2021 at 1:12 p.m. Jeremy Catalano, a Detective with RPD, was interviewed at the Reno Police Department by WCSO Detective Stephanie Brady and SPD Detective Vernon Taylor. Detective Catalano stated that he was employed by RPD as a police officer for approximately five years and was currently assigned to the ROP unit, where he had been for the last three years. Detective Catalano had previously been employed as a police officer for the City of Elko prior to being hired at the Reno Police Department. Detective Catalano drove a silver Honda Odyssey van which was provided to him by RPD. His duty weapon was a Glock 26 Gen 4, 9mm Luger pistol.

On October 19, 2021 Detective Catalano arrived for his 8 a.m. shift and learned that the unit would be pursuing a fugitive by the name of Richard Thomas. Detective Catalano was advised of a

Secret Witness tip that had been routed to the ROP unit and consisted of information that Thomas had failed to appear at sentencing in the Second Judicial District Court. A plan was formulated to conduct surveillance on the address provided in the tip to determine if Thomas could be located. Multiple Detectives from the ROP Unit set up near the address. While surveilling the home a red Ford F-150 arrived at the residence and a male exited the vehicle and entered the house. Detectives, based on their vantage point, were unsure if the male driver was that of Thomas. Detective Catalano went mobile in his vehicle to drive past the house to try and get a better look. Just then the male exited the residence and reentered the vehicle and drove away. Detectives then began following the truck with the belief that it was in fact Thomas. While following Thomas, Detective Catalano was able to see inside the vehicle and confirmed that the driver was in fact Richard Thomas. Detectives eventually met up with Thomas on N. Virginia Street where Thomas' vehicle was in the lead with Detective Fye, Sergeant McNeely, Detective Bailey and then Detective Catalano following. The decision had been made to conduct a traffic stop on Thomas to arrest him on the outstanding bench warrant.

The Golden Gate gas station is located on the corner of Golden Valley Road and N. Virginia Street. The gas station had two entry points, one on N. Virginia Street and another entry/exit on Golden Valley Road. Thomas drove through the intersection and then turned east into the Golden Gate gas station. Detective Fye and Sergeant McNeely followed Thomas into the gas station utilizing the same entry point. Detective Catalano heard on the radio that the traffic stop was being initiated in the parking lot of the gas station and that Thomas had stopped his vehicle at a gas pump. Detective Catalano had turned east at the intersection and proceeded towards the Golden Valley Road entry/exit. While turning east onto Golden Valley Road the parking lot and gas pumps are blocked by the store portion of the Golden Gate gas station and therefore Detective Catalano was unable to see where Thomas had stopped his vehicle. As Detective Catalano neared the entry point he observed Thomas' vehicle pop out from the gas pumps. Detective Catalano stopped his van directly in front of Thomas' vehicle which caused the Ford pickup truck to come to a stop. Detective Catalano exited his van and stood on the floorboard of the driver's side with

his gun drawn and issued commands for Thomas to turn off his truck. Detective Catalano wore his raid vest which had the word "police" in bold white lettering across his chest. At the same time Detective Fye and Sergeant McNeely contacted Thomas at the driver's side door of the truck. Detective Catalano observed Thomas begin to reach for something in his vehicle and heard detectives tell Thomas to stop reaching. Detective Catalano then moved from his vehicle to the passenger side of Thomas' truck to see if he could observe what Thomas was reaching for inside his vehicle. Detective Catalano accomplished this by walking around the front of his vehicle to the passenger side of Thomas' truck. Detective Catalano noted that the truck appeared to move forward but he was unaware if it was from Thomas pushing on the accelerator or if was due to not having the emergency brake engaged. Detective Catalano saw Detective Fye attempting to pull Thomas from the vehicle and continuing to order him to exit the truck. Based on his belief that Detective Fye and Sergeant McNeely had possession of Thomas' person, he reached inside the truck in order to place it into park so that it could not proceed forward. The vehicle was placed into park and at the same time he heard what he believed to be a gunshot and observed Thomas re-enter the vehicle. Thomas then began to drive forward over a curb at the gas station entrance/exit and began to accelerate. Detective Catalano observed Thomas, who was wearing a big baggy sweatshirt, have one hand on the steering wheel and the other hand continue to reach for something in the truck or around his waistband. Detective Catalano ordered Thomas to stop the truck but he continued to accelerate. Detective Catalano again ordered Thomas to stop the "fucking truck or I will kill you." Detective Catalano locked eyes with Thomas but he continued to accelerate. Detective Catalano could not recall his exact positioning inside the cab of the truck but believed that his legs were not dragging, however, he felt as though he was hanging outside of the vehicle. At that moment Detective Catalano believed it was possible, based on Thomas continuing to reach for something in the vehicle, and the gunshot that he heard previously, that Thomas was attempting to retrieve a firearm and that he could be shot. Further, Detective Catalano believed that if Thomas was able to reach the interstate in the Ford truck with him in the precarious position of hanging out of the truck, it was likely

that he would be killed or seriously injured by Thomas accelerating the vehicle at high rates of speed. Detective Catalano recalled extending his arm with the firearm and firing at Thomas' person numerous times. Immediately after firing his weapon, Detective Catalano recalled being outside the vehicle with his feet striking the ground and sweeping underneath him and then falling on his back and skidding on his head until he came to a stop face down on the pavement. Detective Catalano does not know if he intentionally jumped from the vehicle or if the action of firing his weapon caused him to become dislodged from the vehicle and thrown to the ground.

Detective Catalano was transported to Renown Hospital where he was treated for multiple injuries including road rash, staples to the top of his head and numerous abrasions. Detective Catalano also believed he suffered a concussion and had temporary hearing loss and sensitivity in his left ear.

#### 5. CATHY CARROLL

Cathy Carroll was interviewed at the WCSO in a video recorded room on October 27, 2021 by WCSO Detective Richard Spaulding. On October 19, 2021 Ms. Carroll was taking her sister to a doctor's appointment in south Reno when she stopped at the Golden Gate gas station on N. Virginia Street to fill up her 2004 blue Buick Rainier SUV. Ms. Carroll's vehicle was stopped at the number 1 gas pump, closest to the Golden Gate market, facing southwest. While at the gas pump Ms. Carroll heard tires screeching and then saw a red truck driving through the gas station towards the exit onto Golden Valley Road. She then observed a van drive down Golden Valley Road and block the red truck from exiting the gas station and then observed two other cars stop to the side of the red truck. Ms. Carroll heard a police officer yell, "Get out of the truck. Get on the ground. Turn off the truck." Ms. Carroll could tell the person yelling was a police officer based on the insignia on his vest which appeared to be associated with a law enforcement agency. Ms. Carroll saw at least four police officers giving commands to the person in the red truck. Ms. Carroll saw another vehicle park behind the red truck. Ms. Carroll observed an officer climb onto the passenger side of the truck and then she saw the flash of a gun and heard one "pop". Ms. Carroll heard the wheels of the red truck spinning and saw the red truck pushing the van

that was located in front of the truck, onto Golden Valley Road. The red truck then drove onto Golden Valley Road with an officer hanging on the passenger door with his legs up so they would not drag on the ground. After the red truck left the gas station Ms. Carroll heard further gunshots. Ms. Carroll and her sister left the gas station prior to police arriving but she was later contacted by law enforcement and asked to provide an interview.

#### 6. ALISA HILBURN

On October 27, 2021 Alisa Hilburn was interviewed at the WCSO by WCSO Detective Josh Swanson. The interview was video recorded. Ms. Hilburn had been a passenger in her sister's vehicle on October 19, 2021 when Cathy Carroll, her sister, stopped at the Golden Gate gas station to obtain gas, prior to driving her to a doctor's appointment. Ms. Carroll had pumped the gas while Ms. Hilburn went into the market to purchase a cup of coffee. Upon returning to the passenger side of her sister's vehicle, a Buick Rainier, she heard screeching tires and turned around and saw 4 cars already parked near the Golden Valley Road exit of the gas station. Two of the vehicles appeared gray in color and were facing Golden Valley Road. One of the vehicles appeared to be silver in color and was parked on Golden Valley Road facing US 395. Ms. Hilburn could only see the top of a red truck which was parked in front of one of the gray vehicles, facing Golden Valley Road but blocked by the second gray vehicle. Ms. Hilburn observed a police officer exit the grey vehicle which was located in back of the red truck. She was able to identify the person exiting the grey vehicle as a police officer based on his attire, which included a vest with "police" written across the back. She heard a police officer yelling commands like "Stop" or "Get out of the truck or car". Ms. Hilburn could not recall exactly what was said. She then saw the driver's side door of the red truck open and the red truck begin moving forward. Almost at the same time she then heard a "pop" and the truck left the parking lot of the gas station. After it left she heard further gunshots. Ms. Hilburn left the gas station and attended her doctor's appointment but was later contacted by law enforcement and provided an interview.

#### 7. JOSE MUNOZ

Jose Munoz underwent a recorded interview on November 12, 2021 at the WCSO by WCSO Detective George Gomez. Mr. Munoz was at

the Golden Gate gas station on October 19, 2021 parked in a Coke-a-Cola work truck facing north in the parking lot. He was present supervising a driver of a delivery truck. Mr. Munoz was in the parking lot speaking with the driver and then headed towards the market. Prior to entering the store, Mr. Munoz observed a van and two other vehicles block a red truck in the parking lot. Mr. Munoz saw, what he assumed, were undercover law enforcement personnel based on one of the individuals wearing a black vest with the word "police" on it. He heard a voice yelling, "Get the fuck out of the car." Then he saw the red truck strike the undercover law enforcement's van and drive off onto Golden Valley Road. Mr. Munoz then heard gunshots as the red truck drove eastbound but could no longer see the red truck. Mr. Munoz jumped in his truck and left the gas station via the N. Virginia entrance/exit. He then turned onto Golden Valley Road and headed eastbound. While driving by the southbound entrance to US 395 he saw the red truck stationary on the side of the onramp. He observed an individual lying on the ground next to the truck and a police officer standing over him. Mr. Munoz was later contacted by police and provided an interview of the events he witnessed that day.

#### B. Countdown of Detective Catalano's firearm

Detective Catalano's primary weapon on October 19, 2021, was a Glock 26 Gen 4, 9mm Luger pistol. The listed carrying capacity of the magazine used in his firearm was 10 rounds but Detective Catalano explained that 11 rounds could be loaded into the magazine. Detective Catalano carried three additional magazines for his primary firearm. Detective Catalano told investigators that he loads his firearm with one cartridge in the chamber and 11 cartridges in the magazine for a total of 12 cartridges.

On October 19, 2021 Washoe County Forensic Investigator Elise LaRocco collected Detective Catalano's equipment worn and used during the shooting. The collection of Detective Catalano's firearm and its contents revealed 1 bullet in the chamber and 4 bullets in the magazine which were Speer 9 mm +P brand ammunition. Three magazines were taken from Detective Catalano's tactical vest. Only one magazine was checked for the count of unfired cartridges and it contained 17 rounds of 9mm Luger ammunition. There were no indications that any of the extra magazines were utilized by Detective Catalano during the

shooting. All items were booked into evidence at the Washoe County Sheriff's Office.

C. Countdown of Detective Fye's firearm

Detective Fye's primary weapon on October 19, 2021, was a Glock 43, Gen4 9 mm Luger pistol. The carrying capacity of the magazine used in his firearm was 6 rounds. Detective Fye carried one additional magazine with a 10 round capacity for his primary firearm. Detective Fye told investigators that he loaded his weapon with one round in the chamber and 6 rounds in the magazine for a total capacity of 7 cartridges.

On October 19, 2021 Washoe County Forensic Investigator LaRocco collected Detective Fye's firearm and its contents and the extra magazine. The collection of Detective Fye's firearm and its contents revealed 1 bullet in the chamber and 5 bullets in the magazine of Speer 9 mm Luger ammunition. One additional magazine was taken from Detective Fye's vest carrier which contained 10 bullets of the same aforementioned ammunition. All items were booked into evidence at the Washoe County Sheriff's Office.<sup>4</sup>

II. PHYSICAL EVIDENCE

A. Shooting scene

Golden Gate Petroleum, the official name of the gas station, is located at 7770 N. Virginia Street, in Reno. The gas station is situated on the corner of N. Virginia Street and Golden Valley Road. N. Virginia Street runs north/south and Golden Valley Road runs east/west and at the intersection of the two roads is a four way traffic control device. The gas station has two points of entry and exit. The first is located on N. Virginia Street and the second is on Golden Valley Road. The gas station contains a small market which is located directly on the corner of N. Virginia Street and Golden Valley Road. The gas pumps are located south east of the store front. There are two rows of gas pumps with a total of 12 gas pumps combined. Southeast of the gas station is a truck fueling location but it cannot be accessed by vehicle from the main gas station. Northeast of the

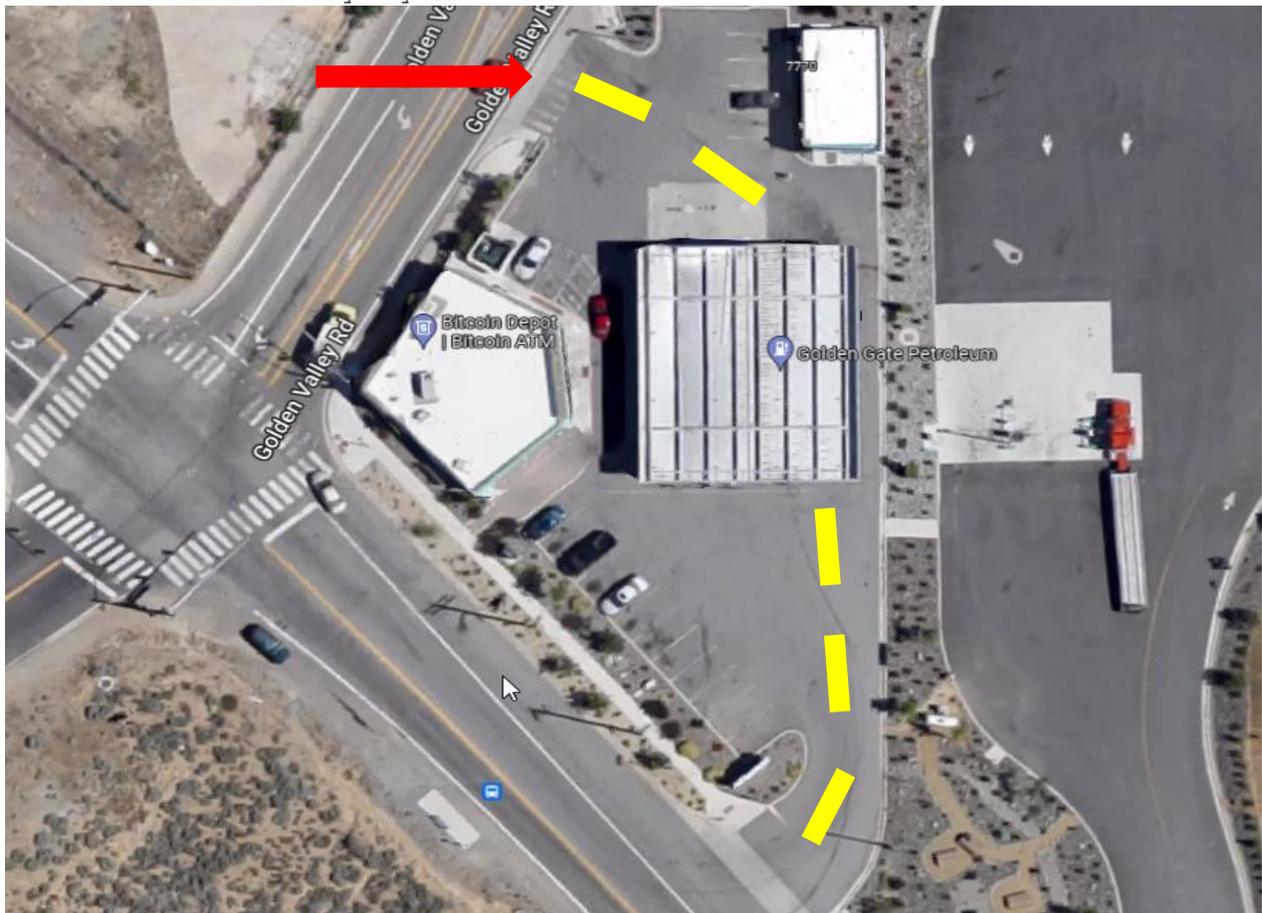
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<sup>4</sup> Detective Fye had two additional magazines in his vest carrier that belonged to his full size service weapon that he did not have on his person at the time of this incident.

gas station, accessed via Golden Valley Road, lies the southbound on ramp for US 395 which runs north south.



(Satellite view of the Golden Gate Petroleum Station. The red arrow designates the N. Virginia Street entrance/exit. The white arrow designates the Golden Valley entrance/exit. The store is indicated with a blue triangle and the gas pump's location are indicated by a yellow star.



*(Satellite photo: Close up of Golden Gate Petroleum illustrating the store portion of the gas station which is located on the northwest corner; the gas pumps are hidden underneath the square white roof and a secondary unknown building is shown in the northeast of the parking area. The original traffic stop took place at the northeast entrance/exit point where the red arrow is positioned. Thomas' vehicle and direction of travel are depicted by the yellow rectangles which enter from the west and head in a northeasterly direction until coming to a stop near the north entrance/exit point.<sup>5</sup>)*

The shooting scene is divided into two geographical areas: the initial encounter, which took place near the entrance/exit to the gas station on Golden Valley Road and the secondary location which was along Golden Valley Road heading east to the onset of the on-ramp to US 395.



*(This scene photograph depicts Detective Catalano's van parked parallel to the Golden Valley entrance/exit. The Golden Gate store can be seen on the right side of the photograph and the gas pumps in the center. Detective Catalano's van is the only law enforcement vehicle still left at the gas station as the other police vehicles pursued Thomas when he fled the traffic stop by driving into Detective Catalano's van and over the sidewalk.*

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<sup>5</sup> The satellite photographs are taken from Google Earth and are not from the day of the incident. The photos are used for illustrative purposes only.



*(This photograph shows the damage to Detective Catalano's van after Thomas struck the vehicle with his truck while fleeing from the gas station.)*



*(The photograph depicts Golden Valley Road heading east. In the foreground is US 395 and in the forefront the median and grouping of vehicles located just south of the median which includes Thomas' red Ford Truck.)*



*(Detective Bailey's gold truck is on the right side of the photograph with Detective Fye's gray van facing east with the driver's door open and Sergeant McNeely's gray Chevy Traverse parked to the north of Detective Fye's van. You can see the rear end of Thomas' red Ford truck parked facing south, directly in front of Detective Fye's minivan. The southern point of the median can be seen in the photograph where Detective Catalano ended up after being ejected from the vehicle.)*

## 1. VIDEO SURVEILLANCE

Golden Gate Petroleum was equipped with numerous outdoor surveillance cameras that are numbered and capture the parking lot and the gas pumps. The cameras are video only and do not capture sound. Camera 2 is located under the roof of the gas pumps and faces southwest. This camera captures vehicles entering from the N. Virginia Street driveway and depicts two of the gas pumps located farthest from the store. At approximately 12:46:33 this camera depicts a red Ford F-150 entering from the N. Virginia Street entrance and driving through the parking area

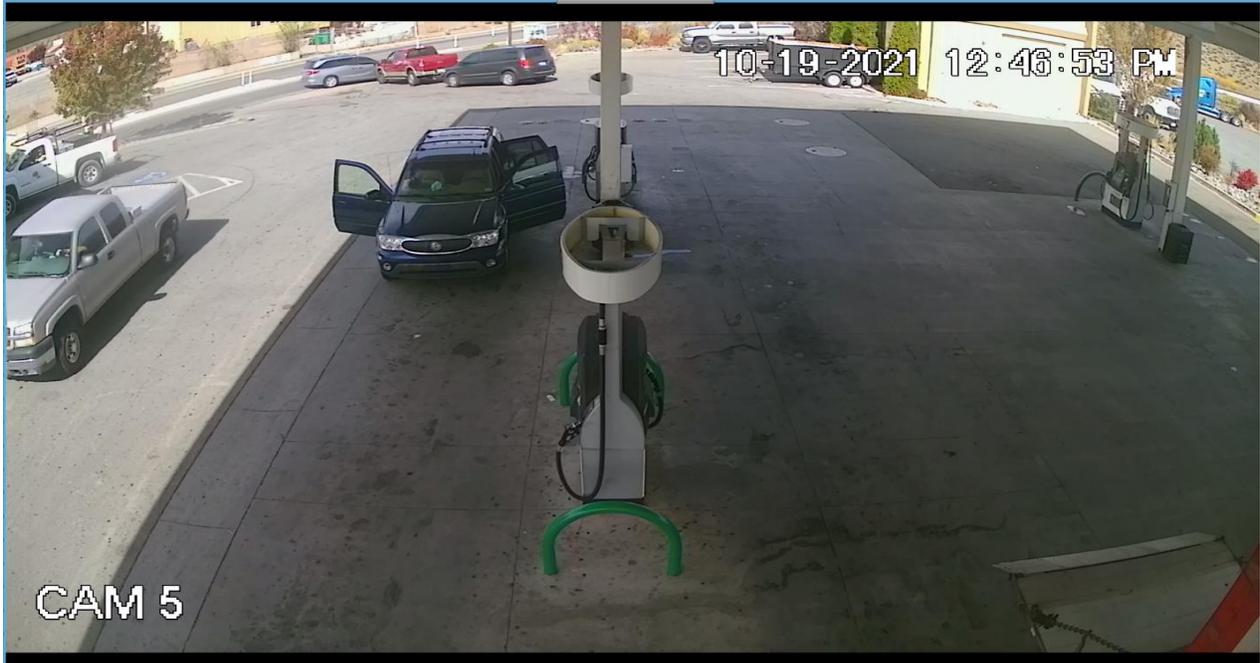
and past two gas pumps. This is the vehicle which Thomas was driving.



*(Thomas' red Ford F-150 is shown here, indicated by the red arrow, entering from N. Virginia Street and driving through the Golden Gate parking lot. The truck initially stopped at the gas pump shown in the bottom middle of the photograph where Detective Fye initiated the traffic stop. Thomas then drove towards the exit/entrance located on Golden Valley Road.)*

Camera 5 faces northeast and is situated in the gas pump area. This camera captures the north end of the gas pump area as well as the Golden Valley Road entrance/exit. At approximately 12:46:41 Thomas' Ford F-150 can be seen stopping momentarily at the last gas pump and then the vehicle moves forward heading towards Golden Valley Road. As Thomas' truck moves toward the Golden Valley Road exit, Detective Bailey enters and drives directly past Thomas and continues into the parking lot past the gas pumps. Detective Catalano was seconds behind Detective Bailey and upon reaching the driveway he encounters Thomas just about to pull out of the gas station. Detective Catalano's van parked parallel to the driveway, in a "T" position with Thomas'

truck. At the very same time Detective Fye's van pulls up directly behind Thomas, essentially pinning the vehicle.



*(Thomas' red Ford F-150 can be seen at the top of the screen along with Detective Catalano's minivan which is parked parallel to Thomas' truck. Detective Fye's van can be seen at the immediate rear of Thomas' truck. Detective Bailey's truck can be seen at the far left of the image having entered from Golden Valley Road and driven past Thomas. Ms. Carroll and Ms. Hilburn's vehicle is located directly west of Detective Bailey's truck and is blue in color and has the driver and passenger doors open. The two women are situated at the number one gas pump.)*

At approximately 12:46:59 Detective Fye exited his vehicle and approached Thomas' truck. At the very same time Sergeant McNeely's vehicle pulls immediately to the west of Thomas' truck blocking the camera's view of the driver's side door. Due to the light conditions on the video you cannot observe Detective Catalano exit his vehicle until 12:47:11 when he can be seen crossing in front of his van and approaching Thomas' passenger door. At 12:47:12 the video depicts Detective Catalano opening the passenger door of the truck and he disappears from view. Detective Bailey had driven through the parking lot, turned around and is the last to arrive at the vehicle stop. Detective Bailey's truck pulls up to the west of Detective Fye's vehicle at approximately 12:47:12. Detective Bailey does not get the chance to exit his truck. As Detective Bailey is pulling up to

the stop, the video shows Thomas' truck backing up into Detective Fye's van causing it to move slightly backwards.



*(The top of the image depicts Thomas' red truck, Detective Fye's van at the trucks rear, Detective Catalano's vehicle parallel to the truck, Sergeant McNeely's vehicle immediately to the left and slightly rear of Thomas' truck and Detective Bailey's truck to the west and slightly rear of Thomas' truck. Ms. Hilburn can be seen standing in the passenger door area looking towards the traffic stop. Ms. Carroll can be seen on the driver's side of the Buick looking towards the traffic stop.)*

At 12:47:15 Thomas' truck begins to move forward pushing past Detective Catalano's van with Detective Fye positioned in the open driver's side door. The passenger door of Thomas' vehicle can be seen swinging open and then shutting based on the truck's forward movement. The truck exits the parking lot over a curb. Detective Bailey's truck can be seen exiting the parking lot immediately after Thomas' truck and following on Golden Valley Road. There are no camera views that capture the on ramp area of US 395 where Thomas' vehicle came to rest.



*(This still image depicts Thomas' vehicle immediately after striking Detective Catalano's van and driving over a curb to flee police. Detective Catalano is trapped inside the passenger area of Thomas' red truck while the door remains open and swinging.)*

## 2. 2007 FORD F-150 TRUCK

On October 21, 2021, the 2007 red Ford F-150 driven by Thomas on the day of the shooting was examined, photographed and processed by Criminalist Elise LaRocco with the Washoe County Crime Lab. Ms. LaRocco observed and collected the following relevant evidence from inside the Ford truck.

- One (1) black and green folding knife in the open position collected from the driver door panel pocket.
- One (1) Tour model golf club collected from rear middle floorboard.
- One (1) Speer 9mm Luger +P fired cartridge case, identified as being fired from Detective Catalano's firearm located on the rear passenger floorboard.

- Two (2) fired bullets which were collected from the interior front driver door panel (labeled as Defect A) and from the exterior rear driver door panel (labeled as Defect B).<sup>6</sup>



*Defect A*



*Defect B*

The Washoe County Crime Laboratory conducted trajectory analysis on the two defects located inside the vehicle. As to Defect A, which was located on the interior panel of the driver's side door, the bullet traveled from the passenger's side to the driver's side and penetrated the interior front driver door panel. This bullet was most likely fired by Detective Catalano but due to damage to the bullet a conclusive match could not be reached. As to the defect labeled B, located on the exterior of the rear driver's side door, the bullet travelled from the driver's side to the passenger side, rear to front at a downward angle and penetrated the exterior rear driver door panel but did not exit into the cab of the vehicle. This bullet most likely was the single round fired by Detective Fye. However, due to damage to the bullet a definitive identification could not be reached. However, this bullet was eliminated as having been fired from Detective Catalano's firearm.

### 3. EVIDENCE COLLECTED

The following relevant evidence was collected and photographed at the scene of the shooting.

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<sup>6</sup> A third fired bullet was located under the front passenger seat but upon forensic testing was noted that the bullet type/style was not consistent with the officer ammunition submitted.

- One (1) Speer 9mm Luger fired cartridge case which was identified as being fired from Detective Fye's firearm located in the Golden Valley Roadway near the driveway to the gas station.
- Three (3) Speer 9mm +P Luger fired cartridge cases identified as having been fired from Detective Catalano's firearm which were located on the US 395 southbound onramp
- Three (3) Speer 9mm +P Luger fired cartridge cases which were identified as being fired from Detective Catalano's firearm which were located inside the red Ford F-150 atop the passenger seat. These cartridge cases were collected by FIS while the truck was still on scene.
- One (1) clear plastic bag containing white crystalline substance collected from the dirt area near the driver's side door of the red Ford F-150 where Thomas laid after exiting the truck on the dirt embankment on the on-ramp to US 395.
- One (1) black and silver colored "Camillus" folding knife, in a closed position, in the dirt area near the driver's side door of the red Ford F-150 where Thomas laid after exiting the truck on the dirt embankment on the on-ramp to US 395.

The following relevant evidence was collected from Detective Jeremy Catalano:

- One (1) black Glock 26 Gen 4 handgun, one black Glock magazine containing four (4) Speer 9mm Luger +P cartridges and one (1) Speer 9mm Luger +P cartridge from the chamber of the Glock 26 firearm and one ballistic vest with red staining.

The following relevant evidence was collected from Detective Kenny Fye:

- One (1) black Glock 43 9mm handgun, one black Glock magazine, containing five (5) Speer 9mm Luger cartridges and one (1) Speer 9mm Luger cartridge from the chamber of the Glock 43 and one (1) black Glock magazine collected from Detective Fye's vest pocket containing 10 Speer 9mm Luger cartridges.

## B. Autopsy

The autopsy of Richard Thomas was performed on October 20, 2021 by Washoe County Assistant Medical Examiner Dr. Katherine Callahan. Dr. Callahan determined that the cause of Thomas' death was due to multiple gunshot wounds. The autopsy revealed that Thomas had eight penetrating gunshot wounds to his upper body.<sup>7</sup> Toxicology results from Thomas' peripheral blood revealed positive findings for 78 nanograms per milliliter for Amphetamine and 890 nanograms per milliliter of Methamphetamine.

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<sup>7</sup> Dr. Callahan detailed 8 gunshot wounds located on the body of Thomas. However, the 8<sup>th</sup> location was to the hand of Thomas with no recovered bullet or fragments. It is likely that this gunshot wound led to a secondary gunshot wound which is consistent with the recovery of the 7 fired cartridge casings fired from Detective Catalano's firearm.

### III. LEGAL PRINCIPLES

A homicide is the killing of another human being, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of justifiable or excusable homicide which are lawful. The Washoe County Medical Examiner's Office has deemed the death of Richard Thomas to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officer involved and determining whether any criminality existed on behalf of the officer at the time of the shooting.

In Nevada, there are a variety of statutes that define justifiable homicide. (See NRS 200.120, 200.140, and 200.160) There is also a statute that defines excusable homicide and one that provides for the use of deadly force to effect arrest. (See NRS 200.180 and NRS 171.1455) Moreover, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in depth explanation:

#### A. The Use of Deadly Force in Self-Defense or Defense of Another

NRS 200.120 provides in relevant part that "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony . . ." against the other person. NRS 200.160 further provides in relevant part that "Homicide is also justifiable when committed . . . in the lawful defense of the slayer . . . or any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished."

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

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

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

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

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

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

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

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

defendant did not act in self-defense, you must find the defendant not guilty. Id. 1051-52.

B. Justifiable Homicide by Public Officer

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

C. Use of Deadly Force to Effect Arrest

NRS 171.1455 provides in relevant part that a "peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force or poses an imminent threat of serious bodily harm or death to the peace officer or to others.

IV. ANALYSIS

On October 19, 2021, RPD Detective Jeremy Catalano used deadly force on Richard Thomas. The use of force by Detective Catalano was justified and lawful under Nevada law. The conduct of Thomas and the imminent danger he posed to Detective Catalano during the attempted traffic stop and arrest was corroborated by law enforcement and civilian interviews, video surveillance, physical evidence documented and analyzed by FIS and all provided documentation. The force utilized by Detective Catalano was reasonable, absolutely necessary under the circumstances and used for the purpose of avoiding death or great bodily injury based on Thomas' actions which posed an apparent and actual threat of death or great bodily injury to Detective Catalano.

On October 19, 2021, Richard Thomas was a fugitive from justice, having missed a sentencing date on a pending felony case, and high on methamphetamine. In efforts to apprehend Thomas, law enforcement took steps to determine his whereabouts and remand him to custody to answer for the crime to which he faced

sentencing. Upon determining that they had in fact located Thomas, law enforcement attempted to conduct a traffic stop and take him into custody. Upon realizing that he was being followed and stopped by law enforcement, Thomas' mindset became clear, he would not return to custody. Just as in the previous contact with Thomas, he refused to follow commands or follow instructions given by law enforcement. Thomas utilized his vehicle as a weapon to break free from officers by using the Ford truck to strike Detective Catalano's van and flee from officers. The danger Thomas posed was evident to detectives when Detective Fye was forced to discharge his weapon when he feared for his own life as Thomas pushed on the accelerator of the truck, potentially trapping and crushing Detective Fye between Thomas' vehicle and Detective Catalano's blocking van. Even after Detective Fye discharged his weapon, which did not strike Thomas, Thomas continued to flee from police by stepping on the accelerator of his truck and driving over a sidewalk and onto the adjacent road. Thomas knew that Detective Catalano was precariously situated inside the truck and refused to follow commands even after Detective Catalano warned Thomas that he would shoot him unless he immediately brought the truck to a stop. Instead, Thomas accelerated the truck and attempted to enter the freeway. After multiple commands to stop, Detective Catalano, fearing for his life, fired his weapon multiple times at Thomas' person. Detective Catalano was then ejected from the moving vehicle, falling to the ground sustaining injuries. Thomas' vehicle negotiated the turn on to the freeway onramp and then came to a stop. Thomas' flight ended only after he sustained multiple gunshot wounds.

Detective Catalano shot Thomas multiple times from inside the cab of the Ford Truck believing that if he did not stop Thomas from accelerating the truck and entering the freeway, he would be killed or seriously injured. Detective Catalano had the right under Nevada law to use deadly force against Thomas in defense of his own person while discharging a legal duty.

## V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the October 19, 2021, officer involved shooting death of RICHARD THOMAS, the actions of Detective Jeremy Catalano were warranted and justified under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.