

OFFICE OF THE WASHOE COUNTY DISTRICT ATTORNEY

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REPORT ON THE NOVEMBER 18, 2024
OFFICER INVOLVED SHOOTING
OF KRISTOPHER GARI

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LIST OF ABBREVIATIONS

Abbreviation	Full Term
BRUCE	Civilian Witness Bruce Coddling
BWC	Body Worn Camera
DETECTIVE ALMAREZ	Washoe County Sheriff's Office Detective Michael Almarez
DETECTIVE FYE	Sparks Police Department Detective Kenny Fye
FCC	Fired Cartridge Casing
FIS	Washoe County Sheriff's Office Forensic Investigation Section
GARI	Kristopher Gari, Civilian
JOHN	Civilian Witness John Colgate
JULIA	Julia Book, Paternal Grandparent of Kristopher Gari
NHP	Nevada State Police, Highway Patrol Division
NRS	Nevada Revised Statute
NSP	Nevada State Police
OIS	Officer-Involved Shooting
RPD	Reno Police Department
RPSAEA	Reno Police Supervisory and Administrative Employees Association
SGT. MCCAULEY	Reno Police Department Sergeant Patrick McCauley
SPD	Sparks Police Department
WCCL	Washoe County Crime Laboratory
WCDA	Washoe County District Attorney's Office
WCSO	Washoe County Sheriff's Office
WILLIAM	Civilian Witness William Medlyn

INTRODUCTION¹

In the early morning hours of November 18, 2024, at approximately 1:38 a.m., Reno Police Department (RPD) Sergeant Patrick McCauley (Sgt. McCauley) became involved in a high-risk attempt to take Kristopher Gari (Gari) into custody. The encounter ultimately resulted in the death of Gari. As outlined below, the incident was preceded by two separate events involving Gari that occurred during the previous two days.

Initial Incident: November 16, 2024

On November 16, 2024, RPD Officer Hyde conducted a vehicle traffic stop on an unlicensed matte gray painted 1994 GMC Yukon at Sutro St. and Castle Way in Reno. The vehicle had no license plate and an expired temporary move permit. Gari was identified as the driver of the vehicle.

When approached by Officer Hyde, Gari stated that he did not have a driver's license and did not have insurance for the vehicle. He also indicated that he believed he had missed a court date and might have an outstanding warrant for his arrest. While Officer Hyde performed a routine records check, RPD Officer Hernandez-Najera arrived on scene to assist Officer Hyde. At this time, Officer Hyde received confirmation that Gari driver's license had been revoked and that he had an active warrant for failure to appear.

Both officers walked over to the vehicle and asked Gari to step out so they could detain him while confirming the warrant. Although Gari initially appeared reluctant to comply, he eventually exited the vehicle. As the officers attempted to detain him, Gari began resisting, which resulted in the officers taking him to the ground. Gari continued to resist, ignoring repeated commands from the officers as they attempted to place his hands behind his back.

During the struggle, Gari was able to stand up and escape the officers' efforts to detain him, fleeing back to his vehicle. In a further attempt to stop him, Officer Hernandez-Najera deployed his taser at Gari, but the attempt was unsuccessful. Gari was able to re-enter his vehicle through the passenger window and moved into the driver's seat. While he was sitting in the driver's seat, Officer Hyde then deployed his taser, hitting Gari on the left shoulder and along the left side of his waist.

Despite these efforts, Gari was able to drive away from the scene at a high rate of speed. As he fled, he failed to stop for a red light at the intersection of Sutro Street and Silverado Boulevard, creating a danger to other people and property. Officers Hyde and Hernandez-Najera were subsequently unable to locate Gari in the immediate vicinity or at his last known address.

¹ The Introduction is synopsised from 911 calls, police reports, witness interviews, Body Worn Cameras (BWC), video obtained from the Maverik gas station and forensic reports.

On November 17, 2024, Officer Hyde sent an internal email to RPD officers, informing them that he had Probable Cause to arrest Gari and that the incident was documented under RPD case number 24-02192.

Second Incident: November 17, 2024

At approximately 7:35 a.m. on November 17, 2024, RPD Officers Ryzanych and Reidle responded to a report of a suspicious vehicle parked on private property at 750 Twin Lakes Drive in Reno. Upon arrival, the officers located the unoccupied vehicle, described as a 1994 GMC SUV that appeared to be spraypainted black. Officer Ryzanych recognized it as the same vehicle involved in the incident the previous day.

Officer Ryzanych found a note on the dashboard of the vehicle that read, *"Please don't tow. Back in AM."* The note also included a phone number, which officers used to contact Gari. Officers called the phone number and made contact with Gari, using a ruse to lure him back to the vehicle while they remained nearby and attempted to conceal themselves amongst the neighboring properties.

Approximately 25 minutes later, Gari appeared on the property from an unknown location. Officers observed him and began approaching the vehicle in their marked patrol cars, with their emergency overhead lights and sirens on in an attempt to conduct a high-risk felony car stop. Gari turned and looked at the officers before turning back around and running behind the GMC, entering the vehicle through the passenger door. Due to the Felony Probable Cause for Gari, Officer Ryzanych approached the vehicle at gunpoint and instructed Gari to show his hands. Gari ignored the commands, started the vehicle, and drove away from the property. As he fled, he drove toward the marked RPD patrol vehicles and struck two of them. One of the vehicles that was struck was occupied by an RPD officer at the time. After the collision, officers were unable to locate Gari.

Officer Ryzanych documented this incident under RPD case 24-21939, and updated the email sent out by Officer Hyde, noting in the email that a *"Fake (possibly plastic)"* white pistol was observed, stuffed in a modified compartment on the driver's side door and that additional probable cause for Gari's arrest existed based on this incident. The email also stated, *"Based on his actions in this new incident and the original, Kristopher is willing to fight with officers and do everything possible to get away."*

Third Incident: November 18, 2024

Prior to beginning his normal shift on November 18, 2024, Sgt. McCauley and other officers were briefed about the situation regarding Gari. All of the officers had seen the emails detailing the two prior incidents, and they discussed what to do if the vehicle was located unattended, as they suspected that Gari was highly likely to attempt to flee. After this discussion, Sgt. McCauley completed routine paperwork at the police station before leaving to begin his patrol.

At approximately 1:30 a.m., Gari arrived at the Maverik gas station, located at 1010 West Fourth Street in Reno near the intersection of Keystone Avenue. He parked his black 1994 GMC SUV by the air pump, briefly went inside the store, and then returned to his vehicle. Several other individuals were present at the gas station, both inside and outside.

A few minutes later, Sgt. McCauley entered the Maverik lot via the western driveway, driving along the south side of the parking area. He noticed the GMC parked by the air pump and recognized it as the vehicle described in recent emails linked to Gari. Sgt. McCauley stopped his marked RPD patrol vehicle directly in front of the SUV and exited immediately.

At that time, Gari was standing next to the driver's side door of the vehicle. Given Gari's active warrant, his recent attempts to flee from police, and multiple outstanding charges, including resisting a public officer, eluding, reckless driving, and other traffic violations, Sgt. McCauley approached the passenger side of the vehicle with his firearm drawn. Although he attempted to prevent Gari from entering the vehicle, Gari succeeded in getting into the driver's seat.

In an effort to stop Gari from fleeing and endangering others, Sgt. McCauley opened the passenger door and reached into the vehicle to disable it. As he leaned into the SUV, the vehicle rocked slightly while Gari resisted Sgt. McCauley and ignored commands to exit. During the struggle, Gari attempted to start the vehicle as Sgt. McCauley continued working to disable it. Sgt. McCauley was pulled mostly into the passenger compartment while the passenger door remained open. After Gari succeeded in starting the SUV, it began moving slowly in reverse before gaining speed and striking a steel pillar that protected the westernmost fuel pump. The force of the impact lifted the rear of the vehicle several feet, caused the passenger door to close, and forced both front seats into a fully reclined position.

A moment later, the vehicle began to slowly roll forward and came to rest against the northern curb in front of a fire hydrant. Sgt. McCauley continued his efforts to disable the vehicle and repeatedly commanded Gari to stop resisting, but Gari refused to comply. Gari then reversed several feet, stopped, and accelerated forward over the northern curb and a fire hydrant onto the dirt embankment separating the Maverik parking lot from Fourth Street. He then turned west onto Fourth Street at a high rate of speed, with Sgt. McCauley still in the reclined passenger seat and continuing to struggle to gain control of the vehicle. As the SUV traveled westbound, sparks flew from beneath it because the fire hydrant had become lodged underneath the vehicle. The SUV repeatedly swerved to the right and left across the eastbound lane of Fourth Street while Gari continued his efforts to evade capture.

During this time, Sgt. McCauley remained in the passenger seat of Gari's vehicle, attempting to subdue him. The physical struggle continued as Gari drove erratically in an effort to evade capture. When Sgt. McCauley drew his firearm in an attempt to force Gari to stop the vehicle, Gari attempted to grab it. Fearing that Gari would do whatever was necessary to escape capture, including harming or killing Sgt. McCauley or others, Sgt. McCauley discharged his firearm, striking Gari four times - once in the right cheek, once in the right shoulder, once in the right upper chest, and once in the left thigh. The SUV then came to a stop approximately 100 yards west of the Maverik.

Responding officers immediately provided life-saving measures to Gari, however, he ultimately succumbed to the injuries he sustained. He was pronounced deceased at 1:52 a.m. by Dr. Wang at Renown Regional Hospital.

Consistent with the regionally adopted Officer Involved Shooting Protocol ("OIS"), the Sparks Police Department ("SPD") led the investigation into Sgt. McCauley discharging his firearm. Secondary investigative support was provided by the Washoe County Sheriff's Office ("WCSO"), and forensic services were provided by the Washoe County Crime Laboratory ("WCCL"). The investigation included witness interviews, the collection and examination of physical evidence, review of Body Worn Camera footage ("BWC") and dashcam footage, video surveillance footage, and forensic examination of evidence and the shooting scene.

All investigative reports, photographs, documents, video footage, forensic reports, witness statements, and recorded interviews were submitted to the Washoe County District Attorney's Office on December 23, 2025, for the purpose of determining the legality of the actions in the Officer Involved Shooting event involving Gari. No criminal charges were recommended by SPD for RPD Sgt. McCauley who was involved in the incident. The Washoe County District Attorney's Office evaluation included a thorough review of all submitted investigative materials. This report follows.

Based on the available evidence and the applicable legal authorities, it is the opinion of the Washoe County District Attorney (WCDA) that the shooting of Gari by Sgt. McCauley was legally justified and not a criminal act.

I. STATEMENT OF FACTS

A. Witness Accounts

The following section contains summaries of recorded statements collected from witnesses during follow-up interviews. The summaries reflect each witness's personal recollections of the events that unfolded, as told to interviewing officers. Several additional responding officers were interviewed, including officers who participated in efforts to provide aid to the civilian and officers who assisted with scene security and control. Their interviews were reviewed as part of the investigation; however, they are not discussed in detail in this report because they are not relevant to the specific matters under review.

1. RPD Sgt. Patrick McCauley

Sgt. McCauley was interviewed on November 21, 2024, by SPD Detective Casey Foster (Detective Foster) and WCSO Detective Michael Almaraz (Detective Almaraz) at the Reno Police Department. Reno Police Supervisory and Administrative Employees Association (RPSAE) Representative Sergeant Kevin Vogt and Attorney Mark Kilburn were also present. Sgt. McCauley was advised that the interview was part of a criminal investigation rather than an administrative inquiry and that he was not compelled to speak. Sgt. McCauley agreed to proceed, and the interview was audio and video recorded. The following is a summary of the interview.

Sgt. McCauley had served with RPD for 18 years and also had previously served in the military. At the time of the incident, he had been serving as a sergeant for approximately 11 months. He was assigned to the Patrol Division on the graveyard shift, where his duties included supervising a six-person patrol team.

On November 18, 2024, Sgt. McCauley was working his regular shift. He was dressed in the standard RPD dark blue uniform with an outer carrier vest and a leather duty belt equipped with a handgun, additional magazines, handcuffs and case, a taser, radio, flashlight, baton, and glove pouch. He was also wearing black boots. His uniform displayed a nameplate on the right side of his chest and a "*POLICE*" patch on the back. Although he had a hat in his patrol vehicle, he did not believe he was wearing it during the incident with Gari.

Sgt. McCauley was carrying a department-issued Glock 17 9mm handgun. The firearm contained one round in the chamber and a fully loaded magazine with seventeen (17) rounds. He also carried two additional magazines that were each loaded to capacity with seventeen (17) rounds.

At the time of the incident, Sgt. McCauley was driving a Dodge Durango from the RPD fleet, identified as vehicle number 381. The vehicle was described as predominantly black with white doors and police badges on the right and left sides of the vehicle. This was Sgt. McCauley's usual assigned vehicle that he shared with RPD Sergeant John Torres.

Sgt. McCauley described his knowledge of the two prior incidents involving Gari that occurred on November 16 and 17, 2024 as follows.

On November 16, 2024, at approximately 11:00 p.m., RPD Officers Hyde and Jose-Hernandez conducted a traffic stop on an unlicensed *"rattle canned"* black vehicle. During the stop, one of the officers contacted the driver, identified as Gari, who stated that he did not have a driver's license, vehicle registration or proof of insurance. The officer later discovered that Gari had an outstanding warrant.

The officers approached the vehicle and asked Gari to step out. He complied after some hesitation, however, when the officers attempted to take Gari into custody, a physical altercation struggle began. The officers brought Gari to the ground in an effort to restrain him, but he resisted and eventually was able to *"squirm"* his way out and break free from their control. One of the officers deployed his taser but missed as Gari ran back to his vehicle. Gari jumped through the passenger side window into the vehicle and moved into the driver's seat. While Gari's door remained open, one of the officers deployed his taser, hitting him in the shoulder and waist. However, the taser was ineffective and Gari was able to flee from the scene at a high rate of speed, ignoring traffic control devices. Officers searched the surrounding area but were unable to locate Gari.



BWC from November 16, 2024, at 11:08 pm, showing an RPD Officer deploying a taser and striking Gari through the open door of his vehicle.

Early the following morning, near the end of his shift on November 17, 2024, Sgt. McCauley learned that day shift officers had located Gari's unoccupied vehicle on private property near Fourth Street and McCarran Boulevard. He was advised that officers found a note inside the vehicle that read something to the effect of, *"Please don't tow my car. Give me a chance to come get it."*

Officers then contacted Gari by phone and used a ruse to lure him back to the vehicle. When Gari returned, officers moved in to take him into custody, but he managed to get back inside the vehicle before they could do so. As RPD patrol vehicles converged on his location, Gari drove toward officers who were standing outside their vehicles and struck two RPD patrol units. A short pursuit ensued but was ultimately terminated, and Gari was not apprehended.



BWC from the second incident on November 17, 2024, at 8:27 a.m.

An email was sent internally to RPD officers outlining the events of the previous two incidents, along with a booking photograph of Gari and photographs of the vehicle he was driving. RPD officers, including Sgt. McCauley, reviewed the email and discussed the situation involving Gari during their shift briefing. The officers identified potential locations where Gari might be found and developed contingency plans based on whether the vehicle was located occupied or unoccupied.

Sgt. McCauley described one contingency plan involving the use of *"rat traps,"* spike devices designed to slowly deflate tires, if the vehicle was located while unoccupied. He also stated that he had considered using unmarked police vehicles to conduct surveillance if the vehicle was found unoccupied. However, Sgt. McCauley acknowledged that unmarked vehicles are not typically readily available in the middle of the night. Sgt. McCauley clarified that the primary objective was to prevent Gari from entering the vehicle, if possible, in order to avoid another attempt to flee and the resulting danger to officers and the public.

After doing some administrative work to begin his shift, Sgt. McCauley went out on patrol. Between approximately 1:30 a.m. and 2:00 a.m. on November 18, 2024, he was driving westbound on Fourth Street, passing through the Keystone Avenue intersection when he saw Gari's vehicle in the Maverik parking lot. Gari's vehicle was facing eastbound by the air pump, which was closest to Fourth Street in the Maverik parking lot. Sgt. McCauley recognized the vehicle as being that of Gari from the pictures and information provided in the emails. Sgt. McCauley also observed a white male crouched down by the left front tire and it appeared he was putting air in the tire.

Sgt. McCauley knew that Gari had a propensity to flee and believed that, if necessary, Gari would crash into other vehicles in order to escape. As a result, Sgt. McCauley wanted to apprehend Gari before he could re-enter the vehicle.

Sgt. McCauley entered the parking lot through the westernmost entrance off Fourth Street and circled the lot. He observed one person near the front of the Maverik store and another at the gas pumps. Hoping to apprehend Gari before he got back into the vehicle and prevent another reckless attempt to flee, Sgt. McCauley positioned his patrol vehicle directly in front of Gari's vehicle and as close to it as possible.

Sgt. McCauley then radioed that he would be "*out on one*," meaning he was making contact with one person, and requested an additional unit to assist. He stated that the area around Fourth Street and Keystone Avenue, where the incident occurred, was heavily traveled at all hours of the day and night. Based on Gari's prior conduct and his failure to comply with previous law enforcement commands, Sgt. McCauley believed that Gari would take whatever actions were necessary to evade capture, including actions that could place officers or others at risk.

Gari saw Sgt. McCauley and quickly moved "*with a purpose*" toward the vehicle, entering the driver's seat. Sgt. McCauley immediately exited his patrol vehicle, drew his handgun, identified himself as a police officer, and ordered Gari to step out of the vehicle. At that time, Sgt. McCauley observed Gari "*fishing*" for something on the floorboard and believed Gari may have been attempting to arm himself. He repeatedly ordered Gari to show his hands and exit the vehicle, but Gari did not comply. Sgt. McCauley observed Gari looking up and down inside the vehicle and became increasingly concerned about Gari's actions.

Sgt. McCauley moved to the front passenger side door of the vehicle to observe Gari's actions. He opened the door, at which point trash came "*pouring out*" of the vehicle. Sgt. McCauley observed that the vehicle had not yet been started and saw Gari attempting to "*wire*" it to start. Sgt. McCauley stated he was unsure but believed he again ordered Gari to exit the vehicle at that time. He also believed he activated his BWC shortly after entering the vehicle. Sgt. McCauley then holstered his firearm and attempted to pull Gari out through the passenger-side door; however, due to poor leverage, he was pulled into the vehicle as Gari resisted his efforts. Gari was "*doing his best*" to avoid being removed from the vehicle.

During the struggle, Gari was able to start the vehicle with Sgt. McCauley still inside. Sgt. McCauley heard the engine "*fully pegged out*," indicating Gari had the accelerator fully depressed. The vehicle was not in gear at that time, and Sgt. McCauley attempted to grab Gari's arm to prevent him from shifting it into gear, while Gari continued to resist. Sgt. McCauley was concerned that the Maverik was open 24 hours and frequently occupied by customers, and he sought to prevent Gari from placing the vehicle in gear in order to avoid a potential flight and risk of striking a person with the vehicle.

Despite his efforts, Gari was able to get the vehicle into reverse, and they were "*hauling ass*" with Gari showing no regard for anything or anyone. Sgt. McCauley again emphasized that he was afraid Gari would hit something or someone.

The vehicle then struck an object with significant force, causing Gari to be displaced in the rear seating of the vehicle. Sgt. McCauley stated that the impact caused both front seats to fully recline. He did not initially know what they had struck, later learning it was a bollard. After the collision, Sgt. McCauley stated he was "*hoping to God*" that no pedestrians or families in nearby vehicles had been struck, noting Gari's blatant disregard for the safety of anyone else.

Due to the reclined seats, Sgt. McCauley said that his shoulders were positioned lower than his hips. He placed Gari into a "*scissor lock*," positioning Gari's body between Sgt. McCauley's legs, however Gari continued to reach for the gear shifter, as his right arm was not controlled. During this struggle, Sgt. McCauley believed Gari may have bitten him on the lower leg. Sgt. McCauley's "*fight to gain control*" of the vehicle continued, with Gari actively resisting attempts to keep him away from the gear shifter and driver's seat. Sgt. McCauley attempted to use his leg to restrict Gari's arm to prevent access to the shifter.

Gari was able to get the vehicle shifted into drive and then Sgt. McCauley felt a lot of bouncing before another collision occurred. At this point, Sgt. McCauley was on his back, in the mostly reclined seat, and felt like he was hurt. Sgt. McCauley described feeling “gassed” from fighting with Gari. From this position, Sgt. McCauley said he could see through the driver’s side window that the vehicle was moving again, and he could see that they were traveling westbound in the eastbound lanes of traffic, into oncoming traffic. Sgt. McCauley said he was “*along for the ride with the guy that doesn’t care about anything*” and that he feared for his life and the public’s safety.

In an effort to compel Gari to stop the vehicle, Sgt. McCauley drew his firearm, however he stated that Gari “*went after me.*” Sgt. McCauley believed he had no other option but to draw his firearm given Gari’s actions and that Gari observed him doing so. Sgt. McCauley fired a shot and thought that he struck Gari in the lower extremity. He then described an ongoing struggle between the two, during which Gari attempting to grab Sgt. McCauley’s firearm and climb on top of him. Sgt. McCauley stated he believed Gari could have succeeded in taking his firearm and continued to keep it away from Gari.

Sgt. McCauley was able to get “*on target*” and fired again, however he believed he missed as he saw the window behind Gari shatter. After this shot, Gari continued trying to get on top of him. Sgt. McCauley was able to kick Gari and push himself up. In an attempt to create distance between the two, Sgt. McCauley fired another shot, striking Gari in the face. He stated that, at the time of his final shot, he feared that if he did not act, Gari would take his firearm and “*was going to kill me,*” or alternatively that Gari would hit an oncoming vehicle or fixed object. Sgt. McCauley stated he did not observe any weapons on Gari or within the vehicle during the altercation.

Sgt. McCauley could feel the vehicle coming to a stop and Gari stopped fighting him shortly after he fired the final shot. Sgt. McCauley later identified that the vehicle had come to a stop just outside and to the west of the entrance he had initially used to enter the parking lot of the Maverik. He further stated that during the entire incident, Gari was silent, not saying anything, which Sgt. McCauley found to be unsettling.

Once the vehicle came to a stop, Sgt. McCauley did a self-assessment to see how injured he was. He could feel that his back and leg were hurt. He tried to catch his breath, holstered his firearm, and looked for his radio, which had fallen off of him during the altercation. He was able to find his radio and advised over the air that shots had been fired and the suspect was down. Sgt. McCauley could hear sirens almost immediately after putting out that radio traffic. He sat in the vehicle for a second waiting for other patrol units to respond to his location and to gather himself. Sgt. McCauley sat up and tried to open the passenger door, but it was not moving. Sgt. McCauley could see the responding patrol vehicles and heard officers asking where he was.

Officer Reza was the first officer to locate Sgt. McCauley and, after several attempts, was able to open the passenger door. Officer Reza then did a sweep for injuries to Sgt. McCauley but did not observe any apparent injuries. Sgt. McCauley advised Officer Reza that his back and legs were hurting. He further stated that during the altercation, after he had re-drawn his weapon, he attempted to avoid shooting his own legs and was unsure whether he may have done so, as his legs were in significant pain. Officer Reza then did a blood sweep on him and moved him away from Gari's vehicle. Once away from the vehicle, Sgt. McCauley observed that a fire hydrant was underneath Gari's vehicle and saw other officers performing lifesaving measures on Gari.

Officers arriving on scene were instructed by Sgt. McCauley to go to the Maverik and start collecting surveillance footage. Sgt. McCauley was then advised by SPD Lt. Lopez to power down his BWC and he was taken to RPD.

Sgt. McCauley said that his back was in so much pain that he had to remove his body carrier as soon as he had a chance. After being evaluated by REMSA, Sgt. McCauley was advised that he had an elevated heart rate, but his vitals were fine. Sgt. McCauley refused transport to the hospital but was given Tylenol or aspirin for pain management. Sgt. McCauley was able to return to his patrol vehicle to retrieve his personal cell phone and water bottle and was able to get a cup of coffee and a pack of cigarettes before he was transported from the scene.

In his interview, Sgt. McCauley described Gari's behaviors in fighting him and failing to comply, and in ramming police vehicles, as being out of the ordinary.

2. John Colgate, Civilian Witness

John Colgate (John) was interviewed by WCSO Detective Almaraz on November 18, 2024, at approximately 3:51 a.m. in the Maverik at 1010 W. Fourth Street. The following is a summary of the interview.

John is employed at the Maverik and said that Gari was previously employed there in the kitchen and worked with him for a period of time around January 2024. He stated that during this time that they worked together, Gari told John that he had a girlfriend who worked as a stripper and that they both used methamphetamines.

He confirmed that he was working at the time of the incident and immediately prior to it happening. John said that Gari had entered the Maverik store at approximately 1:30 a.m. and approached John, shook his hand and stated he had been tasered the night before. Gari then asked John for some money to put air in his car tire, so John gave him \$2.00 in quarters for the air machine. Gari then got a soda before returning to his vehicle.

Approximately 1 minute after Gari returned to his vehicle, John observed a RPD vehicle pull into the parking lot at the Maverik and stop “*nose to nose*” with Gari’s vehicle. John observed the RPD officer exit his vehicle, and John believed, but was not entirely sure, that the officer’s gun was drawn.

Once outside of the vehicle, the RPD officer approached the passenger side door of Gari’s vehicle and opened it. John observed trash falling out of Gari’s vehicle from the open passenger side door. John could not hear any verbal exchange between the RPD officer and Gari. At that point, John was unsure where the officer went, as John’s view was obscured by the RPD vehicle.

After a short period, John did hear Gari’s vehicle start and observed Gari’s car in reverse, as what John described as Gari having “*slammed the gas*” and backed into the metal barrier next to pump number 10. The vehicle was on top of the barrier at that point according to John. The vehicle then came down off of the barrier and John observed what appeared to be Gari attempting to shift his vehicle into drive. The vehicle rolled back for a second and then Gari accelerated his vehicle over the median and out onto the street. John described Gari’s vehicle exiting the parking lot as Gari having “*floored it.*” John observed sparks coming from under Gari’s vehicle when he got to the street. Once on the street, John saw Gari’s car travel about 50 feet before John heard the first gunshot. John believes that he heard 4 more gunshots before Gari’s vehicle slowed down and rolled to a stop.

After the shooting stopped, John saw RPD vehicles pull into the parking lot of the Maverik. He advised those officers that they needed to respond to Gari’s vehicle down the street. John advised that the initial officer (Sgt. McCauley) had left the door of his vehicle open and that John had shut the door later to prevent others from potentially entering the vehicle.

3. William Medlyn, Civilian Witness

A recorded interview with William Medlyn (William) was conducted by SPD Detective Kenny Fye (Detective Fye) and WCSO Detective Almaraz on December 3, 2024, beginning at approximately 10:30 a.m. The following is a summary of the interview.

William said that he works evening hours and was on his way to his job when he stopped at the Maverik. Upon arriving at Maverik, he parked at an open gas pump and saw Gari’s vehicle parked near the air pump almost directly in front of him. William observed Gari having a conversation with another unknown individual at the gas station about a flat vehicle tire. William stated that he did not know either of those individuals.

As he entered the Maverik store to purchase an item, William observed Gari also enter and buy a beverage. Gari was talking to the store clerk, although William did not recall the subject of their conversation. Gari then stood behind William while he paid the clerk for his item. William noticed that Gari had a knife with a wooden handle on his right hip.

After completing his purchase, William exited the store and returned to his vehicle at the pump. While pumping gas, William observed Sgt. McCauley enter the Maverick parking lot in his patrol vehicle, stopping directly in front of Gari's vehicle. He described Sgt. McCauley's vehicle as "*standard*" black and white Reno Police car, equipped with police markings and easily identifiable as a police vehicle.

William saw Sgt. McCauley quickly exit his vehicle and approach Gari's vehicle. He said that Sgt. McCauley was dressed in a police uniform, with the word "*POLICE*" printed largely across his back. William heard Sgt. McCauley immediately tell Gari to exit the vehicle. At that point, William saw Gari frantically begin looking for something beneath the vehicle steering wheel and he appeared to be attempting to start the vehicle. William said that it sounded like Gari was having trouble starting the vehicle. He observed trash falling from Gari's vehicle when Sgt. McCauley opened the front passenger door and reached inside. William said Sgt. McCauley was, "*trying to disable the vehicle.*"

William believed that Sgt. McCauley was in the front seat of the vehicle for about 45 seconds before Gari put the vehicle in reverse and accelerated quickly and crashed into a gas pump, while Sgt. McCauley's legs were hanging out of the vehicle. William could not recall exactly when the vehicle passenger door shut. He then observed the vehicle driving forward, through a planter, and it struck a fire hydrant. William noted that the fire hydrant got stuck under Gari's vehicle while the vehicle continued to drive west on Fourth Street. He estimated that the vehicle was driving at about 25 miles per hour.

He said the vehicle stopped on Fourth Street and that he heard 2 gunshots, then shortly afterwards saw multiple other RPD patrol vehicles arrive on the scene. William pointed at Gari's vehicle in an effort to help direct the arriving officers to where Gari and Sgt. McCauley were. As there were several officers now on scene and he needed to get to work, William then left the Maverik.

4. Bruce Coddling, Civilian Witness

Bruce Coddling (Bruce) was interviewed by SPD Detective Fye at RPD on November 18, 2024, beginning at approximately 4:08 a.m. The following is a summary of the interview.

Bruce normally works early morning hours at the Reno Costco and regularly stops at the Maverik station on Fourth Street in the morning for coffee on his way to work. On the morning of November 18, 2024, Bruce entered the Maverik parking lot from the east side of the property and saw Sgt. McCauley's vehicle facing Gari's vehicle in front of the air pump. Bruce recognized Sgt. McCauley's vehicle to be a police vehicle because it was black and white and had police markings.

He observed Sgt. McCauley exit his patrol vehicle and approach Gari's vehicle, stating that Sgt. McCauley was easily and obviously identifiable as a police officer. Bruce immediately knew that something serious was happening due to the urgency at which Sgt. McCauley moved, so he stopped his vehicle at a little bit of a distance.

Bruce recalled seeing Gari's passenger door open and Sgt. McCauley diving headfirst into the front passenger side door. He saw debris and garbage fall out of the passenger side door, but Bruce did not know if it was falling out of the vehicle or if Gari was possibly throwing items at Sgt. McCauley.

He estimated that Sgt. McCauley was in the vehicle about 5 seconds when it accelerated quickly in reverse and hit a gas pump bollard. Bruce observed the vehicle remain stuck on the bollard for approximately five seconds before it began moving forward erratically toward Fourth Street, traveling through a planter area. He then saw the vehicle exit the parking lot and proceed westbound on Fourth Street.

Bruce stated that he had a general concern for the officer inside the vehicle, so he drove his vehicle toward the west end of the parking lot to observe what Gari's vehicle did next. While the vehicle was driving on Fourth Street, Bruce heard what he believed were 3 gunshots. He observed the vehicle coming to a stop in the middle of the roadway and a short time later saw several additional RPD patrol vehicles arrive in the area.

5. Julia Book, Paternal Grandparent of Gari

During the course of the investigation, it was determined that Gari's mother was deceased and his biological father had been incarcerated for approximately 20 years. Gari's closest relative was his paternal grandmother, Julia Book (Julia), who lives in California. On November 20, 2024, Detective Fye spoke with Julia by telephone and recorded with her permission using his BWC. The following is a summary of that call.

Julia advised that she only spoke with and saw Gari occasionally, with their last in-person contact occurring in July 2024. At that time, Gari was residing in Las Vegas, Nevada. According to Julia, Gari told her he had been relocated from Reno to Las Vegas through a witness relocation program after being assaulted in Reno earlier in 2024.

She described Gari as a heavy consumer of alcohol and referred to him as an alcoholic. She stated that during her visit to Las Vegas, she observed him purchasing alcohol daily and consuming it in large quantities. She also knew him to use marijuana and vape.

Describing Gari as energetic and hyperactive, Julia stated that he had a short temper and could become upset easily. She reported that Gari had told her he had been diagnosed with depression and borderline personality disorder, which Julia believed to be true as her daughter had been diagnosed with the same condition. Despite this, Julia stated that she generally did not observe behaviors she associated with those mental health conditions and did not believe they significantly affected him.

Julia stated that Gari would occasionally call her, usually when he needed money. She reported that her last contact with him occurred on November 16, 2024, when he called and asked for \$10 to do laundry. Julia stated that she electronically sent him \$35. During that conversation, Gari told her he was doing well in Reno, had recently acquired a truck or SUV, and was "*couch surfing*" and staying with friends. She stated that Gari did not have stable employment but believed he had friends who worked at Shea's Tavern and may have been working there or assisting around the establishment, as bartending and bar-back work were his trade.

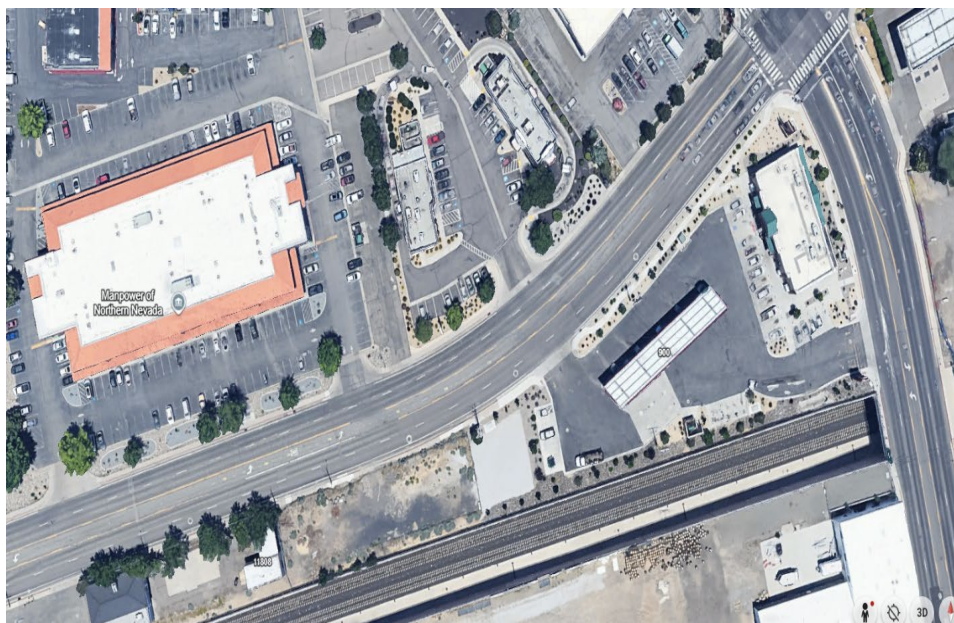
Prior to this interview, Sgt. English had contacted Julia by telephone to inform her of what had occurred. During that conversation, Julia stated that she knew Gari did not want to return to jail and was therefore not overly surprised to learn of the incident. When asked about that statement, Julia clarified that Gari had not recently expressed those sentiments directly to her. Rather, based on her knowledge of his personality and his dislike of confinement, she believed he would not have wanted to return to jail.

II. PHYSICAL EVIDENCE

A. Shooting Scene

The incident began in the parking lot of the Maverik gas station at the corner of Fourth Street and Keystone Avenue in Reno, Washoe County, Nevada. It continued as the vehicle traveled westbound on Fourth Street across the eastbound and westbound lanes between the strip mall at 1155 W. Fourth Street, the Keystone Square Shopping Center, and the Maverik gas station.

The vehicle ultimately came to a stop in the eastbound lanes of Fourth Street, facing westbound, approximately 100 yards from the Maverik station. The scene was secured and taped off by responding law enforcement personnel following the shooting.



Ariel View of Crime Scene at Fourth Street and Keystone Ave, Reno

B. BWC/Video Footage Evidence

1. Sgt. McCauley's BWC

Sgt. McCauley's BWC begins on November 18, 2024, at 1:38:43, as he is seated in the front seat of his patrol vehicle. Initially, there is no sound activated on the BWC.

Sgt. McCauley is seen placing his vehicle in park, removing his seatbelt, and exiting the driver's side door, leaving it open. He then approached Gari's SUV. Gari is seen seated in the driver's seat, looking directly at Sgt. McCauley. Sgt. McCauley opened the passenger side door of Gari's vehicle, reached inside, and attempted to detain Gari by grabbing his right wrist with his right hand. Gari is seen pulling away from Sgt. McCauley's grip, continuing to reach toward the lower area of the steering wheel.

Shortly thereafter, the engine of Gari's vehicle is heard revving, followed by the noise of a tire squelch. The vehicle then began moving while Sgt. McCauley continued attempting to control Gari's right arm. Gari continued resisting, pulling away, grabbing the steering wheel, and operating the vehicle.



BWC footage from Sgt. McCauley on November 18, 2024, at 1:39 a.m.

After the loud noise, the BWC is seen to be angled straight up toward the vehicle roof. Both Sgt. McCauley and Gari are seen to be in a reclined position. Sgt. McCauley appears to be continuing to control Gari in an effort to prevent him from driving the vehicle, while Gari continues reaching for the steering wheel and toward the vehicle's shift lever with his right hand. Shortly thereafter, the engine of the vehicle is heard revving.

At 01:39:47, another tire squelch was heard, and the vehicle appears to be in motion.

At 01:40:02, Sgt. McCauley's right hand becomes visible, and he is holding his firearm. Gari is seen reaching for Sgt. McCauley's firearm.

At 01:40:06, the firearm is seen and heard discharging, followed by additional discharges at 01:40:09 and 01:40:11. At 1:40:14 another round is heard being discharged. Around that time, additional movement is heard from Sgt. McCauley, and it appears that a fifth round is discharged.



BWC footage from Sgt. McCauley on November 18, 2024, at 1:40 a.m.

Gari's vehicle appears to come to a stop at 01:40:23, at which time Sgt. McCauley can be heard breathing heavily and is seen attempting to sit up.

At 01:40:45, Sgt. McCauley is seen untangling the cord from his handheld radio microphone. Sgt. McCauley is breathing loudly and appears to be distraught and fatigued. At 01:40:56, Sgt. McCauley advised RPD dispatch that shots had been fired and that the suspect was down.

At 01:41:06, red and blue flashing lights can be seen. Sgt. McCauley remains in the vehicle in a prone position. At 01:42:04, Officer Reza arrives on scene and Sgt. McCauley requests assistance in getting out of Gari's vehicle. Officer Reza is seen pulling on the door handle at 01:41:57, but the door appears to be stuck. After several more attempts, Officer Reza is able to open the door and assist Sgt. McCauley with exiting the vehicle.

Officer Reza then moves Sgt. McCauley to a nearby sidewalk and checks him for injuries. During this time, Gari's vehicle can be seen facing west in the eastbound lanes of Fourth Street with a red fire hydrant wedged underneath.

2. Video Surveillance from Maverik

Surveillance video was obtained from the Operations Manager at Maverik from 3 separate camera angles. They reflect as follows.

At approximately 1:32 a.m., Gari arrived at the Maverik and parked facing east on the north side of the parking lot near the air pump. At 1:32:45, Gari is seen walking toward pump 1, where he appears to briefly speak with an unidentified male who was pumping gas. Gari then entered the Maverik store at 1:33:17.

At 1:33:54, Gari exited the store and returned to his vehicle. At 1:35:34, Gari re-entered the store, at which time a black knife sheath was visible on his right side. At 1:37:05, Gari exited the store again carrying a drink and returned to the driver's side of his vehicle.

A red Volkswagen Beetle with a black roof was parked facing north at pump 1, on the easternmost island, with a single individual standing outside the vehicle. A white sedan with a single female driver was also parked facing east in front of the store entrance; the driver appeared unaware that an incident was occurring.

At 1:38:19, RPD Sgt. McCauley arrived at the Maverik through the western driveway and made a loop along the south side of the parking lot. At 1:38:45, Sgt. McCauley stopped his marked RPD vehicle facing west, directly in front of Gari's 1994 GMC Yukon.



BWC footage from Sgt. McCauley on November 18, 2024, at 1:38 a.m.

Sgt. McCauley immediately exited his vehicle and approached Gari from the passenger side of Gari's vehicle with his firearm drawn. He quickly moved to the passenger door and opened it. At 1:39:01, trash is seen falling from the passenger-side door, and the vehicle rocks slightly as the hazard lights begin flashing.

During this time, while Sgt. McCauley was attempting to disable the vehicle, Gari was attempting to start it. Sgt. McCauley was then positioned in the front passenger seat of Gari's vehicle with the passenger side door still open. Gari succeeded in starting the vehicle. At 1:39:17, he began driving in reverse, first slowly and then gaining speed.

At 1:39:20, he abruptly turned the vehicle to face north while continuing in reverse and struck the steel pillar protecting the westernmost fuel pump in the parking lot.



Photograph taken by FIS

The force of the impact caused the rear of Gari's vehicle to rise several feet, at which point the passenger-side door closed quickly. A moment later, the vehicle began to slowly roll forward and came to rest against the northern curb in front of a fire hydrant.

At 1:39:41, Gari reversed several feet, stopped, and then accelerated forward over the northern curb and the fire hydrant into the dirt embankment separating the Maverik parking lot from Fourth Street.



Photograph taken by FIS

The vehicle then turned west onto Fourth Street. At 1:39:55, as it continued westbound on Fourth Street, a large amount of sparks were visible coming from beneath Gari's vehicle. The vehicle swerves several times to the right and left within the eastbound lane of Fourth Street. Brake lights are then visible, and the vehicle comes to a stop approximately 100 yards west of the Maverik. At 1:40:41, multiple additional marked police units arrived on scene.

C. Evidence Collected

The following relevant evidence was collected and photographed at the Crime Scene:

- One white "Laser X" (batch #: K14022T) laser tag gun - front door panel
- One brown and silver "CAMILLUS titanium" knife with black sheath - driver's seat
- Red stain swabs from driver seat lumber area, driver seat headrest area, and steering wheel
- One "Speer 9mm Luger +P" FCC - from atop rear passenger back seat
- One "Speer 9mm Luger +P" FCC - from between driver seat and center console
- One "Speer 9mm Luger +P" FCC - from exterior bumper
- One "Speer 9mm Luger +P" FCC - from trunk under red sweatshirt
- One "Speer 9mm Luger +P" FCC - from atop blanket in trunk
- One dark gray "Reno Police" hat located atop rear driver backseat

- One apparent note - from rear passenger floorboard - "Please Don't Tow, back in AM, Will Compensate (Traffic Violation, No serious crime)"
- One bullet fragment from passenger door pocket
- One bullet fragment - front driver door pocket
- One apparent bullet fragment from between driver seat and center console
- One apparent note from glovebox - "I Randall Freeman am Transferring ownership of this 1994 GMC Yukon on 9/25/2024"
- One fragment in glass that fell out of driver side rear passenger door

D. Countdown and Forensic Testing of RPD Sgt. Patrick McCauley's Firearm

On November 18, 2024, Sgt. McCauley's service weapon was a Glock 17 9mm handgun, with a carrying capacity of seventeen (17) rounds. Prior to the gun countdown, Sgt. McCauley advised investigators that he keeps his magazine loaded with seventeen (17) rounds, and an additional bullet in the chamber for a total of eighteen (18) rounds. Sgt. McCauley carried two additional magazines for his firearm, both with capacity of seventeen (17) 9mm rounds and each contained seventeen (17) Speer 9mm ammunition rounds.

On November 18, 2024, Sgt. McCauley's handgun was examined, with RPD Sgt. Vogt, WCSO Detective Brokaw, and WCSO FIS Criminalist Victoria Choitz present. While attempting to unload Sgt. McCauley's handgun, Choitz cycled the slide of the handgun and a single 9mm round was ejected and another round was chambered from the magazine. The magazine was removed from the gun, as well as the single round that was chambered. A total count of thirteen (13) rounds (twelve in the magazine and one in the chamber) were determined to be in the gun prior to being examined. This suggests that the gun was fired and/or cycled five (5) times.

The two (2) additional magazines were found on Sgt. McCauley's duty belt. Both magazines contained seventeen (17) rounds of ammunition.

Sgt. McCauley was also photographed in his standard issue RPD full uniform that he wore at the time of the shooting, including a ballistic vest. The ballistic vest, uniform pants, uniform shirt, and duty belt were collected and booked into evidence.

III. INJURIES

A. RPD Sgt. Patrick McCauley

Sgt. McCauley suffered a small (approximately 1 inch) laceration on his calf and a bruise on his right shoulder approximately 2 inches by 2 inches. He also had some redness on his upper back, and he had some possible bruising above his knee.

IV. AUTOPSY

The autopsy of Gari was performed by Washoe County Medical Examiner's Office (WCMEO) Assistant Medical Examiner Dr. Irfan Chaudhry on November 18, 2024. The final report was dated December 28, 2024. Dr. Chaudhry determined that the cause of Gari's death was multiple gunshot wounds. The report noted gunshot wounds to Gari's right cheek, right shoulder, right upper chest, and left thigh. It further noted evidence of medical intervention, including cardiopulmonary resuscitation.

Consistent with the routine practices of the WCMEO during an autopsy, postmortem blood was collected from Gari and submitted for forensic testing. Toxicology results from Gari's blood sample revealed 150 ng/mL of Amphetamine, 690 ng/mL of Methamphetamine, 5.7 ng/mL of Delta-9 Carboxy THC, and .79 ng/mL of Delta-9 THC. Within the toxicology findings it is noted that amphetamine is a "*central nervous system stimulant . . . [that] causes changes in attitude, judgment and impulsivity.*"

The report noted that Methamphetamine "*is a stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions,*" and that "*Blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior.*" Toxicology findings further noted that Delt-9 THC causes distorted perception along with confusion.

V. LEGAL PRINCIPLES

The Washoe County District Attorney's Office (WCDA) is tasked with assessing the conduct of the officers involved during shootings to determine whether any criminality exists.

Homicide is defined as the killing of one human being by another, and it may be either lawful or unlawful. Unlawful homicides include murder and manslaughter, while lawful homicides encompass justifiable or excusable killings.

Nevada law contains several statutes that govern justifiable homicide, including NRS 200.120, 200.140, and 200.160. Additional provisions address excusable homicide (NRS 200.180) and the lawful use of deadly force to effect an arrest (NRS 171.1455). Moreover, Nevada case law provides further interpretation of justifiable self-defense and the defense of others. These legal principles are interconnected and warrant further detailed examination:

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

NRS 200.120 provides, in pertinent part, that "*Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of a 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 "*[h]omicide 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 guidelines in 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 himself 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(1) provides that a peace officer shall use de-escalation techniques and alternatives to the use of force whenever possible or appropriate. These techniques and alternatives should be consistent with the officer’s training and include advisements, warnings, verbal persuasion, and other tactics. If it is necessary for a peace officer to use force, the officer must identify himself or herself if it is possible to do so safely and use only the level of force that is objectively reasonable under the circumstances to bring an incident or person under control and safely accomplish a lawful purpose. To the extent feasible, the level of force used by the officer must be balanced against the force or resistance exhibited by the person and carefully controlled.

NRS 171.1455(2) provides that a peace officer may use deadly force to effect the arrest of a person following a warning, if feasible, but 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, the person poses an imminent threat of serious bodily harm or death to the peace officer or others.

VI. ANALYSIS

On November 18, 2024, the use of deadly force upon Gari was justified based on the imminent danger of serious bodily harm or death he posed to Sgt. McCauley, as well as others. The threat Gari presented was corroborated by witness accounts, video evidence and physical evidence from the scene.

Prior to beginning his shift on the day of the incident, Sgt. McCauley was aware of previous incidents over the two preceding days involving attempts to take Gari into custody. In both incidents, Gari was uncooperative, failed to follow directives of officers involved, and fled from officers in his vehicle in a reckless manner, driving at a high rate of speed, running red lights, and in one instance, striking two RPD police cruisers during the course of flight. Internal emails were distributed to RPD officers advising them of the incidents and confirming that probable cause existed to arrest Gari. RPD Officers had also been briefed regarding Gari prior to the start of the shift the night of the incident.

The evidence shows that in the early morning hours of November 18, 2024, Sgt. McCauley located Gari at the Maverik gas station on Fourth Street. Sgt. McCauley recognized Gari and his SUV from the emails that had been sent alerting RPD officers of the prior incidents. Gari's SUV was parked in front of the air machine, while Gari was outside of his vehicle. Upon arrival, Sgt. McCauley parked his marked patrol vehicle nose to nose with Gari's large SUV, blocking Gari from moving the vehicle in an effort to prevent Gari attempting again to recklessly escape being taken into custody as he had on the two prior occasions. Sgt. McCauley, wanting to eliminate the chance of Gari getting into his vehicle to attempt to escape, quickly exited his patrol vehicle, but Gari quickly entered his vehicle when he saw Sgt. McCauley.

Sgt. McCauley ordered Gari out of the vehicle, but Gari ignored the command. Sgt. McCauley then saw Gari reaching for something. Sgt. McCauley then quickly approached the passenger side door of Gari's vehicle, opened the door and reached into the vehicle in an attempt to disable it and prevent Gari from fleeing and placing others in danger. Gari was combative and fought Sgt. McCauley's attempts. The struggle caused the vehicle to rock slightly, and the hazard lights began flashing as Gari resisted Sgt. McCauley. As Sgt. McCauley worked to disable the vehicle, Gari attempted to start it. Sgt. McCauley was now seated in the front passenger seat of Gari's vehicle with the passenger side door still open. Gari succeeded in starting the vehicle and began driving in reverse, first slowly and then with increasing speed. He then abruptly turned the vehicle to face north while continuing in reverse and struck the steel pillar protecting the westernmost fuel pump in the parking lot. The force of the impact caused the rear of Gari's vehicle to rise several feet, at which point the passenger side door closed rapidly.

A moment later, the vehicle slowly rolled forward and came to rest against the northern curb in front of a fire hydrant. Sgt. McCauley continued trying to disable the vehicle and repeatedly commanded Gari to stop resisting and exit the vehicle, but Gari failed to comply. Gari then drove several feet in reverse before stopping. He subsequently accelerated forward over the northern curb and the fire hydrant into the dirt embankment separating the Maverik parking lot from Fourth Street. Gari then turned west onto Fourth Street at a high rate of speed.

As the vehicle traveled westbound on Fourth Street, a large amount of sparks could be seen coming from underneath it. The vehicle swerved several times to the right and left within the eastbound lane of Fourth Street. During this time, Sgt. McCauley remained in the passenger seat while Gari continued to resist him. The physical struggle between the two men continued as Gari drove erratically in an effort to avoid being taken into custody.

In an effort to stop Gari's escape, Sgt. McCauley drew his firearm and attempted to force Gari to stop the vehicle. Rather than stop, Gari tried to grab Sgt. McCauley's firearm. Fearing that Gari would do whatever was necessary to avoid capture, including gaining control of the firearm, Sgt. McCauley reasonably feared serious bodily harm or death. Gari's actions posed an imminent threat of serious bodily harm or death to Sgt. McCauley and potentially to others. In response to that threat, Sgt. McCauley discharged his firearm, striking Gari four times: once in the right cheek, once in the right shoulder, once in the right upper chest, and once in the left thigh.

Under Nevada law, peace officers are justified in using deadly force to protect themselves or others from imminent threats of serious bodily harm or death. In this case, Gari's actions, driving recklessly placing others in danger, and trying to grab Sgt. McCauley's firearm, constitute such a threat. The totality of the circumstances known to Sgt. McCauley was sufficient to excite the fears of a reasonable person placed in a similar situation. Sgt. McCauley was legally and factually justified in using deadly force in response. Therefore, the use of deadly force by Sgt. McCauley was lawful and necessary in self-defense and in defense of others.

VII. CONCLUSION

Based on a comprehensive review of the investigation and the application of Nevada law to the known facts and circumstances surrounding the November 18, 2024, Officer Involved Shooting of Kristopher Gari, the actions of RPD Sergeant Patrick McCauley were determined to be legally justified under Nevada law. Unless new information arises that contradicts the factual foundation of this decision, the District Attorney's review of this case is considered officially closed.