

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

October 16, 2023



REPORT ON THE MAY 4, 2020, OFFICER INVOLVED  
SHOOTING OF RONAL ADALBERTO ZENDEJAS

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## INTRODUCTION

On May 4, 2020 shortly before 8:00 pm, Ronal Adalberto Zendejas (hereinafter "Zendejas") entered the office of Motel 6, located at 2405 Victorian Avenue in Sparks, Nevada, and rented a room for one night. For unknown reasons, his demeanor was rude and aggressive, and the front desk manager recognized that he was drunk. After renting the room, he punched the plexiglass separating the lobby and employee areas, and then punched the office window as he left. Shortly thereafter, Zendejas returned to the office and was angrier than he was before, but then left again. Just minutes later, Zendejas followed the general manager into the office, this time armed with a running chainsaw. The general manager retreated behind the counter, and Zendejas used the chainsaw to cut through the swinging half-door which separates the lobby and employee areas. The front desk manager took cover in the employee bathroom, while the general manager went into his apartment, which was connected to the office. Zendejas, who was still armed with the chainsaw, then entered the employee area.

Zendejas ultimately left the office and went to room number 102, which was next to the office. He contacted the occupant of that room, and swung the chainsaw towards him, causing the occupant to take evasive measures. During this dangerous interaction, Zendejas cut the door and door handle to room number 102.

As these attacks were taking place, two calls were placed to 911 at approximately 8:08 pm, and Sparks Police Department (hereinafter "SPD") officers responded, with Officers Thomas Radley (hereinafter "Officer Radley") and Adrian Berumen (hereinafter "Officer Berumen") being the first two to arrive. Once these officers arrived, people on-scene pointed to Zendejas, who was then sitting in his blue Honda Accord parked in the Motel 6 parking lot. The officers, who were dressed in full police uniforms, approached Zendejas, verbally identified themselves as police, and ordered him to stop and show his hands. Zendejas ignored their commands and rapidly reversed, and then drove out of the parking lot at a high rate of speed. As he fled, Zendejas drove across all travel lanes of Victorian Avenue, over a curb, struck a metal street sign, and stopped on landscaping rocks.

Officers Radley and Berumen chased after Zendejas, and Officer Berumen repeated his commands to stop the car, but Zendejas again refused to comply. Instead, Zendejas reversed his vehicle, dragging the street sign with it, struck Officer Berumen's patrol vehicle, and crashed rear-end into the wall of a nearby car wash. Officers Radley and Berumen, recognizing the serious threat Zendejas presented to them and the public, continued to chase after Zendejas. As they got closer, Officer Radley again ordered Zendejas to show his hands and stop, but Zendejas began driving away from the car wash at a high rate of speed. Officer Radley, followed by Officer Berumen, responded by firing their duty handguns towards Zendejas.

As the gunfire subsided, Zendejas' vehicle drove into a parking lot next to a smog shop and crashed front-end into a wall. Additional officers arrived, approached the vehicle, and removed Zendejas from the driver's seat. Zendejas did not survive the incident, and a subsequent autopsy found the cause of his death to be multiple gunshot wounds.

Multiple video surveillance cameras, including those in the lobby of the Motel 6, along with both Officer Radley's and Officer Berumen's body-worn cameras (hereinafter "BWC"), captured the entire sequence of events, beginning with the incidents in the Motel 6 office through the officers' gunfire and the removal of Zendejas from his vehicle.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (hereinafter "RPD") led the investigation into the shooting of Zendejas. The Washoe County Sheriff's Office (hereinafter "WCSO") provided secondary investigative support, and the Washoe County Sheriff's Office - Forensic Science Division (hereinafter "FIS") provided forensic services. The Washoe County District Attorney's Office provided oversight and assistance. The investigation included interviewing witnesses, canvassing the shooting area for additional witnesses, collecting physical evidence, photographing the shooting and surrounding scene, forensically testing collected evidence, obtaining available video evidence, reviewing the Autopsy Protocol of Zendejas, and interviewing the officers involved in the shooting.

Upon completion of the entire investigation, all police reports along with FIS forensic reports, collected documentation,

photographs, witness statements, recorded audio and video of the incident, dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office on March 2, 2021, for a final determination of whether the shooting of Zendejas was legally justified. No criminal charges against Officers Radley or Berumen were recommended by RPD.

The District Attorney's evaluation included reviewing hundreds of pages of reports and documents, which included interviews of police and civilian witnesses. It further included the review of all photographs, officer dashcam and BWC videos, video and audio recordings, 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 Zendejas by SPD Officer Radley and SPD Officer Berumen was justified and not a criminal act.

#### I. STATEMENT OF FACTS<sup>1</sup>

##### A. Dispatch Calls

##### 1. Rohankumar Shah<sup>2</sup>

Rohankumar called 911 on January 4, 2020 at approximately 8:08 pm reporting that there was a male subject at the front desk of Motel 6 trying to cut a table with a chainsaw. Rohankumar confirmed the address was 2405 Victorian Avenue, and he advised he was one of the motel's owners. Rohankumar did not know who the subject was, but described him as a Hispanic male in his 30s wearing a gray shirt. Rohankumar stated that the subject cut the door open in the office, and was now outside with the chainsaw yelling, going up to guests, and knocking on different motel doors. Rohankumar reported that he initially ran away, but when the subject exited the office, Rohankumar locked the door so the subject could not get back in.

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<sup>1</sup> The Statement of Facts is synopsised from all the materials provided to the Washoe County District Attorney's Office at the conclusion of RPD's investigation.

<sup>2</sup> Rohankumar Shah is the son of Anandkumar Shah, and both are referenced in this report. Since they have the same last name, they are referred to as "Rohankumar" and "Anandkumar" in this report.

While Rohankumar was still on the phone with the 911 operator, he advised that the police had "just pulled up". Rohankumar was heard telling the officers that "he's right there, he's in that car, he's in that car, that green, he's in that car."

## 2. Unidentified Male

An unidentified male called Sparks Police Department Dispatch and advised there was a male with a chainsaw at Motel 6. He described the subject as a "Latin American man" who was approximately 5'7" tall. The dispatcher advised the police were responding, and the male replied that he saw the police arrive. At that time the call was terminated, prior to the male providing any of his personal identifiers.

### B. Witness Accounts of the Shooting

#### 1. Grace Brooks

Grace Brooks (hereinafter "Ms. Brooks") was the front desk manager of Motel 6, located at 2405 Victorian Avenue, Sparks, Nevada. Ms. Brooks was interviewed at the Sparks Police Department on May 4, 2020 at approximately 11:30 pm by RPD Detective Allison Jenkins-Kleidosty (hereinafter "Detective Jenkins-Kleidosty") and WCSO Detective Joseph Digesti (hereinafter "Detective Digesti"). The interview of Ms. Brooks was both audio and video recorded.

Ms. Brooks stated that she began her work shift on May 4, 2020 at approximately 5:00 pm, and was scheduled to work until 10:00 pm. She advised that at approximately 7:50 pm, she was assisting a person with a room rental when a Hispanic male adult, later identified as Zendejas, entered the lobby, walked around the other customer, and slapped a one-hundred-dollar bill and his ID card on the counter saying he needed a room. Ms. Brooks advised Zendejas that he would have to wait for her to finish helping the first customer. Ms. Brooks described Zendejas as rude, aggressive, and making inappropriate comments. She knew that he was drunk, and thought he may also have mental health issues. When the first customer was done renting a room, Ms. Brooks rented Zendejas a room, which he paid for in cash. As part of the standard rental process, Zendejas provided his ID

card, which Ms. Brooks scanned into their computer system.<sup>3</sup> Ms. Brooks provided Zendejas with two room keys in an envelope, per his request, and wrote his room number on the envelope.

After renting the room but before leaving the lobby, Zendejas punched the plexiglass barrier separating him from Ms. Brooks "really hard...it moved towards me." This caused Ms. Brooks to jump and feel scared and threatened. Ms. Brooks shut the countertop over the swinging half-door that separated the lobby from the employee area behind the desk, in an effort to put more of a barrier between her and Zendejas. Ms. Brooks stated this offended Zendejas, and he said something to the effect of, "Are you serious right now? Don't make me do something I don't want to do." Zendejas then exited the lobby and punched the outside of one of the office windows, before walking off.

Ms. Brooks advised that approximately five-to-ten minutes later, Zendejas returned and asked, in an accusatory tone, where his keys were and what room he was in. Ms. Brooks explained to Zendejas that she had previously given him two keys, to which he aggressively responded, "Well what room am I in?" Ms. Brooks described Zendejas as "angry" and "yelling," and having a "worse" demeanor than when he first came into the office. Ms. Brooks reported that Zendejas had said that "they," seemingly referring to the office staff, were going to prison. While Ms. Brooks tried to look up Zendejas' room number on her computer, he left the lobby. Ms. Brooks did not know why Zendejas left the lobby, because she had not given him new keys yet or told him what room he was in. Ms. Brooks stated that "he is all going crazy, just like talking randomly, and just left."

Ms. Brooks stated that several minutes later, she observed the owner of the Motel 6, who she identified as Andy, walking quickly towards the lobby with Zendejas following "right behind him," holding a running chainsaw.<sup>4</sup> Ms. Brooks stated that Zendejas was close enough to Andy to be able to cut him with the chainsaw. Andy told Zendejas he was going to call the police and came behind the lobby counter. Zendejas entered the lobby

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<sup>3</sup> Motel 6 registration records, which were collected as part of the investigation, show Zendejas checked in on May 4, 2020 with a check-out date of May 5, 2020, and was rented room number 125.

<sup>4</sup> "Andy" is Anandkumar Shah, the Motel 6's general manager.

and then followed Andy behind the counter, yelling that he wanted his keys and that they were all going to prison. Ms. Brooks ran into the employee restroom behind the counter to hide from Zendejas, and could hear him yelling in the lobby but could not understand what he was saying over the sound of the running chainsaw. Ms. Brooks used her body weight to keep the bathroom door shut, as it did not latch shut or lock, and she hoped that Zendejas had not seen her run into the bathroom. Ms. Brooks cried in the bathroom, and was afraid that Zendejas was going to kill her and Andy.

When Ms. Brooks no longer heard the chainsaw running, she exited the bathroom and saw the swinging half-door between the lobby and front desk had been sawed off. She was "freaking out" and knocked on Andy's apartment door, which is attached to the office, until he and his adult son, Rohan, answered and advised that they were calling the police. Ms. Brooks saw the police arrive, and she went outside to see what was happening. Upon walking outside, Ms. Brooks began video recording on her cell phone.<sup>5</sup> She observed police with guns running into the motel parking lot past the office towards a vehicle; she recognized them as officers because they were wearing police vests. Ms. Brooks saw Zendejas back a vehicle out of a parking spot "really fast" before accelerating out of the motel parking lot, toward Victorian Avenue.

Ms. Brooks stated that the officers ran after Zendejas' vehicle on foot, as Zendejas drove north out of the parking lot, across the east/west travel lanes of Victorian Avenue, and onto the rocky median west of a carwash. Zendejas' vehicle struck rocks and came to a stop, at which time the officers ran to the vehicle and tried unsuccessfully to remove Zendejas from the vehicle. Zendejas then reversed his car "really, really fast" east, striking one of the parked police cars before crashing into the south wall of the carwash building. He then began to drive south across the east/west travel lanes of Victorian Avenue towards the parking lot of the smog shop, which is located just east of Motel 6. Ms. Brooks lost sight of Zendejas, and heard approximately 5-6 gunshots.

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<sup>5</sup> Ms. Brooks provided the recording she made to RPD, and the same was booked as evidence.

Ms. Brooks stated that she did not hear the officers saying anything while they were chasing and attempting to interact with Zendejas, because other guests of the motel were yelling "shoot him, shoot him" when he had crashed into the rocks. Ms. Brooks stated that she was "relieved" when police arrived at the motel, as she had been afraid of Zendejas.

## 2. Anandkumar Shah

Anandkumar Shah (hereinafter "Anandkumar") has been the manager of the Motel 6 since February of 2020. Anandkumar was interviewed at the Sparks Police Department on May 4, 2020 at approximately 11:38 pm by RPD Detective Alex Kassebaum (hereinafter "Detective Kassebaum") and WCSO Detective Michael Almarez (hereinafter "Detective Almarez"). The interview of Anandkumar was both audio and video recorded.

Anandkumar stated that he was helping a customer with a key card problem at his room, and upon fixing the issue, was walking back to the motel office. While walking, Anandkumar saw a man, later identified as Zendejas, come towards him with a chainsaw. Zendejas started the chainsaw, which scared Anandkumar. Zendejas then followed Anandkumar into the office with the chainsaw still running. Anandkumar told Zendejas to "stop" and that he was going to call the police, and told his son to call 911. Zendejas used the chainsaw to cut the office's half-door which separates the lobby from the employee area. Zendejas said something, but Anandkumar could not hear what it was. Anandkumar saw Ms. Brooks go into the employee bathroom, and he went into his apartment, which is connected to the office, and closed and locked the door. Anandkumar's family was inside the apartment.

Ultimately, Zendejas left, and Anandkumar saw him sitting in his parked vehicle. Two police officers arrived, and Anandkumar saw Zendejas back up fast, and then pull forward and crash. The vehicle backed up again and crashed into the wall of the car wash. Anandkumar did not see anything after that, due to his line of sight.

Anandkumar copied and provided three videos to detectives, including one that Ms. Brooks shared with him. In the video, people could be heard yelling, "shoot him," "get him," "what an

idiot," and "oh my God," all of which was said prior to the shots being fired.

### 3. Rohankumar Shah

Rohankumar Shah (hereinafter "Rohankumar") is the son of Anandkumar, and was interviewed at the Sparks Police Department on May 4, 2020 at approximately 11:44 pm by RPD Detective F. Javier Lopez (hereinafter "Detective Lopez") and WCSO Detective Josh Swanson (hereinafter "Detective Swanson"). The interview of Rohankumar was both audio and video recorded.

Rohankumar stated that he worked as the general manager of a separate motel, his father was the general manager of Motel 6 located at 2405 Victorian Avenue, and their family all lived in an apartment at that location. While in their apartment with his mother and sister, Rohankumar heard his father scream his name and to call 911. Rohankumar opened the apartment door, and observed a Hispanic man, later identified as Zendejas, with a chainsaw trying to cut the swinging door which separates the lobby from the front desk. Rohankumar stated that Zendejas was "screaming," but he could not hear what he was saying. Ms. Brooks went into the bathroom in the office, and Anandkumar came into their apartment. Rohankumar called 911 to report what had happened. Rohankumar stated that the chainsaw was running the entire time Zendejas was inside the motel office, and he got "pretty close to my dad."

Once Zendejas exited the office, Ms. Brooks left the bathroom and knocked on the apartment door, at which time Rohankumar and Anandkumar came out of the apartment and locked the office door. While looking through the office window, Rohankumar saw Zendejas get into a car parked in the motel's parking lot. When police arrived, they went outside and pointed towards the vehicle. One of the officers ran over to the vehicle, and it almost struck him when it backed up.

Rohankumar heard the officers say, "Get out of the car," but Zendejas disregarded the commands and drove past the officers, crossed Victorian Avenue, went up on a curb, knocked down a road sign, and got stuck on the rocks. The officers ran across the street, but Zendejas backed up onto Victorian Avenue "too fast," might have hit one of the police vehicles, and ran into the car

wash wall. The officers yelled again for Zendejas to exit the vehicle, but instead he started driving towards the freeway. At that time, Rohankumar heard 4-5 gunshots.

Rohankumar stated that he thought the officers were in danger because Zendejas was "driving crazily." Rohankumar said that the officers had repeatedly told Zendejas to come out of the car, but "he just wouldn't stop."

#### 4. SPD Officer Adrian Berumen

Officer Berumen had been employed by SPD for approximately five years at the time of the shooting. He was assigned to the Regional Gang Unit, but was working in the patrol division so that he may assist with staffing levels due to COVID-19. Officer Berumen was interviewed at the Sparks Police Department on May 5, 2020 at approximately 1:30 am by RPD Detective Jenkins-Kleidosty and WCSO Detective Digesti. The interview of Officer Berumen was both audio and video recorded.

Officer Berumen stated that he began his regularly scheduled shift on May 4, 2020 at 2:00 pm. Officer Berumen wore his full uniform issued by the Sparks Police Department and drove a marked patrol vehicle with lights and siren. He was responding to a separate suspicious vehicle call, when he heard about a person with a chainsaw attacking the front office at the Motel 6, so he responded with his patrol vehicle's lights and siren activated. Officer Berumen was the first officer to arrive and parked in the middle of Victorian Avenue, slightly east of the motel entrance; he deactivated his siren, but left his emergency overhead lights on. Officer Berumen approached the office on foot, and saw who he recognized as the manager. The manager stated, "That guy is crazy." As Officer Berumen began to walk towards the back of the parking lot, the manager said, "That's him right there in that car."

Officer Berumen saw a dark blue sedan with its windows up parked in the east parking lot, and observed its brake lights flicker and white lights turn off. Officer Berumen walked towards the vehicle, and when he got within three feet, the vehicle's reverse lights came on and the vehicle began backing out. Officer Berumen identified the driver as a Hispanic male, later identified as Zendejas. Officer Berumen had never seen Zendejas

before. Officer Berumen had his gun unholstered and gave verbal commands to stop, but Zendejas looked at Officer Berumen with a blank stare and drove by him "at a high rate of speed," which Officer Berumen estimated to be 40-50 miles per hour. Officer Berumen saw Officer Radley had joined him, who was also giving verbal commands to stop the car. Both officers chased the vehicle as it crossed the eastbound and westbound traffic lanes, jumped the sidewalk, struck "a huge metal sign," and crashed into landscaping rocks.

Officer Berumen approached the driver's door, with the intention of opening it and pulling Zendejas out. Zendejas again looked at Officer Berumen with a blank stare, and continued to ignore additional commands to stop. Zendejas put the vehicle into reverse and began backing up. Officer Berumen had to "back up to avoid getting hit," and Zendejas sideswiped Officer Berumen's parked patrol vehicle, which still had its overhead emergency lights activated. Zendejas continued to swerve, jumped the sidewalk, and the rear of the vehicle crashed into the side of a car wash. Officer Berumen thought that Zendejas may have knocked himself out upon crashing into the car wash, based on the speed he was going and how hard the impact was.

Instead, Officer Berumen saw Zendejas drive the car "straight back at us," and he thought he was going to be hit. Officer Berumen backed up and heard Officer Radley shoot. Officer Berumen saw the vehicle get shot by Officer Radley, but it continued south across Victorian Avenue, and he thought the shots were ineffective and that he needed to stop the vehicle. Officer Berumen then maneuvered behind the vehicle and fired approximately three rounds into the rear of the vehicle. The vehicle began to slow down, swerved to the right, and ran into a concrete barrier near a smog shop.

Officers approached the vehicle and continued to yell commands to "show us your hands" or "turn the vehicle off." Other officers responded, and SPD Lieutenant Chris Rowe (hereinafter "Lieutenant Rowe") pulled his truck behind the vehicle and blocked it. Officer Berumen heard the engine continually revving, as if Zendejas was still pushing the gas pedal. Multiple officers approached the vehicle from the passenger side but were unsuccessful in gaining access. Officer Berumen and

Lieutenant Rowe then approached the vehicle on the driver's side, and Officer Berumen opened the driver's door, saw Zendejas laying on his right side, and removed him. Zendejas was laid down on the ground, and Officer Berumen backed away while other officers rendered medical aid.

Officer Berumen explained that when the initial report came out, it was serious enough for him to immediately respond instead of addressing the suspicious vehicle call. Officer Berumen, from other calls, knew the manager and his son, and he was concerned about the safety of citizens, since it is a busy hotel that is always occupied. Officer Berumen described the manager as "a pretty calm guy," but that on this call "he was very hyped up, you could see he was scared." After Zendejas struck Officer Berumen's patrol vehicle, reversed as hard as he did into the car wash, and then began driving forward again, Officer Berumen thought they had to stop the car because he had shown no concern for citizens in a high foot-traffic area and the entrance to Interstate 80 was nearby. Officer Berumen stated, "All I knew was we had to stop this car because if he is going to continue to drive that way, he's going to hurt somebody, he's going to kill somebody, so my thought process was we need to stop this guy, we need to stop this car, and that's why I decided to take action as well." Officer Berumen specifically noted that Zendejas kept ignoring verbal commands to stop, was crashing his vehicle, had no regard for anybody around him, and that "he's dangerous, he's very dangerous to the public."

#### 5. SPD Officer Thomas Radley

Officer Radley had been employed by SPD for approximately 15 years at the time of the shooting, and was assigned to the patrol division as a K9 handler. Prior to his employment, he was employed by the Washoe County Sheriff's Office for approximately five years. Officer Radley was interviewed at the Sparks Police Department on May 5, 2020 at approximately 3:00 am by RPD Detective Jenkins-Kleidosty and WCSO Detective Digesti. The interview of Officer Radley was both audio and video recorded.

Same as Officer Berumen, Officer Radley wore his full uniform issued by the Sparks Police Department, and drove a marked patrol vehicle with lights and siren. Officer Radley stated

that he began his regularly scheduled shift on May 4, 2020 at 5:00 pm. While on duty, he was advised by dispatch of a Hispanic male at the Motel 6 front desk who had cut the office table with a chainsaw. Officer Radley stated that is a valid threat and not normal behavior. Officer Radley was further advised that management locked the subject outside. Based on this, Officer Radley was concerned he was going to use the chainsaw on a person. Officer Radley responded immediately in his marked police vehicle with lights and siren activated, and arrived just a couple of seconds after Officer Berumen. He parked his vehicle, partially blocking Motel 6's driveway with his emergency lights still on and exited his vehicle as people on-scene pointed out a car in the parking lot. Due to the nature of the call involving a chainsaw, Officer Radley drew his gun and approached a blue car. He saw a Hispanic male, later identified as Zendejas, sitting in the driver's seat. Zendejas was the sole occupant of the vehicle, and Officer Radley had never seen him before.

Officer Radley explained that Zendejas backed up "rapidly" as he and Officer Berumen gave verbal commands to stop. Zendejas looked at Officers Radley and Berumen, then looked straight ahead and "gassed it" past them. Officer Radley side-stepped as Zendejas drove out of the parking lot, and he thought Zendejas was going to hit his patrol vehicle. Zendejas drove across Victorian Avenue and up onto rocks by the car wash, with his engine revving and windows up. Officers Radley and Berumen yelled at Zendejas to stop and put his hands up, but he failed to comply. Officer Radley picked up a rock to break the vehicle's window, but before he could do so, Zendejas's vehicle gained traction and reversed. Officer Radley stated that Zendejas was "on the accelerator" and was "trying to get away from us." Zendejas reversed the vehicle the entire way, jumped the curb, struck Officer Berumen's patrol vehicle, and ran into the car wash.

Officer Radley stated that reality hit him that Zendejas was a serious threat to himself and Officer Berumen, as well as surrounding people and businesses, based on Zendejas' prior actions at Motel 6, his driving pattern, and continued possession of the chainsaw. Officer Radley stated, "My thoughts were he was still trying to flee from us. I mean, I was getting

more concerned because I was worried about the driving pattern, and then when he crashed into Adrian's car and then came to rest on that wall, I was like "okay this is getting more and more dangerous and he is going to seriously hurt somebody." Officer Radley, standing "maybe 15 feet, 20 feet" off the passenger side of the vehicle, believed that Zendejas was trying to get it into gear. Officer Radley also did not know where Officer Berumen was, which was "part of what concerned me." Officer Radley continued to give Zendejas verbal commands to stop and show his hands, but he refused. Zendejas revved the engine and began driving away from the car wash "fast," and Officer Radley thought that Zendejas was not going to stop. Officer Radley stated that he thought Officer Berumen was going to get run over or that Zendejas was going to kill somebody. As Zendejas drove from the car wash, Officer Radley fired his handgun at the vehicle.

Officer Radley stated he did not know how many shots he fired, saying "maybe 3, maybe 4, I'm not sure." After firing shots, Zendejas continued to drive at a consistent pace, as if he had taken his foot off the accelerator. As Officer Radley ran after the vehicle, he heard approximately two additional shots being fired from behind him. The vehicle crossed Victorian Avenue and ran into a wall at the smog shop. Officers Radley and Berumen ran up to the car, with its front end into the wall and its engine revving. Officer Radley did not know if Zendejas was incapacitated, and kept giving verbal commands. Officer Radley advised dispatch that shots had been fired and held the vehicle until assistance arrived. Lieutenant Rowe arrived in a vehicle and blocked Zendejas' car, and Officer Radley and others approached the vehicle from the passenger side. Officer Radley observed Zendejas slumped over, and he looked deceased. Officers then approached the vehicle from the driver's side, while Officer Radley stood back.

#### 6. SPD Officer Eric Dejesus

Officer Eric Dejesus (hereinafter "Officer Dejesus") had been employed by SPD for nearly 4 years at the time of the shooting, and was assigned to the patrol division. Officer Dejesus was interviewed at the Sparks Police Department on May 5, 2020 at approximately 12:04 am by RPD Detective David Nevills

(hereinafter "Detective Nevills") and WCSO Detective Stefanie Brady (hereinafter "Detective Brady"). The interview of Officer Dejesus was both audio and video recorded.

Officer Dejesus stated that he began his shift on May 4, 2020 at 2:00 pm, and drove to Motel 6 upon dispatch advising that a Hispanic male adult had cut the front desk with a chainsaw. As Officer Dejesus was arriving at Motel 6, he heard 3-4 gunshots. He parked and exited his patrol vehicle, and saw Officer Radley with his gun drawn and a vehicle with bullet holes to its passenger side and back. The vehicle crashed into the wall next to the smog shop, and "it sounded like it was still running, like he had his foot on the gas pedal."

Officer Radley announced "shots fired," and officers approached the vehicle. Officer Dejesus peered through the back window which was shattered, and saw a person, later identified as Zendejas, in the driver's seat slouched towards the center console. Zendejas did not appear to be moving and was unresponsive to commands. Lieutenant Rowe arrived on scene and used his truck to pin the vehicle to prevent further movement. Officers could not gain access to the vehicle from the passenger side, but Lieutenant Rowe and Officer Berumen were able to open the driver's door and pull Zendejas out. The vehicle stopped making noise once Zendejas was pulled out.

#### 7. William Green<sup>6</sup>

William Green (hereinafter "William") was interviewed at the Sparks Police Department on May 5, 2020 at approximately 1:08 am by RPD Detective Kassebaum and WCSO Detective Almaraz. The interview of William was both audio and video recorded.

William advised that he was a retired computer programmer. On May 4, 2020, William was driving and pulled into a smog station parking lot right next to Motel 6 and across the street from the car wash, so that he could use his phone to call in a food order. William observed two Sparks police cars stop in front of Motel 6, and saw officers dressed in dark blue uniforms. William stated that "[all] of a sudden, I hear what sounded to

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<sup>6</sup> William Green and Tom Green, who is another witness to this incident, are unrelated to one another. Because they have the same last name, they are referred to as "William" and "Tom" in this report.

me like a piece of plywood snapping or something, I thought it was kind of odd sounding." William then observed a car coming past the police cars, jump over the median, and hit the carwash. William stated that the back end of the car "smacked the building...really hard." William described the driving pattern as "very violent."

William saw the vehicle start driving in his direction, and he moved his own car 15-20 feet because he thought the other vehicle was going to hit him. William stated, "So now I'm thinking this guy is going to come across this median and he's going to smack me." William heard the officers "yelling at this point clearly 'stop, stop, stop' and then they're shooting." William clarified that the officers "didn't start shooting into the car until it started moving." William estimated hearing approximately 7-8 gunshots. After the shooting ceased, the vehicle went over the median in the middle of the road, entered the same parking lot William was parked in, and ran into the wall, at which time officers approached the vehicle. William said that "if they wouldn't have stopped him, he would have probably ran into me, they probably saved me."

#### 8. Tom Green

Tom Green (hereinafter "Tom") was interviewed at the Sparks Police Department on May 4, 2020 at approximately 10:38 pm by RPD Detective Jenkins-Kleidosty and WCSO Detective Digesti. The interview of Tom was both audio and video recorded.

Tom stated that he was driving east on Prater Way, approaching the intersection with Victorian Avenue, when he saw two SPD patrol vehicles parked on Victorian Avenue facing Motel 6, with their overhead lights on. He observed two police officers wearing full uniforms running across Victorian Avenue from the area of the Motel 6 towards a car that was parked in the landscaped area west of the carwash. Tom explained that as the officers approached the vehicle on the driver's side, the car "all of a sudden" reversed at a high rate of speed, making a wide-sweeping arc and "smashing" into one of the parked patrol vehicles, and then "plowing" its back end into the south side of the carwash building.

Tom then observed the two officers running towards the vehicle again, but "that car lurched forward, I saw one of the officers jump out of the way." As the car drove south across the east/west travel lanes of Victorian Avenue, Tom heard 5-6 gunshots, followed by a brief break of "seconds," and then approximately three more gunshots. Tom only saw two uniformed officers during the shooting, but then a third officer arrived and approached the vehicle, which came to rest just north of the smog shop building against a brick wall and "started making this loud hissing noise." A black pickup truck, which Tom recognized as a police vehicle because it had "strokes," pinned the vehicle, at which time additional officers arrived.

#### 9. Michael Kelleher

Michael Kelleher (hereinafter "Mr. Kelleher") was interviewed at the Sparks Police Department on May 4, 2020 at approximately 11:32 pm by RPD Detective Nevills and WCSO Detective Brady. The interview of Mr. Kelleher was both audio and video recorded.

Mr. Kelleher stated that he had lived at Motel 6 in room number 102 for approximately the last month, which was on the ground floor next to the office. He had been home all day, and walked outside to smoke a cigarette when he saw a Hispanic male, later identified as Zendejas, holding a chainsaw. Mr. Kelleher stated that the chainsaw was not initially running, but Zendejas then started it up in front of him. He stated that Zendejas "started talking to me and saying stuff that was totally non-sensical, I didn't understand anything he was saying, and then he fired up the chainsaw, and then he whacked it, part of my door handle off, and then swung it towards me." Mr. Kelleher was "scared" and took defensive actions by moving as far right as he could to put himself behind the door jam, so that if Zendejas swung the chainsaw at him again, it would strike the door jam before hitting him.

Mr. Kelleher stated that Zendejas said something else which he did not understand, turned off the chainsaw, and walked away. Mr. Kelleher stated he had a lot of adrenaline, and later heard a car engine revving and saw a blue car come out of the driveway "really fast," which he estimated at 35-40 miles per hour. Mr. Kelleher saw the vehicle go left out of the parking lot, and then come back towards the right. Mr. Kelleher observed police

cars and uniformed officers, and then heard approximately 3-4 gunshots.

#### 10. David Reeve

David Reeve (hereinafter "Mr. Reeve") was interviewed at the Sparks Police Department on May 4, 2020 at approximately 9:57 pm by RPD Sergeant Laura Conklin and WCSO Detective Brady. The interview of Mr. Reeve was both audio and video recorded.

Mr. Reeve stated he had rented a room at Motel 6 for one night, and was walking back to his room from the ice machine after filling his cooler. Mr. Reeve observed patrol cars parked at the entrance to the motel, and saw two officers sprint towards the rear of Motel 6. Approximately 5 seconds later, he saw a vehicle without its headlights on drive past the officers, pass the office, hit a dip, cross the street, and get stuck. The officers chased behind the vehicle, got along the driver's side, and said, "Stop, stop, turn the engine off." The driver "got it in reverse and then swung around, almost hit the officers."

Mr. Reeve stated the vehicle then traveled in reverse "out of control" into the carwash. Mr. Reeve heard the car revving "big time." The officers continued to chase the vehicle, "and then he comes out towards the officers" back across the street. Mr. Reeve described the car as driving "back at them again," and the officers shot 7-9 gunshots as the car was driving forward. Afterwards, the car came to a stop, additional police cars arrived, and the officers approached the vehicle with caution.

Mr. Reeve described it as a "dangerous situation," and stated that if the vehicle had driven away after striking the carwash, it "would have been devastating right there because that's a lot of traffic that time of the day." Mr. Reeve stated that the officers had previously yelled to turn the vehicle off "several, several times, I mean over and over and over again," but the driver "did not comply." Mr. Reeve opined that the shooting was "justified", and stated that he would have shot before the officers actually did.

#### 11. Luwana Ferguson

Luwana Ferguson (hereinafter "Ms. Ferguson") was interviewed at her apartment on May 7, 2020 at approximately 1:00 pm by RPD

Detective Jenkins-Kleidosty. The interview of Ms. Ferguson was audio recorded.

Ms. Ferguson identified herself as Zendejas' fiancé, having dated for approximately one-and-one-half years. She stated that on the day of the shooting, they woke up at approximately 6:00 am and were together the entire day. That afternoon, they began drinking alcohol. Ms. Ferguson reported that Zendejas was drunk after consuming almost an entire bottle of cucumber-mint vodka. Zendejas, who had struggled with a methamphetamine addiction, began making comments about wanting to get drugs, which he had not used in approximately two months. Ms. Ferguson stated that this caused a fight between them, as she did not want him to get drugs. Ms. Ferguson stated that she separated herself from Zendejas, and then realized that he had left the house in his car. She stated that he did not pack anything and he did not take his cell phone, instead leaving it on the bed.

Ms. Ferguson was shown video surveillance of Zendejas at Motel 6, and opined, based on his mannerisms, that he was under the influence of drugs. Detective Jenkins-Kleidosty requested to collect Zendejas' cell phone as evidence, but Ms. Ferguson stated that she factory reset the phone the night prior. Nevertheless, Ms. Ferguson gave Detective Jenkins-Kleidosty Zendejas's cell phone and provided the password.<sup>7</sup>

### C. Countdown of Officer Radley's and Officer Berumen's Firearms

On May 4, 2020, an evidentiary documentation of Officer Radley's and Officer Berumen's equipment worn and used during the shooting occurred at the Sparks Police Department. Photographs of both Officer Radley and Officer Berumen were taken, depicting them in their full Sparks Police Department uniforms and duty belts, BWCs, and other equipment. The countdown was administered by FIS, RPD, and WCSO, at which time their used duty weapons and available magazines were examined.

Officer Radley's firearm was a Glock 17 semi-automatic pistol, with a Surefire X300 Light attached. The "countdown" of his

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<sup>7</sup> A forensic examination of Zendejas' cell phone confirmed it had been reset, and no data could be retrieved from it.

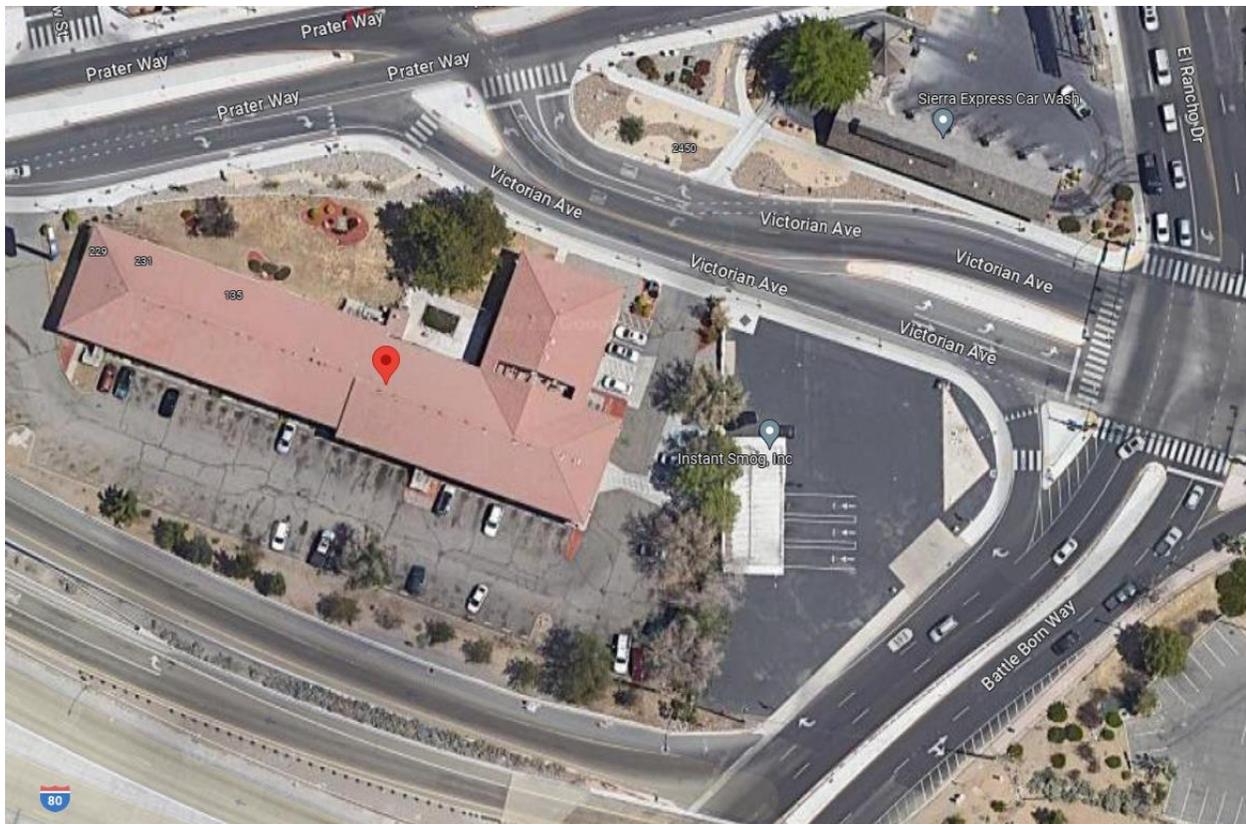
firearm revealed one "Speer 9mm Luger" unfired cartridge in the chamber, 11 "Speer 9mm Luger" unfired cartridges in the 17-round capacity magazine removed from the firearm, and three fully loaded 17-round capacity magazines removed from his vest containing the same aforementioned ammunition. During his interview, Officer Radley stated that he fully loaded his 17-capacity magazine that was inserted into his handgun, but was not certain whether he added an additional round in the chamber.

Officer Berumen's firearm was a Glock 17 semi-automatic pistol, with a Stream Light TRL-1 Light attached. The "countdown" of his firearm revealed one "Speer 9mm Luger" unfired cartridge in the chamber, 13 "Speer 9mm Luger" unfired cartridges in the 17-round capacity magazine removed from the firearm, and two fully loaded 17-round capacity magazines removed from his vest containing a mix of the same aforementioned ammunition and "F.C. 9mm Luger" unfired cartridges. During his interview, Officer Berumen said that he fully loaded his 17-capacity magazine that was inserted into his handgun, and added an additional round in the chamber (for a total of 18 rounds).

During the investigation of the shooting scene, forensic investigators located and collected a total of nine (9) fired cartridge cases. The investigation, coupled with the countdown of Officer Radley's and Officer Berumen's firearms, revealed that Officer Radley discharged his firearm five (5) times and Officer Berumen discharged his firearm four (4) times.

#### D. Area Overview

Motel 6 is located at 2405 Victorian Avenue in Sparks, just to the north of Interstate 80. To the east of Motel 6 is the Instant Smog Shop; to the northeast, across Victorian Avenue, is the Sierra Express Car Wash. There is an on-ramp to Interstate 80 directly behind Motel 6, which is accessed by driving along Battle Born Way.



## II. PHYSICAL EVIDENCE

### A. Shooting Scene

The shooting occurred while Zendejas drove south across the east/west travel lanes of Victorian Avenue in Sparks, Washoe County, Nevada, between the Sierra Express Car Wash and the Instant Smog Shop. The scene was secured and taped-off by responding law enforcement personnel after the shooting.



(Landscaping rocks, to the west of the car wash, that Zendejas initially drove into; the base of the street sign that Zendejas drove over and dislodged; vehicle debris; and tire tracks.)



(The front bumper to the Honda Accord, with dislodged street sign underneath that Zendejas initially struck and then dragged; vehicle debris; and damage to the south wall of the car wash.)



(The Honda Accord where it finally stopped in the parking lot next to the Smog Shop.)



(Nine (9) total fired cartridge cases to the south of the car wash, identified by Evidence Placards 9-17, six of which were in the westbound travel lanes of Victorian Avenue and three of which were on the median separating the east/west travel lanes of Victorian Avenue, along with miscellaneous vehicle debris.)

B. Body-Worn Cameras and Other Video Recordings

Multiple sources of video recordings - to include, but not limited to, video surveillance inside the Motel 6 office, BWC of Officers Radley and Berumen, and Ms. Brooks' cell phone video - captured the entire series of events. A review of all video recordings, which were collected and booked as evidence, confirmed the events as stated by all parties.<sup>8</sup>



(The Motel 6 office's video surveillance when Zendejas punched the plexiglass separating the lobby from employee area, causing Ms. Brooks to put her hands up instinctively and defensively. This surveillance captured additional interactions involving Ms. Brooks and Zendejas, including Ms. Brooks providing Zendejas with keys to his rented room, Ms. Brooks lowering the countertop over the swinging half-door, and Zendejas punching the outside of the window as he walked away from the office.)

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<sup>8</sup> The timestamp on the Motel 6 video surveillance was approximately 10 minutes behind actual time, as determined by dispatch records as well as the clock on the wall of the Motel 6 office which is visible in the surveillance.



(The Motel 6 office's video surveillance when Zendejas followed Anandkumar into the office with a chainsaw. Ms. Brooks is partially seen on the far left as she flees to the bathroom.)



(The Motel 6 office's video surveillance when Zendejas cut the swinging half-door with his chainsaw, with saw dust flying.)



(The Motel 6 office's video surveillance depicting Zendejas standing behind the counter, in the employee area, with his chainsaw and yelling.)



(The Motel 6 office's video surveillance showing Zendejas place his chainsaw on a small table in the lobby and sit on the table, while continuing to yell. Zendejas left the office less than one minute later.)



(Officer Berumen's BWC showing Zendejas refusing to comply with verbal commands and driving out of the Motel 6 parking lot.)



(Grace Brooks' cell phone video showing Zendejas' vehicle in the landscaping area west of the car wash, after exiting the Motel 6 parking lot and crossing Victorian Avenue.)



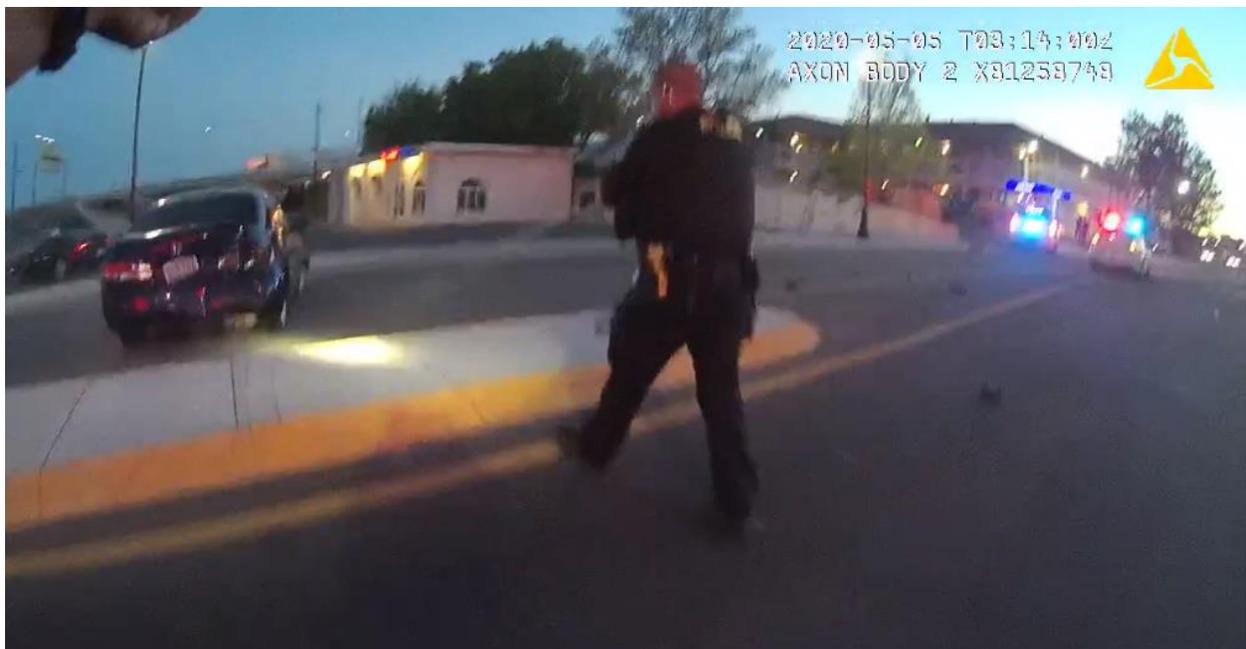
(Officer Berumen's BWC showing how close he was to Zendejas' vehicle as he reversed out of the landscaping rocks west of the car wash.)



(Officer Berumen's BWC as Zendejas struck his patrol vehicle while reversing east in the westbound travel lanes of Victorian Avenue.)



(Officer Berumen's BWC showing Zendejas' vehicle driving away from the car wash after crashing into its south wall, and how close Officer Radley was to the vehicle when it did so. Officer Radley discharged his firearm shortly afterwards.)



(Officer Berumen's BWC at the approximate time he discharged his firearm at Zendejas's vehicle, as it drove over the median separating the east/west travel lanes of Victorian Avenue and towards William Green's vehicle.)

C. Damage to Motel 6 and Officer Berumen's Patrol Vehicle

As part of their standard duties, forensic investigators processed Motel 6 and took photographs of relevant evidence, including damage Zendejas caused with his chainsaw and while driving.



(The swinging half-door sawed off, which separates the lobby area of the office from the employee area, and Zendejas' footprints in the sawdust.)



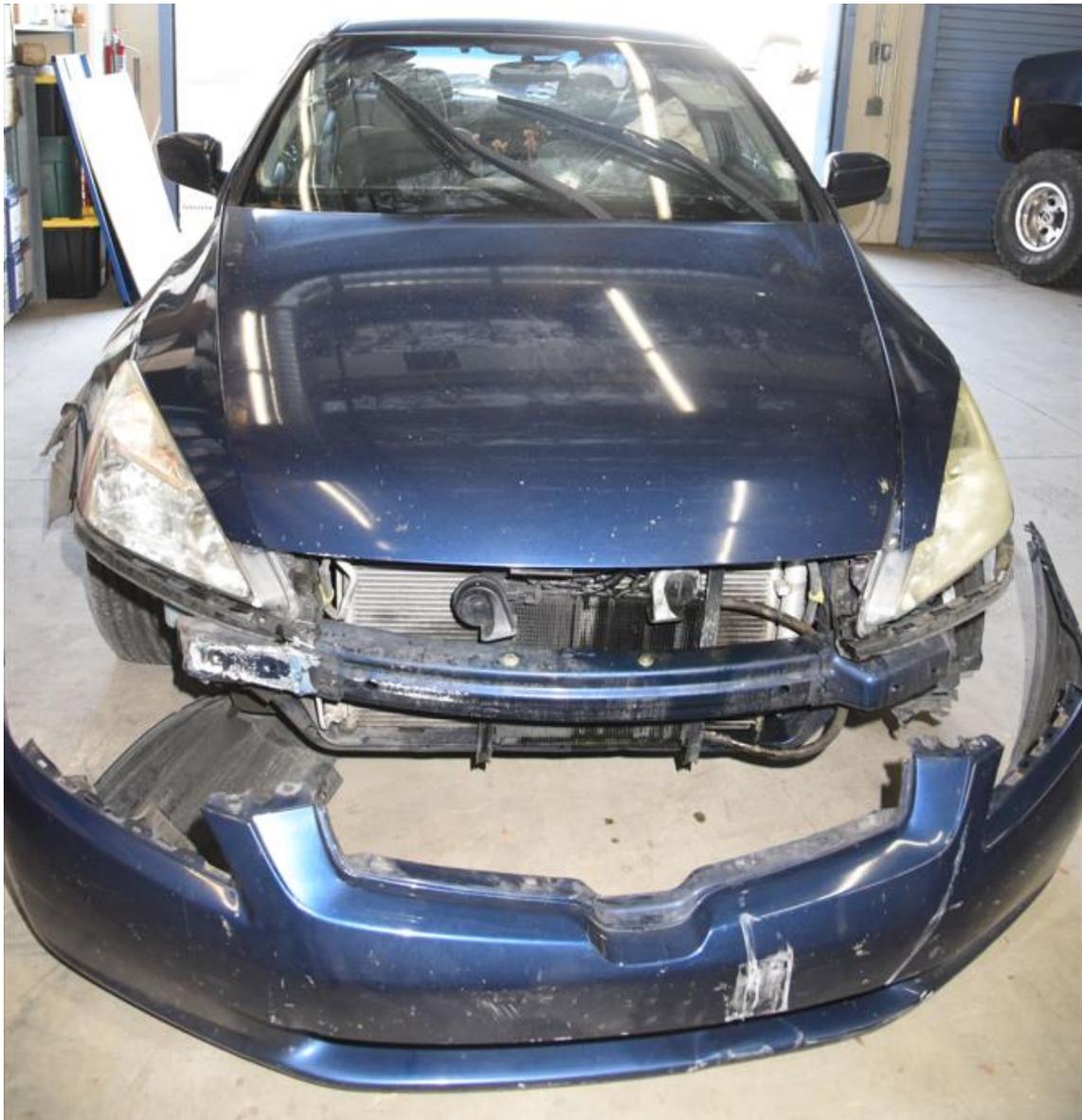
(Damage to the door and door handle of Motel 6 room number 102, caused by Zendejas when he struck it with his chainsaw.)



(Damage to the right-rear section of Officer Berumen's patrol vehicle, after being struck by Zendejas' vehicle.)

#### D. Zendejas' Blue Honda Accord

Zendejas' 2004 blue Honda Accord was secured and transported to FIS for forensic processing. The license plate affixed to the Honda Accord was different than the license number listed on the vehicle's Nevada registration. Photographs were taken of the vehicle, and several items of relevant evidence within the vehicle were photographed in place and subsequently collected by forensic investigators.



(Front end of the Honda Accord with significant damage, and its detached front bumper.)



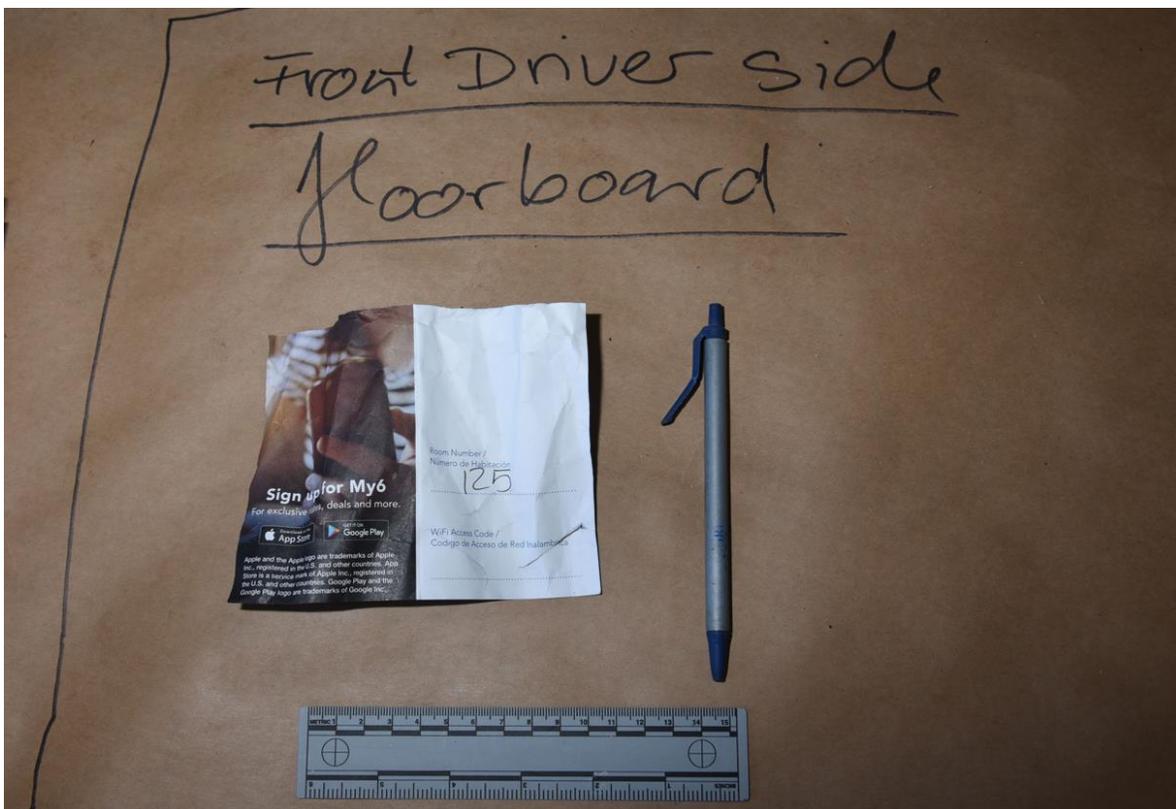
(Back end of the Honda Accord, with significant damage.)



(Front passenger compartment of the Honda Accord, depicting a bottle of Ketel One Citroen vodka on the front-passenger seat and a chainsaw on the front-passenger floorboard.)



(Close-up photograph of the Black Max chainsaw, collected from the Honda Accord's front-passenger floorboard.)



(Envelope that Ms. Brooks provided to Zendejas, which contained two room keys and identified the rented room as number 125, collected from the Honda Accord's front driver-side floorboard.)

Forensic investigators also photographed and collected multiple fired bullets and bullet fragments from the front-passenger side running board, front driver-side floormat, front-driver side floorboard, front dashboard, inside of the driver's seat, and trunk of the Honda Accord. Further, forensic investigators photographed and collected a Black Max chainsaw blade cover from the Honda Accord's trunk.

#### E. Autopsy

On May 5, 2020, Dr. Julie Schrader performed an autopsy on the body of Zendejas at the Washoe County Regional Medical Examiner's Office.

Dr. Schrader determined that the cause of Zendejas' death was multiple gunshot wounds. Specifically, Dr. Schrader found evidence of four (4) gunshot wounds: to the right temple, to the right neck, to the left palm, and to the left ring finger. A partially jacketed medium-caliber bullet and jacket fragment were recovered from Zendejas' left posterior cranial fossa, and a partially jacketed medium-caliber bullet was recovered from Zendejas' left forearm.

Consistent with the routine practices of the Washoe County Regional Medical Examiner's Office during the course of an autopsy, postmortem blood was collected from Zendejas and submitted for forensic testing. A Toxicology Report, issued by NMS Labs on May 15, 2020, revealed that Zendejas had a blood-alcohol concentration of 0.231 g/100 mL.<sup>9</sup>

### III. LEGAL PRINCIPLES

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 Zendejas to be a homicide.

Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and

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<sup>9</sup> Zendejas' blood-alcohol level was nearly three (3) times the per se legal limit for DUI cases in Nevada.

determining whether any criminality on their part existed at the time of the shooting.

In Nevada, there are a variety of statutes that define justifiable homicide (See e.g., 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 e.g., 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 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"<sup>10</sup>.

#### C. Use of Deadly Force to Effect Arrest

NRS 171.1455 provides in relevant part "If necessary to prevent escape, an 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...poses a threat of serious bodily harm to the officer or to others."

#### IV. ANALYSIS

On May 4, 2020, Zendejas was intoxicated and aggressive towards Ms. Brooks, while she rented him a room at Motel 6. Shortly thereafter, Zendejas followed Anandkumar into Motel 6, armed with a running chainsaw. Ms. Brooks hid in an employee bathroom while Anandkumar fled to his apartment, both recognizing the immediate and serious threat Zendejas presented. Zendejas sawed through the swinging half-door, and then proceeded into the employee area of the office, yelling while the chainsaw still ran. Zendejas then briefly sat at a table in the lobby with his chainsaw still running, continued to yell, and eventually exited the office. He walked towards the back of Motel 6, passing Mr. Kelleher who was standing outside room number 102. Zendejas began saying "non-sensical" things to Mr. Kelleher, and then struck his door with the chainsaw, resulting in obvious damage, and followed that up by swinging the chainsaw towards Mr. Kelleher. Mr. Kelleher took defensive actions, as being struck by the chainsaw almost certainly would have resulted in serious

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<sup>10</sup> A 1985 Nevada Attorney General Opinion limited the interpretation of NRS 200.140 to situations where the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others.

bodily injury or even death. Zendejas then continued towards the back of Motel 6, where his car was parked.

In response to multiple 911 calls, Officers Radley and Berumen responded to the active emergency, parking in the eastbound travel lanes of Victorian Avenue and leaving their emergency overhead lights activated. The officers were directed towards Zendejas, and they approached with guns drawn and ordered Zendejas to stop and get out of the vehicle. Zendejas ignored their verbal commands and accelerated out of the Motel 6 parking lot, driving recklessly past multiple people. Zendejas narrowly missed the parked patrol vehicles, crossed all lanes of Victorian Avenue, and crashed into the landscaping area, dragging a metal sign with him. Officers Radley and Berumen ran after Zendejas, and as they got close, Zendejas reversed his car at a fast rate, nearly striking Officer Berumen. Zendejas reversed his vehicle on the wrong side of Victorian Avenue, struck Officer Berumen's vehicle, and slammed into the car wash. Officers Radley and Berumen again ran after Zendejas, repeating their verbal orders to stop. Zendejas chose to again ignore those commands, and accelerated away from the car wash in the general direction of officers, leading Officer Berumen to think he was going to be struck, and directly towards William Green, who was parked on the other side of Victorian Avenue and at risk of being hit. It was at this time that Officer Radley, followed by Officer Berumen, shot at Zendejas, as he proved to be a serious threat to both Officers, those citizens in the immediate area, and all other citizens commuting on surrounding streets and on Interstate 80, for which an on-ramp was just around the corner.

On the night of this incident, Zendejas committed a violent, felonious assault upon Anandkumar by chasing him into the Motel 6 office with a running chainsaw. He then committed another violent, felonious assault upon Mr. Kelleher by swinging the chainsaw towards him. Following those deliberate acts, Zendejas drove recklessly, crashing multiple times, and nearly striking officers and placing multiple others at risk. Just as Officer Berumen recognized, Zendejas was "going to hurt somebody, he's going to kill somebody," and was "very dangerous to the public." Likewise, Officer Radley stated that Zendejas' actions were becoming "more and more dangerous and he is going to seriously

hurt somebody" or kill somebody. After giving Zendejas multiple opportunities to stop the vehicle and exit, Officers Radley and Berumen discharged their duty firearms, doing so in legitimate defense of themselves and others, and consequently stopping the immediate and ongoing threat Zendejas presented.

All evidence in this officer-involved shooting conclusively establishes that Zendejas, who was intoxicated, presented as a significant public safety risk, first with his chainsaw and then with his vehicle. He had willfully put multiple people directly at risk of death or substantial bodily harm: Anandkumar, Mr. Kelleher, Officers Radley and Berumen, and William Green, not to mention other civilians who were congregating around Motel 6. Zendejas also would have continued to put countless other people's safety and well-being in jeopardy, had he continued driving away in such a reckless manner. Zendejas could have obeyed verbal commands and exited his vehicle, but instead he ignored them. In doing so, he established that he was an imminent and legitimate threat to the safety of others. The interviews of all officers and civilians, along with the video recordings and other evidence, support this conclusion.

Accordingly, Officers Radley and Berumen had the right under Nevada law to use deadly force against Zendejas, both in defense of themselves and others as well as in the discharge of 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 May 4, 2020 officer involved shooting of Zendejas, the actions of SPD Officer Thomas Radley and SPD Officer Adrian Berumen are warranted 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.