

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

May 26, 2016



REPORT ON THE NOVEMBER 5, 2014, OFFICER INVOLVED  
SHOOTING OF ROBERT HAMPTON III

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**WASHOE COUNTY DISTRICT ATTORNEY**

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## INTRODUCTION

On November 5, 2014, Detectives from the Washoe County All Threats All Crimes (ATAC) unit along with the U.S. Marshal's Office, Fugitive Investigative Strike Team (FIST) planned a drug investigation using a reliable confidential informant (CI) who had provided information on a known drug dealer in the community. The targeted drug dealer was Robert William Hampton III (hereinafter "Hampton").

In cooperation with ATAC, the CI agreed to purchase 1 gram of heroin from Hampton in a controlled environment while wearing a recording device. This was to occur at the Grand Sierra Resort in Reno. After receiving \$80.00 of recorded "buy-money" and being fitted with a wire, the CI was positioned at the agreed upon location and waited for Hampton.

When he arrived, he picked up the CI in the car he was driving. The drug deal occurred which resulted in the CI obtaining approximately 1 gram of heroin. Upon dropping the CI off at the Grand Sierra Resort, he left. ATAC detectives followed Hampton hoping to obtain intelligence such as license plates of cars he was using, possible addresses of his buyers, and the location of his residence.

While detectives were following Hampton, the CI disclosed during the debriefing that when the drug deal occurred, Hampton had a large amount of heroin in his car. Concerned with the purported large amount of heroin, the decision was made to conduct a traffic stop of Hampton. Washoe County Sheriff's Office (WCSO) K-9 Unit Deputy Jason Wood was asked to conduct the stop.

In order to protect the confidentiality and safety of the CI, Deputy Wood did not conduct a traffic stop of Hampton until he witnessed a traffic violation. After doing so, Deputy Wood activated his emergency lights and siren in order to stop Hampton. Hampton ultimately stopped near the University of Nevada, Reno.

Deputy Wood collected his license and the vehicle registration. A "wants and warrants" check of Hampton was conducted which revealed 3 active felony warrants for his arrest. Deputy Wood re-approached the vehicle from the driver's side in order to remove Hampton and make the arrest. He ordered Hampton to turn off the car. Hampton refused to comply.

Deputy Wood then observed the car move backwards at an angle as if Hampton were trying to create enough space from the parked vehicle in front of him to change direction and pull back onto the street. Concerned that he was trying to flee, Deputy Wood advanced towards the driver's side door and attempted to open it. However, it was locked.

After reversing 5-6 feet, Hampton then changed the direction of the car and began to drive forward. Deputy Wood ordered him to stop and began to try to distance himself from the car to avoid being struck. Hampton looked directly at him and rapidly accelerated forward back onto the street and towards Deputy Wood.

Deputy Wood was struck on his lower left leg by the driver side front wheel. Fearing that he may be pulled under the car and ran over or pinned against the cars parked on the other side of the street behind him, he fired three shots from his handgun into the car. The car then accelerated across the street and crashed into a truck and stopped. Hampton was shot and died.

There were numerous witnesses to the attempted escape, Hampton striking the deputy with his car and the shooting. Their accounts of the shooting were consistent with each other, with Deputy Wood's account, and with limited audio and video recordings of the shooting.

A subsequent search of the car Hampton was driving revealed evidence consistent with drug dealing, the \$80.00 in "buy-money" used by the CI as well as numerous other denominations, and a stolen fully loaded Ruger 357 revolver under the driver's seat.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (RPD) led the investigation into the shooting of Hampton. Sparks Police Department (SPD) provided secondary investigative support, the Washoe County Sheriff's Office (WCSO) provided further needed support, and the Washoe County Crime Laboratory (WCCL) provided forensic services. The Washoe County District Attorney's Office provided oversight and assistance in obtaining search warrants.

The investigation included interviewing witnesses, canvassing the shooting area for additional witnesses, collecting physical evidence, an autopsy, photographing the shooting scene, forensically testing collected evidence, obtaining relevant

surveillance video, reviewing the history and dealings of Hampton, and interviewing the officer involved in the shooting.

On November 25, 2014, a preliminary overview of the shooting was provided to then Washoe County District Attorney Richard Gammick for a preliminary determination. DA Gammick preliminarily determined that "it appears at this time that the shooting death of Robert William HAMPTON III by Washoe County Deputy Jason WOOD was justified under all applicable laws."

Upon completion of the entire investigation, all police reports along with WCCL forensic reports, collected documentation, photographs, witness statements, recorded audio and video of the incident, and recorded interviews were submitted to the Washoe County District Attorney's Office in April of 2016, for a final determination of whether the shooting of Hampton was legally justified. No criminal charges were recommended by RPD.

The District Attorney's evaluation included reviewing approximately 800 pages of reports and documents which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, 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 Hampton by Washoe County Sheriff's Deputy Wood was justified and not a criminal act.

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

### A. The Drug Sales Investigation

On November 5, 2014, ATAC and FIST prepared to conduct a controlled purchase of heroin with the use of a CI on a known drug dealer in the community. The operational plan was to have the CI buy \$80.00 worth of heroin from a man, only known as "Alex" at that time, in the parking lot of the Grand Sierra Resort. "Alex" had provided heroin to the CI in the past. Additional objectives included identifying "Alex", his vehicle(s), buyers, and his residence.

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<sup>1</sup> The Statement of Facts is synopsised from witness interviews, videos, and police reports.

Approximately 11 law enforcement officers were involved in the operation assigned to do surveillance, wire-recordings, and rescue (should the operation be compromised). Upon completion of the transaction, the CI would be debriefed by detectives while others would follow "Alex" in hopes of meeting the aforementioned objectives.

At approximately 3:00 p.m., "Alex" arrived in the parking lot of the Grand Sierra Resort driving a 4-door silver 2007 Pontiac Grand Am bearing Nevada plate 445ATM. He picked up the CI who exchanged \$80.00 in pre-marked, photographed, and documented currency for 1.06 grams gross weight of suspected heroin. "Alex" then dropped off the CI at the CI's original location and left. Detectives followed "Alex".

During the debriefing with detectives, the CI explained that during the transaction "Alex" possessed a "baseball sized" amount of heroin from which he removed and weighed the small approximate gram amount that was sold to the CI. Consequently, the objective of following "Alex" to gather intelligence was abandoned. Rather, it was decided that it would be imprudent to risk the potential future distribution of a large amount of heroin into the community. Consequently, the new objective was to conduct a traffic stop of "Alex" using a marked patrol unit. Deputy Wood was that unit.

## B. Witness Accounts of the Shooting

### 1. WCSO K-9 Unit Deputy Jason Wood

Deputy Wood has been employed by the WCSO for 13 years. In that department, he has worked in Detention, Patrol, Traffic and his current assignment as a Canine Deputy in the Northern Nevada Interdiction Task Force. The interdiction task force works to measurably reduce drug trafficking and its harmful consequences by disrupting drug distribution.<sup>2</sup> His assigned canine is "Rony". Deputy Wood was interviewed at the Washoe County Sheriff's Office on November 5, 2014, at 8:41 p.m. by SPD Detective Ken Gallop and RPD Detective Patrick Blas.

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<sup>2</sup> <https://www.washoesheriff.com/sub.php?page=northern-nevada-interdiction-task-force>

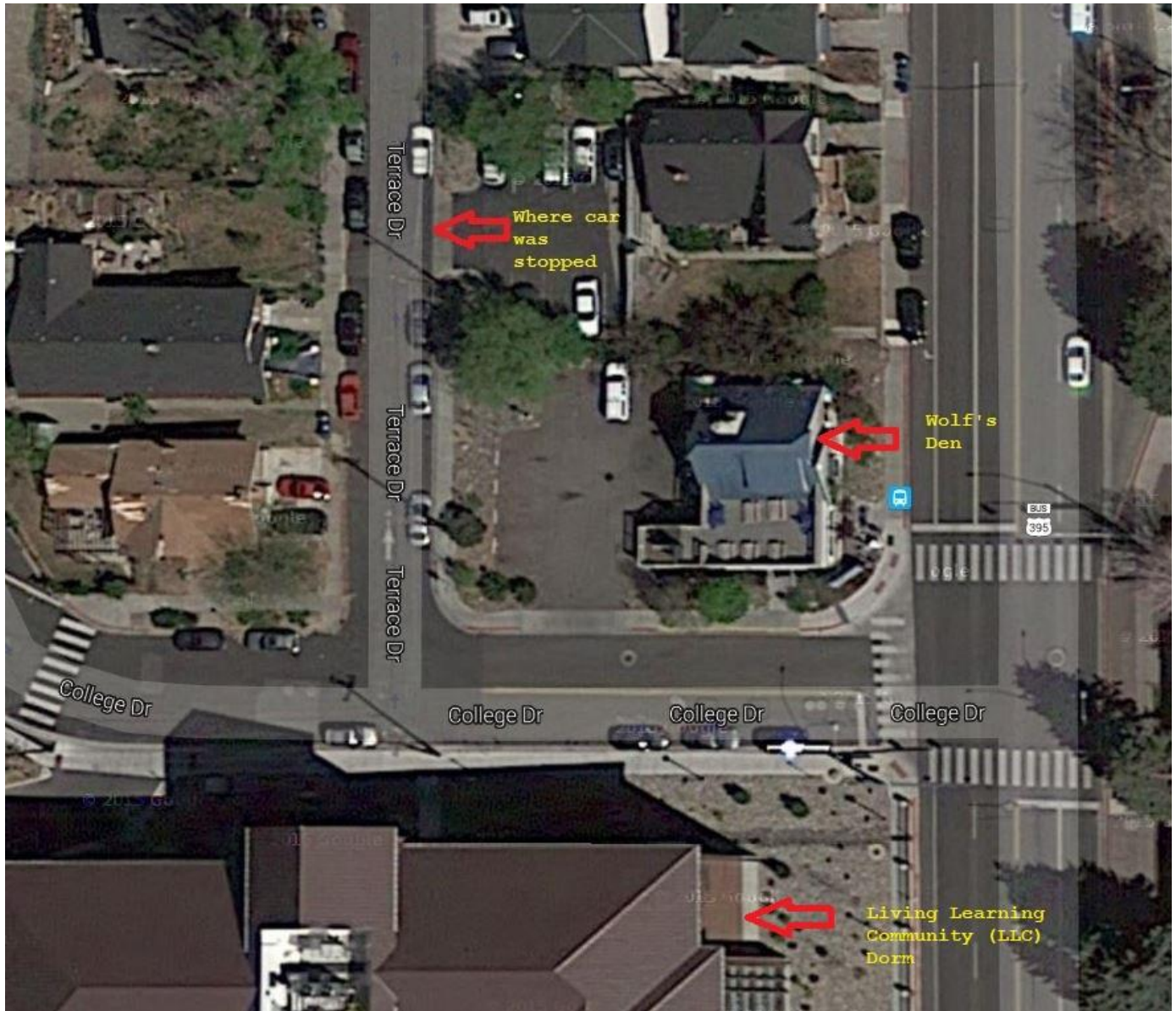
Deputy Wood explained that on November 5, 2014, he was on-duty conducting training. In the afternoon, he was contacted by an ATAC detective who explained the heroin transaction that had just occurred at the Grand Sierra Resort, the current post-transaction surveillance of "Alex", the belief that a large amount of heroin was in the car, and the need for him to conduct a traffic stop of the vehicle. The traffic stop was to be based on Deputy Wood's own probable cause that a traffic violation had occurred.<sup>3</sup>

In turn, Deputy Wood drove to the area where "Alex" and the surveilling detectives were located. He was driving a law enforcement marked green and white WCSO patrol/K-9 Chevrolet Tahoe with overhead red and blue emergency lights and siren. Near the area of West Second Street and South Virginia Street in Reno, Deputy Wood began following the 4-door silver 2007 Pontiac Grand Am bearing Nevada plate 445ATM being driven by "Alex" eastbound on West Second Street. At the intersection of those two streets, he observed "Alex" fail to make it through the green light and stop on, then reverse off, the crosswalk. He then turned northbound on South Virginia Street. Deputy Wood followed.

He also noted that the window tint on the car appeared darker than allowed by law. At College Drive and South Virginia Street, Deputy Wood initiated a traffic stop by activating his overhead lights. "Alex" initially pulled over on westbound College Drive and then pulled back onto the street. He then turned northbound onto Terrace Street and pulled over. Deputy Wood stopped behind him.

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<sup>3</sup> As "Alex" had just recently committed a felony in selling heroin to the CI, probable cause existed to stop the vehicle without a witnessed traffic violation. Nevertheless, in order to protect the identity and safety of the CI it was decided that a witnessed separate traffic violation would be the basis for the traffic stop.



Deputy Wood was dressed in his readily identifiable WCSO K-9 uniform with WCSO patches. Additionally, he wore a police duty belt equipped with his duty equipment (handcuffs, firearm, taser, etc...). He approached the passenger side of the car and explained to "Alex" why he pulled him over. "Alex" gave him the car's registration/insurance and his California Driver's License. "Alex" was now identified as Robert William Hampton III. Deputy Wood returned to his patrol vehicle with the documents to check Hampton's license and to see if had any outstanding warrants. He did.



Contemporaneously with the occurring background check of Hampton, Deputy Wood observed a female, later identified as Lea Trueworthy, approach the Pontiac Grand Am and begin talking to Hampton through the window. Deputy Wood directed Trueworthy away from the car and spoke with her. She explained that she was Hampton's girlfriend and the owner of the car being driven by Hampton. He had just called her and asked her to walk over. She lived minutes away.

While speaking with Trueworthy, Deputy Wood received information from his dispatch that Hampton had three extraditable felony arrest warrants out of California. It was also about that time, that SPD Detective Mike Brown assigned to FIST and U.S. Marshall Ryan Burrows, both of whom were involved in the original drug transaction operation and had recently responded to the area to assist the Deputy, exited their vehicles to provide cover while Hampton was arrested for the confirmed felony arrest warrants.

Sensing that Hampton might try "take off", Deputy Wood removed Rony from his patrol car and commanded him to lay down in the center of the roadway on the driver's side of Hampton's car. Pursuant to his training and experience he also removed his firearm. Deputy Wood maintained approximately a 5 to 6 foot distance from the car as he became even with the driver's door. At that time, he told Hampton to step out of the vehicle. Hampton did not and just looked straight forward.

Hampton then began reversing backwards angling the car towards the roadway in order to create enough space from the car in front of him and to allow directional change back onto the street. Fearing the Hampton was trying to flee and evade arrest, Deputy Wood "closed the distance" between him and the car and tried to open Hampton's door. However, it was locked.

Hampton began accelerating forward. Due to the angle in which Hampton had reversed, he was now driving in the direction of Deputy Wood who was close to the car due to his efforts to open the door. The Deputy recounted that Hampton looked directly at him and "punched it". Deputy Wood recoiled but was unable to avoid the front left tire of the car that was now hitting his left leg.

Deputy Wood was afraid that he was going to "get sucked under the car" and ran over or "get pinned between his car and the car that was parked on the side of the road". Fearing for his safety, Deputy Wood fired his gun three times into the car at Hampton.

"Almost instantaneously" with the shots being fired Hampton's car crashed into a truck parked on the other side of the street. Deputy Wood, Detective Brown and Marshal Burrows then ordered Hampton to show his hands. He did not. Deputy Wood secured Rony in his patrol vehicle and then, along with other officers, approached the car to render aid. At that time it was discovered that Hampton no longer had a pulse.

During the final incident with Hampton, Deputy Wood sustained an injury to the top of his left hand that was examined by REMSA. Also, FIS noticed and photographed a black blemish on his left leg from when Hampton's car struck his leg.





## 2. Lea Trueworthy

Trueworthy was a student at the University of Nevada, Reno (UNR) and lived "just down the street" from the location of the shooting. She explained on that afternoon she had received a call from Hampton whom she had been dating for approximately three or four months asking her to come to The Wolf Den quickly. She left her apartment and arrived in three or four minutes.

Knowing that Hampton was using her car, she looked for it once she arrived at The Wolf Den. After a brief search she saw her car pulled over on the street behind the establishment with a K-9 patrol vehicle behind it with its emergency lights on. She then walked up to the car to speak with Hampton.

She spoke to him for about 10 seconds before Deputy Wood saw her and called her back to his vehicle. During their brief conversation, Hampton nonchalantly stated he had been pulled over. Once at Deputy Wood's vehicle, she spoke briefly with him prior to Deputy Wood approaching her car with Rony and the two cover officers.

She explained that she observed Deputy Wood approach her car from the driver's side and "yelled..., get out". She further explained that the deputy then "scoots up to the window. And the car starts... moving... Then like all of a sudden, they're like, gas was hit. Cause then it rammed into the car. And like shots were fired". She then chronologically clarified that Deputy Wood ordered him to get out, the car started moving, it accelerated, shots were fired, and it crashed into the truck.

### 3. Branden Hughes

Branden Hughes was a UNR student. On November 5, 2014, he had loaned his car to his uncle Bryan who was visiting for the day. They had agreed that when Branden finished class they would meet so Branden could take Bryan back to the airport. They met in a parking lot to the northwest of The Wolf Den on Terrace Drive.

When Branden walked to the parking lot he saw Deputy Wood's traffic stop of Hampton in progress. He noted that the positioning of Hampton's car and Deputy Wood's patrol vehicle blocked the exit of the parking lot. Therefore, he and his uncle waited and watched. According to Branden, they were approximately 20 feet away from Hampton's car.

Branden observed Deputy Wood obtain documentation from Hampton. He further saw a female approach Hampton for approximately 15 seconds and then walk back to Deputy Wood. He also noted two plain-clothed undercover officers subsequently arrive and park behind Deputy Wood's vehicle.

At that time, Deputy Wood and his dog approached the car while the plain-clothed officers remained to the rear of the car. Deputy Wood contacted the driver while standing several feet away from the car. At this point, Branden stated the deputy told the driver to turn off his vehicle, twice.

He then saw the car begin moving backwards for a few feet followed by a high rate of acceleration forward angled left towards Deputy Wood and his dog. He and his uncle then began to duck down. He stated "So I, like the last thing, the very last thing I remember seeing is the, the car moving forward, turning to the left. And the officer almost looked like he was actually like against the car". He then heard 2 or 3 gunshots.

#### 4. Bryan Hughes

Bryan provided similar background information as his nephew Branden regarding the events leading up to the witnessed shooting. He explained that when returning to meet Branden he had to park in the parking lot to the northwest of The Wolf Den due to the lack of parking on College Drive or Terrace Drive. After parking, he observed the traffic stop of Hampton. Once stopped, he estimated the space between him and Hampton to be approximately 30 to 40 feet.

He observed Deputy Wood obtain documentation from Hampton. He also saw a female adult approach Hampton and then walk back to Deputy Wood. He also noted two plain-clothed undercover officers subsequently arrive and park behind Deputy Wood's marked vehicle.

Bryan saw the two plain-clothed officers take up positions on both sides to the rear of Hampton's car. He further watched the deputy remove his K-9 from the patrol vehicle and re-approach Hampton's car from the driver's side within 5 to 6 feet. He heard the deputy order Hampton to turn off the car, twice. He noted the driver did not comply.

The car then began to reverse for a short distance "so that way he (Hampton) can make the turn out". He heard the deputy yell "stop"! He further explained "And then at that point, he sped up. Like it, like he was trying to accelerate and speed out of there. And, and, uh, no disregard (sic) for the officer being right there. And, and I mean, uh, I, it happened so fast. And where he's positioned I almost even thought that maybe the officer ended up on the hood of the car. It was, uh, that close. So that's why I'm thinking maybe the officer or the dog might have even got hit." He also described Hampton's acceleration as "aggressive". He then heard gunshots and Hampton's car crashed into a truck that was parked on the street.

#### 5. SPD Detective Mike Brown

On November 5, 2014, Detective Brown was assigned to FIST which was asked to assist ATAC in the controlled purchase of heroin from "Alex". Detective Brown assisted in a surveillance

capacity both during the drug transaction at the Grand Sierra Resort and the subsequent mobile reconnaissance after the purchase of heroin. That day, he was sharing a Blue Dodge Ram Pickup with U.S. Marshal Ryan Burrows.

Once Deputy Wood conducted a traffic stop of Hampton, Detective Brown and Marshal Burrows stopped approximately 15 to 20 feet behind his K-9 patrol vehicle. They observed Deputy Wood's initial contact with Hampton and his return to his vehicle to check Hampton's license and existence of warrants.

At that time, they heard on the radio that Hampton had three felony warrants. Consequently, they exited the Dodge pickup to provide arrest cover to Deputy Wood. After a brief conversation with the deputy about the imminent arrest, Detective Brown positioned himself 6 to 10 feet behind Hampton's car on the passenger side. Marshal Burrows was parallel to Detective Brown on the driver's side.

He observed Deputy Wood approach with Rony and order Hampton to turn off the vehicle. Detective Brown explained "it became clear immediately the guy was not gonna turn off the vehicle. Um, I could see him in the rearview mirror as he put both hands on the steering wheel. And had put the car in gear and started to pull away. Uh, Deputy Wood was yelling for him to stop. Don't do that".

Detective Brown then clarified that he observed Hampton's car reverse a few feet with the tires turned to the right and then pull forward "abruptly" with its tires turned to the left toward Deputy Wood. He characterized Hampton's acceleration towards Deputy Wood as quick, "like he stomped on the gas pedal". He stated that he believed Deputy Wood was going to be struck by the car. Additionally, he explained that Deputy Wood was attempting to push himself away by placing his hand out in front of him towards the oncoming car to avoid being hit. Nevertheless, Detective Brown believed that Deputy Wood was then hit by the car which resulted in the firing of his weapon.

#### 6. U.S. Marshal Ryan Burrows

Marshal Burrows is a team leader on FIST. He, along with Detective Brown, was asked to assist ATAC in the controlled drug

transaction with "Alex". He was riding with Detective Brown that day.

After Deputy Wood's traffic stop of Hampton, they parked behind his patrol vehicle. They observed Deputy Wood's initial contact with Hampton and his return to his vehicle to check Hampton's license and existence of warrants. At that time, they heard on the radio that Hampton had three felony arrest warrants. Consequently, they exited the Dodge to provide officer safety cover to Deputy Wood.

Marshal Burrows relayed that Deputy Wood deployed his dog and approached the driver side of Hampton's car. He set his dog approximately 10 feet from the car. Marshal Burrows stayed to the rear of the car and watched Hampton through the driver's side mirror. After the deputy asked Hampton to turn off the car, it began to move backwards. Deputy Wood repeatedly told the suspect to turn off the car and stop.

Hampton then put the car in drive, turned the front wheels towards Deputy Wood and accelerated. Marshal Burrows said he "thought he was gonna completely run over Woods". He added that the vehicle struck Deputy Wood and he then saw him fire.

#### 7. WCSO Sergeant Max Brokaw

Sergeant Brokaw has worked for as a WCSO sworn peace officer for 20 years. On November 5, 2014, he was the supervisor of ATAC. As such, he oversaw the controlled heroin purchase operation at the Grand Sierra Resort and the decision to end the surveillance of Hampton with a traffic stop.

He responded to the intersection of Terrace Drive and College Drive upon hearing of Deputy Wood's stop of Hampton. He parked on the southern side of College Drive facing eastbound with a mostly unobstructed northern vantage point on to Terrace Drive.

He saw Deputy Wood, Detective Brown and Marshal Burrows convene at the deputy's vehicle and then spread out and approach Hampton's car. He described Deputy Wood's approach as approximately 7 to 10 feet out and parallel with the driver's side door. He believed the deputy was giving verbal commands to Hampton as he approached the car.

He then observed the car make a sharp left hand turn and accelerate at Deputy Wood. He described Deputy Wood as backing up, extending his left hand, and trying to avoid being struck by Hampton's car. He then heard three shots.

Upon hearing the three shots, he drove his car up Terrace Drive to the stop. He advised dispatch that shots had been fired and requested REMSA respond. After directing an officer to secure the scene and ascertaining who had shot, he ran to his car and retrieved a first aid kit to render aid to Hampton. However, Hampton was discovered deceased.

#### 8. Gurayg Tahir

Mr. Tahir was a UNR student. On November 5, 2014, when the shooting occurred he had just finished class and walked to his car that was parked on College Parkway. His written statement reads:

"The person in the gold car got pulled over and I saw a truck pull up behind the police car. After a while the policeman took out his K9 and sat it down on the street. That is when the gold car accelerated into the officer. An officer came out of the truck and they shot the person. After that a bunch of cars/undercover cops came.

I was parked right of Terrace next to the LLC. I saw the officer sit his dog on the street while he had a tazer or gun in his hand. The undercover cop from the blue truck had come around on the passenger side and the driver accelerated into the officer and dog. As soon as that happened they fired at the driver and he hit the officer a little and ran into a car on opposite side of the street when the shots went off. I panicked (sic) and drove away to the parking garage behind the Wolf-den. I asked my student cadet friend what I should do and she told me to go back."

In a follow-up interview with detectives, Mr. Tahir verbally added to his written statement that it looked like the car was trying to run the officer over. He further stated that he did not know which officer fired his gun but assumed it was the "one that was almost getting run over".



Tahir also explained that while he was walking to his car the traffic stop was in progress. He further added that once he was in his car, he took several photos of the traffic stop. This was before the shooting.



**(This picture taken by Tahir during the traffic stop illustrates his vantage point from his car up Terrace Drive. The white SUV is Deputy Wood's K-9 patrol vehicle and the car behind it is Detective Brown's undercover blue Dodge pickup)**

9. Witnesses From LLC Dorm<sup>4</sup>

a. Nicholas Carmen

On November 5, 2014, Carmen was a UNR student who lived in the LLC dorm. Carmen was in the "common area" of the LLC which presents a view of Terrace Drive and College Drive during the traffic stop of Hampton. He watched.

In his written statement recounting what he saw he wrote:

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<sup>4</sup> Each of these witnesses also provided subsequent interviews which were consistent with their initial written statements.

"In 3<sup>rd</sup> floor pod of LLC building. Cop brings out dog and weapon to pulled over vehicle. The vehicle seemed to shake violently and drive into the cop and 3 shots were fired from the cop as he was getting hit by the car. The car ran into truck and stopped permanently. Multiple cops showed up seconds later."

b. Justin Botelho

Mr. Botelho was also a UNR student. His written statement recounts the following of what he saw from the 3<sup>rd</sup> floor common area:

"I started watching as the cop on the scene pulled his dog out of the cop car. The officer calmly approached the vehicle with the dog in one hand the other on his holster. As he got closer to the car, the car began to shake. The officer then stepped in front of the car as the car began to try to get away. As the cop is being struck by the car he shot 2-4 shots at which time the car crashed into a parked truck, and other officers began to respond."

c. Emily Halkett

Ms. Halkett lived in the LLC dorm. Her room provides a northern view of Terrace Drive. Her written account of the shooting states:

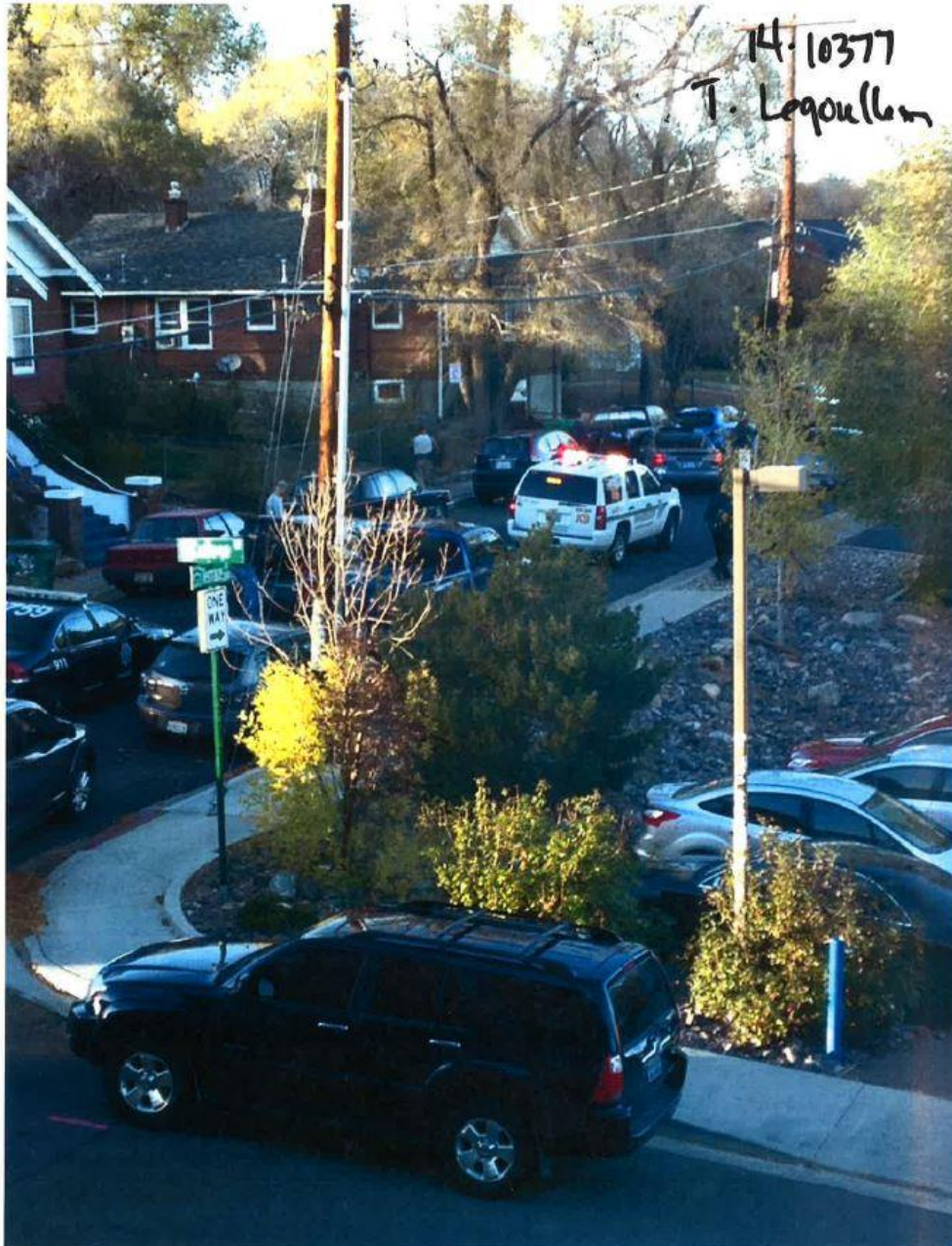
"At around 4 pm, I looked out my window and saw a K9 sheriff car had pulled over a car and I thought it was strange so I kept watching. The police officer was on the passenger side of the car with the door open. He shut the front door and opened the back door and let out his dog. He put his dog in a "down", pulled out his gun, and yelled at the driver to get out. The driver then started driving towards the officer. I heard three gunshots fired and then saw the moving car hit a parked car and saw the officer get out of the way. A lot of other police showed up very quickly with their guns drawn and after a minute or so they had put down their guns and seemed more relaxed."

d. Tyler Legoullon

Mr. Legoullon, was also a UNR student, was in the 3<sup>rd</sup> floor study pod of the LLC dorm at the time of the shooting. His written account states:

"I saw a sheriff get out of his car with a K-9 unit and go to the window of a grey car. The grey car hit the cop and crashed into a black truck after the cop had fired 3 shots at him".

Mr. Legoullon also took two photographs with his cell phone after the shooting occurred.



(Legoullon's photo depicting the vantage point from the 3<sup>rd</sup> floor study area of the LLC. It depicts Hampton's vehicle crashed into the truck and Deputy Wood's K-9 patrol vehicle behind it.)

### C. Countdown of Deputy Wood's Firearm

On November 5, 2014, at approximately 6:43 p.m. an evidentiary documentation of Deputy Wood's equipment worn and used during the shooting occurred at the Washoe County Sheriff's Office. At that time, his used duty weapon and available magazines were examined.<sup>5</sup>

His firearm was a Glock 31C .357 sig semi-automatic pistol. Deputy Wood advised that he carries all of his magazines to capacity with one extra round in the chamber of his gun. The "countdown" of his firearm revealed that he fired 3 times. Specifically, it showed 1 Winchester .357 Sig round in the chamber, 12 Winchester .357 Sig rounds in the 15 round magazine removed from the firearm, and two 15 round magazines fully loaded containing the same aforementioned ammunition.

### D. Area Overview



<sup>5</sup> As Detective Brown and Marshal Burrows were present during the shooting, countdowns were also conducted on their firearms which revealed they had not fired.

The location of the traffic stop and subsequent officer involved shooting is a predominantly college-based area that is densely populated. The intersection of College Drive and Terrace Drive is bordered by UNR's campus to its south where the LLC Dorm is located. It houses 320 UNR students. Immediately south of the LLC Dorm is Canada Hall which houses 223 UNR students. Due east of Canada Hall and the LLC Dorm is the Sierra Street Parking Complex where students park. College Drive and Terrace Drive are residential streets primarily consisting of rental properties occupied by UNR students. Terrace Drive is a northbound one-way street that is narrow measuring approximately 28 feet across from sidewalk to sidewalk.

In November of 2014, The Wolf Den was a popular bar and restaurant amongst students and locals. It is just southeast of where the shooting occurred and sits on the corner of Virginia Street and College Drive. Across Virginia Street from the Wolf Den begins the heart of the UNR campus.

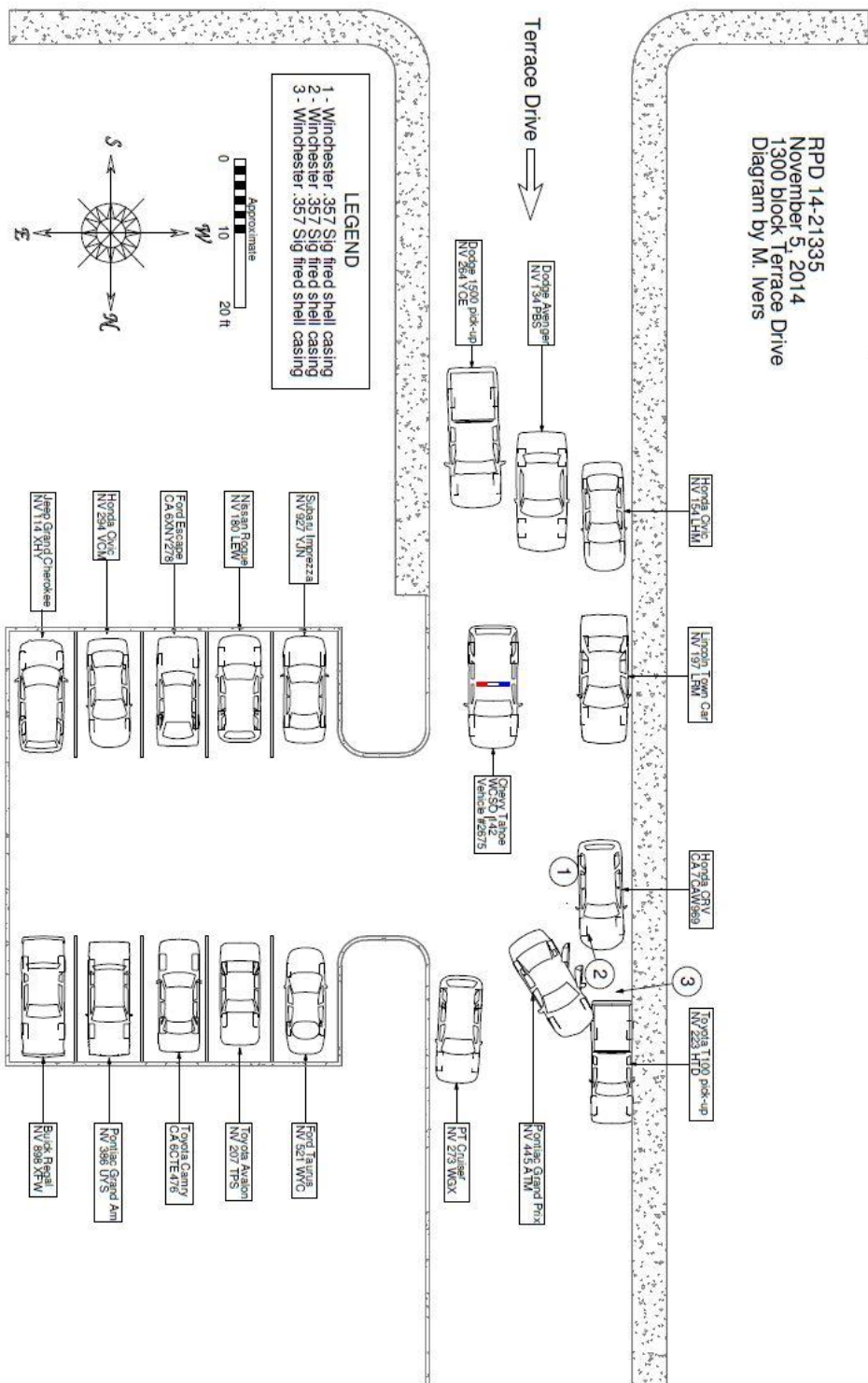
Due to the proximity to the campus, the large student residential population, and the Wolf Den, College Drive and Terrace Drive is a heavily travelled area with a large population of UNR students in its vicinity. This is particularly true on Weekdays between 9 a.m. and 5 p.m. November 5, 2014, was a Wednesday and school was in session.

## II. PHYSICAL EVIDENCE

### A. Shooting Scene

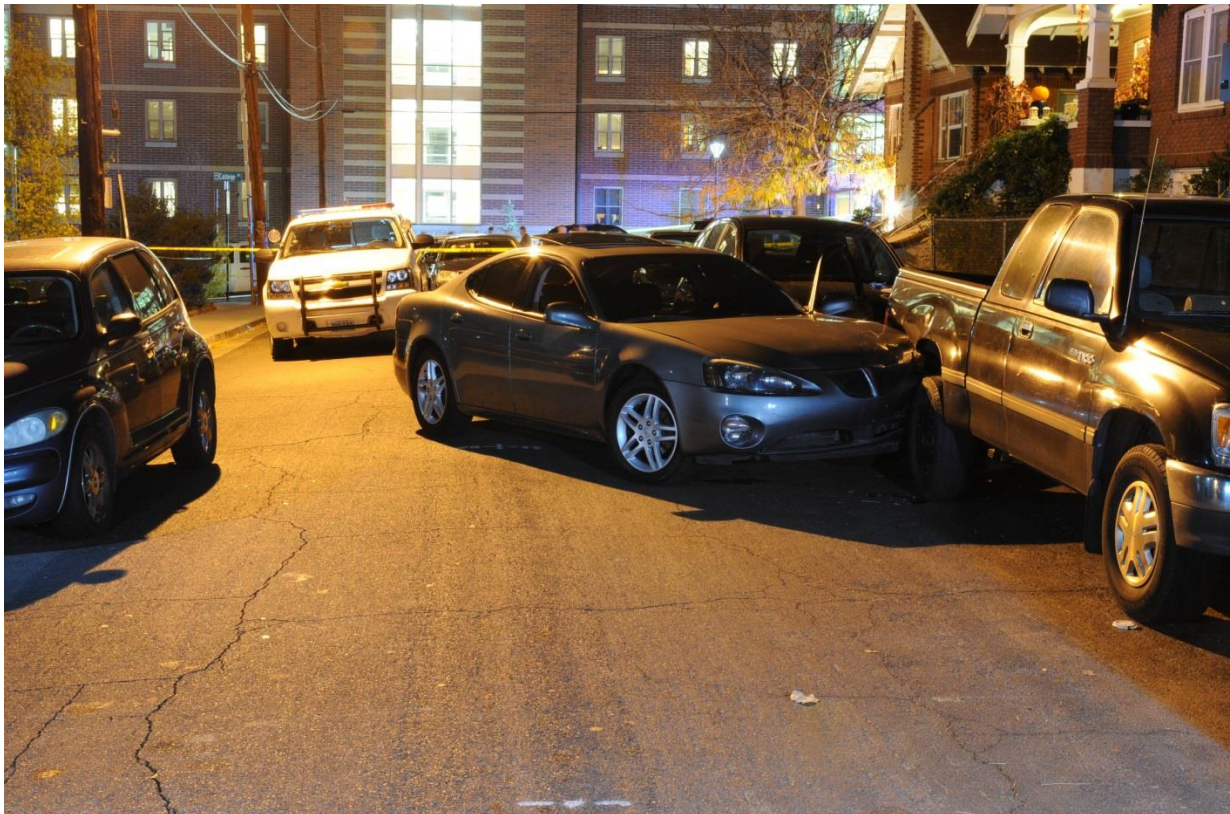
The shooting occurred on Terrace Drive. The scene was taped-off by officers after the shooting. Photographs, observations from the scene, and measurements taken by Forensic Investigators with the WCCL resulted in a subsequently composed forensic diagram of the scene.

RPD 14-21335  
 November 5, 2014  
 1300 block Terrace Drive  
 Diagram by M. Ivers



Hampton's car crashed into a Toyota truck on the west side of the street. The force of the collision propelled the Toyota approximately 2.5 feet into the curbing lining the street. The force of the rear tire of the Toyota contacting the curb caused approximately 2.5 feet of damage to the concrete.











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

- Three (3) white/metal spent casings with "Winchester 357 Sig" headstamp which were fired from Deputy Wood's firearm and collected from the Terrace Drive Roadway.
- One (1) grey metal "Ruger Police Service Six" .357 Cal. Revolver bearing serial number 152-94516 collected from under the driver's seat of Hampton's car.
  - It was fully loaded with ammunition.
  - **This gun was reported stolen in 2010 under SPD case 10-8877.<sup>6</sup>**
- One (1) black digital scale, of the type commonly used from weighing narcotics, collected from the center armrest console of Hampton's car.

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<sup>6</sup> Although Deputy Wood was unaware of the presence of the stolen handgun when Hampton was shot, it is relevant to show Hampton's intent to evade arrest. In Nevada possession of a stolen firearm is punishable by up to ten years in prison. Moreover, in Nevada possession of a firearm by a felon is punishable by up to 6 years in prison. Hampton was a felon.

- One (1) grey "Crown Royal XO" bag containing \$664.00 U.S. Currency (26 = \$20 bills, 7 = \$10 bills, 13 = \$5 bills, 9 = \$1 bills) collected from the center armrest console of Hampton's car.
  - 4 of the collected \$20 bills were the "buy-money" used by the CI in the Grand Sierra transaction.





(Stolen handgun discovered under Hampton's seat)





## B. Patrol Vehicle Recording Systems

Deputy Wood's patrol vehicle was equipped with in-car audio and video recording. The video recording mechanism consists of two cameras. Camera 1 is a forward facing camera that captures the view off the front of the patrol vehicle. Camera 2 is a side facing camera that captures footage off the right front fender of the patrol vehicle. The camera recording system also collects audio from the deputy's lapel microphone.

The recordings from the instant case start when Deputy Wood and Hampton are stopped at the intersection of Virginia Street and College Drive and depict Hampton ultimately pulling over on Terrace Drive. Prior to the stop of Hampton, camera 1 begins to exhibit signs of a malfunction. Specifically, the recording had a red/pink hue about it and skipped intermittently.<sup>7</sup> It was later discovered that camera 1 in that vehicle had previously experienced technical problems. Nevertheless, camera 1 managed to record the stop and Deputy Wood's initial approach to Hampton's car but it froze and failed to record any footage beyond that scene.

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<sup>7</sup> The malfunction was attributed to a hardware failure in the system. This is evidenced by the peculiar coloring of the video and the intermittent skipping. Additionally, the two cameras operate in tandem. Specifically, one camera cannot be turned off or the recording paused without doing the same to the other camera. Camera 2 recorded the entire incident.



**(Camera 1 still photo just prior to the malfunction)**

Camera 2 was functioning properly. It recorded video during the entire incident and audio. Although the video does not depict interactions between Hampton and Deputy Wood, it does depict Branden and Bryan Young, their vantage point and proximity to the shooting, and Detective Brown. Moreover, it also audio recorded the entire exchange between the two.



**(Camera 2 still photo depicting the Youngs in the parking lot and Detective Brown standing behind telephone pole just prior to the shooting)**

The following exchange is recorded leading up to and during the shooting immediately after the verification of Hampton's felony arrest warrants.

- Deputy Wood to Detective Brown and Marshal Burrows "you guys wanna, let me get my dog out, this is his girlfriend, he called the girlfriend to come over here, just in case he tries to take off".
- 10 seconds later Deputy Wood is heard giving Rony his command to get down. (He is also seen on camera 2 walking towards the driver's side of Hampton's car in this time frame)
- 6 seconds later he says "Do me a favor and shut the car off."
- 3 seconds later he again says in a more authoritative voice "shut the car off!" The audio then records the sound of a car accelerating.
- 2 seconds later he says "stop now!" and you can hear tires squeal followed immediately by three gunshots and the sound of



a crash. You can also hear Deputy Wood groan and exhale as if he were injured.

- Deputy Wood announces "shots fired" and calls for REMSA approximately 8 seconds later.

### C. Autopsy

The autopsy of Hampton occurred on November 6, 2014 at 9:08 a.m. and was conducted by Dr. Piotr Kubiczek with the Washoe County Medical Examiner's Office who determined that the death of Hampton was due to multiple gunshot wounds. He was shot three times.

## III. LEGAL PRINCIPLES

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

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

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

NRS 200.120 provides in relevant part that "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony..." against the other person. NRS 200.160 further provides in relevant part that "Homicide is also justifiable when committed... in the lawful

defense of the slayer... or any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished".

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

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

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

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

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

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and

2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

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

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

Id. 1051-52.

#### B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer... when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty" and "When necessary... in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person".<sup>8</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.

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<sup>8</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.

#### IV. ANALYSIS

All evidence presented in this officer-involved shooting review suggests that on November 5, 2014, Deputy Wood was abruptly confronted with an imminent and legitimate danger from Hampton. This clear and immediate danger justified Deputy Wood's response in self-defense by employing deadly force. Although the traffic stop was preceded by a felony drug deal, initially there was little evidence of its ill-fated outcome. Prior to the stop, law enforcement was unaware of Hampton's true identity and criminal felony history, his 3 felony warrants, and the stolen loaded firearm under his seat. However, Hampton was.

This knowledge was evidenced by his hostile and violent actions. Upon law enforcement discovering the existence of the warrants and returning to Hampton's car, his plan to avoid capture began. When asked to turn off his car, he refused. When ordered to "Shut the car off!", he did not. Rather, he began to reverse at angle making his intended escape possible and drawing Deputy Wood within his available route.

As Deputy Wood was yelling "stop now!", Hampton looked directly at him. Deputy Wood was now in the only possible forward path of Hampton's car. As such, Hampton "punched it" striking Deputy Wood's left leg. In that moment, Deputy Wood was confronted with the reasonable possibility of being pulled underneath the oncoming car and run over.

Additionally, according to the FIS diagram Terrace Drive is approximately 28 feet wide from west curb to east curb. Moreover, Hampton's car, the truck he ultimately crashed into, and the Honda CRV parked behind the truck are all approximately 6-7 feet wide. Consequently, in that precarious moment while Hampton's car is bearing down on Deputy Wood, he was challenged with a maneuverable area behind him of approximately 14 to 16 feet. Therefore, Deputy Wood was confronted with the reasonable likelihood of being pinned between Hampton's car and the parked vehicles behind him.

Either scenario, presented a reasonable probability of substantial bodily harm or death. In that immediate moment, it was absolutely necessary that Deputy Wood use deadly force. Accordingly, he had the right under Nevada law to use deadly

force against Hampton both in defense of himself and 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 November 5, 2014, officer involved shooting of Hampton, the actions of Deputy Wood 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.