

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

February 14, 2018



REPORT ON THE FEBRUARY 6, 2017, OFFICER INVOLVED  
SHOOTING OF RONALD BAILEY

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## INTRODUCTION

On February 6, 2017 at approximately 4:37 p.m., on-duty Reno Police Department (RPD) Officers Brandon Neagle and Cade Leavitt were dispatched to the 7/11 Motor Lodge in downtown Reno on a report of a fight. Purportedly, a tenant was acting belligerent while throwing items at the manager of the facility.

Upon the officers' arrival, they saw an adult male on the second story balcony of the motor lodge yelling and gesturing. The male was later identified as Ronald Bailey (hereinafter "Bailey"). The officers entered the main complex of the motor lodge through the main entrance that for a moment partially obstructed their view of Bailey. When they entered the main complex, Bailey was now on the ground level near two other tenants, Richard Leveritt and Ryan Brown.

Bailey began violently attacking Brown. He was continuously striking Brown with his hand. The officers believed Bailey was unarmed and striking Brown with his fist. As such, Officer Leavitt removed his Taser from its holster, approached Bailey and began giving him verbal commands to get down on the ground. Bailey did not comply.

Officer Leavitt then rushed to Bailey and reached out to pull him away from Brown. During that action, he made eye contact with Brown who cried out, "He stabbed me!" Recognizing that Bailey was armed with a weapon, Officer Leavitt stopped and began to back up to create distance from Bailey.

Bailey then faced Officer Leavitt. Officer Leavitt immediately saw a knife in Bailey's hand. Officer Neagle also saw the knife and drew his firearm. Officer Leavitt noted that Bailey appeared angry. Bailey's other hand was clenched in a fist.

Officer Leavitt began to back-pedal and ordered Bailey to drop the knife. He did not and began to advance on Officer Leavitt. Officer Leavitt deployed his Taser. Upon being struck by the prongs of the Taser, Bailey stopped, blinked, and then continued to advance on Officer Leavitt who was only feet away.

Officer Neagle saw that Officer Leavitt's Taser was ineffective. He also observed Officer Leavitt back-peddling on his heels. Recognizing that Officer Leavitt was in danger of being stabbed by Bailey, Officer Neagle discharged his firearm at Bailey to

stop the attack and protect Officer Leavitt from injury or death. Bailey was hit.

Bailey went to the ground. The officers moved the knife out of his reach and requested an ambulance for Bailey and Brown. Officer Leavitt then began life saving measures on Bailey. Bailey and Brown were treated by responding REMSA and taken to the hospital. Bailey sustained three gunshot wounds to his lower left back area. Brown suffered multiple stab wounds to the left side of his head, neck, shoulder and back. Both men survived their injuries.

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

The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, and interviewing the officers involved in the shooting.

Upon completion of the entire investigation, all police reports along with WCCL forensic reports, collected documentation, photographs, witness statements, 911 and dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office in October of 2017, for a final determination of whether the shooting of Bailey was legally justified. No criminal charges against the shooting officer were recommended by WCSO.

However, WCSO did arrest Bailey for several criminal charges. The case against Bailey was prosecuted by the Washoe County District Attorney's Office, and resulted in Bailey pleading guilty to Battery With Use of a Deadly Weapon Resulting in Substantial Bodily Harm and Resisting a Public Officer with a Dangerous Weapon.

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 photographs, diagrams, video 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 Bailey by RPD Officer Neagle was justified and not a criminal act.

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

A. Witness Accounts

1. RPD Officer Brandon Neagle

Officer Neagle has been an officer with RPD for 11 years. On February 6, 2017, Officer Neagle was assigned to the central/downtown district with a trainee, Officer Cade Leavitt, who was in his final week of the training program. In that capacity, he was wearing plain clothes rather than a RPD Uniform. This is a common practice when a trainee is in their final weeks of evaluation allowing the trainee to act as the primary officer when responding to calls for service.

Officer Neagle and Officer Leavitt were dispatched to the 7/11 Motor Lodge on the report of a fight/disturbance between "somebody there and the manager." When they arrived on scene, Officer Leavitt parked the patrol car on West 2<sup>nd</sup> Street, just east of the entrance to the motor lodge.

Officer Neagle explained as soon as they pulled up, he could see Bailey on the second story balcony yelling and pointing down into the corner of the motel. As Officer Neagle and Officer Leavitt walked up to the motor lodge complex from the main entrance, they had to pass by a wall that momentarily blocked their view of the balcony area where Bailey was yelling.

When they entered the motel complex, Officer Neagle saw Bailey was no longer on the second story balcony but was now in the northwest corner of the motel where Richard Leveritt and Ryan Brown were standing. Officer Neagle initially only saw Brown and Bailey.

Bailey begin attacking Brown. Officer Neagle described Bailey "violently... Punching the hell out of somebody." Officer

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

Neagle saw Bailey continuously striking Brown with what he initially believed to be Bailey's right hand. At that time, he was unable to see any weapons in Bailey's hand.

Officer Neagle watched Officer Leavitt approach Bailey and Brown and draw his Taser from the holster. Officer Leavitt began giving verbal commands for the subjects to get down on the ground. Officer Neagle said Bailey who was facing away from them suddenly turned around.

Officer Neagle then saw Brown in the corner, behind Bailey, "bleeding pretty profusely." Officer Neagle said Brown "looked terrified" and recalled Brown had a "pretty bad laceration on the upper half of his body and had blood all over him."

Bailey appeared to be "amped up" as he was facing Officer Leavitt. Officer Neagle explained that he had just seen Bailey "beating the shit out of (Brown)" and when Bailey turned around he was "aggressive, it wasn't ... Hey I'm done. It was like (Bailey) is fixated on (Officer Leavitt) now and he's not stopping so I'm like, 'Hey tase him, tase him, tase him, tase him!'" When Officer Leavitt deployed the Taser it had "no effect on the guy (Bailey) whatsoever."

Officer Neagle estimated Bailey was about "five to six feet" away from Officer Leavitt when the Taser was deployed. Officer Neagle was approximately "eight feet away and slightly off to the side, behind (Bailey)." When Officer Leavitt realized the Taser was ineffective, he began to back up to create distance from Bailey and continued to give verbal commands. Officer Leavitt was backing away into a breezeway towards the alley on the south side of the motor lodge.

Officer Neagle then saw Bailey had a fixed blade knife with a dark colored handle in his hand. He described seeing Bailey holding the knife in his left hand, with "his elbow kinda bent with the knife... the blade pointed forward." Officer Neagle drew his handgun and began to yell, "Drop the knife, drop the knife, drop the knife!" Bailey looked "fixated" on Officer Leavitt at that time and started walking towards him.

Officer Neagle described hearing Officer Leavitt's boots scraping on the ground as if he was back peddling on his heels. Officer Neagle then fired his firearm. Bailey turned and fell to the ground. Officer Leavitt then called out on the radio

"shots fired." Officer Neagle moved the knife away from Bailey so it was out of reach.

Officer Neagle was asked what he thought would have happened had he not fired his handgun at Bailey to which he said, "I thought he was gonna kill Leavitt. After I just saw what he did to that guy and knowing he had the knife and how bad that wound was and I could hear (Leavitt's) boots slipping on the ground while he's backtracking and he still had the taser in his hand and I... I just thought he was gonna do the same thing to Leavitt."

## 2. RPD Officer Cade Leavitt

In February of 2017, Officer Leavitt had been employed by RPD for just over a year and was in the final stage of his RPD training program. On February 6, 2017, Officer Leavitt started his shift at 2:00 p.m. and was working with his training officer, Officer Neagle.

The two were dispatched to the 7/11 Motel on West Second Street in downtown Reno at approximately 4:30 p.m. on a report of a fight between the Motel Manager and a tenant. They arrived on-scene approximately 3 to 4 minutes after receiving the call and parked on the north side of West Second Street.

Officer Leavitt approached the front of the motel complex on foot. As he entered the driveway to the property he observed two male subjects standing on the second-floor walkway of the complex. Both men were signaling to the ground floor alerting Officer Leavitt to the area. Officer Leavitt looked in that direction and immediately saw a white male, later identified as Bailey, begin to attack Brown in the northwest corner of the complex.

Officer Leavitt did not see any weapons and believed it was a fistfight. He withdrew his Taser and began running towards the fight. As he was approaching the fight, Officer Leavitt was yelling "back up" in an effort to get the two men to separate. Bailey had his back to Officer Leavitt.

Officer Leavitt saw that Brown was bleeding and was getting ready to grab Bailey when he heard Brown say, "He's stabbed me!" Officer Leavitt then disengaged Bailey and attempted to create some distance from him by moving back. At the same time, Bailey turned towards Officer Leavitt. Officer Leavitt noted that he

had a knife in his left hand with the blade out and was in a fighting stance with his right hand in a fist. The two made eye contact. Officer Leavitt recounted that he felt Bailey was fixated on him and appeared to be angry.

Officer Leavitt was concerned that due to his proximity to Bailey he was going to be stabbed. As such, he continued to back away from Bailey as fast as he could while giving verbal commands to Bailey to "stop". Bailey continued to advance on Officer Leavitt resulting in the officer deploying his Taser probes at Bailey.

The Taser probes were ineffective in subduing Bailey. Officer Leavitt tossed his Taser and started to remove his firearm. Before Officer Leavitt completed drawing his firearm, Officer Neagle shot Bailey which eliminated the threat. Officer Leavitt later explained that he believed Officer Neagle saved his life by shooting Bailey.

Officer Leavitt and RPD Officer Chris Waddle, who had just arrived on scene, began administering first aid to Bailey.

### 3. RPD Officer Christopher Waddle

Officer Waddle has been an officer with RPD for 13 years. In February of 2017, he was assigned to the Patrol Division. On February 6, 2017 at approximately 4:30 p.m. he was dispatched to the 7/11 Motor Lodge reference a fight in progress.

While responding, Officer Waddle heard Officer Neagle say over the radio that shots had been fired. In turn, Officer Waddle heightened response with lights and sirens. Upon his arrival to the motor lodge, he ran to the parking lot area and saw Brown, shirtless and bleeding.

After asking Brown to sit down, Officer Waddle observed Bailey on the ground with Officer Leavitt nearby. Officer Leavitt motioned towards a black knife and told Officer Waddle, "that's the knife he came at me with." Officer Waddle saw Officer Neagle with his firearm in his hand and his radio in the other. Officer Neagle provided security while Officers Waddle and Leavitt tended to Bailey's welfare.

Upon REMSA's arrival and subsequent on-site treatment of Bailey, Officer Waddle saw three defects to Bailey's abdomen (gunshot

wounds) and wires attached to Bailey that led to Officer Leavitt's discarded Taser.

#### 4. Richard Leverette

Leverette has lived at the 7/11 motel for seven years. Leverette is disabled needing a cane or walker to be mobile. Therefore, his room is on the ground floor.

On February 6, 2017 Leverette was outside his room standing on the ground floor of the motel next to Brown. Bailey who lived in a room at the motel on the second floor began throwing trash in the courtyard parking lot of the motel. He was also talking to himself. Leverette explained that it was common for Bailey to create a disturbance at the Motel.

Brown told Bailey to "shut-up" which resulted in Bailey running down the Motel stairs toward Leverette and Brown. Bailey knocked Leverette to the ground. Leverette saw a knife in his hand. Bailey then began to stab Brown. Leverette said that Brown was trying to get away from Bailey.

Leverette's recollection at that point was that once Bailey was done stabbing Brown, Leverette was able to grab Bailey's arm and disarm him. He claimed the police showed up after this exchange.

Upon their arrival, Leverette recounted that the police had to use their Taser on Bailey several times which resulted in Bailey finally being immobilized. Leverette provided no account of the officer ever using his firearm.

#### 5. David Davies

Davies has lived at the 7/11 motel for approximately 6 years. On February 6, 2017 prior to the shooting, he noted Bailey acting erratically at the motel, including talking and yelling to himself.

Later that day, Davies was in his room on the ground floor of the motel when he again could hear Bailey yelling and arguing from the second floor with other individuals at the motel. Specifically, he saw Bailey acting belligerent with the motel maintenance worker and the motel manager. In turn, he called the police to report the incident.

Minutes later, he saw Brown and Leverette on the ground floor arguing with Bailey who was still on the second floor. He heard Leverette say something to the effect of, "just go in your room and you know and shut up". He then saw officers Neagle and Leavitt arrive.

Davies directed the officers toward Bailey. He then realized that Bailey was now on the ground floor attacking a man whom, in that moment, he believed to be Leverette. Davies began rushing to aid the victim when he saw the officers running towards the victim as well. He saw Bailey repeatedly striking the victim and stopped his progression to allow the officers to intervene.

Right around this time, Davies realized that it was actually Brown who was being attacked and that he was being stabbed instead of punched. As the officers approached, he observed Bailey separate from Brown and heard someone shout, "He has a knife!"

Davies momentarily lost sight of Bailey and Officer Leavitt because they had moved into the motel breezeway but he heard verbal commands from the officers and what he believed to be a Taser being fired. Soon thereafter, he then saw Officer Neagle fire three times at Bailey. Once Bailey was disabled, Davies tended to Brown and his multiple stab wounds.

#### 6. Daniel Carmichael

In February of 2017, Carmichael had been recently employed by the 7/11 Motor Lodge for maintenance work. On February 6<sup>th</sup> Carmichael was tasked with cleaning the carpet in room #3 which belonged to Brown.

As he was about to start cleaning, he witnessed Bailey and Brown get into a verbal argument. Bailey was on the second floor and Brown was on the ground floor. Carmichael further noted that he had interacted with Bailey earlier in the day and that he was acting "crazy." Carmichael then entered room #3 and started to clean.

He then heard a commotion outside and exited the room where he saw Brown and Bailey fighting. To him, it appeared that both men were swinging at each other but Brown was defending himself.

Carmichael then saw a uniformed officer running towards the fight. He then saw Bailey turn on the officer and begin to move

toward him. As Bailey was coming at the officer, Carmichael saw the officer use his Taser on Bailey. However, the Taser did not appear to have any effect.

He then saw a plain-clothed officer shoot Bailey three times. Carmichael remembered that he heard both officers order Bailey to "drop the knife" several times.

#### 7. Ryan Brown<sup>2</sup>

On February 6, 2017 Brown resided at the 7/11 Motel in room #3, on the ground floor. When asked about his knowledge of Bailey, Brown explained that Bailey was often erratic at the motel. Bailey would often come out of his room and yell towards the street. He would throw things around his room and scream with no one in the room. Brown described him as "creepy."

As he was leaving his room on February 6, 2017, he encountered Bailey on the 2<sup>nd</sup> floor balcony yelling random things at no particular person. Brown and others at the motel told Bailey to be quiet or go back in his room.

Upon Brown telling him to be quiet, Bailey came down the stairs to the ground floor and attacked Brown. Brown initially thought he was just being punched but soon realized he was being stabbed. It was during the attack that he heard the police began to yell "drop the knife" and "get on the ground". Brown said that because of the police commands, Bailey stopped stabbing him. Brown explained that Bailey then lunged at the police with the knife and that is when he was shot.

Brown was stabbed multiple times in the left shoulder, the back, his upper neck and head. As a result of the stab wounds he suffered a collapsed lung and physical disfigurement.

#### 8. 7/11 Motor Lodge Tenants

Several tenants at the 7/11 Motel were present in motel rooms when the incident occurred. Officers did a canvass of the motel after the shooting as part of the investigation and interviewed available tenants.

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<sup>2</sup>Brown was interviewed twice, once on the day of the attack and again a day later. Both accounts of the incident are largely consistent. This synopsis is a combination of both interviews.

Consistently, the tenants described hearing the dispute between Bailey and Brown, the arrival of officers Leavitt and Neagle, and their commands to Bailey including variations of "get down" or "drop the knife" followed by the gunshots.

Several tenants also described prior interactions with Bailey where he acted erratically and confrontational. One such tenant described an incident 3 days before the shooting where Bailey yelled at her, "Fuck you, I'm going to kill all these motherfuckers in Reno!"

## B. Ronald Eugene Bailey

### 1. Interview

Bailey was interviewed at Renown Hospital on February 14, 2017. Although he engaged in a full interview, he offered little about the events of February 6, 2017 often resorting to bizarre and confusing statements.

### 2. Subsequent Conviction

On September 13, 2017 Bailey pled guilty to Battery with the Use of a Deadly Weapon Causing Substantial Bodily Harm, a category B felony for the stabbing attack on Brown. He also pled guilty to Resisting a Public Officer with a Dangerous Weapon, a category D felony. As to the resisting charge, Bailey admitted to refusing to drop the knife when ordered to do so and to approaching Officer Leavitt in a threatening manner with the knife.

On November 1, 2017 Bailey was sentenced to 15 years in prison for his attack on Brown with parole eligibility after 6 years are served and 4 years in prison for his actions against Officer Leavitt with parole eligibility after 19 months. The sentences are to be served concurrently.

## C. Countdown of Officer Neagle's and Officer Leavitt's Firearms

On February 6, 2017 at approximately 11:21 p.m. an evidentiary documentation of Officer Neagle's firearm occurred at RPD. At that time, his used duty weapon and available magazines were examined.

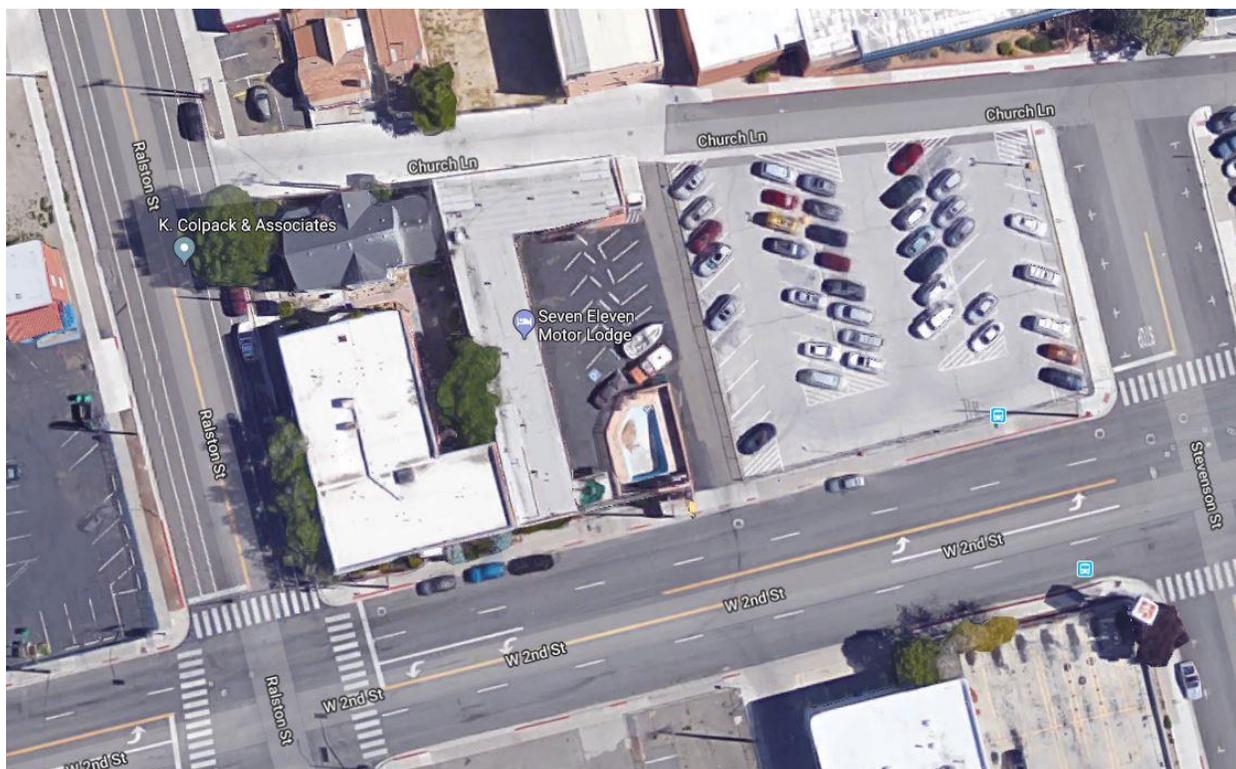
Officer Neagle's duty firearm was a Glock 26 9mm pistol. Officer Neagle advised that he carries his gun and magazine to full capacity of 12 rounds. During the countdown, investigators

noted 1 WIN 9mm Luger cartridge in the chamber and 8 WIN 9mm Luger cartridges in the magazine removed from the gun.

On February 6, 2017 at approximately 10:42 p.m. an evidentiary documentation of Officer Leavitt's firearm occurred at the RPD. At that time, his used duty weapons and available magazines were examined.

Officer Leavitt's duty firearm is a Glock 17 9mm pistol. Officer Leavitt advised that he carries his gun and magazine to full capacity of 18 rounds. During the countdown, investigators noted 1 WIN 9mm cartridge in the chamber of the gun and 17 WIN 9mm cartridges in the magazine.

#### D. Area Overview

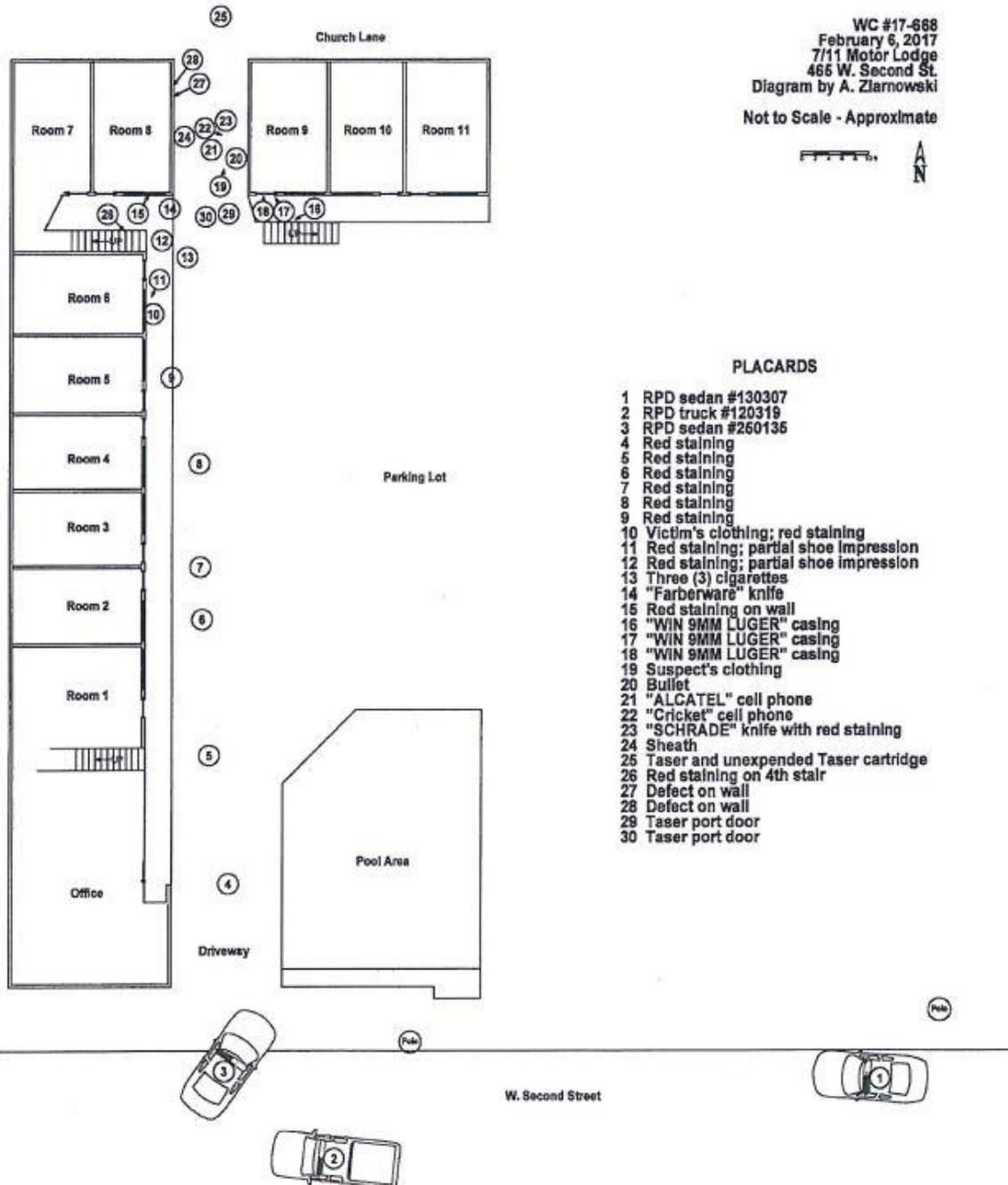


The 7/11 Motor Lodge is a two story L shaped motel located at 465 West 2<sup>nd</sup> Street in downtown Reno. The long arm of the "L" is on the west side of the property and the short arm of the "L" is on the north side of the property. The motel has a breezeway attached to the manager's office which is located on West 2<sup>nd</sup> Street. It has a second exit breezeway midway through the short arm of the "L" that provides access to an alleyway marked as Church Lane in the above picture. The motel has a parking lot in the interior of the "L".

II. PHYSICAL EVIDENCE

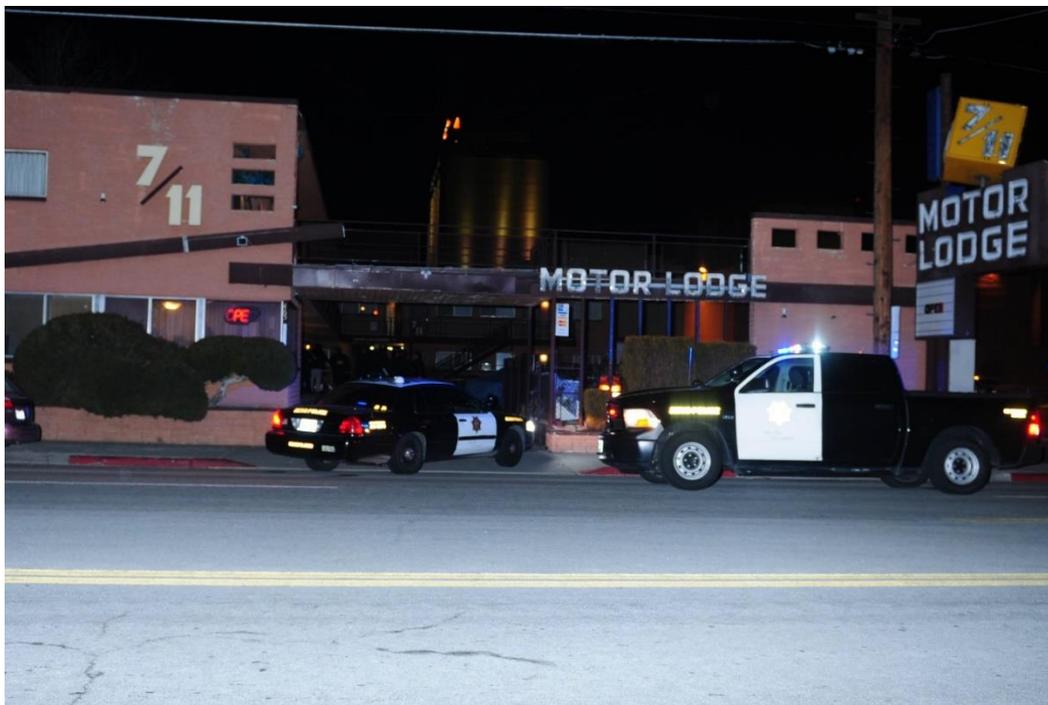
A. Shooting Scene

The attack of Brown occurred in the North West corner of the parking lot of the 7/11 Motor Lodge. The scene was secured and taped-off by officers after the shooting. Forensic investigators with the WCCL processed the scene and subsequently created a diagram.



The following relevant evidence was photographed in place and collected from the parking lot of the 7/11 Motor Lodge.

- Three (3) WIN 9mm Luger casings which were fired from Officer Neagle's firearm.
- One (1) Taser and expended Taser cartridge discarded by Officer Leavitt during his effort to remove his firearm after Bailey began approaching the officer with a knife in a threatening manner.
- One (1) SCHRADE knife with red staining which was used by Bailey in the stabbing attack of Brown and threat of Officer Leavitt.



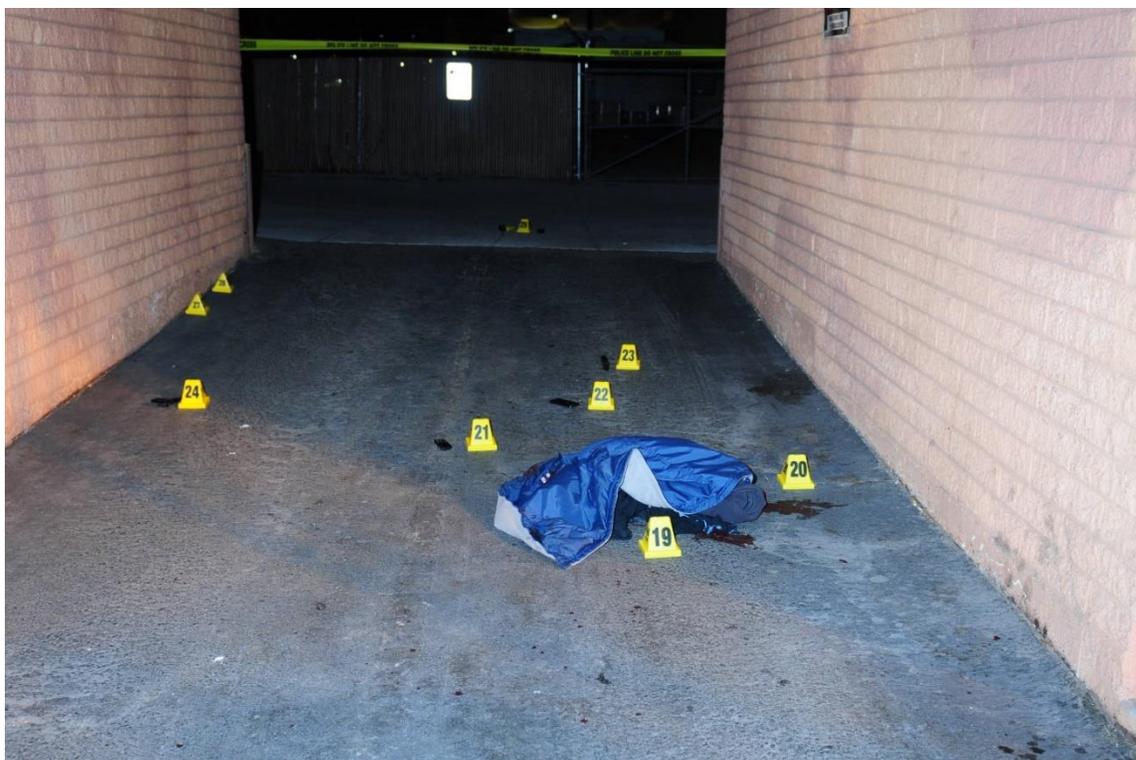
(The above photo depicts the 7/11 Motor Lodge from West 2<sup>nd</sup> Street. The RPD patrol vehicle parked in the driveway was driven by Officer Waddle. The RPD patrol truck was driven by an officer who responded after the OIS)



(The above picture depicts the parking lot of the 7/11 Motor Lodge looking north from the entry breezeway. In the center of the picture is the exit breezeway. To the immediate right of that exit breezeway is room #9 which is depicted in the next picture)



(The above picture depicts room #9 and the discharged WIN 9mm Lugar casings from Officer Neagle's firearm. To the left of the "EXIT" sign depicted in the picture is the exit breezeway where Bailey was shot)



(The above picture depicts the exit breezeway at the motor lodge. At placard 19 is Bailey's clothes, marking the location where he came to rest after being shot. Placard 23 marks the location of the knife used by Bailey after being separated from Bailey by the officers. In the upper center of the picture is placard 25 which marks the resting spot of Officer Leavitt's Taser that he tossed in the process of attempting to withdraw his firearm)



### III. LEGAL PRINCIPLES

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. Although Bailey survived this officer involved shooting, in order to conduct the appropriate assessment the District Attorney's review is controlled by the relevant legal authority pertaining to justifiable homicides. This is because the analysis rests upon the decision to use deadly force, not the result.

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>3</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 February 6, 2017, RPD Officers Leavitt and Neagle were dispatched to a report of a disturbance at the 7/11 Motor Lodge. What they encountered was a deranged Bailey committing a violent attack. His victim, Brown, was being viciously and repeatedly stabbed by Bailey in the parking lot complex of the motor lodge. Brown suffered multiple stab wounds to his head, neck, shoulder and back.

Initially unaware of the knife being used to stab Brown and believing it was a weaponless fight, Officer Leavitt approached the men intending to break up the fight while Officer Neagle was in a position to provide backup support. Officer Leavitt's verbal commands to stop the fight were disregarded by Bailey. Moreover, Bailey then turned the knife on Officer Leavitt. Both

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<sup>3</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.

officers were then aware that Bailey was armed with a weapon and had been stabbing Brown.

Bailey continued to disobey commands to stop and began moving towards Officer Leavitt with the knife in a threatening manner. The two were a dangerous 5-6 feet apart. Officer Leavitt's attempt to subdue Bailey with a Taser proved fruitless as he awkwardly attempted to back away. An angry, disobedient, and agitated Bailey, who had just violently stabbed another man multiple times, continued towards him with the knife. In that moment, Officer Neagle clearly had the right under Nevada law to use deadly force against Bailey, in defense of Officer Leavitt. Officer Neagle reasonably believed that there was imminent danger that Bailey would kill or cause substantial bodily injury to Officer Leavitt.

#### 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 February 6, 2017 officer involved shooting of Bailey, the actions of Officer Neagle 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.