

**OFFICE OF THE WASHOE COUNTY  
DISTRICT ATTORNEY**

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REPORT ON THE NOVEMBER 22, 2015, OFFICER  
INVOLVED SHOOTING OF MATTHEW GROWS

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## Table of Contents

INTRODUCTION.....	1
I. STATEMENT OF FACTS.....	3
A. Witness Accounts.....	3
1. Reno Police Department Officer Andrew Hickman.....	3
2. Reno Police Department Officer Ty Trail.....	5
3. Reno Police Department Officer Eric Hague.....	7
4. Reno Police Department Officer Stephen Abell.....	8
5. Reno Police Department Officer Jason Daniels.....	9
6. Reno Police Department Officer Ryan Koger.....	9
7. Reno Police Department Officer Kevin Vogt.....	10
8. Reno Police Department Officer Robert Garlock.....	11
9. Reno Police Department Officer Richard Miller.....	12
10. Cindy Rose.....	12
11. Joe Glovan.....	15
12. Bonnie Rose.....	16
13. William Lambert.....	17
14. Michael Miller.....	18
15. Devin Rose.....	20
16. Ashley Rose.....	21
17. Jerry Day.....	22
18. Other witnesses.....	23
B. Countdown of Officer Hickman's Firearm.....	23
C. Countdown of Officer Trail's Firearm.....	23
D. Countdown of Officer Hague's Firearms.....	24
II. PHYSICAL EVIDENCE.....	24
A. Shooting scene.....	24
B. Autopsy.....	30
III. LEGAL PRINCIPLES.....	30
A. The Use of Deadly Force in Self-Defense or Defense of Another.....	30
B. Justifiable Homicide by Public Officer.....	32
C. Use of Deadly Force to Effect Arrest.....	32
IV. ANALYSIS.....	32
V. CONCLUSION.....	34

## INTRODUCTION

Shortly after 3:00 p.m. on the afternoon of November 22, 2015, Reno Police Department Officer Ty Trail and his trainee, Officer Andrew Hickman, were in their police car in the area of Wrondel Way and East Grove Street. As they reached the intersection of Wrondel and East Grove, they were hailed by citizens and directed to the 7-11 store near the intersection. When they pulled into the 7-11 parking lot, the officers saw a 7-11 employee assisting an apparently injured man at the front doors of the store. They approached the man, who was later identified as Joseph Glovan, and saw that he was suffering from what appeared to be a gunshot wound to his abdomen. Glovan indicated, by words and gestures, that the person who shot him was south of the 7-11. As they continued trying to find out what happened, the officers heard screaming and gunshots coming from the direction of the triplex residences at 220 East Grove Street, which is across East Grove to the southeast of the 7-11, in the direction indicated by Glovan.

Officers Trail and Hickman believed there was an active shooter in the area of the triplex, that there was consequent danger that other victims could be seriously injured or killed, and that immediate police intervention was needed. Officer Trail notified Reno Dispatch of the situation, and both officers, who were in full police uniforms, went toward the area where they heard the screaming and gunfire. As the officers were crossing Grove Street on foot, Reno Officer Eric Hague arrived in his marked police patrol truck. Officer Hickman signaled Hague that they were approaching the triplex, and he and Officer Trail continued toward the driveway.

As they entered the driveway, both officers saw a white male adult in a camouflage jacket at the south end of the driveway in front of a detached garage structure. The man was walking away from the officers with a pistol in his hand. Not far away, just west of the man with the pistol, were two women clustered together and a man near the triplex; they appeared extremely scared. The officers, who had their firearms drawn, identified themselves as police and called out to the man with the pistol, who matched Glovan's general description of the person who shot him. The officers commanded the man, later identified as Matthew

Grows, to drop his weapon. Grows ignored the police commands and kept moving closer to the three people near the triplex.

Officer Hickman saw Grows turn his head as if looking at - while at the same time raising his pistol toward - the people near the triplex. Officer Trail and Officer Hickman both believed Grows was going to shoot more victims, and both officers fired their guns several times at Grows, until he no longer appeared to be a threat to the three people.

Officer Hickman and Officer Trail's shots were effective at incapacitating Grows. As additional Reno Police Officers began arriving, Hickman and Trail approached Grows to secure his pistol and determine the extent of his injuries. Grows' gun, a Model 1911 style, .45 caliber, semi-automatic pistol, was found in the area where he fell to the ground.

Other officers located another victim near the triplex, Michael Miller, who had also been shot by Grows and was suffering from a gunshot wound. They soon realized, as smoke began billowing from the middle apartment and garage, that the triplex was on fire. It was later discovered that Grows had started the fire.

Due to the rapidly-spreading fire, Grows, Michael Miller, and the other victims were evacuated from the property. Grows was transported to Renown hospital where he was treated for his gunshot wounds; he later succumbed to his injuries and died at the hospital. Joseph Glovan and Michael Miller, both of whom had been shot by Grows, were also transported to the hospital for treatment of their gunshot wounds. Both survived their injuries.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Washoe County Sheriff's Office (WCSO) led the investigation into the shooting of Grows. The Sparks Police Department (SPD) provided secondary investigative support, the Reno Police Department (RPD) provided further needed support, and the Washoe County Crime Laboratory (WCCL) provided forensic services. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, and interviewing the officers involved in the shooting.

All investigation reports along with WCCL forensic reports, photographs, and recorded interviews were then submitted to the Washoe County District Attorney's Office for a determination of

whether the shooting of Matthew Grows was legally justified. No criminal charges were recommended by the WCSO.

The District Attorney's evaluation included reviewing over 750 pages of reports and documents which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, 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 Matthew Grows by Reno Police Department Officers Ty Trail and Andrew Hickman was justified and not a criminal act.

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

A. Witness Accounts

1. Reno Police Department Officer Andrew Hickman  
Officer Hickman was interviewed at the Reno Police Department on November 23rd, 2015, at 1:19 p.m. by SPD Detective Curtis English and WCSO Detective James Cox. He has been employed by RPD for approximately ten years.

On November 22, 2015, Officer Hickman was assigned as a Patrol Training Officer for Officer Ty Trail; their scheduled shift was 2:00 p.m. to midnight. At around 3:10 p.m., after responding to calls for service, the officers were driving in the area of Grove Street and Wrondele Way. They noticed citizens hailing them, pointing toward the 7-11 on Grove Street east of the intersection. Pulling into the 7-11 parking lot, Hickman saw a female clerk helping a man walk toward the store. The man, who was later identified as Joe Glovan, was hunched over, and the clerk had her arm around him; Glovan collapsed on the ground as they reached the 7-11 doors.

When the officers got out of their car, several citizens present in the area were talking and yelling about what had happened. Glovan was able to indicate that he had been shot, and that the man responsible was at the apartments across Grove Street to the southeast of the 7-11. Officer Hickman observed that Glovan had an apparent gunshot wound to his stomach. Almost simultaneously as the officers were getting this information, they heard

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

screaming and gunfire coming from across the street where Glovan had indicated.

The screaming "sounded like females screaming for their lives like they were being killed or getting threatened or something, terrorized." Believing there was "an active shooter situation going on," Officer Trail contacted dispatch and he and Hickman started "heading towards the sounds of violence and the screaming."

As the two officers crossed Grove Street heading southeast, Hickman saw Officer Hague arrive in the area. He made eye contact with Hague and pointed toward the driveway of the apartments at 220 East Grove Street. As they entered the dirt driveway, Hickman was in the lead. He saw a man toward the opposite end of the driveway "walking away from" the officers; the man, later identified as Matthew Grows, was wearing what looked like a thick camouflage jacket and had a handgun in his right hand.

Officer Hickman then noticed that there were three people - two women and a man - to the right of Grows, about eight to ten feet away and closer to the apartments. They had no weapons, and seemed "like they were terrorized and fearful of this subject with the gun." It looked like "they really had nowhere to go, like they were pretty much stuck where they were." Hickman, who was in his full police uniform, began giving commands to Grows, but he did not comply or acknowledge the officers. Instead, Grows stopped and "turned his attention toward" the three people on his right. As he "was looking towards" the women and man huddled together, Grows began raising his gun in their direction, and Hickman felt that if he did not act, Grows was going to kill them.

Officer Hickman fired his gun at Grows. When his first shot "didn't seem like it had any effect on him whatsoever," Hickman fired several more times, then Grows went down. The three officers approached Grows. Hickman saw Grows' gun, a 1911-style pistol, on the ground near where he was laying, so he picked it up, ejected the round in the chamber and removed the magazine. Grows was not responding to the officers' verbal commands, and while officers Trail and Hague stayed with Grows, Officer Hickman turned his attention to the nearby man and two women (later identified as Cindy and Bonnie Rose, and William

Lampert). In a panic, Lampert said there was a victim who had been shot just around the corner of the building. Looking around the corner, Hickman saw a man lying on the ground in the side yard next to the house.

As other officers began arriving and attending to the man on the ground, Lampert, still in a panic, said that Grows had just set fire to his garage. Smoke was coming out of the garage between units of the triplex. As other officers continued to arrive and assist in moving Grows and the victims away from the fire, Officers Hickman and Trail helped move police cars to clear the way for REMSA and Reno Fire Department responders. Officer Hickman sustained no injuries.

## 2. Reno Police Department Officer Ty Trail

Officer Trail was interviewed at the Reno Police Department on November 23rd, 2015, at 2:23 p.m. by SPD Detective Curtis English and WCSO Detective Kathleen Bishop. He has been employed by RPD since February of 2015.

Upon completion of the police academy in July of 2015, Officer Trail was assigned to the Patrol Training Officer's Program. On November 22, 2015, his normal Training Officer had taken the day off, so Trail was assigned to work his 2:00 p.m. to midnight shift with Training Officer Andrew Hickman. After attending their briefing, Trail and Officer Hickman began responding to calls for service. Officer Trail was driving their marked RPD patrol vehicle.

At around 3:00 p.m., Trail and Hickman were patrolling in the area of Wrondel Way. While stopped at the stop sign at Wrondel and Grove Street, they were flagged down by two witnesses directing the officers toward the 7-11 on the north side of East Grove Street, near the intersection of Wrondel. Officer Trail believed this was around 3:00 p.m., but did not recall the exact time. Trail pulled into the 7-11 parking lot and contacted a 7-11 clerk who was assisting Joseph Glovan.

The clerk assisted Glovan to front door area of the 7-11, where Glovan told the officers that he had been shot and provided a general description of the shooter. As Officer Trail began notifying dispatch, Glovan pointed toward 220 East Grove Street, saying that was where he was shot and where he last saw the shooter. As the officers continued trying to get information

from Glovan, Trail heard a gunshot coming from south of the 7-11 and notified dispatch of the shot fired. Within seconds he heard three or four more shots fired from the area of 220 East Grove, and a female screaming hysterically.

Officers Trail and Hickman began running toward 220 East Grove. Based upon what Glovan said and what he had just heard, Officer Trail believed he was responding to an active shooter situation. As he and Officer Hickman approached the driveway to 220 East Grove, Trail saw Officer Hague drive into the area in his marked RPD patrol vehicle.

Upon entering the driveway from the north, Officer Trail saw a man at the south end of the driveway in front of a detached garage. The man, later identified as Matthew Grows, matched Glovan's description of the shooter - he was a white male adult, approximately 60 years old, wearing a thick jacket, blue jeans, and a hat. Grows was holding a pistol, which Trail believed was in his left hand.

Officer Hickman told Trail to stay with him, and the two proceeded side by side down the driveway. To his left, Officer Trail saw a man and woman who were watching but did not appear involved. As he advanced, Trail saw, toward the end to the driveway to the right, a bald man and a woman standing together. The woman was screaming and appeared very afraid; the man appeared to be trying to shield the woman from Grows.

Officer Hickman yelled "police" to Grows, and began giving him commands. Officer Trail could not recall the specific commands Hickman yelled to Grows, but Grows ignored them and turned to his right - toward the man and woman near the end of the driveway - and said something to them that Trail did not hear. Grows began raising his gun, and Officer Trail believed Grows was about to shoot another victim.

Officer Trail heard Officer Hickman fire a shot, and Trail also fired at Grows, believing Grows was about to shoot at the man and woman. Trail stopped firing - he believed he had fired three or four shots - when he saw Grows go down to the ground.

The two officers approached Grows, who was initially face down on the ground but then rolled over onto his side, moaning. Trail then saw Grows' gun on the ground near his buttocks. As Trail continued to keep his gun aimed at Grows, Officer Hickman



retrieved Grows' pistol and made it safe. By this time, other officers began arriving, and Officer Trail stayed with Grows while other officers checked the area for other potential victims or threats.

While continuing to cover Grows, Officer Trail saw another victim, a man later identified as Michael Miller, lying on the ground near the fence line to the west of Grows. The man was talking, saying he had been shot. Trail then observed smoke coming from the garage attached to the triplex and could see the building was on fire. Two RPD officers evacuated Miller away from the fire to receive medical treatment, and another officer relieved Trail from watching Grows. Officer Trail then assisted in moving patrol cars so Reno Fire Department vehicles could access the 220 East Grove property and fight the structure fire.

### 3. Reno Police Department Officer Eric Hague

Officer Hague was interviewed at the Reno Police Department on November 22, 2015, by WCSO Detective James Cox and SPD Detective Ken Gallop. He has been employed by RPD for approximately ten years, and previously worked as an officer with the University of Nevada Reno Police for three years.

On November 22, 2015, Officer Hague was assigned to Patrol and was working the 2:00 p.m. to midnight shift. While on patrol in the area of Renown hospital, Hague heard over the radio that Officers Hickman and Trail were with a gunshot victim, and he started driving to the 7-11 on East Grove Street. On the way, Hague heard an update that shots had been fired south of the officers' location. When he got to the area of the 7-11 Hague saw Officers Hickman and Trail in the 7-11 parking lot. As he was pulling over, Hague heard a gunshot, then another; believing he was responding to an active shooter situation, he armed himself with his rifle, and followed Officers Hickman and Trail, who were now running south across East Grove Street toward the property at 220 East Grove. Hague estimated he was about ten to fifteen feet behind Hickman and Trail when they entered the driveway of 220 East Grove.

Hague heard shots being fired, and he could see that Hickman and Trail were shooting, but he could not tell if anyone else was firing. As he entered the property, he saw a man toward at the south end of the driveway falling to the ground. Officers

Hickman and Trail were yelling directions, such as "show us the gun, drop the gun." Hague could see that the man on the ground, later identified as Matthew Grows, was still moving, and could see a gun on the ground near him, and he placed Grows in handcuffs. Hague realized that there were six or seven civilians in the area, and he took three closest to him off to the side and kept them from approaching the officers or the man. As other civilians started appearing, Hague kept them back and moved them back away from the shooting scene.

As Hague continued with crowd control and other officers began arriving, he saw that Officer Garlock had located a victim (Michael Miller) who appeared to have been shot in the stomach and was being carried from the property. Hague saw that the 220 Grove Street triplex was on fire, and three civilians closer to the residence were yelling that there were kids inside the building.

When Reno Fire Department personnel arrived, Officer Hague and other members of the SWAT team obtained breathing equipment from the firefighters and entered the residential units to look for other victims. Once the units were cleared and no other victims were found inside, Hague went to the Reno Police station.

#### 4. Reno Police Department Officer Stephen Abell

When RPD Patrol Officer Stephen Abell arrived in the area of 220 East Grove Street, he saw numerous RPD Officers in the yard and heavy smoke from a fire billowing out of the residences. He was quickly advised that there could be as many as four more victims inside the residential units, and potentially another suspect, and that only one unit had been cleared so far.

Abell saw a man wearing a heavy red and black flannel jacket and blue jeans, later identified as Matthew Grows, lying prone on the ground next to other officers with handcuffs on. There was blood on the upper portion of his clothing. Officer Abell solicited another officer to provide cover while he provided medical attention to Grows.

When Officer Abell rolled Grows onto his back, several handgun magazines fell out of Grows' clothing and onto the ground. Abell found that Grows was not breathing and did not have a carotid pulse. In checking for the source of bleeding, Abell located a bullet wound to Grows' upper rib cage, and found a spent bullet

in the upper right of Grow's chest. Abell immediately requested another REMSA ambulance for Grows, and began chest compressions. After three to four chest compressions, Grows gasped a large breath and Abell detected a faint pulse. Grows then began agonal respirations.

Once a backboard was obtained for Grows, he was placed on it and officers carried him to the middle of Grove Street, where he could be placed in an ambulance. Once REMSA medics arrived and began attending to Grows, Officer Abell removed the handcuffs to facilitate the treatment, and he assisted the medics in removing Grows' flannel jacket and shirt.

5. Reno Police Department Officer Jason Daniels

When RPD Patrol Officer Jason Daniels arrived in the area of 220 East Grove Street, he saw RPD police officers rendering medical aid to a man lying in the driveway who was yelling that he had been shot. As Officer Daniels continued southward down the driveway to check for additional victims, he saw several RPD officers entering the apartment on the south side of the complex. He also observed a white male adult wearing a dark colored jacket and blue jeans, later identified as Mathew Grows, lying on the driveway in front of this apartment. One of the officers indicated that Grows was possibly the shooter.

Daniels tried to question Grows, but he was non-responsive. Daniels observed that Grows was wearing a black holster that was empty. Officer Daniels and Officer Hague handcuffed Grows and pat-searched him for weapons; Daniels located and removed a handgun magazine and a knife from Grows' pants.

Daniels assisted Officer Abell in rolling Grows over onto his back, and Abell began checking Grows and providing medical aid. Abell was unable to detect a pulse, and a request for a REMSA response was put out to dispatch. When Officer Abell began chest compressions, Grows gasped for air, and Abell thereafter detected a faint pulse. Once a back board was obtained. Grows was placed on it and carried by officers to Grove Street.

6. Reno Police Department Officer Ryan Koger

RPD Patrol Officer Ryan Koger was responding to the area of 220 East Grove after hearing there was a gunshot victim and shots had been fired there. On the way, he heard Officer Trail advise

that shots had been fired and he was involved. When he arrived, he saw Officer Hague standing in the driveway of 220 East Grove, near the entrance, trying to calm a large group of citizens in the driveway. Officers Trail and Hickman were standing at the South end of the driveway, giving commands to a man, later identified as Matthew Grows, who lying on the ground several feet in front of them.

As Koger approached, he saw that Grows had an empty paddle holster on his hip. Officer Hickman was holding a dark colored semi-auto pistol; Hickman removed the magazine from the gun, and cycled it to render it safe. As he was doing this, Officer Koger heard screaming coming from the southwest - he and Officer Hickman ran to the south yard of the property and saw Officer Garlock kneeling next to a man, later identified as Michael Miller, who was laying on the ground. Officer Garlock asked Koger to stay with Miller while Garlock retrieved a first aid kit from his car.

Miller repeatedly stated that he had been shot, as he was writhing in pain. Checking Miller, Officer Koger located bleeding bullet wounds on the right and left side of his chest; Koger began applying pressure to both wounds. When Officer Garlock returned, he and Koger carried Miller to the driveway so he could be more easily accessed by REMSA medics when they arrived. Once, there, however, Koger saw heavy smoke coming out of the garage of the unit immediately to the west, and it was apparent that there was a fire burning inside, so the officers put trauma dressings on Miller's wounds and evacuated him to the parking lot at the southeast corner of East Grove and Wronde, where REMSA ambulances could more easily access him. Once there, the officers continued to render aid until REMSA medics arrived and took over.

7. Reno Police Department Officer Kevin Vogt

RPD Patrol Officer Kevin Vogt responded with other officers to 7-11 at 211 East Grove Street when he heard the dispatch of shots fired in the area. As he and other officers arrived at the 220 East Grove complex, he saw Officer Jason Daniels with a white male, later identified as Matthew Grows, handcuffed on the ground toward the south end of the driveway. Grows was wearing a pistol belt with an empty holster. Officer Vogt saw that Grows was bleeding, appeared unresponsive, and had shallow breathing.

Not knowing whether Grows was armed, Vogt and Officer Daniels rolled him over on both of his sides to check for any weapons. The officers found and removed two pistol magazines from the front of his belt, a knife that was clipped to one of his pockets, and two additional pistol magazines from his back pocket. Officer Vogt also removed Grows' pistol belt and kept it with the other items.

Once the officers were sure Grows was no longer armed, Officer Vogt began checking his injuries. One of the cover officers, RPD Officer Stephen Abell, had previously been an EMT for REMSA, so Officer Vogt took over the cover position while Officer Abell began rendering aid to Grows. Another officer soon arrived with a backboard from one of the REMSA units, and the officers placed Grows on it took him to the center of Grove Street, where he could be loaded into an ambulance.

Officer Vogt rode in the ambulance with Grows to Renown Regional Medical Center, assisting the medics by performing chest compressions on the way. Grows arrived at the hospital at about 3:39 p.m. and was moved into a trauma bay.

Officer Vogt remained at the hospital while the medical personnel performed life-saving efforts on Grows. However, at 3:55 p.m. Grows was pronounced deceased.

8. Reno Police Department Officer Robert Garlock

At about 3:14 p.m. after hearing over the radio that Officers Hickman and Trail were with a gunshot victim at the Grove Street 7-11 and heard more shots being fired south of their location, RPD Patrol Officer Robert Garlock began responding to their location. While driving on Grove Street approaching Wrondel, Garlock heard one of the officers say over the radio: "Shots fired and I am involved." Arriving in the area, Officer Garlock got out of his police car and began running toward 220 East Grove, where he saw Officer Hickman with his gun pointed at a man in a camouflage jacket with a holster on his right hip laying on the ground in front of the garage at the end of the driveway. There was a black semi-automatic pistol on the ground next to the man's right side. Officer Hickman Officer Hague speaking to several civilians, while another officer was trying to keep onlookers from entering the scene.

Officer Hickman directed Officer Garlock to a gunshot victim next to the fence to the southwest side of the complex. Garlock located the victim, later identified as Michael Miller, and saw he was bleeding from his abdomen area. RPD Officer Koger arrived and assisted Garlock in tending to Miller, who was yelling and thrashing around. The officers were providing aid to Miller by trying to put pressure on the bleeding wounds when Garlock saw that smoke was billowing out from the residence nearest to him. The officers immediately evacuated Miller, carrying him away from the burning residence and ultimately to the parking lot of the Carpet Town business on Grove and Wrondel, where they tended to him until REMSA arrived and took over performing life-saving efforts.

After the ambulance transporting Miller left, Officer Garlock went back to the complex at 220 East Grove, where RPD Sergeant Garlock was leading a team of SWAT Operators equipped with breathing equipment into the residences of the burning complex to look for others who may be inside still. Officer Garlock thereafter stood by and provided security at the scene while the firefighters fought the fire.

9. Reno Police Department Officer Richard Miller

RPD Officer Richard Miller was initially performing traffic and crowd-control on Grove Street. He was later assigned to give witness Cindy Rose a ride to the police station. During the drive to the station Rose was upset and crying, and she told Officer Miller that she knew "he" was crazy, that "he" shouldn't have had guns, and that "he" had shot the locks off the doors. Rose also said that "he" had tried to shoot her and her mother. Upon their arrival at the RPD station, Rose commented that "he" had pointed his gun at the officers but she didn't know if he shot it at them. Officer Miller stayed with Rose and other witnesses until they were interviewed.

10. Cindy Rose

Cindy Rose was interviewed at the Reno Police Department in the evening of November 22, 2015. Cindy's mother, Bonnie Rose, owns the property at 220 East Grove Street, which is a triplex residence. Cindy lived in unit #1 with her boyfriend Joe Glovan. Cindy had been living there for approximately two years. Cindy's cousin, Matthew Grows, lived in unit #2; he had been living

there for approximately fifteen years. Matthew acted as the caretaker of the property and did not pay rent. William "Bill" Lambert lived in unit #3; he is not related to Cindy's family. Michael Miller is a friend of William's and regularly comes over and helps out around the property. Cindy said that only Matthew and her brother, Steve Rose, had keys to the garages between units #2 and #3, and Steve was not present when the shooting and fire occurred that day.

Earlier that day and at the time of the shooting, Cindy's 14-year-old son, Devin Rose, her 25-year-old daughter, Ashley Rose, and her 2-year-old granddaughter, Kaitlyn Duran, were visiting at her residence.

Cindy reported that there had been a disagreement with Matthew Grows over firewood from a tree that had been cut down behind the residence several weeks before the shooting. The Carpet Company, a neighboring business, paid for the tree to be cut down. Cindy's unit is the only one in the triplex that has a fireplace, and earlier in the day on November 22, Devin had attempted to take some of the wood to use for firewood. Grows got upset about this and told Devin he could not have the wood, as it belonged to the Carpet Company. Cindy conveyed this to Bonnie over the phone, and Bonnie was unhappy because she believed the wood was hers as the property owner. She came to the property and talked to Grows about the wood.

After this conversation, Cindy believed the wood was going to be retrieved by personnel from The Carpet Company. Grows had identified other trees at the back of the residence that could be cut up for firewood instead, so as a group Bonnie, Joe, Cindy, William Lambert, and Michael Miller, started cutting up the wood located in the yards to the south and behind the residence.

Cindy said they were outside cutting wood for about ten minutes when she heard the first shots fired. She was behind unit #3 cutting a tree when she heard a loud popping sound, then Joe came running from the south and said Grows was shooting and had just shot him. Joe continued to run to the north, then Cindy saw Michael Miller fall to the ground by the fence. Bonnie had her hands up and was saying "no Matthew, no Matthew." Grows then came into Cindy's view and pointed his black pistol at her, telling her "You shouldn't have messed with me", "I warned you,"

"You treated me like a dog," and "I'm not going to kill you just wound you real bad."

Grows fired two shots in Cindy's direction, but missed her, and he then turned toward Bonnie. Cindy believed Grows missed on purpose, and in an effort to protect Bonnie, she moved south into the side yard area and positioned herself between Bonnie and Grows. Cindy was apologizing to Grows, but he told her it was too late to apologize.

At this point, Ashley came around the southeast corner of the building, and Grows turned toward her and pointed his gun at her. Cindy said, "If you hurt her, I swear I'll kill you!" Grows turned back toward Cindy and pointed his gun at her again, telling Cindy she was already dead and that she should have apologized. As Cindy was pleading for her daughter's life, Ashley ran away.

Grows then went toward the front of the building. Cindy and Bonnie started trying to help Michael, who had been shot, when Cindy heard three more shots. Cindy was scared for her children, who she believed were in her residence, and, with Bonnie following, she went to the south end of the driveway in front of unit #3 and called to Grows. When she saw Grows, he was standing in front of the door to her unit; it looked he was trying to get inside. When Grows saw her, he started walking toward Cindy and Bonnie. He was pointing the gun at Cindy, telling her "I warned you not to mess with me," and "I'm sick of you treating me like a dog, you never apologize for shit!" Cindy continued to try to stand between Bonnie and Grows.

As Grows continued walking toward she and Bonnie, Cindy saw two uniformed police officers enter the driveway. The officers started commanding Grows to drop the gun, and she saw him look over his shoulder in the direction of the officers. Grows had his gun pointed at her when the police officers fired at him. Cindy saw Grows then fall to the ground and he did not get up. Cindy then noticed that William was outside, and he was saying that the garages between units #2 and #3 were on fire. Then Ashley, Devin, and Kaitlyn came out of Cindy's unit, and they left the area and were ultimately separated and transported to the police station.



Cindy stated that Grows has been on dialysis for the past ten years, and has been taking medication for kidney failure. Cindy also reported that William Lampert had warned her previously that Grows would shoot them all one day based on the erratic behavior that they saw him display on a daily basis. When asked to describe the erratic behavior, Cindy said he routinely gets upset about little things and is "hateful" and never understood why other people get to live while he is dying due to his medical condition. She said that in addition to his erratic behavior, he has attempted suicide in the past.

#### 11. Joe Glovan

Joe Glovan was interviewed at Renown Medical Center on the evening of November 22, 2015. Glovan has lived in unit #1 of 220 E. Grove Street with his fiancée, Cindy Rose, for approximately two years. On November 22, Cindy's daughter, Ashley, her son, 14-year-old Devin, and her 2-year-old granddaughter, Kaitlyn, were visiting.

Glovan described the disagreement over the firewood, stating that Grows was adamant that the wood was spoken for, so after Bonnie came over and talked to Grows, they decided to cut some of the other old trees on the property to use for firewood. Glovan, Bonnie, Cindy, William Lambert, and Michael Miller were thus outside working in the back and south yard areas. William and Michael were near the southwest fence corner of the backyard, Bonnie was somewhere between them and Glovan, who was near the fence line at the southwest corner of triplex, and Cindy was about two feet away from Glovan, behind the triplex.

Glovan described that Grows suddenly came around the corner to the backyard, aiming his pistol in Glovan's direction and then immediately firing. Glovan did not recall hearing Grows say anything. Glovan "felt a pressure in my stomach and knew I had been shot." Glovan ran past Cindy on the west side of the property behind the triplex and told her he had been shot, and continued running northbound to the 7-11 across Grove Street. Glovan heard what he believed was Grows firing about five or six more rounds after he was shot, but once he took off running, he did not see what else occurred or if anyone else had been shot.

Glovan described Grows as almost bipolar, saying Grows sometimes acted as though the world was out to get him. Glovan said he has

previously seen the gun Grows used to shoot him as it was not uncommon for Grows to be wearing the handgun in a holster on his person. Glovan stated Grows would sometimes "trip" out and just walk the property with his gun.

## 12. Bonnie Rose

Bonnie Rose was interviewed at the Reno Police Department on the evening of November 22, 2015. Bonnie does not reside at 220 E. Grove Street, but went there earlier that day, around 2:30 p.m., to talk to her nephew Matthew Grows about allowing her grandson Devin to take some recently chopped firewood. Grows was very agitated during the conversation, insisting that Devin could not use the firewood because it was promised to the company that cut down the tree. Grows told Bonnie other wood on the property could be used, but not the wood Devin wanted. Bonnie said Grows' level of agitation was unusual.

After this conversation, Bonnie talked to the others about collecting firewood from other trees on the property, and Cindy, Joseph Glovan, William Lampert, and Michael Miller went out to start cutting the wood. Bonnie said she was out watching the men work. Bonnie said suddenly, Glovan ran past her, and she heard several shots and at the same time saw Lampert and Miller fall to the ground. She was then aware of Grows coming toward her with a gun, and thought he was going to kill her - she recalled his eyes looking dark and emotionless. Bonnie said she was shocked and asked "what are you doing," but Grows did not respond.

Suddenly Cindy ran up to Bonnie and moved her aside, whereupon Grows told Cindy, "all I wanted you to do was apologize to me". Grows went back around to the front of the apartment complex. Then Bonnie heard two more gun shots from the front of the house. Bonnie thought Grows had gone to kill Devin, Ashley and Kaitlyn, and she and Cindy went to the front driveway area.

Approaching the driveway, Bonnie saw a uniformed police officer with a rifle, heard an officer calling out something like "stop, drop the weapon," then heard shots and saw Grows go down in the driveway. Bonnie thought Grows was walking toward the police officers when he was shot.

Bonnie was unsure why Grows perpetrated the shooting. She said Grows is on dialysis and his medication makes him moody, and

also that Grows wanted to be the "alpha male" of the property and did not like Glovan. Bonnie said Grows became resentful of Cindy when Bonnie let her move into the unit he wanted approximately a year-and-a-half ago, and became even more resentful when Glovan later moved in.

Bonnie also recounted that Grows liked to walk around the property with his guns and has even gone as far as to booby-trap the property. She described Grows as being paranoid about everything.

### 13. William Lambert

William Lambert was interviewed at the Reno Police Department on the evening of November 22, 2015. He had been residing in unit #3 of 220 East Grove Street since 2004. Michael Miller was presently living there with him.

Lambert reported there was a disagreement about the wood from cut-down tree being used for firewood. Devin and Michael Miller were gathering some of the wood, but Grows told them they were not allowed to take the wood and to put it back. Bonnie Rose later arrived and spoke to Grows about the wood, and Lambert overheard the conversation. Grows told Bonnie the wood belonged to the people that cut the tree down. Lambert said Grows was "getting snippy" with Bonnie and told her he was tired of being treated like a dog.

Lambert said Bonnie decided they needed to cut down the trees on the south and west side of #3 for firewood, and Lambert, Bonnie, Joe, Cindy and Michael started cutting the trees down. Lambert was cutting a tree that was along the south fence line when he heard the first shots fired; they came from behind him. When he turned to look, he saw Grows in the yard south of #3 with a raised pistol in his hand turning toward him. Lambert fell to the ground and put his head down, then heard two more shots, with Matthew yelling "bye Joe" or something similar.

Lambert was not shot, and he ran into his unit to call 911. While inside, he heard more gunshots and screaming, and he went outside to help. When he reached the end of his walkway, Lambert saw Grows falling to the ground at the south end of the driveway.

Lampert said he felt a huge relief when he saw Grows go down. He then became aware of the police officers who were present; the officers gave him commands that he followed. He soon noticed smoke coming from the garage, and shortly thereafter heard something inside explode. The police separated him from the others and drove him to the police station.

Lampert said that a couple of years after he moved in to his unit, Grows had talked about suicide and made statements that he wanted to take someone with him, and that Grows had been taken away at one time by the police for being suicidal. Lampert said Grows used to dress up in camouflage, paint his face and hide in the bushes armed with his pistol and a K-Bar knife; Grows said he did this to monitor and protect the property. Lampert added that Grows always blamed other people for his problems. As an example, Lampert said Grows blamed the Sparks Police Department for his losing a kidney because he was pepper sprayed. Lampert said he had warned others that he always believed Lampert was capable of committing a shooting such as this.

#### 14. Michael Miller

When Michael Miller was shot by Matthew Grows, the bullet entered his right hip area, traveled through his abdominal area, and exited near his left hip. Miller was transported to Renown Hospital and placed into the Intensive Care Unit. Miller was under heavy sedation the night of November 22, and was not released from the ICU until November 24. On November 25, Miller felt well enough to be interviewed, and WCSO Detectives Kathleen Bishop and Jim Cox interviewed him at the hospital on that day.

Miller said he is homeless, but since 2013, he has regularly visited and stayed with his friend, William Lambert, who resides in unit #3 at 220 East Grove Street. Miller was closest friends with Lambert, but knew everyone living at 220 East Grove. Miller said that about eighteen months ago, Cindy moved into unit #1 with her boyfriend "Joe" (Joseph Glovan). Miller said that before Cindy moved in, Grows felt he had control of the property and had taken care of the property, but now felt that Cindy had gotten control of the property and therefore that he was losing control over things. According to Miller, Grows took protecting the property very seriously and would at times hide out on the property armed with his gun waiting for someone to cross over the property line.

Miller said that earlier in the day, around noon, he rode his bike to 220 East Grove and was hanging out with Lampert and Glovan in front of unit #1. Miller said that a couple of weeks ago, a company had come and cut down a couple trees on the property and the wood was stacked near the front of Grows' unit, and Cindy and Glovan wanted to use some of the wood for their fireplace, so awhile later he and Cindy's son, Devin, went to get some of the wood. As they were doing this, Miller said Grows arrived and told them they could not take the wood. Miller described Grows as looking at them kind of "crazy," and they put the wood down and went back to unit #1.

Awhile later, Bonnie Rose, who owned the property, arrived at 220 East Grove. When she learned what happened over the wood, she was upset with Grows and went over to talk to him. Miller could not hear the conversation, but after it was over, Grows went into his unit and slammed door, and Miller did not see him again until the shooting. Bonnie then suggested that instead of making the wood an issue, they could cut up other branches and trees that were on the property to use for firewood.

Miller said he, Lampert, Glovan, Cindy and Bonnie all began working on gathering and cutting branches and trees in the yard. Miller said he was pulling branches in the backyard on the west side of the property near the fence line, Cindy was nearby assisting him, and Lampert was in the vicinity working with the chainsaw. At the time, Miller was not exactly sure where Bonnie and Glovan were located. Suddenly Grows came around the southwest corner of the triplex and fired several shots, and Miller was hit in the right side. Miller described Grows as being very calm, and from observing Grows, Miller believed Grows intended to kill him. Miller fell to the ground, and recalls rolling around in pain.

Miller said Grows was in the backyard area for what seemed like a couple of minutes and then went to the front of the triplex, after which Miller heard several more gunshots. Miller believed he heard eight to ten shots fired, but could not see who was shooting. After Grows left the backyard area, Miller did not see him again.

Miller said two police officers arrived and carried him to the corner of Wrondel and Grove Street so he could get medical treatment. He was in much pain and did not observe much of the

scene as he was being carried, but he was aware that the triplex was on fire. Miller did not know how the fire had started. Miller was unaware at the time of who else may have be shot by Grows, and only found out after the fact that Glovan had also been shot.

#### 15. Devin Rose

Devin Rose was interviewed on the evening of November 22, 2015, at the Reno Police Department. Devin was at 220 East Grove that day visiting his mother, Cindy, because his sister, Ashley, was in town. Devin said earlier in the day the family was splitting wood, but Grows told them not to touch it. Devin said he thought the fact that they had already been splitting the 'off limits' wood is "what set him off."

Devin stated that later on, the others went outside to cut trees while he stayed inside of unit #1 playing with the baby. Ashley was in the apartment as well, and at one point she went outside. All of a sudden, Ashley ran back in, grabbed the phone, locked the front door, and told Devin to grab the baby and go into the back room. He said after they all went into the back room, he heard someone kicking at the front door. Devin stated that then "he shot the handle three times and he kicked it again. And then he went back into the garage." Ashley told the 911 dispatcher to hurry, and described that Grows was trying to break into the apartment. Devin thought Grows might have yelled something, but he was not sure what he said. Devin said he was terrified, and believed Grows "was going to come in and kill us. Devin said a short time later a "bang went off" and the building caught fire.

Devin said he did not hear anything from outside the unit until after Ashley ran in and "he came to the front door and started shooting." Devin said they left the apartment when it started to fill with smoke. Devin saw two officers arrive and run across the yard as he came out of the apartment. Devin said a police officer got them to move out to the street where other officers were trying to get them to calm down because "they were all freaking out."

Asked whether there was any type of confrontation before the shooting happened that would set Grows off, Devin stated "I think it's just been building up, I guess for him." He said

Cindy and Grows fight over stupid "little things" on a regular basis.

16. Ashley Rose

Ashley Rose was visiting and staying with her mother, Cindy Rose. After Bonnie arrived in the afternoon, there was a disagreement between Bonnie and Matthew Grows over use of firewood on the property. Later, while the others were outside in the yard, Ashley was inside her mother's residence, unit #1, with Devin and Kaitlyn, who were having lunch and playing. When she heard gunfire, she initially thought it came from down the street, and did not immediately react because she said gunfire is not uncommon in the neighborhood. When she heard arguing from outside, she went out to check on it, and it sounded like it was coming from the southern back side of the residence.

Ashley went around the south side of the triplex, and saw Grows pointing a pistol at Bonnie and Cindy. She saw that Mike Miller had already been shot and was lying on the ground. Ashley asked Grows to stop what he was doing, and Grows said "No!" Ashley described Grows as being angry, and said his tone when he spoke was angry.

Ashley ran back to the unit #1 to call the police. She ran inside, dead-bolted and locked the door, got Devin and Kaitlyn to go into the laundry room in the basement where there are no windows, and grabbed the phone to call for help. Looking out the side window for other family members, Ashley saw Grows coming toward unit #1. Ashley went to the back of the unit.

Ashley said Grows came to the front door of unit #1 and tried to bust it down, which she described as trying to kick it in, but the deadbolt held. She believed Grows then shot the lock - she thought Grows might have fired two shots - but still could not get in.

Ashley had called 911 and told the operator about Grows, that he was armed and dangerous and had already shot someone.

After Grows fired the shots, Ashley didn't hear anything, and she peeked out the window and could not see Grows. She believed it was "moments later" that she saw through the window uniformed police officers walking into the driveway and then out of her view. She said from there she did not know what happened - she

heard yelling, possibly another gunshot, but could not see anything that was happening.

She said a few moments later she saw Bonnie come into view with a police officer, and the 911 operator told her that if she could see a police officer, she should contact the officer. She said she did, and the officers had them - Ashley, Devin, and Kaitlyn - leave the unit and wait nearby. She said when smoke started coming from the triplex (she thought it might have been coming from unit #2 or the adjacent garage), the police evacuated them across Grove Street.

#### 17. Jerry Day

Jerry Day is the brother of Matthew Grows. Day lives in Springfield, Oregon, and drove to Reno to deal with the death of his brother. He was interviewed at the WCSO on November 25, 2015. He said he and Grows had some general animosity toward Bonnie Rose because she inherited, in his words, everything the family owned and was stingy about assisting Day and Grows when they were in need.

From speaking with Grows, Day indicated that Grows believed the other people living at 220 East Grove Street, particularly Cindy Rose, Joseph Glovan, and Michael Miller, "fucked" with him and/or did not treat him as he deserved to be treated. Day stated they were always trying to "demasculine" Grows, such as by telling him he didn't know how to do things right and that they needed an expert when Grows was trying fix something on the property.

Day said the last time he talked to Grows was around 3:00 p.m. the previous Sunday. He said Grows told him over the phone about Cindy and Joseph wanting the firewood, that they had called Bonnie, and about Grows' subsequent confrontation with Bonnie over the firewood, wherein Grows described Bonnie being "in his face." Day said this "was the last straw for him," and that Grows had "had enough." Day believed Grows was arming himself from his gun safe while talking to Day; he said "it sounded to me that he was at his wits end and it sounded like he was in his safe loading his gun." Day added that, "I didn't know nothing about what he really had for a plan. I mean all I know is he said that he was done and he was gonna fuckin' take care of business." According to Day, he subsequently told Grows, "Fuck



it, put a bullet between their eyes for me bro. They deserve it." Day said this was the last time he spoke to Grows.

#### 18. Other witnesses

A number of witnesses in the general area of the 7-11 on East Grove Street did not see the events occurring on the 220 Grove Street property, but could hear some of what occurred. Several of their statements are summarized here.

Jeffery Burkey heard six handgun shots in quick succession then heard both male and female voices screaming. He smelled gun smoke and heard ten or eleven more shots with multiple male and female voices screaming. He called 911 and continued to hear gunshots. He heard a muffled explosion from the house and saw a large plume of smoke, and believed he heard more gunshots and screaming.

Augustin Quintanilla heard three to four "pops" and seconds later heard three to four more "pops."

Brandon Samaniego was walking on Grove Street when he heard approximately 20 shots then saw police officers running and observed officers carrying a white male adult and set him in the street.

#### B. Countdown of Officer Hickman's Firearm

Officer Hickman's primary weapon on November 22, 2015, was a Glock 17 9mm pistol. The carrying capacity of the magazine used in his firearm was 17 rounds. Officer Hickman carried two additional magazines for his primary firearm. Officer Hickman told investigators that he loads his gun with one bullet in the chamber and sixteen bullets in the magazine.

A countdown of his firearm after the shooting revealed 9 rounds of Winchester 9mm Luger ammunition. One bullet in the chamber of the firearm, and eight bullets remained in the magazine. The extra two magazines were both loaded to capacity, each containing seventeen rounds.

#### C. Countdown of Officer Trail's Firearm

Officer Trail's primary weapon on November 22, 2015, was a Glock 17 9mm pistol. The carrying capacity of the magazine used in his firearm was 17 rounds. Officer Trail carried two additional magazines for his primary firearm.

A countdown of his firearm after the shooting revealed 15 rounds of Winchester 9mm Luger ammunition. One bullet in the chamber of the firearm, and fourteen bullets remained in the magazine. Of his extra two magazines, one was loaded with sixteen rounds, and the other was loaded with 17 rounds of Winchester 9mm Luger ammunition.

#### D. Countdown of Officer Hague's Firearms

Officer Hague's primary weapon on November 22, 2015, was a Glock 34 9mm pistol. When he responded to the scene, he was also carrying a Smith & Wesson model M&P AR-15 from his patrol vehicle.

The carrying capacity of the magazine used in his Glock 34 was 17 rounds. Officer Hague carried two additional magazines for his primary firearm. Officer Hague told investigators that he loads his gun with one bullet in the chamber and seventeen bullets in the magazine.

A countdown of his Glock 34 after the shooting revealed 18 rounds of Winchester 9mm Luger ammunition. One bullet in the chamber of the firearm, and seventeen bullets remained in the magazine. The extra two magazines were both loaded to capacity, each containing seventeen rounds.

A countdown of his Smith & Wesson model M&P AR-15 after the shooting revealed twenty-eight rounds of Remington .223 caliber rifle ammunition. One round was in the chamber of the rifle, and twenty-seven rounds remained in the magazine. The carrying capacity of the magazine used in the rifle is thirty rounds. Twenty eight rounds is typically a standard amount of ammunition to load into a thirty round magazine in order to keep unnecessary tension off of the magazine spring.

## II. PHYSICAL EVIDENCE

### A. Shooting scene

The 220 East Grove Street address consists of a triplex residential structure with two garages between unit #2 and unit #3. The front of each residence faces east and the units are numbered, from north to south, #1, #2 and #3. Immediately east of the residences is an unpaved driveway that runs the length of the triplex. The entrance to the driveway is off of East Grove

Street, on the north side of the property. The south end of the driveway is bordered by a separate garage and carport structure.



(North entrance to driveway from E. Grove Street)



(Garage/carport at south end of driveway)

An approximately four-foot high chain link fence runs along the west and north borders of the property. The west side of the property abuts the exterior walls of the businesses to the immediate west. The backyard is a narrow strip of yard between the west/back side of the triplex and chain link fence that runs along the walls of the abutting businesses.



(Northwest corner of property & backyard/west fence line with walls of abutting business buildings)<sup>2</sup>

There are other residences bordering the property on the east side. North of the property and across East Grove Street is the Grove Manor apartment complex (267 E. Grove); northwest of the property and across Grove Street is a 7-11 store (211 E. Grove).

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<sup>2</sup>These photographs were taken before the events of November 22, 2015.



(7-11 store & Grove Manor apartment complex on north side of E. Grove St.)

The following relevant evidence was collected and photographed at 220 East Grove Street.

- One (1) Citadel M1911-A1 45 ACP semiautomatic pistol. Matthew Grows' pistol he was carrying at the time Officers Hickman and Trail confronted him.
- One (1) Kimber 45 ACP magazine containing three (3) unfired 45 Auto cartridges. From inside Matthew Grows' Citadel .45 caliber pistol.



(Matthew Grows' Citadel .45 pistol & magazine after officers rendered it safe and removed it from his reach)

- Three (3) 9mm Luger fired cartridge cases. Fired from Officer Trail's firearm. Located at the north area of the driveway east of unit #1.
- Eight (8) 9mm Luger fired cartridge cases. Fired from Officer Hickman's firearm. Located at the north area of the driveway east of unit #1.
- One (1) white metal and copper jacketed projectile with red staining. Found in the upper right of Matthew Grow's chest by

Officer Abell when he was rendering medical aid to Grows.  
Fired from Officer Hickman's firearm.

- One (1) unfired 45 Auto cartridge. Located on the ground at the south end of the dirt driveway. Likely ejected from Matthew Grows' Citadel .45 caliber pistol when Officer Hickman retrieved it and made it safe.
- One (1) black holster with red staining located on the ground at the south end of the dirt driveway. This is Matthew Grows' holster that he was wearing during the shootings; it was removed from his person when officers were rendering medical aid to him.
- Two (2) black and white metal folding knives: one labeled "Harley Davidson" and one labeled "Leatherman Specialty" with dirt on the them; one (1) green plastic container with key ring which contains 9 nine oval white tablets "Renvela 800." Located on the south end of the dirt driveway, these were removed from Matthew Grows when officers pat-searched him and began rendering medical aid.
- Four (4) metal gun magazines. Located on the ground at the south end of the dirt driveway. Removed from Matthew Grows when officers pat-searched him and began rendering medical aid. One of the magazines contained 4 .45 caliber bullets. Each of the other three magazines was loaded 8 .45 caliber bullets.



(Matthew Grows' holster & extra magazines loaded with .45 caliber ammunition)

- One (1) hollow point yellow metal "Speer 45 Auto" cartridge on the ground in the south end of the dirt driveway, east of unit #3. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol.

- One (1) white metal "R P 45 Auto" casing on the ground, south walkway/porch of unit #3. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This is one of the .45 caliber casings in proximity to the area of the yard where Joseph Glovan and Michael Miller described being shot by Grows.
- One (1) white metal "R P 45 Auto" casing on the ground/south side of the apartments. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This is one of the .45 caliber casings in proximity to the area of the yard where Joseph Glovan and Michael Miller described being shot by Grows.
- One (1) 45 Auto fired cartridge case from the ground southeast of the apartment building at placard 17. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This is one of the .45 caliber casings in proximity to the area of the yard where Joseph Glovan and Michael Miller described being shot by Grows.
- One (1) 45 Auto fired cartridge case, from the grass at the east side of unit #1. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This casing is in proximity to the area where Devin and Ashley Rose placed Grows when he was trying to enter unit #1.
- One (1) 45 Auto fired cartridge case, located on a cooler on the porch of unit #1. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This casing is in proximity to the area where Devin and Ashley Rose placed Grows when he was trying to enter unit #1.
- One (1) fired bullet jacket, located on the top porch step of unit #1. Lacked microscopic marks that can be used to identify it to a specific firearm.
- One (1) lead fragment, from the south facing door of unit #1. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This bullet fragment is in proximity to the area where Devin and Ashley Rose placed Grows when he was trying to enter unit #1.
- One (1) 45 Auto fired cartridge case, from the dirt driveway west of Jeep Laredo. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This casing is in proximity to the area where Devin and Ashley Rose placed Grows when he was trying to enter unit #1.
- One (1) 45 Auto fired cartridge case, located south of the apartment building/backyard area. Fired from Matthew Grows' Citadel .45 caliber semiautomatic pistol. This is one of the .45 caliber casings in proximity to the area of the yard where Joseph Glovan and Michael Miller described being shot by Grows.



(Unit #3 at south end of driveway & garages (right side of photo) where fire believed to have originated)



(Units #2 and #1 as fire is suppressed)

## B. Autopsy

The autopsy of Matthew Grows was performed by Washoe County Medical Examiner Ellen Clark, who determined that the cause of Grows' death was due multiple gunshot wounds. The autopsy revealed that Grows was shot three times.

Toxicology results from Grows' peripheral blood revealed 160 ng/mL of Nordiazepam, 92 ng/mL of Hydrocodone, 94 ng/mL of Diazepam, 18 ng/mL of Dihydrocodeine/Hydrocodol, and 1.9 ng/mL of Hydromorphone.

## 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 Matthew Grows to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and 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 NRS 200.120, 200.140, and 200.160) There is also a statute that defines excusable homicide and one that provides for the use of deadly force to effect arrest. (see NRS 200.180 and NRS 171.1455) Moreover, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in depth explanation:

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

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



person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished.”

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

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

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

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

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

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

3. A reasonable person in a similar situation would believe himself to be in like danger.

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

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

Id. 1051-52.

B. Justifiable Homicide by Public Officer

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

C. Use of Deadly Force to Effect Arrest

NRS 171.1455 provides in relevant part "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 the afternoon of November 22, 2015, Matthew Grows was present with family members and his co-tenants at the triplex residence where he lived, 220 East Grove Street. Those present included Cindy Rose and Joseph Glovan, who lived in unit #1, and William Lampert, who lived in unit #2. Also present were Bonnie Rose, the property owner, Cindy's fourteen-year-old son Devin, her twenty-five-year-old daughter Ashley, and her two-year-old granddaughter Kaitlyn. After having a disagreement with Bonnie and Cindy over the use of firewood on the property, Grows armed

himself with a loaded .45 caliber pistol and four additional loaded magazines, and attacked those present at the triplex as they were working outside in the yard. None of the victims were armed or expecting the violent attack. Grows proceeded to surprise and shoot Joseph Glovan, who suffered a gunshot wound to his abdomen and fled to the nearby 7-11 seeking help, and shot Michael Miller, who suffered a gunshot wound to his right side and collapsed in the yard where he was shot.

In the course of his attack, Grows also fired at least two shots at Cindy Rose, but missed her, before proceeding to unit #1, where he discharged several rounds and attempted to break into the residence where Ashley, Devin, and two-year-old Kaitlyn were hiding. When he could not get into the unit, he returned his attention to the others at the south of the property - Cindy, Bonnie, and William Lampert.

When Officers Hickman and Trail were hailed to the 7-11 on East Grove Street, they were met with a victim - Joseph Glovan - who had a bleeding gunshot wound to his abdomen and said he had just been shot and indicated that the shooter was still in the area of 220 East Grove. At the same time, the officers heard multiple gunshots and a woman screaming from the direction indicated by Glovan.

Based on the information at hand, both officers believed they were responding to a situation where there was an active, dangerous shooter nearby, who had already shot at least one person. The officers, who were in full police uniforms, immediately ran toward the gunshots and screaming, and upon entering the driveway of 220 East Grove, they saw Matthew Grows heading south down the driveway, pistol in hand. Grows was not just obviously armed with a gun; he matched Joseph Glovan's description of the man who had just shot him. The officers could see that Grows was heading toward three unarmed civilians - Cindy, Bonnie, and William - who were near the south end of the driveway and appeared terrified of Grows.

When the officers placed Grows at gunpoint, he had his back toward them, and officer Hickman loudly announced his presence and issued orders to Grows to drop his weapon. Grows glanced back, but ignored the officers and the commands. He continued walking toward Cindy, Bonnie, and William, and began raising his gun in their direction. At this point, Grows clearly posed an

imminent deadly threat to at least three unarmed people. The officers knew Grows had already shot at least one person, had ignored their lawful authority and commands, and was moving toward and raising his pistol toward Cindy, Bonnie, and William.

In that moment, Officers Hickman and Trail reasonably believed that Cindy, Bonnie, and William were in imminent danger of death or great bodily injury. It was absolutely necessary for them to use deadly force. In short, both officers had the right under Nevada law to use deadly force against Grows both in defense of others 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 22, 2015, officer involved shooting death of Grows, the actions of Officer Hickman and Officer Trail were warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.