

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

September 25, 2020



REPORT ON THE JANUARY 27, 2019 OFFICER INVOLVED
SHOOTING OF PATRICK MICHAEL WOOTAN

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INTRODUCTION

On January 27, 2019 Reno Police Department (hereinafter "RPD") Officer Kevin Hendrix (hereinafter "Officer Hendrix") was driving his patrol vehicle in the northbound lane of Keystone Avenue at Jones Street in Reno and was engaged in DUI enforcement on behalf of the RPD Traffic Division. At approximately 10:40 p.m. he noticed a white four door passenger car traveling south on Keystone Avenue at a high rate of speed. Officer Hendrix estimated the vehicle was traveling 50 miles per hour in a posted 35 mile per hour zone. After the vehicle passed him, Officer Hendrix turned his vehicle around to investigate. As he drove south on Keystone Avenue, he noticed that he was driving 50 miles per hour and was not catching up to the car he was attempting to reach. At this time, Officer Hendrix had not yet activated either his police lights or his vehicle's siren.

As Officer Hendrix approached the intersection with Booth Street, he noticed that the white car had stopped in the intersection and both the driver side and passenger side front doors were open and the car appeared unoccupied (It was later determined that the vehicle had crashed into a lane median before coming to a stop). Upon seeing this, Officer Hendrix also saw a man running from the driver side of the vehicle towards Reno High School. The man would later be identified as Patrick Michael Wootan (hereinafter "Wootan").

At this time, Officer Hendrix notified City of Reno Public Safety Dispatch (hereinafter "Dispatch") that he was conducting a stop. He then activated his overhead red and blue police lights and began to pursue Wootan along Booth Street as he continued to run towards Reno High School. Officer Hendrix then drove north on Booth Street for a short distance and turned into the Reno High School Parking lot. As he got closer, Officer Hendrix saw Wootan trip and fall in the lawn. Seeing this, Officer Hendrix stopped his patrol vehicle, exited it and faced Wootan, who was initially lying in a prone position on the grass, facing him.

Officer Hendrix then saw Wootan pointing a firearm at him and quickly drew his service pistol and ordered Wootan to drop his weapon. Wootan did not comply with Officer Hendrix's commands. Instead he said something to the effect of "I can't go back to prison" or "I'm not going back to prison." Officer Hendrix again

ordered Wootan to drop the gun. Wootan again did not comply and continued to point a pistol directly at Officer Hendrix.

Officer Hendrix fired once at Wootan. Wootan turned away, then pointed the gun at Officer Hendrix again. Officer Hendrix again fired one round at Wootan. Wootan then stood up, pointed the pistol at Officer Hendrix and charged. Officer Hendrix fired another round. Wootan fell to the ground, appearing to be wounded. Suddenly, Wootan moved his hand to the pistol. Officer Hendrix fired once again, causing Wootan to move his arm away from the gun.

At approximately 10:42 p.m., Officer Hendrix notified dispatch that shots had been fired. Officer Hendrix held Wootan at gunpoint until backup officers arrived. Once backup officers arrived, they handcuffed Wootan and provided emergency medical attention until REMSA arrived and took over medical care. Wootan was taken to Renown Hospital. He survived his injuries.

Follow up investigation determined the vehicle Wootan was in had been reported stolen two days prior to the shooting. Additional information into Wootan's background determined that he was an ex-felon with an extensive criminal history and was on parole. He had also made several statements to family and friends before and after the shooting indicating he would not go back to prison and had intended for the officer to shoot him.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Washoe County Sheriff's Office (WCSO) led the investigation into the shooting of Wootan. The Sparks Police Department (SPD) provided secondary investigative support, and the Washoe County Crime Laboratory (WCCL) provided forensic services. The investigation included witness interviews, collection of physical evidence, photography of the shooting scene and other evidence, forensic evidence testing, review of body camera footage and other video evidence, and an interview of Officer Hendrix.

On June 10, 2020, all investigation reports along with WCCL forensic reports, photographs, body camera footage, recorded interviews, and other investigation materials were submitted to the Washoe County District Attorney's Office for a determination of whether the shooting of Wootan was legally justified. The investigators did not recommend criminal charges against Officer

Hendrix. The District Attorney's evaluation included reviewing nearly 300 pages of reports and documents, which included interviews of police and civilian witnesses, photographs, diagrams, body camera footage and video surveillance. 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 Wootan by Officer Hendrix was justified and not a criminal act.

I. STATEMENT OF FACTS¹

A. WITNESS STATEMENTS

1. Officer Hendrix

Officer Hendrix was interviewed at the Reno Police Department main station on January 28, 2019 by Washoe County Sheriff Detective Joe Digesti (hereinafter "Detective Digesti") and Sparks Police Detective Andy Schreiber (hereinafter "Detective Schreiber"). A summary of his statement appears below.

Officer Hendrix has been with the Reno Police Department for approximately 6 years and is currently assigned to the traffic enforcement unit. Officer Hendrix is assigned a Ford Explorer as his primary patrol vehicle and started his shift began at 2100 hours on January 27, 2019 and was scheduled to end at 0700 on January 28, 2019.

Officer Hendrix stated that he was driving northbound on Keystone Avenue just south of Jones Street in Reno when he observed a white four door passenger car traveling southbound on Keystone Avenue at a rate of speed in excess of the posted speed limit. Officer Hendrix believed the car to be traveling at least 45 miles per hour in a posted 30 mile per hour zone. As Officer Hendrix turned around and attempted to catch up with the vehicle, he realized he was traveling at least 50 miles per hour in a 35 mile per hour zone and even at that speed the car was pulling away from him. Officer Hendrix observed the vehicle continue on Keystone Avenue before making a slight right and begin to head towards Foster Drive.

¹ The Statement of Facts is a synopsis of recorded witness interviews, photographs, police reports, videos, and forensic reports.

By the time Officer Hendrix was able to reach the vehicle it was already stopped in the intersection of Booth Street where it intersects with Keystone Avenue. As he approached the vehicle, Officer Hendrix noticed both the driver side and passenger side front doors were open and the car appeared to be unoccupied.

Officer Hendrix then saw Wootan running from the driver side of the vehicle towards Reno High School and it was at that time that Officer Hendrix had the opportunity to notify dispatch of his attempted traffic stop. As Officer Hendrix watched Wootan attempting to run away, he made sure his overhead red and blue police lights were on. He then drove his marked police unit north on Booth Street and drove into the Reno High School parking lot in pursuit of Wootan.

As Officer Hendrix pulled up to the curb in the school's parking lot that surrounds a circular shaped lawn area, he saw Wootan trip and fall in the grass. Seeing this, Officer Hendrix exited his vehicle and stood near the open door of his patrol vehicle. He saw Wootan lying in a prone position on the grass facing him and immediately noticed that Wootan was pointing a gun "right at" him. Seeing this, Officer Hendrix yelled at Wootan to "drop the gun".

Wootan did not drop the gun. Instead Officer Hendrix heard Wootan say something to the effect of, "I can't go back to prison" or "I'm not going back to prison". Officer Hendrix again ordered Wootan to "drop the gun". Wootan did not comply and did not drop the gun, which was still pointed at Officer Hendrix who was standing outside his patrol vehicle.

At that time, Officer Hendrix fired a single round at Wootan, who then tried to stand up while still holding the gun. Officer Hendrix advanced towards Wootan, while yelling at him to drop the gun. As Officer Hendrix got closer, he saw that Wootan still had the gun in his hand. Wootan then raised the gun towards Officer Hendrix and Officer Hendrix fired another single round at Wootan. Wootan went down to one knee, started to get back up and swung the gun around and pointed it at Officer Hendrix again. Officer Hendrix responded by firing another round at Wootan. Wootan then fell to the ground and turned away from Officer Hendrix with the gun still in his hand, but not pointed at the officer.

Once Wootan stopped pointing the gun at him, Officer Hendrix was able to update Dispatch and turn his body camera video on. Prior to this, Officer Hendrix explained that he had not been able to turn the camera on safely because he was engaged in notifying dispatch of the car stop then notifying them that he was in a foot pursuit. Officer Hendrix believed that due to Wootan's actions, there had not been a safe moment to turn his camera on.

After notifying dispatch that shots had been fired, Officer Hendrix gave verbal commands for Wootan to "roll over" and to "put his arms out to the side". Wootan did not comply. Officer Hendrix continued to hold Wootan at gunpoint to ensure that he did not grab the gun and point it at him again until additional RPD officers arrived.

RPD Officer Chris Good (hereinafter "Officer Good") was the first to respond. Officer Hendrix instructed Officer Good to wait to approach Wootan until additional officers arrived to ensure it was safe to do so. Once additional officers arrived, they were able to take Wootan safely into custody and secure the gun, he was provided medical care. Officer Hendrix said he was then removed from the scene pending the subsequent investigation.

Officer Hendrix believes that he fired a total of four to five times. He explained that when he got out of the car and saw Wootan laying prone and pointing a gun at him, he thought "for sure he was going to shoot me, kill me...I definitely though I was going to get shot tonight".

2. Christina Gonzalez

On January 27, 2019 Christina Gonzalez (hereinafter "Gonzalez") was interviewed at the Reno Police Department main station by Washoe County Sheriff Office Detective Joseph Aceves (hereinafter "Detective Aceves"). At the time of the interview Gonzalez was under arrest for an outstanding probation warrant and in custody at the Washoe County Jail. Gonzalez had been located fleeing the scene of the shooting by a federal security officer at the C. Clifton Young Federal Building at 300 Booth Street. Gonzalez was advised of her rights under Miranda prior to the interview and agreed to speak with Detective Aceves.

Gonzalez said she was at a friend's apartment located on Idlewild Drive earlier in the evening. She was hungry so she

walked to the 7-Eleven located on Booth Street to purchase some food. At the 7-Eleven, she saw two men drive into the parking lot in a white car. She recognized the men from Narcotics Anonymous (NA) meetings, but claimed that she did not know either of them by name.

Rather than enter 7-Eleven, she asked the men for a ride back to her friend's apartment so she could use the restroom there. She continued to maintain that she did not know either man by name. The men agreed to give her a ride and she got into the white car they were driving. Gonzalez sat in the rear passenger side seat and they all drove off. Three minutes later she heard one of the males say, "they're on you" and the driver then "floored" the gas pedal. Gonzalez said, "I'm guessing the car was stolen" as the reason the cops were trying to stop the vehicle. According to Gonzalez, immediately after the driver "floored it", the car crashed into a wall and she got out and started walking away.

After further questioning, Gonzalez then changed her story and stated that the driver's name was "Pat" and he goes by "P", but she did not know his last name. Gonzalez said that Pat was driving and she was seated in rear passenger seat. The other male was in the front passenger seat. Gonzalez described this man as a tall, skinny, white male in his 30s, wearing all black or dark clothing. She said she probably would not be able to identify him even if she saw him again because he always wears a ski mask or beanie pulled down very low.

Detective Aceves noted that this statement contradicted her previous assertion about recognizing him from NA meetings. Gonzalez continued her story and said that after the car crashed into the wall, she exited the car, saw the lights of a police car, and jogged away. She then heard approximately four gunshots. After hearing this, Gonzalez said she was looking for cover near a fence when a security guard approached her, grabbed her and took her to another area where she was contacted by police.

Just prior to the gun shots, Gonzalez stated that she looked over to the area of Reno High School and saw a police officer and Pat standing near a police car, facing each other. Gonzalez said she never saw either person holding a firearm, did not see any muzzle flashes and was not looking at the police officer or Pat when she heard the gunshots.

Gonzalez said the unknown male in the front passenger seat ran north bound from the vehicle just before she exited the vehicle herself. She tried to follow him but was stopped by the security guard. Gonzalez said that during her interaction with them she did not know whether Pat or the other man had any guns on them or in the car. She never saw any guns and did not hear them talk about having guns. However, several days prior to this incident Gonzalez said she heard Pat say he was planning to shoot some "bangers" (guns) with his friends.

As the interview progressed, Gonzalez eventually admitted that she has known Wootan (who she called "Pat") for about two months. She knew he had recently been released from prison and was on parole. Gonzalez said she had spoken to Pat about the prospect of him going back to prison. Pat told her that he would "put up a fight" before he went back to prison.

Gonzalez later stated that the other man's name was either, "Joey" or "Andrew". She said the last time she saw Pat prior to this incident was on Saturday night (about 24 hours before the shooting) at the Cal-Neva Casino in Reno, where they gambled together.

On January 29th while in custody at the Washoe County Detention Facility, Gonzalez made a phone call to Jason Davis (hereinafter "Davis"), who detectives came to suspect was the second man in the car with Wootan and Gonzalez.

Second Interview

On January 30, 2019 Detective Aceves interviewed Gonzalez at the Washoe County Detention Facility a second time. During that interview, Gonzalez confirmed that the phone call detectives intercepted was placed to Davis. She further said she had been in a dating relationship with Davis for some time and the two were currently living together. Detectives confronted Gonzalez about Davis being the other male in the car with her and Wootan. She denied the allegation, eventually saying that it was possible that it was Davis. Gonzalez claimed that her memory was cloudy, and that she could not be sure.

3. Jason Davis

On April 11, 2019 Davis was interviewed at the Washoe County Detention Facility where he was in custody on unrelated charges by Detective Joe Digesti. Davis was advised of his rights under Miranda and agreed to speak with Detective Digesti.

Davis admitted to being in the car with Wootan on the night he was shot by Officer Hendrix. According to Davis, he was with his girlfriend Christina Gonzalez. The two were planning on walking from the Little Nugget in downtown Reno to a place near Keystone Avenue and 7th. Just before beginning their walk, Wootan happened to call Davis. Wootan offered Davis and Gonzalez a ride. Wootan picked Davis and Gonzalez up in front of the Little Nugget in a white car. Davis did not recognize the vehicle but knew Wootan often uses other people's vehicles. The three drove by Davis's friend's house, but nobody was home.

Wootan then agreed to take Davis and Gonzalez home. As the three were driving northbound on Keystone Avenue they observed a Reno Police vehicle pass them. At that time Davis believed Wootan was traveling approximately 40-45 miles per hour. Davis observed the brake lights of the Reno Police vehicle activate as they passed. It was at that time that Davis realized the officer was turning around with the intention of stopping the vehicle. According to Davis, Wootan also noticed this and immediately began to try and elude the officer.

Davis and Gonzalez began to ask Wootan to let them out of the vehicle. Davis was scared and did not want to be involved in running from the police. As the car travelled under the bridge on Keystone Avenue and began the slight turn onto Foster Drive, Wootan struck the cement median on the side of the roadway. Davis then noticed Wootan had a gun. Wootan said he would not be going back to prison. Davis said he took that statement to mean Wootan was prepared to have a shootout with the police officer.

As the car began to slow after hitting the cement median, Davis exited the vehicle and fled the area. Davis exited the front passenger side as the car was still moving. He then opened the rear passenger side door for Gonzalez, and she exited the vehicle as well.

Davis then ran north down Booth Street and said that as he was running, he heard a gunshot. He looked over and saw Wootan

trying to get up off the ground while raising his arm towards the officer. Davis heard another shot followed by what he believed to be the officer telling Wootan to drop his weapon. Davis then heard an additional 3 shots as he fled the area. Davis ran into a nearby apartment complex, removed his beanie and jacket before making his way up to California Avenue to get away.

Davis said he and Wootan knew each other from their shared time at a halfway house. Wootan had talked about never going back to prison. Davis would often talk to Wootan about turning his life around, but Davis was not surprised that Wootan became involved in a shooting with police officers.

4. Patrick Wootan

On February 7, 2019 Detective Digesti served a seizure order on Patrick Wootan at the Washoe County Detention Facility. The order authorized a seizure of a DNA sample as well as photographs of Wootan be collected pursuant to the investigation.

During execution of the order, Wootan stated to Detective Digesti that he wanted people to know that he was not trying to shoot the police officer and that the pistol did not have a round in the chamber during the shooting. He stated that he just did not want to go back to prison. Wootan had made a similar comment while waiting in the intake area of the Washoe County Detention Facility prior to booking, saying that he was sorry for what happened, he was not trying to shoot the officer, and that he just did not want to go back to prison for the rest of his life.

5. Wootan Phone & Video Calls

On February 25, 2019 Detective Digesti reviewed jail calls made by Wootan from the Washoe County Detention Facility. As a matter of policy, such phone calls are subject to monitoring and recording. Additionally, both parties to a phone call are advised in advance that all jail calls are subject to this monitoring and recording.

In a February 6, 2019 jail call Wootan stated that after getting shot he fell to the ground, then got up again. The other party stated that Wootan was lucky to be alive and that he was lucky

that he had not been killed. Wootan responded that that was all he wanted (to be killed).

In a February 7, 2019 jail call, Wootan spoke with his mother, who asked him if he was trying to commit "suicide by cop". Wootan stated that he was and that he is tired of hurting his mother and that he did not want to spend the rest of his life disappointing her.

In this same call, Wootan stated that the police believe that he was trying to engage in a shootout with the cops but in truth he pointed the gun at the police officer but did not pull the trigger.

On February 25, 2019 Detective Digesti reviewed internet-based video visits (known as "Iweb" visits) between Wootan and his family.

In a February 7, 2019 video recording with a person Wootan identifies as "Donna", Wootan states that he was shot 5 times and shows her the injuries to his arm. Wootan also says that the first time police shot him, his arm was "weird as fuck". Wootan says his arm "died" and he watched it fall and then he couldn't use it again. Wootan then said he "picked the gun back up and he [the officer] kept shooting at me".

Wootan also tells Donna that he spoke with his mother and when she asked him why he did what he did, Wootan said he told his mother it was because he was tired of letting her down.

In a February 8, 2019 recording, Wootan visits with persons identified as Laurie Keys and Kristofer Hathcox. In this recording Wootan states,

"The first time I got shot, it was crazy homie. it was like slow motion bro, my arm flew up. I first thought I got tazed. I could not feel my arm and the gun was over there, and I reached for the gun and picked it up and then boom, boom. I was like fine and nothing happened and then the cops were on me saying I was bleeding and blood was everywhere".

B. Countdown of Reno Police Department Officer Kevin Hendrix's Firearm

On January 28, 2019 Washoe County Sheriff Forensic Science Division Criminalist Shawn Braly (hereinafter "Criminalist Braly") completed a countdown of Officer Hendrix's duty weapon.

Also present for the countdown were Washoe County Sheriff Detective Arick Dickson, Reno Police Department Detective Pat Blas, and Detective Schreiber.

The firearm Hendrix carries is a Sig Sauer P320 chambered in 9mm with an attached Streamlight TLR-1 flashlight. Officer Hendrix told investigators that he loads his pistol with a 17 round magazine plus one in the chamber (for a total of 18 rounds). He carries two spare 17 round magazines on his duty belt.

The countdown revealed one round in the chamber of the pistol. The magazine from within the firearm contained thirteen rounds. The two magazines from Hendrix' duty belt each contained seventeen rounds. All rounds had a "WIN 9mm Luger" headstamp. The firearm, ammunition and magazines were photographed and collected by Criminalist Braly.

II. PHYSICAL EVIDENCE

Washoe County Forensic Science Division Criminalists Elvira Koeder and Madison Dahlquist processed the scene with the assistance of Washoe County Sheriff Detective William Atkinson and Sparks Police Department Detective Nick Pagni. They also later processed the white Subaru WRX driven by Wootan. A crime scene diagram was later prepared by the Washoe County Sheriff Office Major Accident Investigation Team (MAIT).

A. Shooting Scene

The shooting scene was located inside a round portion of grass on the eastern lawn of Reno High School located at 395 Booth Street at the northwest corner of the intersection of Foster Drive and Booth Street.

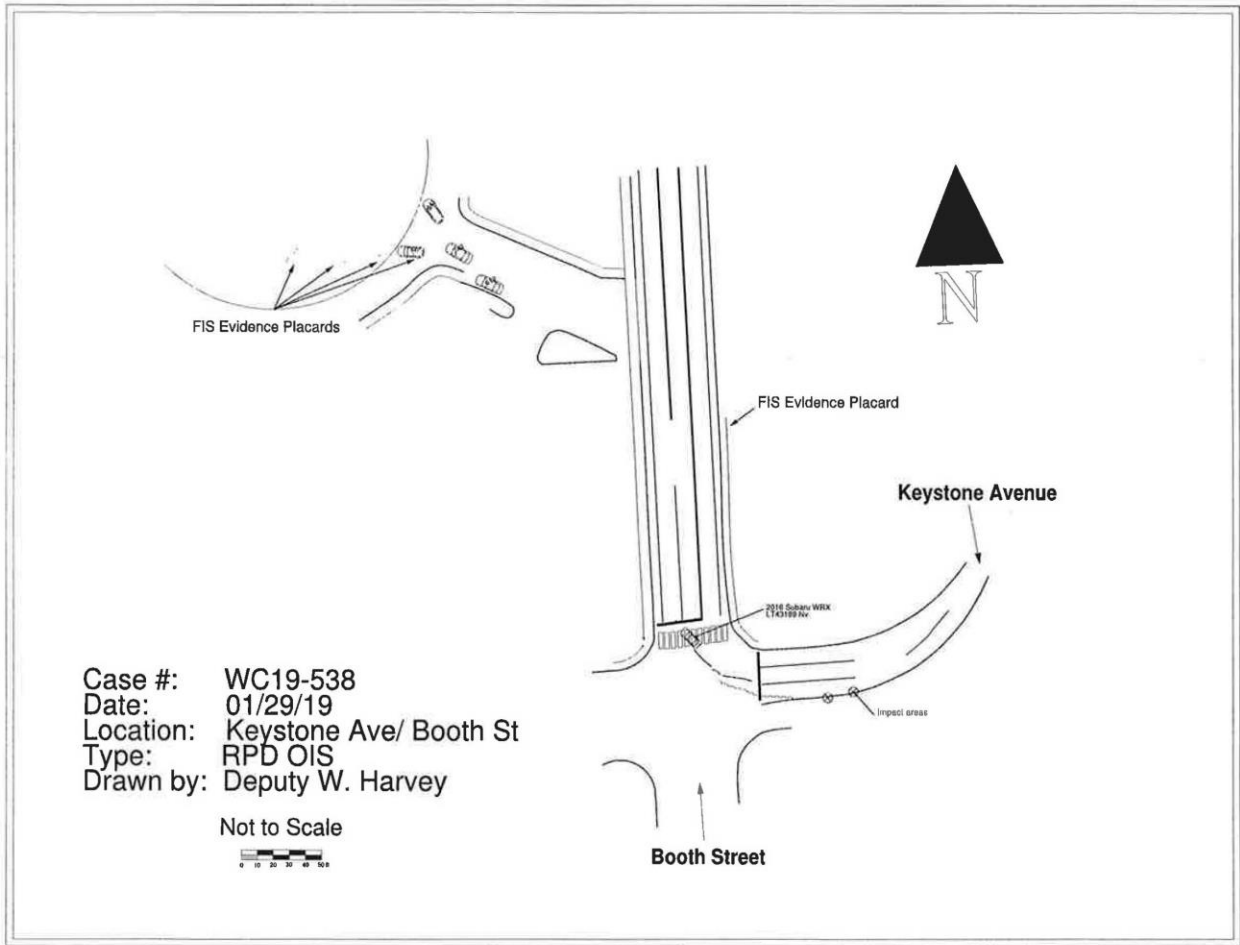


Diagram: Scene diagram prepared by Washoe County Sheriff's Deputy W. Harvey of the Major Accident Investigation Team (MAIT).

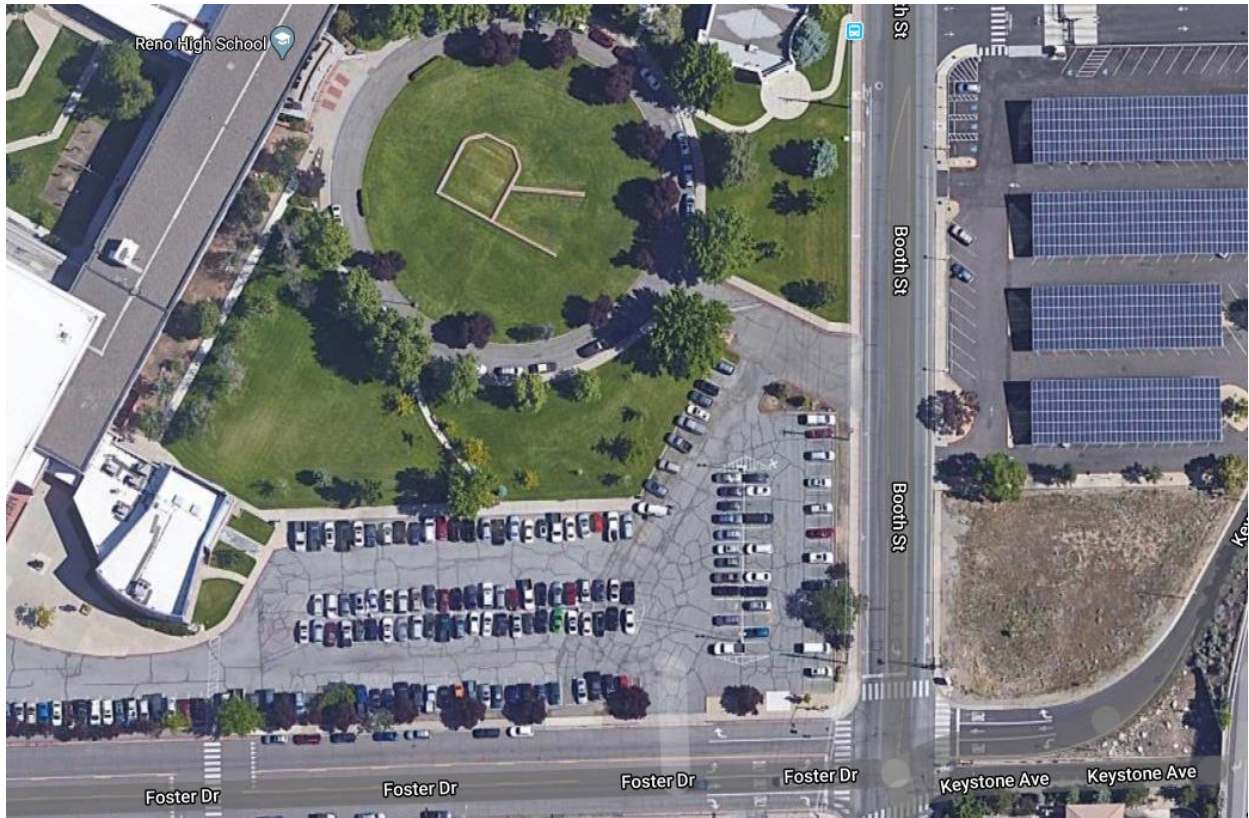


Photo: Satellite image (cir. 2020) depicting area of shooting (near Reno High School "R") and car crash (intersection of Foster Drive and Booth Street).

Near the shooting scene were four RPD patrol vehicles. In the area where Wootan was shot, investigators observed several items of evidence and medical equipment.



Photo: shooting scene, looking southeast.



Photo: Shooting scene detail showing placard 13 (black and silver "Ruger P345" pistol), placard 14 (black wallet and contents), placard 11 (Nike athletic shoes), and placard 10 (red staining).

B. Evidence Collected from Shooting Scene

1. Firearm

A black and silver Ruger P345 .45 caliber semiautomatic pistol was located within the shooting scene. The magazine contained eight rounds of "Winchester 45 Auto" ammunition. The chamber was empty.



Photo: Black and silver .45 caliber Ruger P345 semiautomatic pistol at placard 13.



Photo: Ruger pistol magazine (removed from firearm) with eight unfired "Winchester 45 Auto" cartridges.

2. Fired Cartridge Cases

Investigators located four "WIN 9mm Luger" fired cartridge cases near the shooting scene. One was located at placard 6, near the left rear tire of Reno Police Department patrol vehicle (vehicle number 160147). That vehicle is assigned to Officer Hendrix.



Photo: Placard 6 (looking west towards Reno High School), showing location of fired cartridge case at patrol vehicle assigned to Officer Hendrix. Placards 7, 8, and 9 (fired cartridge cases) in background.

The remaining three fired cartridge cases were found to the West of placard 6 (towards the location where Wootan was taken into custody).



Photo: Detail of location of fired cartridge cases at placards 7, 8, and 9 (looking west).

3. Other Scene Evidence

A black wallet (and contents), a pair of Subaru keys, and an orange lighter had been removed from Wootan during medical intervention. Within the wallet were numerous forms of identification of Michael Patrick Wootan.



Photo: Black wallet and contents, lighter, Subaru keys and Ruger pistol at placards 13 and 14.

A pair of Nike athletic shoes was located near placard 10. The shoes were removed during medical intervention.

An open Kershaw brand pocketknife was located at placard 12.

Along Booth Street near the entrance to the parking lot of the Young Federal Building officers located a blue Motorola cell phone. The phone was later determined to belong to Christina Gonzalez.

C. Crash Scene

A white 2017 Subaru WRX bearing Nevada license plate LT43189 was located within the intersection of Booth Street and Foster Drive. Both front doors were open. On the ground near the driver side door was an open Leatherman multitool. The driver side front tire was flat, and the rim was damaged. There was body damage to the driver side. A curb to the east of the vehicle showed corresponding evidence of an impact.



Photo: Subaru WRX (placard 3) at crash scene, with open Leatherman multitool (placard 4).

The vehicle was impounded and towed to a secure location. Investigators learned that the vehicle had been stolen on January 25th. The owner of the vehicle allowed investigators to search the vehicle.

Investigator's located the following evidence in the vehicle:

1.59 grams (gross weight) suspected methamphetamine (from black backpack)

A black Taurus .38 Special revolver loaded with five "Federal 38 SPL +P" rounds (from beneath the front passenger seat)

A wood and gold colored muzzle-loading rifle (flint removed) with two power horns, and accessories (from trunk)

Antique crossbow and sword (from trunk)

Marijuana

Two cell phones (from driver side front floorboard)

Nevada license plate 488 ZEU (from driver side front floorboard)

Nevada license plate 30E 142 (registered to Subaru, from trunk)

Nevada license plate 30E 142 (registered to Subaru, from passenger side rear floorboard)

2 Honda keys on keychain

1 Mazda key on keychain

1 Buick key, one GMC key, two key fobs on keychain (from "Code Alpha" backpack)

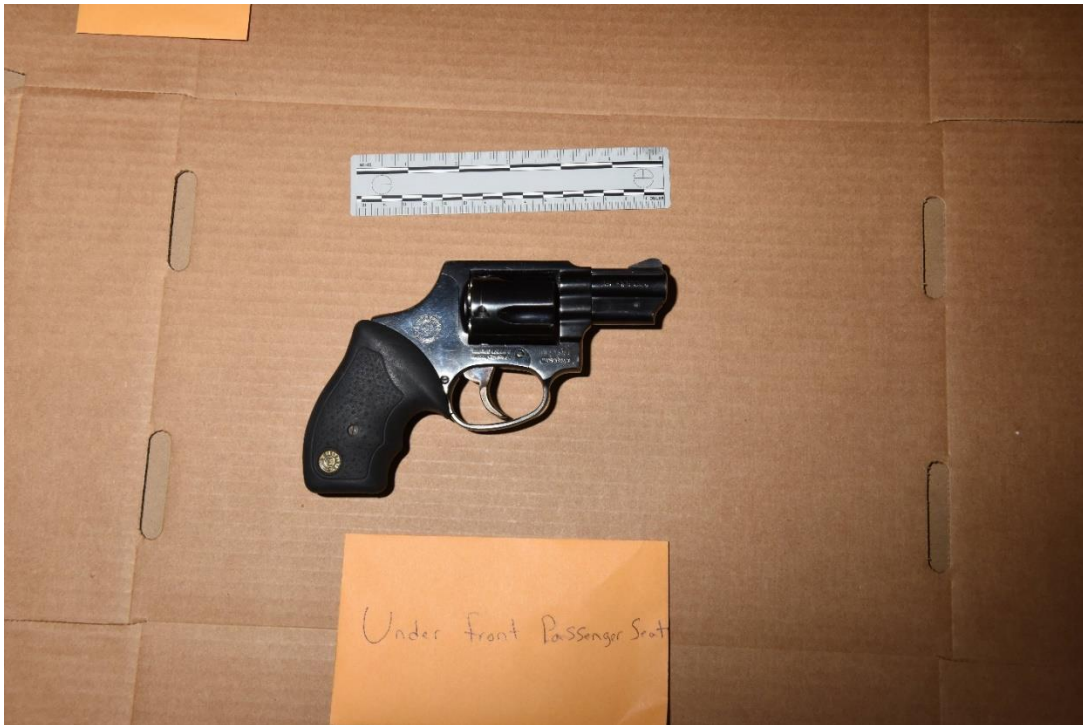


Photo: Taurus .38 Special revolver recovered from beneath front passenger seat.



Photo: Muzzle loading rifle with accessories and sword from trunk of Subaru.



Photo: suspected methamphetamine from backpack within passenger compartment of Subaru.

D. Dispatch Log

The dispatch log from this case indicates the traffic stop called was called out by Officer Hendrix at 22:42:16 hours. The shots fired call is subsequently logged at 22:42:57 hours.

The first recording of radio traffic from Officer Hendrix announces that he is at "California and Booth" in a "foot pursuit". Officer Hendrix then announces, "shots fired" and his location in the parking lot "right in front of Reno High". Another Officer radios Officer Hendrix, asking if the suspect is down. Officer Hendrix responds, "yeah, he's still conscious".

E. Body Worn Cameras

1. Officer Kevin Hendrix

Officer Hendrix was wearing a functioning department issued body worn camera as part of his duty uniform during this incident. The camera recording begins after Officer Hendrix has exited his patrol vehicle. It appears to capture shots being fired by Officer Hendrix (at 06:42:33Z, 06:42:37Z, 06:42:40Z, and 06:442:44Z). The recording begins at 10:52:30 p.m. on January 27, 2019 (as converted from stamped time of 06:42:30Z, January 28, 2019). The audio portion of the recording begins thirty seconds into the recording, per manufacturer setting.²

The video begins with Wootan kneeling with his back to Officer Hendrix. Reno High School is visible in the background. He holds his right hand near his back. His left hand is obscured. Officer Hendrix has Wootan at gunpoint. Wootan stands and turns toward Officer Hendrix. Officer Hendrix's service pistol is pointed at Wootan. Wootan falls backwards and lands in a seated position.

As Wootan sits up, he holds an object in front of him with both hands. At 06:42:33Z hours Wootan brings the object to the center of his body. Muzzle gasses (gunsmoke) are seen from Officer Hendrix's duty weapon as he fires once at Wootan (first shot).

² Publicly available manufacturer ("Axon") instructions explain that activating the device collects video from 30 second before activation (buffered video), but audio only from activation forward (audio is not buffered).



Video still: Wootan sits up holding object in hands.



Video still: Officer Hendrix fires at Wootan (first shot).

Wootan turns to his right and away from Officer Hendrix at 06:42:34Z hours. It is now clear that Wootan is holding a pistol in his left hand.



Video still: Pistol visible in Wootan's left hand as he turns from Officer Hendrix after first shot.

Wootan then rolls to his front side and away from Officer Hendrix. Officer Hendrix advances towards Wootan. Wootan turns his head and upper body at Officer Hendrix as he starts to sit up. Wootan's left hand is at his side.

At 06:42:37Z hours a muzzle flash is seen from Officer Hendrix' duty pistol as he fires one round at Wootan (second shot).



Video still: Muzzle flash (orange) from second shot from Officer Hendrix' duty weapon.

At 06:42:37Z Wootan gets to his knees and points the pistol directly at Officer Hendrix with his left hand. Officer Hendrix moves to his left.



Video still: Wootan points the pistol at Officer Hendrix (after second shot) before Officer Hendrix moves to his left.

At 06:42:38Z Wootan stands with his hands at his sides. Hendrix continues moving to his left. Wootan then briefly holds both his hands out to the side. Wootan suddenly points the pistol at Officer Hendrix and charges directly at him. Officer Hendrix fires at Wootan (third shot). Wootan falls to the ground with the gun still in his left hand.



2019-01-28 T06:42:38Z
AXON BODY 2 X81264808



Video still: Wootan stands up after second shot.



2019-01-28 T06:42:39Z
AXON BODY 2 X81264808



Video still: Wootan briefly holds hands out before charging Officer Hendrix.



Video still: Wootan charges at Officer Hendrix pointing the pistol at him.



Video still: Muzzle flash (orange) from third shot fired by Officer Hendrix.

After Wootan falls to the ground, Officer Hendrix advances towards him. Wootan lies on his back with his knees up and both hands out to the side. Wootan's left hand is near the pistol. Wootan's hand suddenly moves to the pistol. Officer Hendrix fires a single round (fourth shot). In response, Wootan moves his hand and arm away from the gun and rolls to his stomach.



Video still: Muzzle flash (orange "spark") from fourth shot fired by Officer Hendrix.

Officer Hendrix holds Wootan at gunpoint as he awaits cover officers.

At 06:43:04Z the audio portion of the recording begins. Officer Hendrix yells for Wootan to, "Put your arms out to the side! Palms up! Palms up! Hands behind your back! Put your hands behind your back. Show me your hands." Officer Hendrix then speaks on his radio, then yells to Wootan, "arms out to the side!"

Wootan does not comply. Instead, he rolls to his back.

At 06:43:47Z screeching tires of backup officers are heard. Responding Reno Police Department Officer Chris Good then tells Wootan to "roll on your stomach, roll on your stomach now!" Officer Hendrix tells Officer Good that the gun is right by

Wootan's head. Wootan responds, "I'm not going to touch the fucking gun".

Officer Hendrix tells Officer Good to wait for another officer before proceeding. Wootan repeats, "I'm not going to fucking touch it..." At 06:44:39Z Officer Good tells Wootan "do not fucking move."

At 06:44:53Z Wootan moves his left hand towards his head. Officer Hendrix yells "get your hand away from the fucking gun." Wootan responds, "I'm trying to breathe man."

At 06:45:06Z more backup officers arrive. Officer Hendrix alerts them to Wootan's pistol, which is visible near his left hand, where it has been since the fourth shot. Wootan yells, "I'm not going to touch it, I'm dying man". Officers handcuff Wootan. Officer Hendrix is then removed from the area under the officer involved shooting protocol.

2. Officer Chris Good

Reno Police Department Officer Chris Good first responded to assist Officer Hendrix. His body worn camera was functioning and recorded his involvement in this case. Officer Good arrives to find Officer Hendrix holding Wootan at gunpoint after the shooting. Both officers hold Wootan at gunpoint until additional officers arrive and take Wootan into custody and administer medical aid. Officer Good then removes Officer Hendrix from the scene.

3. Officer Brock Frank

Reno Police Officer Brock Frank responded as a backup officer to Officer Hendrix. His body worn camera captures multiple officers giving medical attention to Wootan after he had been handcuffed. At 06:49:00Z Wootan states, "I promise you I'm not going to do nothing, I just didn't want to spend the rest of my life in prison".

4. Officer Chris Caprioli

Reno Police Officer Chris Caprioli also arrived as a backup officer. His body worn camera also captures Wootan's statement, "I promise you I'm not going to do nothing, I just didn't want to spend the rest of my life in prison".

F. Idlewild Market Video

Investigators were able to recover surveillane video from Idlewild Market located at 601 Booth Street (on the southwest corner of Booth St. and Foster Dr.). The footage captures a portion of the intersection of Booth Street and Foster Drive and depicts a figure running in the direction of the location of the shooting (at the video's timestap of 11:12:37 p.m.). A police car is seen driving in the direction that the person ran (11:12:48 p.m.).

G. Federal Building Video

Surveillance video was recovered from the C. Clifton Young Federal Building at 300 Booth Street.³ A review of the video reveals that the recordings capture Booth Street and a portion of the intersection of Booth Street and Foster Drive. The Subaru is visible in the intersection. A male figure believed to be Jason Davis is seen running northbound on the east side of the street and into the federal building parking lot (consistent with statement of Jason Davis). A police car (that of Officer Hendrix) is seen traveling northbound on Booth Street towards the driveway to Reno High School. Wootan's path is not contained in the video.

H. Forensic Examination

Latent fingerprint cards were collected from the Subaru. On October 15, 2019 Nicole Rapino, Criminalist at the Washoe County Sheriff's Office Forensic Science Division reported that examination of the print cards revealed Patrick Wootan's fingerprint on the parking break button of the Subaru. A latent print from the exterior rear driver window was identified to Isaac Marshall Wheeler.⁴

On March 12, 2019 Stephnie Schlesener, Intermittent Investigative Assistant at the Washoe County Sheriff's Office Forensic Science Division examined the Ruger P345 used by Wootan

³ While the video was provided in the submission to the WCDA, no police report documents its recovery.

⁴ Sparks Police Department Detective Shaun Congdon attempted to interview Wheeler on February 8, 2019 but he declined to be interviewed. Investigators initially suspected that Wheeler was the third occupant of the Subaru because one of the phones located In the Subaru rang in their presence. The number calling the phone was associated with Isaac Wheeler.

for the presence of fingerprints. No latent impressions of value for comparison were found.

The Ruger P345 was also analyzed for the presence of DNA. On May 20, 2019 Criminalist Monica Siewertsen reported her findings, as follows:

The DNA results obtained from the 'Ruger P345' trigger guard stain swabs (3.1.2) and grip and magazine release residual swabs (3.1.5) each indicate a mixture. The same male dominant DNA profile was determined from each mixture. Comparison of DNA results showed the DNA profile obtained from the Patrick Wootan reference sample to be the same as this male dominant DNA profile and the DNA profile obtained from the 'Ruger P345' slide/frame/accessory rail stain swabs (3.1 .1). The estimated frequency of this matching DNA profile is approximately 1 in 501.0 octillion (501.0×10^{27}) individuals. Based upon these results, it is reasonable to conclude that Patrick Wootan is the source of the male dominant/male DNA profile. Due to the low level of DNA, no conclusions can be offered for the trace results.

The DNA results obtained from the 'Ruger P345' trigger and interior trigger guard residual swabs (3.1.4) indicate a mixture. A male dominant partial DNA profile was determined from this mixture. Comparison of DNA results showed the DNA profile obtained from the Patrick Wootan reference sample to be the same as this male dominant partial DNA profile. The estimated frequency of this matching DNA profile is approximately 1 in 55.96 septillion (55.96×10^{24}) individuals. Based upon these results, it is reasonable to conclude that Patrick Wootan is the source of the male dominant partial DNA profile. Due to the low level of DNA, no conclusions can be offered for the trace results.

I. Wootan Injuries, Criminal History

Wootan suffered bullet related injuries to his right chest, both arms, and left torso. One bullet was recovered from Wootan's arm during surgery. Toxicology results were not obtained from the hospital.

Investigators learned that Wootan had an extensive criminal history and had been convicted of 9 prior felonies beginning in 2005. In 2005 he was convicted in Las Vegas, Nevada of Burglary in three separate cases and Attempted Possession of a Stolen

Vehicle. In 2009 he was convicted of Grand Larceny in Las Vegas. In 2009 he was convicted of Unlawful Acquisition, Possession or Transfer of Credit Card in Washington City, Utah. In 2010 is was convicted of Attempted Burglary in Las Vegas. In 2012 he was convicted of Burglary in one case and Possession of a Stolen Vehicle in another in Las Vegas and sentenced as a habitual criminal.

Wootan had been released on parole for his most recent case on May 18, 2018 and was on parole at the time of this incident.

III. PROSECUTION

On June 26, 2019 Wootan pled guilty to one count of Assault on a Police Officer with Use of a Deadly Weapon Committed by a Parolee, one count of Possession of a Stolen Motor Vehicle, and one count of Possession of a Stolen Firearm.

On October 14, 2019 Wootan was adjudicated as a habitual criminal and sentenced to life in prison with parole eligibility beginning after a minimum of 10 years has been served.

IV. 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. Although Mr. Wootan was not killed, "death does not have to be the result for self-defense to be applicable." Davis v. State, 130 Nev. 136, 141, 321 P.3d 867, 871 (2014). See also, NRS 200.275 ("In addition to any other circumstances recognized as justification at common law, the infliction or threat of bodily injury is justifiable, and does not constitute mayhem, battery or assault, if done under circumstances which would justify homicide.").

Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officer involved and determining whether any criminality on 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, case law authority

interprets justifiable self-defense and defense of others. All of the aforementioned authorities are intertwined and require 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 guidelines in self-defense cases as follows:

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

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

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

under the influence of those fears alone and not in revenge.

Actual danger is not necessary to justify a killing in self-defense. A person has a right to defend 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.”

V. ANALYSIS

On January 27, 2019 Reno Police Officer Kevin Hendrix observed a speeding vehicle at Keystone Avenue and Jones Street. When he turned his vehicle around to follow it, the vehicle had already fled. Officer Hendrix located the crashed vehicle in the intersection of Foster Drive and Booth Street and found Patrick Wootan running from the driver side door. Officer Hendrix followed Wootan in his vehicle in preparation for a foot pursuit. By this time, Wootan had run onto the front lawn of Reno High School. As Officer Hendrix slowed his vehicle he saw Wootan trip and fall in the grass.

Seeing this, Officer Hendrix exited his patrol car with the intent of approaching him, only to find Wootan laying on the grass pointing a pistol directly at him. Officer Hendrix immediately ordered Wootan to drop the gun, but he did not comply. Instead, Wootan told Officer Hendrix that he did not want to go back to prison. Unknown to Officer Hendrix was the fact that Wootan was on parole, was an ex-felon prohibited from possession a firearm, and was driving a stolen car, crimes that would likely have sent him back to prison. Additionally, Wootan had made statements prior to the shooting specifically expressing this concern.

Wootan's continued actions clearly demonstrated his intent to create a deadly situation. Despite numerous commands to drop the gun, Wootan instead pointed the pistol at Officer Hendrix. Officer Hendrix considered this a deadly threat and fired at Wootan. Undeterred, Wootan responded by again pointing the pistol at Officer Hendrix causing him to fire again at Wootan. Creating even greater fear, Wootan then stood up and charged towards Officer Hendrix while pointing the pistol at him. Officer Hendrix fired again, knocking Wootan to the ground. Injured, yet still undeterred, Wootan reached for the pistol and Officer Hendrix fired a final time.

Officer Hendrix reasonably responded with deadly force to Wootan's repeated deadly threats of pointing a pistol at him. Furthermore, Wootan stated to Officer Hendrix, Officer Caprioli, Detective Digesti, and then to his associates that he pointed

the gun at Officer Hendrix because he did not want to go back to prison. He intentionally pointed the firearm at Officer Hendrix in order to force Officer Hendrix to kill him (commonly referred to as "suicide by cop"). Thus, it is likely Wootan intentionally placed Officer Hendrix into an apparent deadly situation multiple times with the expressed intent of being killed as a means of avoiding a return to prison. Officer Hendrix's use of deadly force in this situation is lawful, as he actually and reasonably perceived imminent danger that Wootan would either kill him or cause him great bodily injury. It was absolutely necessary for him to use deadly force to save his life. Under Nevada law Officer Hendrix also had the right to use deadly force against Wootan in defense of his own life in the discharge of a legal duty.

VI. CONCLUSION

Based upon a review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the January 27, 2019 officer involved shooting of Patrick Michael Wootan, the actions of Reno Police Officer Kevin Hendrix are warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundations upon which this decision is made, this case is officially closed.