Legal Analysis Concerning
the Officer-Involved-Shooting of Cortney Staley
on August 3, 2019
# TABLE OF CONTENTS

**INTRODUCTION** .................................................................................................................. 1

**SUMMARY OF MATERIAL FACTS** ....................................................................................... 1-52

**A. GENERAL BACKGROUND** ............................................................................................. 1-9

1. **Staley’s possession of firearm and ammunition** .................................................. 5-8

2. **Staley’s history of drug and alcohol abuse** ............................................................... 8

3. **Staley’s recent criminal history** ................................................................................. 8-9

4. **Previous incident** ......................................................................................................... 9

**B. LAW ENFORCEMENT RESPONSE TO CALL FOR SERVICE** .................. 9-30

1. **Arrival on scene, interview of Sharae, and initial contact with Staley** .................. 9-14

2. **Adjusting primary objective to securing children outside residence and associated efforts** .......................................................... 14-20

3. **Efforts to secure 11-month-old; Staley’s first threats to kill child** ......................... 20-25

4. **Sgt. Gonzales negotiation with Staley** ...................................................................... 25-26

5. **Continued negotiations; delivery of requested items** .............................................. 27-29

6. **Deterioration of negotiations; imminent threat to child** ......................................... 29-30

**C. EMERGENCY RESCUE** ................................................................................................. 30-46

1. **Relevant autopsy findings** ......................................................................................... 37

2. **Body-worn camera footage** ...................................................................................... 37-46

   a. **Deputy Mieras** ........................................................................................................ 38-44

   b. **Deputy Bindley** ....................................................................................................... 44-45

   c. **Deputy Hadlock** ...................................................................................................... 45-46
# TABLE OF CONTENTS

D. POST-INCIDENT SEARCH ................................................................................. 47-52  

1. **Staley’s handgun and .40 caliber ammunition** .................................. 47-48  
2. **Structural defects attributable to discharged rounds** .................. 48-50  
3. **Cartridge casings** ............................................................................. 51  
4. **Staley’s cell phone** ......................................................................... 51-52  
5. **Divorce paperwork** ......................................................................... 52  

**LEGAL ANALYSIS** .................................................................................. 52-57  

A. ENTRY ...................................................................................................... 52-54  

1. **Consent** ............................................................................................ 53  
2. **Emergency** ....................................................................................... 53-54  

B. DEADLY FORCE ..................................................................................... 54-57  

1. **Self-defense** ...................................................................................... 54-56  
2. **Defense of others** ........................................................................... 56-57  
3. **Deadly force in execution of arrest** ................................................. 57  

**CONCLUSION** .......................................................................................... 57
On August 3, 2019, personnel from the Carson City Sheriff’s Office engaged in a four-hour standoff with Cortney Staley at his estranged wife’s residence. Staley held their 11-month-old child hostage, demanding to see his estranged wife. In a continually escalating series of threats, he repeatedly told negotiators he would kill the child unless they met his demand. Staley was armed and discharged a dozen rounds in and around the residence during the standoff. Left with no choice, a team of Carson City Sheriff’s deputies was assembled to attempt an emergency extraction of the child. The team lawfully gained entry to the residence where Staley fired at them. Deputies returned fire in lawful self-defense and defense of their fellow officers. Staley was struck by the return fire and died. The child was rescued, unharmed.

**SUMMARY OF MATERIAL FACTS**

**A. GENERAL BACKGROUND**

On August 3, 2019, 32-year old Cortney Staley (“Staley”) was residing in an unknown location in northern Nevada. He had three children, ages five, two, and 11-months, with his estranged wife, Sharae.¹ At the time, the children and Sharae lived in an apartment complex at 1405 North Edmonds Drive in Carson City. The unit in which she lived with the children was on the second floor accessed by exterior stairs. The front exterior of the residence is depicted in Photographs 1 and 2 and Frame 1. Outside the front entry of the residence, there is a balcony. The front entry is the only access to the residence.

¹ The couple had been living separately since approximately June 2019. Divorce paperwork was in the process of being finalized. They had been married since 2012.
Still frames from body worn camera and other video footage are identified as "Frames."
Sharae was scheduled to work in Reno that day, but her regular child-care provider was unavailable. Sharae had previously contacted Staley and asked him to watch the children, which he agreed to do. According to text messages exchanged between Sharae and Staley, he arrived at her residence at approximately 7:30 a.m., and she left for work. Sharae believed Staley planned to make breakfast for the children and take them out somewhere. Sharae did not expect Staley to stay at her residence. According to Sharae, Staley seemed “normal and fine” that morning.

Shortly after he arrived at the residence, Staley exchanged text messages with a cellular telephone number associated with an address in Carson City. At approximately 9:15, Staley sent the following text:

Can you front me 6 and all give the money to jack tomorrow I came to Carson but I forgot my wallet pretty please I’ve been a good boy with paying you.

The context and language of this message is consistent with a drug transaction. This message was followed six minutes later by a phone call to the same number which lasted 1:37. Further communications indicate Staley met with the person with whom he was exchanging communication sometime around 10:30 at which time Staley acquired a small baggie of purported cocaine. Prior to the arrival of law enforcement at the residence, Staley discarded the baggie on the ground under the balcony in front of Sharae’s unit. The location and baggie are depicted in Photographs 3 and 4.
Sharae and Staley exchanged text messages throughout the day. Initially, their exchanges were cordial and concerned rudimentary subjects. However, Sharae stated that early that afternoon, she noticed a change that, in her experience with Staley, strongly suggested he was consuming alcohol. Independent evidence corroborates this conclusion. A large bottle of vodka, open and nearly empty, was later found on the living room floor in the residence. *See Photograph 5.*
Sharae confirmed the vodka bottle had been in her apartment when she left that morning, but stated it was “mostly full.” Additionally, at approximately 8:46 p.m. that day, the content of alcohol in Staley’s blood was .198 g/100mL.

The tone of Staley’s communications dramatically changed as he began consuming alcohol. Near 3:00 p.m., he texted to Sharae a photo of the cocaine he had acquired that morning. In a message included with the photo and in several messages that followed, Staley accused Sharae of keeping cocaine in the residence where it could be accessed by the children. Staley then demanded to meet a male acquaintance of Sharae who he believed had been periodically staying with her and the children. They then exchanged extremely hostile communications continuously for over an hour. Most of the communications were nothing more than explicit personal insults, but they convey the following substantive information: Sharae cut her day short and was returning home; Sharae made multiple requests that Staley leave the residence; Sharae made multiple statements that she planned to call police; Staley did not want to involve the authorities, he claimed he just wanted to meet Sharae’s male acquaintance; and Staley made multiple appeals to Sharae to not call police.

At 4:17 p.m., as Sharae got to Carson City, she contacted the dispatch center for the Carson City Sheriff’s Office. Sharae requested law enforcement assistance in removing Staley from her residence.

1. **Staley’s possession of firearm and ammunition**

Staley brought a semi-automatic handgun and ammunition to Sharae’s residence. There was a blue bin in the bed of his pickup, the contents of which are depicted in *Photograph 6.*
The bin contained family photographs, ammunition, and packaging associated with firearms and firearm accessories. One of the boxes, depicted in Photograph 7, was for a Smith & Wesson 40 M&P .40 caliber semi-automatic handgun.

*Photograph 7*

*Photographs 8 and 9 depict the handgun associated with the box in Staley’s truck.*
A box of .40 caliber ammunition was also discovered in Sharae’s residence. That box is depicted in Photograph 10.

Photograph 10

At some unknown time prior to the arrival of law enforcement, Staley took the handgun and ammunition into Sharae’s residence.

2. **Staley’s history of drug and alcohol abuse**

   Staley had a documented history of drug and alcohol abuse. According to Sharae, Staley’s substance abuse was the cause of their separation. She reported that Staley “drinks excessively, to where he gets blackout drunk and turns into a monster.”

3. **Staley’s recent criminal history**

   In late November, 2018, Staley was arrested in Nye County for several criminal offenses including Assault with a Deadly Weapon, Possessing a Firearm under the Influence of Alcohol, Aiming a Firearm at a Human Being, and Impersonating a Public Officer. Staley entered a plea of guilty to the charge of Assault with a Deadly Weapon on July 12, 2019. He was scheduled to be sentenced later that year.
Staley was also a suspect in Nye County burglary involving the theft of firearms and prescription medication.

4. Previous incident

On a different occasion earlier in the summer of 2019, Sharae allowed Staley to stay at her residence overnight to watch the children as she attended a wedding in California. According to Sharae, Staley began sending her numerous harassing text and telephone messages during the evening and throughout the night. She believed he was “super drunk” and “had lost his mind” on that occasion. However, that situation was resolved through Sharae’s mother who was able to calm Staley before Sharae’s return.

B. LAW ENFORCEMENT RESPONSE TO CALL FOR SERVICE

1. Arrival on scene, interview of Sharae, and initial contact with Staley

Carson City Sheriff’s Deputy Jordan Hadlock was the first law enforcement officer to arrive in response to Sharae’s call. He got to the location at 4:26 p.m. Carson City Sheriff’s Deputy Mike Gibson arrived five minutes later. Deputy Hadlock, Deputy Gibson, and Sharae spoke briefly on a sidewalk away from the residence. The deputies received a summary of the preceding hours from Sharae. Sharae also alerted the deputies she owned a firearm that was in the house, stored in a case in her bedroom. She did not keep the firearm loaded, but a loaded magazine and ammunition were kept in the same case.3

While Sharae stayed behind, the deputies approached the apartment. They made initial contact with Staley at approximately 4:35. From the outset, Staley was agitated and verbally confrontational with the officers. He spoke to them through a metal storm door at the front entry, while holding the 11-month-old child. He told the officers to “stay down there” and refused their requests to climb the stairs to discuss the situation. The deputies then asked Staley to come down the stairs and speak to them, but he refused to do that, too. Staley demanded that Sharae come speak to him. His voice was frequently elevated, and he repeatedly used profane language. Shortly into their interaction, Deputy Hadlock requested a third officer.

Staley claimed he found “coke in her room” and insisted that officers bring Sharae to the residence before he would speak with them. This exchange followed:

Deputy Gibson:   So, hey Cortney, you don’t live here anymore, right?
Staley:           What?

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3 There is no evidence that Staley acquired possession of Sharae’s firearm at any point during the incident.
Deputy Gibson: This is not your house, right?
Staley: I was invited here. I have everything saying I can walk in here by her on my phone.
Deputy Gibson: Okay. Because that’s not what she told us, man. She told us that you were going to come pick the kids up, go out and do dad thing with the kids—
Staley: No.
Deputy Gibson: Then bring them—
Staley: I have everything—recorded everything—
Deputy Gibson: Hold on, man. Hold up. Let me—
Staley: I recorded the conversation, so don’t—get her over here.
Deputy Gibson: Okay. That’s fine. That’s fine—
Staley: She’s lying to you.
Deputy Gibson: So she was going to come back here. You’re supposed to drop the kids back off to her, right?
Staley: When she got off of work.
Deputy Gibson: Okay. Regardless, you’re in her house. She doesn’t want you in there. You have to leave the house, man, okay?
Staley: Nope.
Deputy Gibson: We can talk to her about what you found in there. That’s not an issue. We’ll discuss that with her. Okay? I understand your concern. I get that, man. I got kids myself, too. But you’re doing it the wrong way right now, man. We don’t want to—like my partner said—we don’t want to be mean guys here. We want to work things civil right now, right?
Staley: She can be right here, and we’ll all talk.
Deputy Gibson: Okay. Well, come down and talk to us—
Staley: Nope.
Deputy Gibson: —so we can vacate the house.
Staley: She can be right there, and we'll all talk. Go get her first.
Deputy Gibson: You can't be in there. It's her house, man.
Staley: No, go get her first.
Deputy Gibson: You're out on bail conditions, right?
Staley: Yeah, I could give two [expletive]. I've got a .40 and I'll put a bullet in my head. So I give two [unintelligible].
Deputy Gibson: You've got a what?
Deputy Gibson: Are you ex-felon?
Staley: Huh?
Deputy Gibson: Are you ex-felon?
Staley: [Expletive] no. I ain't nothing. I haven't even been sentenced yet.
Deputy Gibson: Okay. Where's your .40 at, man?
Staley: It's [expletive] right there. And it's hers.
Deputy Gibson: Okay.
Staley: She let me in here after she told me that she didn't have it in here. She told me she took it to a friend's house so I could watch the kids here.
Deputy Gibson: So let me ask you this. If she comes over and talks with you from here, are you going to come down and leave?
Staley: Huh?
Deputy Gibson: Are you going to come down and ultimately leave or what?
Staley: No, I'll come down and [expletive] leave as soon as she's right there. She's [expletive] got coke back here. [Unintelligible].

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4 Staley’s first reference to having a firearm occurred at approximately 4:38.
Deputy Gibson: Let’s do this, okay? We’ll get her over here. You come down. We’ll—

Staley: No.

Deputy Gibson: —all have a conversation—

Staley: [Expletive] no.

Deputy Gibson: —away from the kids.

Staley: She’s got to be right there, and I’ll come down.

Deputy Gibson: That’s what I’m saying. I’ll get her over here, and you come down.

Staley: No, right [expletive] now. Then I’ll come down.

Deputy Gibson: Yeah. That’s what I’m saying.

Staley: Right now.

Deputy Gibson: Yeah. I’ll have her walk over here.

Staley: Get her. Get her.

Deputy Gibson: Where’s that gun at right now, man?

Staley: Get her.

Deputy Gibson: Where’s that gun at?

Staley: Over there.

Deputy Gibson: Over there in the bedroom? On the counter? Where?

Staley: It’s over there.

Deputy Gibson: You’re not giving me any information, man.

Staley: She can come over there. She set me up with all this alcohol, a gun, and now coke in here.

Deputy Gibson: I’m not saying anything happened.

Staley: [Unintelligible] for you.
Deputy Gibson: Okay? I got you, bud. I know you would. I believe you. All right? I believe you, man. But like my partner said, I don’t need your kids to be hearing adults talk, man.

Staley: Huh?

Deputy Gibson: I don’t need your kids to be hearing adults talking.

Staley: Well, she shouldn’t have called you in the first place.

Deputy Gibson: So why don’t you come out here—

Staley: I have her shipping Adderall to [expletive] Florida, too.

Deputy Gibson: Cortney, listen man—

Staley: It’s [expletive].

Deputy Gibson: How about you and I walk over here, you and I talk, and he can talk to her, and we’ll—

Staley: Nope.

Deputy Gibson: Why don’t—

Staley: She’s got to be right there and we’re all going to talk.

Deputy Gibson: —we start somewhere? Why don’t we start somewhere, man?

Staley: Nope. That’s my conditions. Right [expletive] there.

Deputy Gibson: And then you’re going to come outside.

Staley: As soon as she right the [expletive] there.

Deputy Gibson: Without the gun, right?

Staley: Huh?

Deputy Gibson: Without the gun?

Staley: Without the—I don’t have the gun on me.

Deputy Gibson: Okay. So why is it so important to see her right now?

Staley: Go get her now or else I’m not [expletive] talking to you. I’ll shut the door and goodbye.
Deputy Gibson: Hang tight, man.

Staley: Go [expletive] get her.

Staley then slammed the front entry door and retreated inside the residence with the children.

Officers determined that introducing Sharae’s physical presence was not a safe or otherwise appropriate option. When told Sharae would not come to the area outside the apartment because “she’s scared of you right now,” Staley responded, “I don’t give a [expletive]. She should be.” Meanwhile, additional officers arrived on the scene. Seeing one of the additional responding officers, Staley yelled, “Get the [expletive] out of here. Only these two and my wife. Get the [expletive] out of here.”

2. Adjusting primary objective to securing children outside residence and associated efforts

Unable and unwilling to comply with Staley’s “condition” for exiting Sharae’s residence and sensing the deteriorating situation, officers adjusted their primary objective to securing the three children outside the residence.

Deputy Gibson: Well, why don’t you and I talk?

Staley: No.

Deputy Gibson: Why?

Staley: Nope. Tell her to come get the kids so it’s just me up here.

Deputy Gibson: Listen, let’s have the kids come out.

Staley: Nope.

Deputy Gibson: Let’s do that.

Staley: Oh, can she⁵ walk down?

Deputy Gibson: No, I’ll have the kids walk over here to the street.

Staley: Can she walk down? She’s [expletive] 11-months.

Deputy Gibson: Well, I’ll come up and get her from you if you want to put her by the thing. That’s fine, man. I don’t have a problem doing that. Are you comfortable doing that?

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⁵ Staley’s reference is to the 11-month-old who he was still holding.
Staley: Nope. I want her right there.

Deputy Gibson: Cortney, why don't you hand me the baby right through the gate?

Staley: I want her right there.

Deputy Gibson: Cortney, seriously dude.

Staley: No. [Expletive] you.

Deputy Gibson: She’s not going to come over here. She already told me she’s not.

Staley: Well, then it’s her [expletive] problem.

Deputy Gibson: Okay, so we’re not going to leave, dude. We’ve got to figure this out, right?

Staley: No. We don’t. Because I’m going to be [expletive] dead in a minute after you guys come get—

Deputy Hadlock: Whoa, whoa, whoa.

Staley: —the kids.

Deputy Gibson: Okay, don’t say that, man. Don’t say that.

Staley: It’s either cop suicide or I’m going to shoot myself. So [expletive] tell her to get over here.

Deputy Gibson: Don’t go there.

Staley: Well, too [expletive] late.

Deputy Gibson: Cortney—

Staley: I ain’t going to jail over her [expletive].

Deputy Gibson: Do me a favor, bud, you and I—

Staley: I hope when I’m dead you fingerprint—

Deputy Gibson: Okay.

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6 This were Staley’s first expression of his intent to induce law enforcement officers to employ deadly force upon him. The statement was made at approximately 4:42.

Deputy Gibson: Hey, I will fingerprint it, okay? I will fingerprint it. If it’s hers, then we’ll stick her to it, okay? That’s fine. I will do that for you. But you need—

Staley: Nope.

Deputy Gibson: —to help me out, man.

Staley: I ain’t coming out.

Deputy Gibson: Cortney, you need to help me out.

Staley: Nope.

Deputy Gibson: How about give me the baby—

Staley: I’m supposed to have my PSI on Thursday, and she’s trying to [expletive] stick it to me now.

Deputy Gibson: Hey, we’re not here to stick you, man. I’ve got you on that, okay? I believe you on that. I’ve got you. But I want you to work with me.

Staley: I ain’t coming down. I know the [expletive] sweet talk [expletive].

Deputy Gibson: Will you hand—

Staley: I want my lawyer.

Deputy Gibson: Will you hand me the baby over the gate?

Staley: No. I want her—

Deputy Gibson: One child.

Staley: I want her right here.

Deputy Gibson: One child.

Staley: If she loves her daughter, tell her to [expletive] come grab the kids, and it’s between me and you guys. You guys can shoot me, or I’ll shoot myself.

Deputy Hadlock: No. No. No. No. We don’t want to do that, man.
Staley: Well, that’s what’s going to [expletive] happen.

Deputy Hadlock: Cortney—

Staley: Because I ain’t going to jail.

Deputy Gibson: No one said jail, man. Okay? We want to resolve this civilly. That’s you get in your car and you leaving, okay?

Staley: No, that’s [expletive] real— that ain’t going to happen.

Deputy Gibson: Okay?

Staley: We already [expletive] both know that [expletive].

Deputy Gibson: So, Cortney, listen to me, man, okay? Seriously—

Staley: Yeah. No, [expletive] seriously. Tell her to get over here and get her kids.

Deputy Gibson: Let’s—let’s get the kids—

Staley: She can have the kids.

Deputy Gibson: Cortney, let’s get the kids—

Deputy Hadlock: She—

Deputy Gibson: —out, okay?

Deputy Hadlock: —can have the kids?

Staley: She—if she gets over here, she can have them.

Deputy Hadlock: Okay.

Deputy Hadlock then left the area to update Sharae and communicate with other officers on scene. Deputy Gibson continued interacting with Staley. Their interaction included the following exchange.

Deputy Gibson: Cortney.

Staley: Nope.

Deputy Gibson: Let’s—let’s think about this, man?

Staley: Nope.

Deputy Gibson: Okay?
Staley: My [expletive] whole [expletive]— I’m done. I don’t want to be a [expletive] dad no more. I don’t to live—

Deputy Gibson: I got you, man.

Staley: —no more.

Deputy Gibson: I got you.

Staley: You guys are just going to kill me, or I’ll kill myself.

Deputy Gibson: Cortney, we’re not doing that, man. You know that—

Staley: The [expletive] you aren’t. You know you will. If I pull a gun on you guys.

Deputy Gibson: Cortney, come on, man. Can you look at me real quick?

Staley: What?

Deputy Gibson: Seriously.

Staley: What?

Deputy Gibson: Those are your kids in there, man. They don’t need to see this, dude.

Staley: They’re going to be right over there when it happens.

Deputy Gibson: Okay.

Staley: Tell her to come get them.

Deputy Gibson: I want to meet you up there and—

Staley: Nope.

Deputy Gibson: —grab the baby.

Staley: Nope.

Deputy Gibson: Will you let the ones that can walk walk down—

Staley: No.

Deputy Gibson: —then?

Staley: Not until she’s right there.
Deputy Gibson: Why? What’s so important—
Staley: I want her to look at me one last time before I blow my [expletive] brains out.
Deputy Gibson: Cortney, don’t go there, man. Don’t go there.
Staley: The gun’s in my [expletive] pocket. So [expletive] off.7
Deputy Gibson: It’s in your pocket, huh?
Staley: Yes.
Deputy Gibson: Cortney, come on, man.
Staley: Tell her to come get the kids so I can do what I need to do.
Deputy Gibson: Just— you need to work with me.
Staley: Tell her to get the kids so I can do what I need to do. I ain’t going to [unintelligible] it with you right there because I have her in my arms, but as soon as—
Deputy Gibson: Cortney—
Staley: —the kids are gone, I’m going to shoot myself.
Deputy Gibson: —listen to me. You and I both know—I’m a dad, too, man, and that’s not a good spot for your kids to be in, okay?
Staley: Well, guess what? She—
Deputy Gibson: Help me out.
Staley: —put me there.
Deputy Gibson: Well, let’s get rid—let’s get the kids out of the equation, man.
Staley: Nope. Get her over here.
Deputy Gibson: For what? You’ve got a gun in your pocket, dude.
Staley: I’ll put it on the table.
Deputy Gibson: No. No. It’s not about that, man.

7 This was Staley’s first reference to having a firearm on his person. The time was approximately 4:45.
Staley: Hurry up, so I can finish this.

Deputy Gibson: Cortney—

Staley: Nope.

Deputy Gibson: How about just the baby here? How about the baby there, man?

Staley: No. She’s my favorite, so no.

Deputy Gibson: How about the other one then? Give me one.

Staley: No. He’s my favorite boy.

Deputy Gibson: Give me something to work with, Cortney.

Staley: Well, give me her over here, and I’ll give them to you.

Deputy Gibson: I’m working on that right now for you, man. I’m working on it, okay? But you have to give me some good faith here, man.

Staley: Well, I ain’t got no good faith for you [expletive] because you’re taking me to jail.

Deputy Gibson: Hey Cortney, did I tell you that?

Staley: I got [expletive]— there’s booze and [unintelligible].

Deputy Gibson: I know. I’m not worried about that. I’ve already given you my word on that, man. I’m not worried about that. I’m not. I’m worried about your kids, man. I’m worried about the comments that you’re making. That’s what I’m worried about.

Staley: The older two are coming down.

Deputy Gibson: Thank you. Cortney, thank you.

At that point, the five-year-old and two-year-old descended the stairs and were taken to their mother by Deputy Hadlock who had returned to the location. Staley briefly exited the residence, still holding the 11-month-old. He opened the gate and then immediately returned to the entry way behind the metal storm door. The time was approximately 4:48.

3. Efforts to secure 11-month-old; Staley’s first threats to kill child

After the two older children were secured, Deputy Gibson continued to engage with Staley from a safer position behind a vehicle further from the residence. The
substance of their exchanges did not change from those reflected above. Deputy Gibson continued to request that Staley release the 11-month-old to him, and Staley continued to insist that he would release the child only to Sharae. However, over the course of the next 30 minutes, Staley’s agitation significantly increased. He repeatedly re-entered the residence, staying inside for a few seconds, before coming out to the entryway and balcony area. At approximately 5:11, Deputy Gibson observed him with a handgun pointed at his head while still holding the 11-month-old.

Meanwhile, Sergeant Daniel Gonzales arrived on the scene and began trying to call Staley using Sharae’s cell phone. Sgt. Gonzales attempted to communicate with Staley utilizing the speaker function so both he and Sharae could speak with Staley. Sgt. Gonzales made several calls, all of which Staley quickly terminated after demanding Sharae physically come to retrieve the child.

At approximately 5:15, Staley made his first threat about harming the 11-month-old. Staley was angry that a law enforcement officer instead of Sharae was communicating with him on her phone. After receiving a call from Sgt. Gonzales on Sharae’s phone, the following exchange with Deputy Gibson occurred:

**Staley:** Not her. Again. Two more tries. Two more.

**Deputy Gibson:** Cortney, let me ask you something, man.

**Staley:** Two more tries and then both of us.

**Deputy Gibson:** No, don’t go there, man.

**Staley:** [Expletive] you.

**Deputy Gibson:** Don’t go there.

**Staley:** Well, I just did.

**Deputy Gibson:** Cortney, don’t go there.

**Staley:** I just [expletive] did.

**Deputy Gibson:** Can you do me a favor?

**Staley:** No.

**Deputy Gibson:** If I get—

**Staley:** [Unintelligible] here now.

**Deputy Gibson:** If I get her to the roadway, will you let me come get the baby—
Staley: No.
Deputy Gibson: —while you guys talk?
Staley: She’s right there.
Deputy Gibson: Cortney, I can’t get her here, man.
Staley: You can’t?
Staley: Two for one combo [unintelligible]—
Deputy Gibson: Put it down, man. Please, put it down.
Staley: [Expletive] get her here now.

Deputy Gibson had observed Staley with his handgun in his right hand, pointed at his head while still holding the child with his left arm, which prompted his repeated directions to “put it down.” Staley made several additional references to a “two for one combo” over the course of the next few moments.

Captain Clay Wall ordered Deputy Gibson to pull back from his position to join Captain Wall behind a vehicle further from the residence. Staley then came out of the residence onto the balcony, again with the handgun point at his head and the child in his left arm.
As shown in Photograph 11, Staley had the firearm aimed at such an angle that a discharged round could harm the child, a fact that Staley acknowledged during his communications with officers.

At approximately 5:18, Staley also pointed his firearm at Deputy Gibson and Captain Wall.

At 5:19, Staley discharged a round from his handgun into the air. This was the first shot fired by Staley.

Sgt. Gonzales continued making periodic contact with Staley utilizing Sharae’s cell phone. At approximately 5:22, Staley again expressed a threat to the 11-month-old.

**Sharae:** I just need [the 11-month-old]. Please stop. [The five year old] is scared.

**Staley:** I don’t give a—

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Photograph 11 was taken by Dave Morgan, a Carson City journalist who covered the incident.
Sharae: [The 11-month-old] is scared.


Sgt. Gonzales: Hey man, if there’s—I’ll help you with that. If there’s stuff going on at this house, let me help you investigate that.

Staley: Hey [expletive], guess what? [Expletive] you. I want to talk to my wife. And I’m going to [expletive] shoot myself. You know, we'll make it a two for one combo.

Sgt. Gonzales: Don’t.

Sharae: Don’t.

Staley: [Unintelligible].

Sharae: Don’t do that. Just—

Sgt. Gonzales: Cortney—

Staley: [Expletive] you.

Sgt. Gonzales: —let’s not do that.

Staley: [Expletive] you.

Sharae: Come on. The kids are scared.

Staley: I want a pack of smokes on the deck right now.

Sgt. Gonzales: Well—

Sharae: Okay. Bring the baby down, and I will get you a pack of smokes.

Sgt. Gonzales: What kind of cigarettes—

Staley: No.

Sgt. Gonzales: —do you want?

Staley: No. Smokes first. Right now.

Sharae: Marlboro 72. No, just bring the baby down. And I’ll give you the smokes.
Staley: Enjoy your blow and your piece of [expletive] [male acquaintance].

Sgt. Gonzales: Cortney, what kind of cigarettes do you smoke?

Staley: 72 Red. Get them now, [expletive].

Sgt. Gonzales: Okay. How’s the baby?

Staley then terminated the call.

4. Sgt. Gonzales negotiation with Staley

Communication between Sgt. Gonzales and Staley continued for over three hours.\(^9\) During the course of their communications, Staley’s demeanor sometimes varied, and for brief periods he was comparatively calm. At other periods he was dejected and even crying. However, he was predominately angry, hostile, and agitated beyond coherence. His voice was elevated; his tone demanding and highly aggressive. Over the course of the three-hour negotiation, Staley made repeated references to inducing officers to shoot him and numerous threats to kill his 11-month-old child.

The dialogue between Staley and Sgt. Gonzales included the following communications:

- At approximately 5:26, Staley told Sharae and Sgt. Gonzales, “I already shot myself in the leg,” and made several subsequent references to “bleeding out.” He continued to tell Sgt. Gonzales he wanted cigarettes;

- By 5:42, Sgt. Gonzales secured a representation from Staley that if cigarettes were delivered to the balcony, he would exit the residence with his hands up; Staley further said he would leave the 11-month-old on the balcony while he reentered the residence to kill himself;

- At approximately 6:27, Staley advised, “I have been drinking now because why the [expletive] not, you know? I’m going to jail anyway”; and

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\(^9\) At approximately 5:40, Deputy Gibson was instructed to cease direct communications with Staley in order to allow Sgt. Gonzales to be Staley’s exclusive point of contact with law enforcement. Throughout the three hours that followed, Staley repeatedly hung up Sgt. Gonzales. As such, the communications described herein occurred over dozens of separate telephone calls. Some communications were also exchanged by text message.
• At approximately 6:29 p.m., Staley stated that he was in possession of two firearms; This information was communicated to dispatch and disseminated to other officers on the scene.

During this segment of his communications with Sgt. Gonzales, Staley discharged a single round from his firearm inside the residence at 5:50 and 5:51. At 6:45, he discharged three rounds in succession. He also continued to make statements threatening harm to his 11-month-old child, including:

• Staley at 5:50: “Oh, there’s SWAT. Oh, there goes SWAT. [Unintelligible]. I want a pack of smokes. Get him back over there. You better head north right now, or else I’m going to kill myself and her.”

• Staley at 5:51: “I’ll take out my daughter this time.”

• Exchange at 5:52:

  
  
  Sgt. Gonzales: Can you put the put the gun back on the deck, Cortney?
  Staley: Yeah, [expletive] you.
  Sgt. Gonzales: Will you please put the Cort—the, the gun back on the deck so then I can throw you the cigarettes? Come on, Cortney.
  Staley: Here’s what’s going to happen. You’re going to bring those over or we’re going to have a two for one combo right now.
  Sgt. Gonzales: I don’t want to do a two for—come on, Cortney. Cortney—
  Staley: [Unintelligible] [expletive] you.
  Sgt. Gonzales: Let’s not do that, Cortney. There’s no reason to do that to the baby, Cortney.

• At 6:28, Staley threatened the throw the child off the balcony.

• At 6:32, Staley told Sgt. Gonzales he planned to exit the residence with a gun to the child’s head when he retrieved the cigarettes.
5. **Continued negotiations; delivery of requested items**

At approximately 6:51, two bags containing a cigarette, soft drinks, and a urinalysis kit were delivered to the balcony.\(^{10}\) The delivery was accomplished by throwing the bags onto the balcony from the ground level. A short time later, Staley retrieved one of the bags with his handgun pointed at his head and using the 11-month-old as a shield. As Staley held his handgun and the child, he kicked one of the two packages inside.

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\(^{10}\) Staley had requested delivery of certain soft drinks in addition to cigarettes. Staley had also requested a drug test, ostensibly for the purpose of showing that the cocaine he had purchased that morning was not his. He also demanded that Sharae submit to a test.

\(^{11}\) *Frames 2 and 3 are still frames from a video recorded by a neighbor.*
Once back inside, Staley broke out a window. He was angry the bag he retrieved did not contain any cigarettes; they were in the other bag.
At 7:06, Staley fired another round inside the residence.

   At approximately 7:11, Staley began communicating with family members. Staley told at least one of them he wanted Sharae to come to the residence in order to commit suicide in front of her.

   At approximately 7:31, a second bag was delivered to the balcony. The bag contained a pack of cigarettes and cell phone charger. It was delivered to the balcony in the same manner as the previous two. Moments later, Staley retrieved the bag from the balcony. He did so in the same manner as before, exiting the residence with his handgun to his head and holding his child in his left hand.

   In negotiations between approximately 7:15 to 7:45, Sgt. Gonzales convinced Staley to leave the child in a car seat on the balcony for Sgt. Gonzales to retrieve. At approximately 7:36 and again at 7:45, Staley confirmed to Sgt. Gonzales that the child was in the car seat inside the residence.

6. Deterioration of negotiations; imminent threat to child

   Staley’s promise to deliver the 11-month-old to the balcony for Sgt. Gonzales to recover did not materialize. Staley retracted his agreement to do so at approximately 7:45, and Sgt. Gonzales was unable to get him to recommit to that course of action.\(^\text{13}\) Instead, Staley returned to his earlier demand to speak with Sharae. Based on Staley’s communication with Sgt. Gonzales and family members, law enforcement suspected Staley planned to kill himself and possibly the child while speaking with Sharae. For this reason, it was decided that Staley would not be permitted to speak with her, at least until the child was secure.

   At 7:46, Staley made a reference to “suicide by cop” and threatened multiple times to “come out shooting.” Eight minutes later, he told Sgt. Gonzales that he was “going to start killing people” and discharged a round inside the residence. At 8:01, Staley texted Sgt. Gonzales’s cell phone number to a family member as well as a message, “I still have [the 11-month-old] tell they do tell him I’m not [expletive] around” Between approximately 8:05 and 8:07, Staley texted Sgt. Gonzales, “I wife or 2 gun shots”; “Wife or two gunshots”; and “Nope talk now or count the shots.”

   At 8:14, Staley admitted to Sgt. Gonzales that the cocaine on the ground below the balcony was his and not Sharae’s. At 8:29 he fired a round inside the residence.

   Staley then told Sgt. Gonzales repeatedly that he would not put the 11-month-old outside without speaking to Sharae on the phone. For a period of time after 8:30 p.m.,

\(^{13}\) For a brief period around 8:30, the proposition was briefly revisited. However, Staley quickly reverted to demanding to speak with Sharae before giving up the child.
Staley stopped answering calls from both Sgt. Gonzales and his family. At 8:42, Staley again threatened the child, saying, officers “are going to hear two shots.” At approximately 8:44 p.m., Sgt. Gonzales informed Staley that Sharae would not speak with him on the phone unless the 11-month-old was secured. Staley replied, “She can die then,” and hung up. Staley then fired two shots inside the residence.

C. EMERGENCY RESCUE

Earlier in the day, a team had been assembled for the purpose of executing an emergency extraction of the 11-month-old, if necessary. All members of the team wore clothing and equipment readily identifying themselves as law enforcement officers. Among other law enforcement insignia, the word “SHERIFF” was prominently displayed on the chest of each team member in bold and bright letters.

At 8:44, just after Staley told Sgt. Gonzales that the 11-month-old “can die” and discharged two rounds, the team was ordered to execute the emergency operation. As the team approached the front entry, Staley answered a call from Sgt. Gonzales and told him that he had shot himself twice in the stomach. He discharged another round and then hung up at 8:44:53 p.m. Staley had no further communication with anyone on his phone after terminating his last call with Sgt Gonzales.

By that point, the team had ascended the stairs outside the residence.
It possible that Staley knew the team was approaching, but there is no conclusive evidence to that effect.\(^{14}\) Officers quickly advanced toward and into the entryway which opens into an area with the living room on the right and the kitchen on the left. There is a hallway connected to the living room, almost directly facing the entry. The hallway leads to back bedrooms and bathrooms.

\[
\text{Figure 1}\(^{15}\)
\]

\(^{14}\) Deputy Mieras reported hearing Staley yell something to the effect of, “Bring it on,” as the team approached. Although he did not report hearing anything like that, Deputy Bindley stated he thought Staley heard them approaching. Additionally, Staley, who was not on the phone at the time, can be heard yelling unintelligibly within the residence just before the officers entered.

\(^{15}\) Figures 1 is not a professional diagram and not to scale. It is intended for demonstrative purposes only, to provide a general layout of the pertinent portion of the residence.
Three officers, Deputy Taylor Mieras, Deputy Daniel Reece, and Deputy Brett Bindley entered the residence in that order.\textsuperscript{16} Their entry began seven seconds after Staley hung up on Sgt. Gonzales at 8:44:53. There was no light in the living room\textsuperscript{17} or kitchen when the officers entered, but light was emitting from the adjoining hallway. Staley was immediately visible. He was sitting on a chair\textsuperscript{18} positioned just inside the hallway where it meets the living room. Staley was facing the entry. He immediately stood and was upright. He moved slightly to his left and charged toward the officers. Deputy Bindley saw Staley holding a silhouetted black handgun in his right hand, which he raised toward the officers upon their entry.

Deputy Brett Bindley and Deputy Daniel Reece reported that Staley fired rounds toward officers when they entered based on their observation of muzzle flashes coming from his location. Sgt. John Hitch, who was directly behind the three entering deputies at the top of the stairs, confirmed Staley fired two rounds past the officers. Additionally, audio from Deputy Hadlock’s body worn camera footage reflects two distinct gunshots as officers entered just preceding a series of multiple, indistinguishable shots.\textsuperscript{19} Deputy Mieras was not certain whether Staley fired rounds at the officers or not. Deputy Mieras held a shield in his left hand which is depicted in Photograph 14. The shield was free of defects which would have indicated a bullet strike.

\textsuperscript{16} Due to the narrow width of the doorway, only one officer could enter at a time. The pre-planned tactical details as to the approach, entry, and planned rescue are intentionally omitted. The approach and entry were accomplished in a lawful manner.

\textsuperscript{17} A television was on in the corner of the living room when the deputies entered, but it went dark immediately after their entry.

\textsuperscript{18} Because he was backlit, body worn camera footage does not definitively show Staley seated in the chair. However, Staley can be seen rising from a seated position while Deputy Mieras was entering. Based on this footage and the presence of a chair where Staley appeared to be sitting, it has been concluded that Staley was actually sitting in the chair when Deputy Mieras began entering. However, it is remotely possible he was crouching or in an otherwise lowered position in front of the chair.

\textsuperscript{19} The two gunshots can be heard at 2:32 and 2:33 of Deputy Hadlock’s body worn camera footage beginning at 8:42 p.m.
Photograph 14
None of the officers on the emergency rescue team were hit with any round discharged by Staley, and their equipment and clothing were free of defects that would have been consistent with impact from a bullet or bullet fragment.

The three deputies returned Staley’s fire. Deputy Mieras was armed with a 9 mm semi-automatic handgun in his right hand. He discharged seven rounds. Deputy Reece and Deputy Bindley were both armed with a DPMS, model A-15, .223 caliber rifle. Between them, they discharged 10 rounds. Based on the statements of the officers, body worn camera footage, cartridge casings recovered at the scene, unspent cartridges recovered at the scene, magazine capacity, and loaded ammunition countdowns, it appears that Deputy Bindley fired six rounds and Deputy Reece fired four rounds.

While they were returning fire, the three deputies proceeded with entry. Deputy Mieras advanced through the entry and slightly to the left. Deputy Reece was right behind, also moving through the entry and slightly to the left. Deputy Bindley entered immediately after Deputy Reece, and moved slightly to the right after clearing the entry.

Staley was immediately hit with the return fire, but continued to advance toward the officers. Staley fell forward, twisting to his left. Near the end of his fall, he lost possession of the firearm, and it came to rest on the living room floor. Staley ultimately landed on his back with his feet pointed to the interior of the residence. Where he came to rest, his head was approximately three feet from the entry threshold. *Figure 2* depicts the approximate position of the deputies and the path of Staley.

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As Staley hit the ground, his right arm remained in motion, first going up over his head and then coming back toward his body, ultimately coming to rest near his handgun. While his right arm was in motion, Deputy Bindley observed that Staley’s eyes were open. Deputy Bindley continued to discharge rounds, stopping as soon as Staley’s right arm came to rest. Photograph 17 depicts the final resting position of Staley’s right hand in relationship to his handgun.

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20 Not to scale.
21 Photos taken of the scene confirm this observation.
The entire engagement, from the entry of officers to the conclusion of shooting, took four seconds or less.

Deputy Bindley stepped past Staley and located the 11-month-old child in a car seat on the living room floor. He picked up the car seat, and the child was removed from the residence, unharmed.

Sgt. Hitch determined Staley was deceased at approximately 8:46 p.m.  

Photograph 15

22 The leg and base of a chair is depicted between Staley’s hand and the handgun in Photograph 17. That chair was not in that location during the engagement. It was the chair in the hallway on which Staley had been seated when officers entered. The chair was moved to the location depicted in Photograph 17 by Deputy Hadlock during a secondary search of the residence that immediately followed the engagement and extraction of the child. The movement of the chair is depicted from 3:59 to 4:07 in the body worn camera footage of Deputy Hadlock that begins at 8:42 p.m. The chair was in the hallway where the hallway meets the living room during the engagement. It was positioned facing the entry as depicted in Frames 16 and 17 below. Deputy Hadlock’s movement of the chair did not appear to disturb the position of Staley’s hand or the handgun.
1. **Relevant autopsy findings**

An autopsy on Staley’s body was performed by the Washoe County Medical Examiner’s office on August 5, 2019. Staley sustained 14 gunshot wounds described as follows:

- Four entrance wounds to the chest, all with trajectories from right to left and front to back;
- Two entrance wounds to the back, both with trajectories from right to left and back to front;
- Two entrance wounds to the right cheek, both with trajectories right to left and front to back;
- Two entrance wounds to the neck, one in the front with a left to right and front to back trajectory and one on the right side with a right to left and slightly front to back trajectory;
- One entrance wound to the right back with a right to left trajectory and minimal deviation from front to back;
- One entrance wound to the right ear with a right to left trajectory and minimal deviation from back to front;
- One entrance wound to the right shoulder with a right to left trajectory and minimal deviation from front to back; and
- One entrance wound to upper left inside arm with a right to left and back to front trajectory.

No stippling, soot, or muzzle abrasions were observed in association with any of the entrance wounds, meaning the firearm discharging each shot was not in contact with Staley’s skin when the rounds were fired. Each of the gunshot wounds identified during the autopsy are consistent with the movements and positions of Staley and the officers throughout the engagement. Staley’s body had no evidence of gunshot wounds to the legs or stomach.

Blood drawn from Staley during his autopsy was submitted for toxicological analysis. Staley’s blood alcohol content was .198 g/100mL. His blood also contained 75 ng/mL of hydrocodone and 7.5 ng/mL of hydromorphone. Hydrocodone and hydromorphone are prescription opioids. The levels of these opioids in Staley’s blood exceed therapeutic levels consistent with prescribed dosages.

2. **Body-worn camera footage**

Deputy Hadlock’s body-worn camera captured video and audio of the gunfire exchange. Deputy Mieras and Deputy Bindley had body-worn cameras that captured video of the incident. However, both had previously disabled audio recording and forgot
to restart it prior to the emergency operation. Sgt. Hitch and Deputy Reece were not wearing cameras.

a. Deputy Mieras

Deputy Mieras’s body-worn camera footage beginning at 8:42 p.m. depicts the following information:

- Video 1 shows Staley seated in the chair and standing during the entry by the deputies (2:22-2:23).\(^{23}\)

\[^{23}\text{The number in parentheses that follows the information depicted provides the time of the footage at which the information is depicted.}\]

\[^{24}\text{The portion of Video 1 at which Staley can be seen rising from the chair has been slowed to half-speed. Staley is in the upper left portion of the video, near the corner.}\]
• The sparks that are visible at the end of Video 1 are likely the result of a round striking the metal frame of an electric baby swing in front of the chair; a still frame of the sparks is included below as Frame 7.\textsuperscript{25}

• Frames 4-7 show Staley’s silhouette after he has risen from the chair (2:23);

\textsuperscript{25} It cannot be determined with certainty whether the round that caused the sparks was fired by an officer or by Staley.
Frame 7

- *Frame 8* shows Staley as he twists to his left, exposing his back to Deputy Mieras and Deputy Reece who are on the left side of the entry (2:24);

Frame 8

- *Frames 9-13* show the firearm Staley had been holding in his right hand (2:25); and
• Viewed at actual speed, it is impossible to see Staley lose possession of his handgun as depicted in Frames 9-13 even if one is specifically looking for that event; even at half speed, it is virtually impossible to see, as only the image in Frame 13 can be perceived for a fraction of a second before the room becomes dark.

b. Deputy Bindley

Deputy Bindley’s body-worn camera footage beginning at 8:41 p.m. depicts the following information:

• Frame 14 shows a possible muzzle flash in Staley’s approximate location when officers entered (3:39); and
Frame 14

- Frame 15 shows the car seat with the 11-month-old child (3:43).

Frame 15

c. Deputy Hadlock

Deputy Hadlock’s body-worn camera footage beginning at 8:42 p.m. depicts the following information:

- Entry is made and a deputy says, “There he is,” (2:32);
- One gunshot is fired (2:32);
• A second gunshot is fired (2:33);
• An unknown number of indistinguishable gunshots are fired (2:33-2:35); and
• Frames 16 and 17 show the chair on which Staley was seated when officers entered; they also show a baby swing in front of the chair (3:33).

Frame 16

Frame 17
D. POST-INCIDENT SEARCH

Once the residence was cleared and secured, an independent investigation was initiated. Brandon Williamson, an investigator with the Douglas County Sheriff’s Office, was assigned as the lead investigator, assisted by other investigators with the Douglas County Sheriff’s Office and Detective Dan Gordon with the Nevada Division of Investigation. The Forensic Investigation Section (FIS) of the Washoe County Sheriff’s Office processed the scene. The independent investigation was completed in accordance with the protocols established through a cooperative agreement between the Nevada Department of Public Safety, the Carson City Sheriff’s Office, and the Douglas County Sheriff’s Office, whereby the signatory agencies agreed to complete independent criminal investigations of certain “critical incidents” involving another signatory agency. For purposes of the agreement, “critical incident” includes any officer-involved-shooting.

Investigator Williamson was granted a search warrant authorizing a search of the residence and Staley’s cell phone and truck. The warrant further authorized the seizure of items with evidentiary value. In the course of the searches, the following previously referenced items were located and documented:

- The vodka bottle depicted in Photograph 5;
- The blue bin and contents located in Staley’s truck depicted in Photographs 6 and 7;
- Staley’s handgun depicted in Photographs 8 and 9;
- The box of .40 caliber ammunition depicted in Photograph 10; and
- The shield depicted in Photograph 14.

1. Staley’s handgun and .40 caliber ammunition

A total of 17 cartridges were missing from the box of Blazer ammunition. See Photograph 10. Two cartridges from the box were found with Staley’s handgun, one chambered and one in the magazine.

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Staley fired 12 rounds during the standoff prior to the entry of the emergency rescue team, leaving three rounds from the box unaccounted for. ⁵⁶

2. **Structural defects attributable to discharged rounds**

There were nine holes in and near the ceiling of the residence that were caused by Staley’s discharge of rounds. All the holes were in the living room and kitchen area. Five of the nine had soot swirls around them, indicating those rounds were discharged close to the ceiling, which would be consistent with Staley holding the handgun above his head at the time of discharge. Three of the holes were almost directly above Staley’s body where it came to rest after the exchange of gunfire.

⁵⁶ Whether the Blazer ammunition box was full when Staley took it into the residence is unknown. There is no indication that Staley used any other firearm or any other type of ammunition during the standoff and engagement.
However, all three holes had associated soot swirls, and were made by rounds entering more or less straight into the ceiling and not at an angle. This indicates they were not caused during Staley’s exchange of gunfire with officers.

Additional rounds fired during the exchange of gunfire made four holes in the living room wall to the right of the hallway. Based on the size and location of the holes as well as the entrance angle, it is reasonably certain that the holes were made by rounds fired by Deputy Mieras.

\[\text{Photograph 17}\]
One of the holes was surrounded by blood spatter.
3. **Cartridge casings**

Seven cartridge casings consistent with the cartridges contained in the Blazer ammunition box were found in the residence. Six were in the living room and kitchen. One was in the hallway, where there were no holes from rounds discharged by Staley during the standoff prior to the entry of officers.

Seven cartridge casings consistent with the cartridges fired by Deputy Mieras were found in the living room and around the area of Staley’s body. Ten cartridge casings consistent with the cartridges fired by Deputy Reece and Deputy Bindley were found in the living room area. The number and locations of recovered cartridge casings is almost entirely consistent with the accounts of the officers regarding the entry and engagement. The only discrepancy being that Deputy Mieras reported he fired one to two rounds during the engagement, but seven cartridge casings matching his ammunition were recovered.

4. **Staley’s cell phone**

The cell phone Staley had been using to communicate with his family and Sgt. Gonzales was located by FIS on the floor across the living room from his body.

*Photograph 20*
5. **Divorce paperwork**

Staley had signed divorce paperwork in one of his pockets.

**LEGAL ANALYSIS**

The circumstances of this incident require two legal inquiries in regard to the conduct of Deputy Mieras, Deputy Reece, and Deputy Bindley. First, did the deputies have legal authorization to enter the residence at the time entry was accomplished? Second, if the entry was lawful, was the use of deadly force by the deputies legally justified under Nevada law?

**A. ENTRY**

Under Nevada law, law enforcement's entry into a private residence without a search warrant may be legally authorized under certain, limited exceptions to the warrant requirement. Two of those exceptions, consent and emergency, are pertinent here.
1. Consent

In Nevada, law enforcement officers are authorized to enter a private residence without a warrant upon the consent of a party "who possesses actual authority over or other sufficient relationship to the premises" to allow entry.\(^{27}\) As the tenant of her residence, Sharae had "actual authority" to consent to the entry by law enforcement officers. Her affirmative request that they do so establishes legal authorization for the entry that occurred.

Further, Staley had no independent legal authority to refuse the entry. Under some circumstances, a guest has standing to deny law enforcement’s request to enter a residence to which the guest has been invited.\(^{28}\) However, Staley had no such standing. He had never lived at the residence and was not a lawful tenant. His rights as a guest, if any, had been expressly revoked hours before. He was not “legitimately on the premises” when the entry occurred. Therefore, he did have “actual authority” or a “sufficient relationship” with the premises to refuse the entry. In any event, even if Staley had been a lawful guest, he lacked legal authority to supersede Sharae’s valid consent allowing deputies to enter her residence.

Under Nevada law, the entry by Deputy Mieras, Deputy Reece, and Deputy Bindley was legal.

2. Emergency

A warrant is not required to enter a residence when the entering officer has “an objectively reasonable basis to believe” there is “an immediate need” to protect a person’s life or safety.\(^{29}\) The circumstances of this matter speak for themselves in regard to application of this rule.

The entering deputies had compelling reasons to believe the 11-month-old child was in grave danger. By the time they entered, they knew the following facts:

- Staley was armed and had discharged a dozen rounds in and around the residence;

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\(^{28}\) Dean v. Fogliani, 81 Nev. 541, 544-45, 407 P.2d 580, 582 (Nev. 1965) (extending Fourth Amendment standing to “anyone who was legitimately on the premises where a search occurs”).

\(^{29}\) Hannon v. State, 125 Nev. 142, 147, 207 P.3d 344, 347 (Nev. 2009) (citing U.S. v. Snipe, 515 F.3d 947, 952 (9th Cir. 2008); U.S. v. Najjar, 451 F.3d 710, 718 (10th Cir. 2006); U.S. v. Huffman, 461 F.3d 777, 785 (6th Cir. 2006)); see also Brigham City v. Stuart, 547 U.S. 398, 400 (2006) (“police may enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury”).
• Staley had been consuming alcohol;
• Staley had a recent history of violent behavior involving firearms;
• Staley was angry beyond consolation;
• Staley’s mood and demeanor were not stable;
• Staley’s demand to speak with Sharae would not be fulfilled while the 11-month-old child was in the residence and not secured;
• Staley was suicidal and specifically expressed plans to threaten law enforcement with his firearm in order to induce officers to kill him;
• Over the course of the previous four hours, negotiators and family members had been unable to persuade Staley to release the child;
• Staley had aimed his firearm at law enforcement officers;
• Staley had intentionally aimed his firearm at his own head in a way that endangered the life and safety of the child;
• The nature of Staley’s threats toward the child had escalated markedly throughout the standoff; and
• Staley had made numerous direct verbal threats to harm the child, including the final statement, “She can die” followed by two gunshots.

Because the entering deputies had compelling, objective cause to be genuinely concerned for the life and safety of the child, their warrantless emergency entry to remove the child from danger was lawful.

**B. DEADLY FORCE**

Having determined that the entry was legal, this analysis turns to whether the use of deadly force by the deputies was compliant with Nevada law.

1. **Self-defense**

Like everyone else, a peace officer is authorized to use deadly force in self-defense. 30 Killing in lawful self-defense is “justifiable homicide” and not a crime. 31 Several Nevada statutes address the scope and nature of self-defense. 32 Runion v. State 33 remains the lead Nevada case on the issue and synthesizes the pertinent law on the subject as follows:

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30 NRS 200.120; see also NRS 200.140.
31 NRS 200.190.
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.

An honest but unreasonable belief in the necessity for self-defense does not negate malice and does not reduce the offense from murder to manslaughter.

The right of self-defense is not available to an original aggressor, that is a person who has sought a quarrel with the design to force a deadly issue and thus through his fraud, contrivance or fault, to create a real or apparent necessity for making a felonious assault.

However, where a person, without voluntarily seeking, provoking, inviting, or willingly engaging in a difficulty of his own free will, is attacked by an assailant, he has the right to stand his ground and need not retreat when faced with the threat of deadly force.

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.34

As the three deputies entered the residence, Staley stood and raised his right arm. The evidence conclusively establishes that he had a handgun in his right hand aimed toward the deputies. There is substantial evidence that he fired in their direction before they returned fire.

Staley had previously and repeatedly expressed his intent to present law enforcement officers with a threat of deadly force, so they would be induced to kill him. Upon the entry by the deputies, Staley did not retreat down the hallway away from the entry despite a readily available opportunity to do so. Nor did he drop his weapon, raise his arms in the air, or take any other action exhibiting surrender or a withdrawal of violence.

Based on Staley's conduct, especially as informed by his repeated threats to law enforcement during the standoff, each of the deputies genuinely and actually perceived a threat of deadly force from Staley and feared for their safety. Their fear was reasonable, as any person in their circumstances would have recognized the same danger. A return of deadly force was proportional to the threat and absolutely necessary to avoid death or great bodily harm at Staley's hands.

For these reasons, the use of deadly force by Deputy Mieras, Deputy Reece, and Deputy Bindley against Staley was justified under Nevada law and not criminal.

2. Defense of others

The deputies also had a right to use deadly force in defense of their fellow officers. The right to use force to defend another person from violence parallels the right to use force to defend oneself in Nevada.35 As such, and for the same reasons the deputies

34 Runion, 116 Nev. at 1051-52, 13 P.3d at 59.
35 NRS 200.140(3)(d) (“Homicide is justifiable when committed by a public officer … [i]n protecting against an imminent threat to the life of a person.”); 200.160(1) (“Homicide is also justifiable when committed … [i]n the lawful defense of … the slayer… or of any other person in his or her presence or company, when there
were justified in employing deadly force in self-defense, their conduct was further justified in response to the imminent deadly threat Staley presented to the other deputies.

3. Deadly force in execution of arrest

Nevada law authorizes law enforcement officers to employ deadly force when executing an arrest if they are presented with a deadly threat by the person being arrested. The law in this regard is not analyzed herein as the deputies did not enter the residence for the purpose of arresting Staley. Rather, each deputy confirmed that the exclusive objective of the emergency entry was to extract the 11-month-old child from the residence. Had Staley removed himself to a room in the rear of the residence or otherwise avoided engagement with the deputies, the child would have been removed and negotiation efforts would have continued.

CONCLUSION

Based on the evidence gathered and developed, the independent investigation of Investigator Williamson, and the application of Nevada law to the facts and circumstances surrounding the shooting of Cortney Staley by deputies with the Carson City Sheriff’s Office on August 3, 2019, the Carson City District Attorney’s Office concludes that the actions of Deputy Taylor Mieras, Deputy Daniel Reece, and Deputy Brett Bindley were reasonable and justified. As such, their conduct was not criminal. Unless new evidence or additional information is discovered which materially changes the factual conclusions upon which the legal analysis in this case is based, no criminal charges will be filed in this matter.

DATED this 31st day of August, 2020.

JASON D. WOODBURY
Carson City District Attorney

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 ....")

36 Staley certainly could have been arrested for any number of criminal offenses by the time the deputies entered, including: Assault with a Deadly Weapon on a Peace Officer, a category B felony as defined by NRS 200.471; Possession of a Firearm while Intoxicated, a misdemeanor as defined by NRS 202.257; Discharge of a Firearm within a Structure, a category B felony as defined by NRS 202.287; Burglary, a category B felony as defined by NRS 205.060; and Coercion, a category B felony as defined by NRS 207.190.

37 Lucas Burr, a third-year student at the McGeorge School of Law, served as a volunteer in the Carson City District Attorney’s Office during the summer of 2020 and contributed to this report.