

# **OFFICE OF THE WASHOE COUNTY DISTRICT ATTORNEY**

May 24, 2024



**REPORT ON THE JULY 26, 2020 OFFICER INVOLVED  
SHOOTING OF CHRISTOPHER SHEAHAN**

**CHRISTOPHER J. HICKS  
WASHOE COUNTY DISTRICT ATTORNEY**

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## **INTRODUCTION**

On Sunday, July 26, 2020, at approximately 8:35 a.m., Washoe County Sheriff's Office Deputy George Cholico (hereafter, "Deputy Cholico") was traveling southbound on S. Virginia Street at the intersection with Sierra Center Parkway. Ahead of him at the intersection, Ms. Shannon Segerer (hereafter, "Ms. Segerer") was facing eastbound on Sierra Center Parkway and stopped at a red light preparing to turn south. Christopher Sheahan (hereafter, "Sheahan") was facing westbound on Sierra Center Parkway, preparing to turn south. Sheahan was in his blue Jeep Liberty and had already entered partway into the intersection.

As Ms. Segerer waited for Sheahan to make the turn, Sheahan waved for Ms. Segerer to proceed. She shook her head in the negative since she did not have the right-of-way. This caused Sheahan to become visibly upset and he began waiving his hands at the woman. In response, Ms. Segerer proceeded to make the turn. At the same time, Sheahan sped up and drove towards Ms. Segerer, almost striking her vehicle and causing her to swerve out of the way. Ms. Segerer immediately pulled her vehicle over to the right shoulder. Sheahan stopped in the number two travel lane adjacent to her, which blocked the traffic behind him, and continued to wave his arms at the other driver who then called 911. It was at this time that Deputy Cholico approached.

Deputy Cholico did not observe the initial encounter, and as he passed the intersection, he observed Ms. Segerer pull over and act "frantic." Deputy Cholico also observed Sheahan stopped in the travel lane near Ms. Segerer, who was waving her hands and pointing at Sheahan. Given this scenario, he assumed that the vehicles had been in a crash.

As Deputy Cholico was pulling into the area, Sheahan began driving away, continuing southbound on S. Virginia Street. Deputy Cholico followed and activated his patrol vehicle's overhead lights. Sheahan responded by turning left into the parking lot of the Kay Martin Lodge, at 6950 S. Virginia St. He ultimately stopped his vehicle facing south in the parking lot, directly in front of a motel room.

Immediately upon stopping, Sheahan exited his vehicle and was instructed by Deputy Cholico to "Stay in the car." Sheahan initially sat back in the car but then stood back up. Deputy Cholico told him to stay in the vehicle, but Sheahan did not heed the commands. Deputy Cholico noted Sheahan's considerable size, later describing him as "very large" and "muscular." Not wanting to make physical contact with Sheahan alone, he requested expedited backup due to Sheahan's erratic and aggressive behavior.

Sheahan told Deputy Cholico that he had some mental issues and continued to disobey the officer's commands to stay in the car. As a result, Deputy Cholico drew his Taser<sup>2</sup>. Sheahan then advanced towards Deputy Cholico resulting in commands for Sheahan to "get down on the ground" and "stay there on the ground." Sheahan briefly knelt, then stood back up, telling Deputy Cholico that "I gotta go" and moved back toward his vehicle. As he did, Deputy Cholico

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<sup>1</sup> The Introduction is synopsised from recorded witness interviews, photographs, police reports, video surveillance and forensic reports.

<sup>2</sup> A Taser is a conducted energy device designed to incapacitate people and used as a less-lethal device by law enforcement. The weapon emits a neuromuscular incapacitating electrical charge or current that is transmitted by projectile, physical contact, or other means.

commanded him to “Stay right there” and “Do not go anywhere.” Sheahan continued his erratic behavior by turning back around and moving toward Deputy Cholico multiple times. Deputy Cholico continued to order him to stay stationary, but Sheahan would comply only momentarily. This back-and-forth continued for several minutes, during which time Sheahan would refuse to follow commands, pace aggressively, remove and replace clothing items, and argue that he needed to leave the scene.

Other law enforcement officers from both the Washoe County Sheriff’s Office (hereinafter “WCSO”) and the Reno Police Department (hereinafter “RPD”) began arriving on the scene. In order to help manage the situation, they drew a combination of Tasers, a 40mm foam gun, and a firearm, and partially surrounded Sheahan, who was continuing to display erratic behavior.

Deputy Cholico believed that Sheahan was not going to comply with further officer commands given his repeated behavior during the minutes-long ordeal so, upon obtaining a clear shot at Sheahan’s back, he deployed his Taser. One of the two Taser probes missed Sheahan and inadvertently struck Reno Police Officer Richard Jager (hereafter, “Officer Jager”) who was across from Sheahan and acting as lethal cover should lethal force become necessary. The Taser probe embedded in Officer Jager’s left knee, causing him to flinch and inadvertently fire a single shot from his firearm. The shot struck Sheahan in his right shoulder and he began to walk away. Seeing this, the law enforcement personnel on scene ordered Sheahan to stop and move to the ground. Sheahan complied and was given emergency first aid until emergency medical personnel arrived. Sheahan was ultimately treated for a gunshot wound to his upper right shoulder and survived.

Consistent with the regionally adopted Officer Involved Shooting (hereafter “OIS”) Protocol, Sparks Police Department (hereafter “SPD”) led the investigation into the shooting of Sheahan. The WCSO provided secondary investigative support, and the Washoe County Crime Laboratory (hereinafter “WCCL”) provided forensic services. The investigation included interviews with witnesses, involved officers, scene photographs, collection of evidence, a review of relevant medical records, a review of video evidence, and the forensic testing of collected evidence.

All final OIS investigative reports, along with FIS forensic reports, photographs, BWC footage and recorded interviews were subsequently submitted to the Washoe County District Attorney’s Office for review. No criminal charges were requested by SPD for Officer Jager.

Prior to the OIS case submittal, a criminal case against Sheahan was submitted to this office in September 2020. To ensure the integrity of this criminal case, and consistent with this Office’s common practice, the OIS review was held in abeyance pending the outcome of Sheahan’s criminal case. In February of 2022, Sheahan was found guilty of one count of Resisting a Public Officer and ultimately sentenced to a day in the Washoe County Jail.

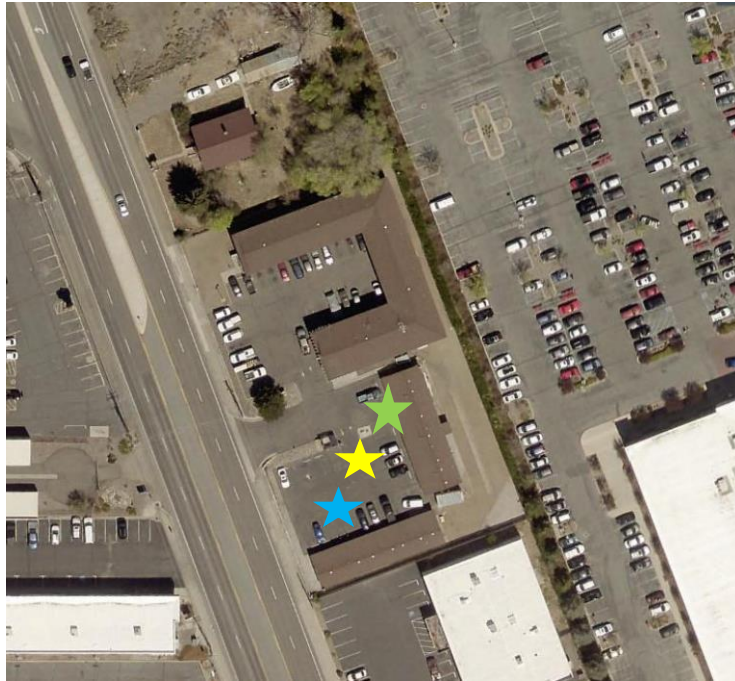
The District Attorney's Office is tasked with reviewing the shooting of Christopher Sheahan by RPD Officer Richard Jager in accordance with Nevada law. This evaluation included reviewing hundreds of pages of reports and documents which included interviews of police and civilian witnesses, photographs, BWC footage, 911 calls, video surveillance and examination of the scene of the shooting. This report follows.

Based on a comprehensive analysis of the available evidence and the applicable legal authorities, the shooting of Sheahan by Officer Jager has been deemed accidental and not a criminal act prosecutable under Nevada law, as set forth by the Nevada Revised Statutes. As such, no criminal prosecution against Officer Jager will proceed.

## I. STATEMENT OF FACTS<sup>3</sup>

### A. Area Overview

The Kay Martin Lodge is a multi-unit apartment complex located at 6950 S. Virginia Street, Reno, just south of Neil Road, having its parking lot entrance facing west.



**Kay Martin Lodge with stars marking the approximate locations of the three vehicles, as described below.**

At the time of the shooting, Sheahan's blue Jeep Liberty was parked in a parking space facing the south complex (see the blue star). Deputy Cholico's marked Chevrolet Tahoe patrol vehicle was parked behind, facing south (see the yellow star). WCSO Deputy Crystal Martucci-Tinseth's (hereinafter "Deputy Martucci-Tinseth") marked Chevrolet Tahoe patrol vehicle was parked behind Deputy Cholico's vehicle facing south (see the green star).

In front of Deputy Martucci-Tinseth's vehicle investigators located a single silver Speer 9mm Luger fired cartridge casing. A single Taser probe was also found hanging from the under carriage of Deputy Martucci-Tinseth's patrol vehicle.

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<sup>3</sup> The Statement of Facts is a synopsis of witness statements, body worn cameras, photographs, police reports, and forensic reports.

## B. Timeline Of Events

08:35:18	Deputy Cholico calls out a traffic stop of a Blue Jeep at Kay Martin Lodge, at 6950 S. Virginia Street.
08:36:14	Expedited cover is requested by Deputy Cholico.
08:37:02	911 caller from the Kay Martin lodge reports that the “officer is in trouble.” He further reports that the male is very large, not complying, and walking towards the deputy.
08:39:32	Officer Kemper arrives on scene.
08:39:42	Officer Weston arrives on scene.
08:39:43	Officers Jager and Espinosa arrive on scene.
08:40:50	Shooting
08:40:53	911 caller reports that officers tased the male and he is still coming at them.
08:41:08	Deputy Cholico calls out shots fired and requests REMSA ambulance.
08:48:28	A second REMSA ambulance is requested for Officer Jager.
08:48:41 ( <i>approx.</i> )	First REMSA ambulance arrives on scene and begins treating Sheahan.
09:53:56 ( <i>approx.</i> )	REMSA begins treating Officer Jager.

## C. Witness Accounts

### 1. Deputy George Cholico

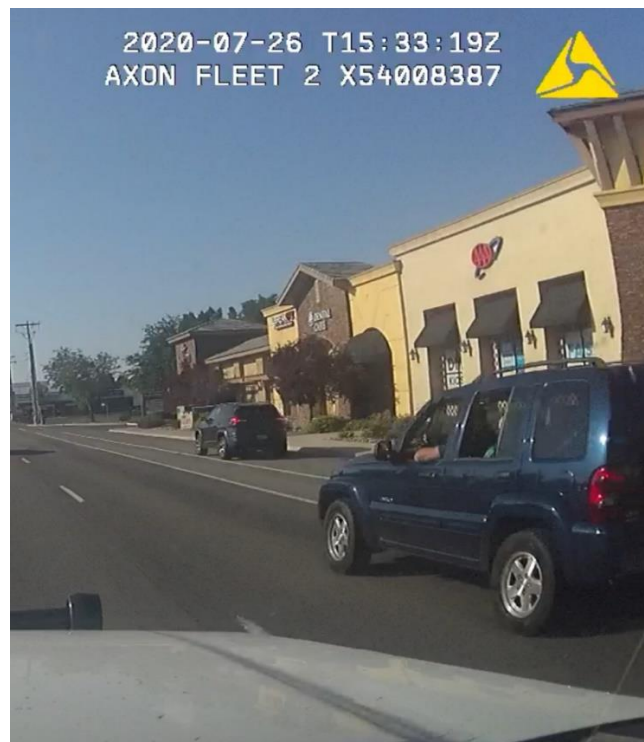
Deputy Cholico is a 15-year veteran deputy with the WCSO, assigned to patrol. He had also previously worked in the detective division.

On July 26, 2020, Deputy Cholico was working his normal shift while wearing his full police uniform with WCSO patches. He was driving a marked WCSO patrol SUV equipped with lights and sirens.

Just before 8:35 a.m., Deputy Cholico was southbound on South Virginia Street approaching Sierra Center Parkway. As he passed the intersection, he observed a car stopped on the shoulder (Ms. Segerer) and two vehicles stopped in the number two travel lane (Sheahan followed by an unknown person in a separate vehicle) that were impeding traffic. His first assumption was that there was a vehicle accident. As Deputy Cholico pulled up, he observed Ms. Segerer in the shoulder of the road “practically hysterical.” She was on the phone and pointing back toward the other two vehicles. Then Sheahan began driving his blue Jeep Liberty away from the scene, at which time Deputy Cholico was able to confirm with Ms. Segerer using physical gestures that she was pointing at Sheahan.



**Deputy Cholico's dash camera capturing the vehicular incident involving Ms. Segerer and Sheahan.**

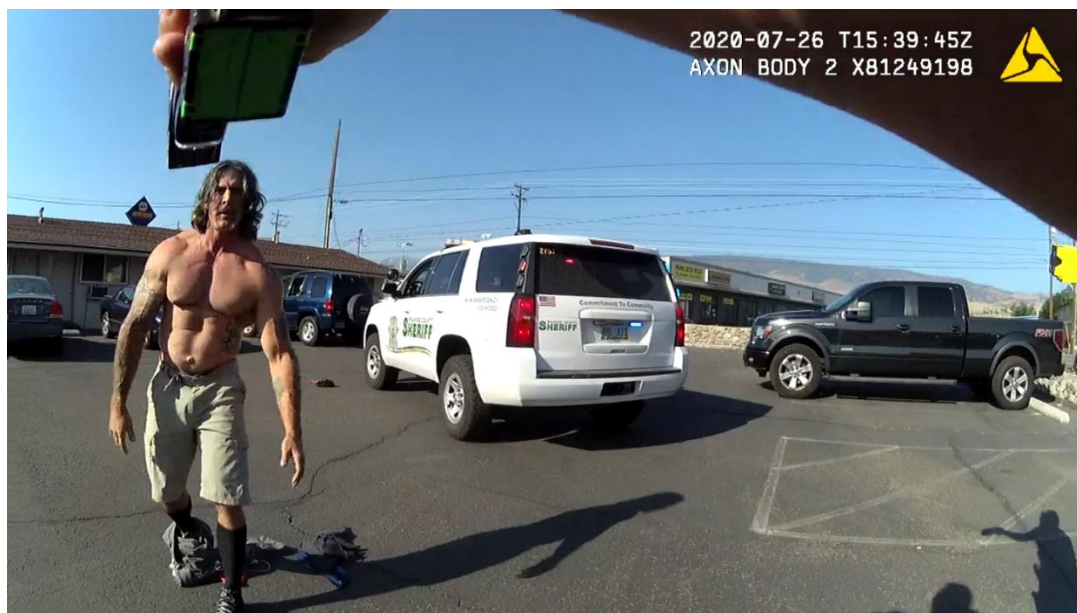


**Deputy Cholico's dash camera capturing Sheahan in his blue Jeep stopped in the S. Virginia Street travel lane**

Deputy Cholico followed Sheahan and conducted a traffic stop with his overhead lights. Sheahan turned left into the Kay Martin Lodge parking lot and immediately got out of his vehicle. Deputy Cholico told him to stay in the vehicle, but Sheahan did not heed the commands. Sheahan at one point returned to his vehicle to which action Deputy Cholico told him "no, no, no, come back here" because of the potential for weapons.

Deputy Cholico described Sheahan as "very large" and "muscular." He did not want to make physical contact with Sheahan alone and requested expedited backup because Sheahan was not listening to commands. Without seeing vehicle damage, Deputy Cholico learned that this was not an accident, but a road rage-type incident.

Sheahan talked about needing to leave and was advancing toward Deputy Cholico. Deputy Cholico told him to stay, waiting for his backup to arrive. He drew his Taser when Sheahan continued advancing. Several times Sheahan did go down to his knees, but only for a “split second” and then got up again, continuing to advance. Deputy Cholico shut the door to his patrol vehicle as he continued to back away from Sheahan. Sheahan told Deputy Cholico that he had some mental issues, to which Deputy Cholico responded that “we can discuss this.” Deputy Cholico had gone through Crisis Intervention Training.



**Sheahan as seen from Deputy Cholico's Body Camera**

Deputy Cholico continued trying to get Sheahan to get on the ground and sit while he awaited backup; however, Sheahan would not comply and continued advancing. Sheahan talked about leaving to see his mom and about running from the scene. Deputy Cholico asked if he had weapons, to which Sheahan answered in the negative and even offered to take his clothes off to prove it. Sheahan began undressing his multiple layers of clothing anyway, despite Deputy Cholico telling him to stop. While trying to build rapport, Sheahan revealed that he had played football at Reed High School and graduated in 1995. Deputy Cholico said that he had also played football, and they were approximately the same age.

Around this time Deputy Martucci-Tinseth arrived along with Officer Nicole Kemper (hereafter, “Officer Kemper”), who were both giving Sheahan commands. So as not to confuse Sheahan, Deputy Cholico told the other two to stop since he had already built a level of rapport with Sheahan. However, Sheahan appeared more irritated and did not want to comply. He then began getting dressed again. After appearing again as if he was going to comply by beginning to get on the ground, Sheahan then got back up.

Deputy Cholico could see more Reno Police units arriving at the scene. At this point, he began moving toward Sheahan’s left side to get a clearer Taser shot. Deputy Cholico believed that Sheahan was not going to comply given his repeated behavior during the past several minutes. Once he had a clear shot at Sheahan’s back, he deployed the



Taser; however, it was ineffective. He believed one probe struck Sheahan, but he did not know where the other Taser probe went.

Almost immediately thereafter, Deputy Cholico heard a loud “pop.” He was surprised to subsequently learn that it was a gunshot. Sheahan moved back towards his vehicle, all while law enforcement ordered him to get on the ground. When Sheahan turned, Deputy Cholico saw blood coming down his arm. Sheahan then complied and lowered himself to the ground. Law enforcement immediately rendered first aid to Sheahan.

## **2. Deputy Crystal Martucci-Tinseth**

Deputy Martucci-Tinseth is a deputy with the WCSO.

On July 26, 2020, Deputy Martucci-Tinseth had just begun her workday when she heard Deputy Cholico over the radio requesting expedited cover at the Kay Martin Lodge. Upon arrival, she observed Sheahan, who she described as “huge” and “muscular,” and Deputy Cholico, who had his Taser drawn. Sheahan had his shirt off and was removing his pants. She described that she “had no idea what [she was] coming into.” She immediately ordered Sheahan to get on the ground; however, she quickly realized that Deputy Cholico was trying to defuse the situation. Nonetheless, Sheahan was not complying with commands. By this time at least four other RPD officers were on scene.

As Sheahan stepped toward the Reno Police officers, Deputy Martucci-Tinseth and Deputy Cholico moved to Sheahan’s left. Deputy Cholico attempted to tase Sheahan, but the Taser was ineffective. She then heard a second, “louder pop” and initially believed it to be a Reno Police officer deploying a Taser.

When Sheahan turned and walked away, Deputy Martucci-Tinseth observed blood on Sheahan’s shoulder. After further commands, Sheahan eventually lowered himself to the ground and allowed officers to handcuff him. She began talking to him while other officers provided medical care.

## **3. Officer Nicole Kemper**

Officer Kemper is a police officer with the RPD, having graduated from the academy in 2018.

On July 26, 2020, Officer Kemper was working her normal shift on an otherwise slow Sunday morning when she heard dispatch that Washoe County was requesting Reno Police assistance. She saw a Washoe County unit driven by Deputy Martucci-Tinseth speeding toward the area and followed it to the scene of the Kay Martin Lodge. While enroute, one of the 911 callers reported that a very large male is walking towards the officer, and the officer is in trouble.

Upon arrival, Officer Kemper observed Deputy Cholico engaging in conversation but also giving verbal commands. Sheahan refused to comply and threatened to run. Officer Kemper was otherwise unaware of the specifics of the situation at hand. Officer Kemper

drew her Taser and positioned herself to Deputy Cholico's right. Deputy Martucci-Tinseth was to Deputy Cholico's left. Officer Kemper mistakenly believed that Deputy Cholico already had Sheahan at gunpoint.

Officers Rogelio Espinosa (hereafter, "Officer Espinosa") and Jager arrived at the scene, but she never noticed Officer Jager or his specific position prior to the shooting. After continuing to refuse commands, Officer Kemper believed that Deputy Martucci-Tinseth deployed her Taser at Sheahan, though admittedly she was focused primarily on Sheahan. The Taser did not seem to faze Sheahan. That was followed by a louder "pop." Officer Kemper did not initially register the "pop" as a gunshot until she observed the wound and blood on Sheahan. Officer Kemper did not see who shot Sheahan.

She began assisting with first aid and securing Sheahan. She also rode in the ambulance with Sheahan and medics to the hospital for his treatment.

#### **4. Officer Richard Jager**

Officer Jager provided a voluntary, recorded interview with Detectives from the WCSO and SPD. Prior to employment with the RPD, Officer Jager had experience and training with the National Guard as a military police officer, from 2006 through 2010.

On July 26, 2020, Officer Jager had just graduated from the law enforcement academy and was in his second week on patrol. He was accompanied that morning by his training officer, Officer Espinosa. His shift was from 0600 to 1600 hours, four days a week. He was dressed in his full, Class A police uniform with the badge and patches visible, identifying him as a Reno police officer. He and Officer Espinosa were using a fully marked Reno police vehicle, a Chevrolet Tahoe, except the vehicle was not equipped with a light bar on top.

During the morning of July 26, 2020, Officer Jager and Officer Espinosa were on patrol when they heard radio traffic about a Washoe County deputy on a traffic stop who was in trouble and requesting assistance with a combative person. Officer Jager did not have any other information, describing it as "walking into the unknown."

As they arrived, Officer Espinosa obtained the non-lethal 40mm launcher with sponge rounds. At the scene, they found Sheahan pulling items from his pockets and putting items on the ground. Sheahan was not responding to commands that Deputy Cholico was giving. Officer Jager observed Deputy Cholico and another deputy with Tasers drawn. Considering that only Tasers and a 40mm launcher were drawn, Officer Jager drew his Sig Sauer P320 9mm handgun in case the situation was to escalate. He focused his attention on Sheahan's hand movements to ensure that he did not produce a weapon.

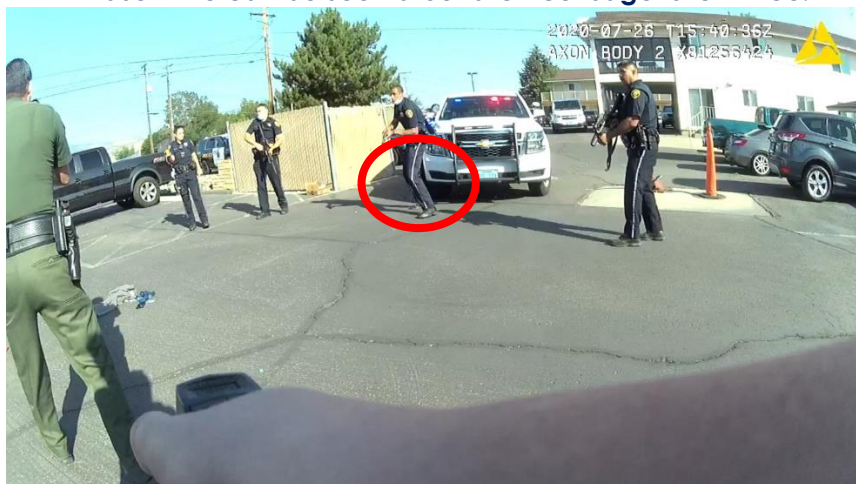
Sheahan repeatedly failed to respond to commands. Officer William Weston (hereafter, "Officer Weston") then appeared to his right with a rifle, though he did not have it aimed. Officer Jager recalled the thought that since another lethal option was now present, he could quickly holster his weapon and handcuff Sheahan if necessary.

While processing these thoughts, Offer Jager observed two deputies moving around to encircle Sheahan. He then heard a “pop” and something caused him to “flinch.” This was followed by a “boom” sound of a gun firing. Though he did not remember shooting his weapon, Officer Jager realized he had fired the shot, as he was the only officer with a lethal weapon fully drawn. He acknowledged that he did not mean for the shooting to happen. Sheahan began bleeding from the upper arm, and Officer Jager applied medical aid until he was relieved by another deputy.

At that point Officer Jager observed a Taser prong sticking out from his leg, still attached to the wires. Officer Jager did not know who deployed the Taser that struck him, but believed it was one of the deputies who had circled around Sheahan. He believed that the flinch he described was the Taser prong striking his knee.



**Body Camera footage immediately following the shooting.  
A Taser wire can be seen around Officer Jager's left knee.**



**Body camera footage moments after the shooting showing the Taser wire leading to Officer Jager's left knee**



**Closer view of previous photograph showing Taser wire in Officer Jager's left knee**



**Taser Prong from Officer Jager's Pants**

Officer Jager was removed from the immediate scene while medical personnel attempted to remove the Taser prong. The prong did not come out after multiple attempts, and the decision was made to transfer him to the hospital. At the hospital, the prong began causing “pretty substantial pain,” and Officer Jager was given a local anesthetic before medical staff was able to remove the prong.

##### **5. Christopher Sheahan**

Christopher Sheahan submitted to a voluntary, recorded interview on July 26, 2020, at Renown Regional Medical Center.

On the morning of July 26, 2020, at approximately 6:30 to 7:00 a.m., Sheahan went to McDonalds to bring breakfast for his three children who were living with their mother. After no one answered the door, Sheahan drove to the Home Depot and exercised with a railroad tie on the side of the business. Following this, he began heading towards South Virginia.

At the traffic light from Sierra Center Parkway turning south onto S. Virginia Street, Sheahan described trying to allow a woman across the intersection, who was also turning south, to go first, despite having the right-of-way. He described her as becoming upset, but when he attempted to make the turn, he almost ran into her. Sheahan stopped his vehicle with the intent to apologize to the woman driver. That is when he noticed the Sheriff patrol vehicle next to him. Sheahan then pulled out ahead of the deputy, knowing he was going to get pulled over. He drove into the Kay Martin Lodge parking lot with the deputy following.

Once parked, Sheahan stated he exited his vehicle, and the deputy immediately ordered him to "Get on the ground." Sheahan acknowledged that he did not listen, despite multiple commands to do so. Throughout the interview Sheahan described multiple times that he did not follow the commands of Deputy Cholico. He described trying to let officers know that he did not have any weapons on his person by emptying his pockets. Sheahan acknowledged that "I should have just listened to the officer's orders and not gotten out of my car and freaked out like I did." Lastly, he apologized, "I'm sorry that I didn't listen" and "I didn't mean to be insubordinate."

He vaguely recalled other officers showing up on scene, and then the interview ended by Sheahan expressing his gratitude to the officers administering first aid and "saving my life."

## **6. Officer Rogelio Espinosa**

Officer Espinosa is a police officer with the RPD. On July 26, 2020, Officer Espinosa was assigned to patrol in a marked police Chevrolet Tahoe SUV. Officer Espinosa is a Police Training Officer and a Special Weapons and Tactics officer. He was responsible that day for training Officer Jager.

That morning, dispatch called for expedited cover at the Kay Martin Lodge, noting that a citizen informed that the deputy looked to be in trouble and needed help. Upon arrival, Officer Espinosa observed that Officer Weston had arrived and was obtaining his assault rifle. Officer Kemper and two unknown WCSO deputies were already on scene. Officer Kemper and one of the deputies had their Tasers drawn and pointed at Sheahan. They were giving commands such as "stop" and to "stay back." Officer Espinosa obtained the 40mm launcher and bandolier with extra impact rounds.

Sheahan stated that he was going to run. He took his shirt off and was making assertive movements, such as kneeling and then standing up quickly. Sheahan was flexing and tensing up. Officer Espinosa had an impression that Sheahan may have been under the influence of some type of substance.

At one point, Sheahan was encircled by officers and Deputy Cholico deployed his Taser. Officer Espinosa saw the Taser wires miss Sheahan. This was followed by a louder "pop" sound which he knew to be a gunshot. Sheahan walked away and Officer Espinosa observed blood coming from Sheahan's right shoulder.

Once Sheahan was secured, Officer Jager began providing medical treatment until another deputy with more medical experience took over. Officer Espinosa inquired whether Officer Jager had fired his weapon, to which Officer Jager responded affirmatively. Officer Jager appeared to be limping and had a Taser prong in his left leg near his knee.

## **7. Officer William Weston**

Officer Weston is a five-year veteran with the RPD, assigned to the patrol division in the south district.

Officer Weston heard over dispatch that a WCSO deputy was “involved in an incident” and was requesting expediting cover. He was also informed via dispatch from a citizen caller that the deputy “was in trouble.” Upon arrival at the Kay Martin Lodge, Officer Weston obtained his rifle and responded to the scene. Officers Kemper, Espinosa and Jager had also arrived. Upon noticing that one officer had his weapon drawn, Officer Weston transitioned from his rifle to his Taser. Despite multiple officers and deputies now on scene, Sheahan continued to refuse basic commands.

Officer Weston then heard “two pop noises.” The first, he quickly discerned, was that of a Taser being fired. He did not immediately discern the second, louder “pop” as being a gunshot until he saw Sheahan with blood coming from his upper body. Officer Weston did not know who fired the shot.

Officer Weston also noticed Officer Jager walking with a limp after the shooting. He later learned that Officer Jager had been struck with a Taser probe.

## **8. Shannon Segerer**

Ms. Segerer was the driver of the vehicle involved in the initial encounter with Sheahan. She provided a verbal statement to detectives and then also a written statement.

At approximately 8:30 a.m. on July 26, 2020, Ms. Segerer was exiting the parking lot at Sierra Center Parkway and stopped at the red light on South Virginia, waiting to turn south. Noticing that she did not have the right-of-way, she waited for oncoming traffic to make their left turn south onto South Virginia. While waiting, she saw Sheahan waiting to turn south from across the intersection, but he was waiving at her to go. Ms. Segerer shook her head no and waved him to go. She described Sheahan as becoming “visually irate,” waiving his hands at her, and then completely stopping in the intersection, apparently waiting for her to proceed. Ms. Segerer then pulled forward, and as she did Sheahan also moved forward, almost striking her vehicle, and forcing her to swerve out of the way.

Ms. Segerer immediately pulled over to the right into the shoulder area and stopped. Sheahan stopped as well, waving his hands at her. As she called 911, Deputy Cholico passed by in his patrol vehicle. Ms. Segerer waived him down and pointed at Sheahan’s vehicle.

Ms. Segerer pulled her vehicle into the Kay Martin Lodge parking lot where she observed that Sheahan was not complying with Deputy Cholico’s commands. She became concerned for her safety and left for a nearby area. While she waited, she heard a single gunshot.

## 9. Ann Nickels

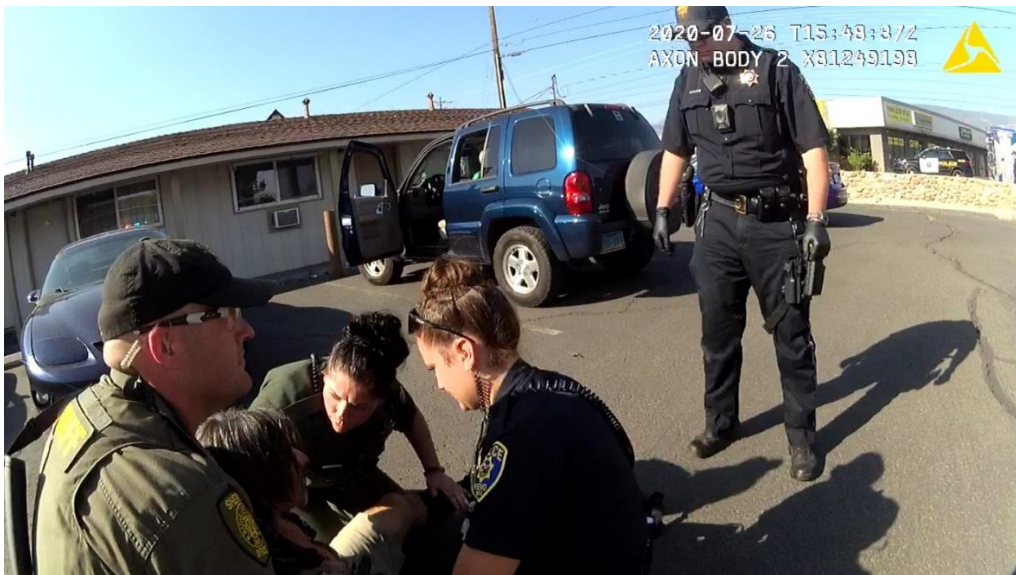
Ann Nickels (hereafter, “Ms. Nickels”) is a resident at Kay Martin Lodge. On July 26, 2020, and upon hearing noises, Ms. Nickels peered out her living room window and observed several police vehicles along with officers and deputies. Ms. Nickels observed Sheahan, who she described as a “big dude, muscular with big arms,” walking toward the officers while they yelled for him to stay back. She described the male as not listening to the officers’ commands. She heard a “pop” sound, thinking at first it was a Taser but then seeing that Sheahan was bleeding from his right shoulder.

## D. Injuries

### 1. Christopher Sheahan

Sheahan sustained a gunshot wound to the right shoulder, causing a comminuted fracture. Law enforcement administered first aid to Sheahan on scene, after which he was transferred by ambulance to Renown Regional Medical Center.

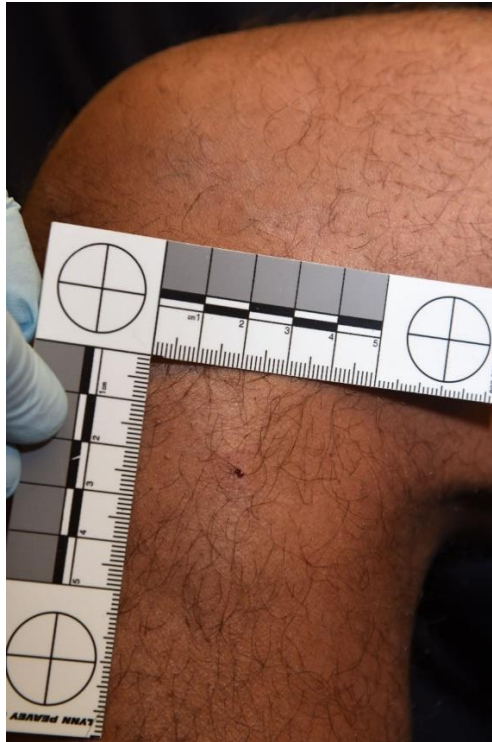
After first refusing surgery to explore the wound and remove the bullet, Sheahan later agreed, and surgery was performed. Sheahan was discharged from the hospital on July 27, 2020. The bullet was removed from Sheahan’s shoulder. Sheahan later consented to the release of his medical records relating to this incident.



**Sheahan receiving medical attention from law enforcement officers prior to REMSA responding**

### 2. Officer Jager

A Taser probe was lodged in Officer Jager’s left leg, just below the knee. Paramedics on scene at the Kay Motor Lodge were unable to remove the probe, so Officer Jager was transferred to Renown Regional Medical Center, where medical personnel extracted it. The medical records note that the probe was not easily removed. Officer Jager consented to the release of his medical records relating to this incident.



**Officer Jager Left Leg with Taser Probe Injury**

## **II. CASE DISPOSITION**

Sheahan was issued a citation by SPD for one misdemeanor count of Obstructing and Resisting an Officer and one misdemeanor count of Reckless Driving. Sheahan entered a plea of not guilty and on August 19, 2021, the defense filed notice of its intent to plead not guilty by reason of insanity, pursuant to NRS 174.035(6).

A bench trial was conducted on December 7, 2021, in the Reno Justice Court. The State presented its evidence through witnesses and video of the incident. The defense called a psychologist expert witness to support his plea of insanity. The State challenged the opinions and testimony of the psychologist through cross-examination.

At the conclusion of the trial, the Court took the matter under submission to consider the entirety of the evidence presented by both parties. On January 26, 2022, the Court entered a written order finding Sheahan guilty of Count I: Obstructing and Resisting an Officer and not guilty of Count II: Reckless Driving. Sheahan was sentenced on Count I: Obstructing and Resisting an Officer on May 18, 2022, to serve one day in the Washoe County Detention Facility.

## **III. PHYSICAL EVIDENCE**

### **A. Body Worn Camera And Dash-Camera Footage**

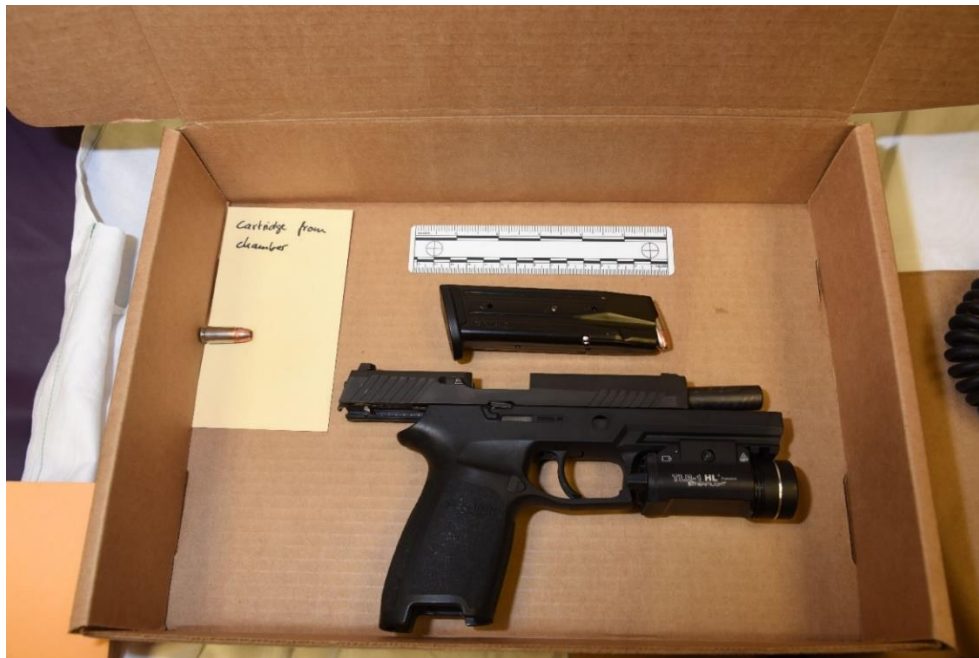
Dash-camera footage from Deputy Cholico's vehicle and body worn camera footage from all involved officers and deputies was obtained by the investigating agencies and provided for use in the criminal trial and in preparation of this report.



## B. Officer Jager Firearm

On July 26, 2020, Officer Jager carried a Sig Sauer P320, 9mm handgun issued by the RPD. His firearm contained a magazine with a 17-round capacity and Officer Jager indicated that he kept one live bullet in the chamber. Officer Jager also carried two spare magazines on his duty belt, each loaded with 17 rounds of ammunition. Therefore, at the start of Officer Jager's shift, he carried a total of 52 live ammunition rounds.

Forensic investigators collected 17 live ammunition rounds from each of the two spare magazines. The magazine inside the handgun was ejected and contained 16 live ammunition rounds. One additional live ammunition round was in the chamber. Therefore, a total of 51 live ammunition rounds were obtained from Officer Jager's handgun, consistent with the single gunshot as reported.



Officer Jager Firearm

## C. Forensic Firearm Examination

The Sig Sauer P320 handgun used by Officer Jager was examined by a criminalist with the WCSO Forensic Science Division. It was test fired and determined to be in normal operating condition with no noted malfunctions.

The Sig Sauer P320 was forensically and microscopically examined and compared with the fired cartridge case located on scene. The fired cartridge case on scene was determined to have been fired from the Sig Sauer P320 used by Officer Jager.

The fired bullet that was removed from Sheahan's right shoulder was also examined. While it was determined to share the same class characteristics and some individual characteristics as other test-fired bullets from the Sig Sauer P320 handgun, there were insufficient characteristics to definitively determine fully that the bullet was fired from the Sig Sauer P320 handgun.

Based on the evidence described above, Officer Jager fired the shot that struck Sheahan.

#### D. Deputy Cholico Taser

Deputy Cholico carried and utilized a Taser X26 on July 26, 2020. The Taser was removed from Deputy Cholico's duty belt by forensic investigators and secured. Investigators conducted a download, or sync, of the Taser X26, demonstrating that the Taser X26 had a "trigger" event on July 26, 2020, at 08:51:19 and lasting 4 seconds in duration.



Deputy Cholico's x26 Taser

#### IV. SPARKS POLICE INVESTIGATION CONCLUSION

At the conclusion of the investigation, the SPD determined that Officer Jager unintentionally shot Sheahan. Noting that Sheahan's actions were "erratic and non-compliant," the investigation found that when Deputy Cholico attempted to utilize his Taser on Sheahan, a Taser probe missed Sheahan and struck Officer Jager. This caused Officer Jager to inadvertently fire his handgun, striking Sheahan in the right shoulder.

#### V. LEGAL PRINCIPLES

##### A. Union Of Act And Intent

A crime is generally complete when the perpetrator commits a wrongful act with the requisite intent. "[T]here must exist a union, or joint operation of act and intention." NRS 193.190. A person's intent is manifested by the "circumstances connected with the perpetration of the offense." NRS 193.200. In other words, a person's intention "may be inferred from the conduct and the facts and circumstances disclosed by the evidence." *State v. Rhodig*, 101 Nev. 608, 611, 707 P.2d 549, 551 (1985). Except in limited, specific circumstances, no crime exists without both of the necessary elements of act and intent.

## B. Crime Of Battery With A Deadly Weapon

A battery is any “willful and unlawful use of force or violence upon the person of another.” NRS 200.481(1)(a). A person commits an act “willfully” when it is done with a “purpose or willingness to commit the act.” *See Childers v. State*, 100 Nev. 280, 283, 680 P.2d 598, 599 (1984)(approving such jury instruction). It is distinguished from an act done “accidentally, inadvertently, or innocently.” *Robey v. State*, 96 Nev. 459, 461, 611 P.2d 209, 210 (1980). The words, “force or violence” include any intentional, unlawful, and unwanted application of physical force against the person of another. *See Hobbs v. State*, 127 Nev. 234, 237-242, 251 P.3d 177, 179-182 (2011). A battery committed with the use of a deadly weapon includes the use of a firearm. NRS 200.481(2)(e); *see also* NRS 193.165(6).

Battery is a general intent crime, meaning the perpetrator has the intent to do that which the law prohibits, without intending the “precise harm or precise result which eventuated.” *Bolden v. State*, 121 Nev. 908, 923, 124 P.3d 191, 201 (2005).

## C. Accident

A person is not liable to punishment for an act committed “through misfortune or by accident, when it appears that there was no evil design or intention...” NRS 194.010(7).

## VI. ANALYSIS

On Sunday morning, July 26, 2020, Deputy Cholico encountered Sheahan who had created a traffic disturbance due to his aggressive driving and behavior which resulted in another driver calling 911. Deputy Cholico conducted a traffic stop of Sheahan whose erratic behavior escalated immediately. Sheahan, who by all witness accounts is physically imposing, completely disregarded Deputy Cholico’s lawful police commands from the start of the encounter. As other officers responded and for nearly 6 continuous minutes, he continued to act erratic and aggressively placing the involved law enforcement officers on alert.

As a result of Sheahan’s behavior and size, the responding officers drew a combination of Tasers and a 40mm foam gun to control the situation. After noticing that no other officer had drawn any lethal force, Officer Jager felt this option to be appropriate under the circumstance in the event that lethal force became necessary. He therefore placed Sheahan at gunpoint.

As the incident continued, Deputy Cholico reasonably reached the conclusion that the only way to gain Sheahan’s compliance was to utilize his Taser. Unfortunately, Deputy Cholico’s Taser partially missed its target, with a single Taser probe striking Officer Jager in the right knee. The embedding of the Taser probe into Officer Jager’s knee caused him to flinch and inadvertently pull the trigger of his firearm resulting in a single bullet strike to Sheahan’s right shoulder.

The evidence from the entirety of the investigation demonstrates that Officer Jager’s discharge of his firearm was not willful, but accidental. In other words, Officer Jager lacked the willful intent to shoot Sheahan. Rather, the shooting was clearly the result of the missed Taser probe striking Officer Jager in the knee, causing him to flinch and inadvertently fire his weapon.

After considering the statements by law enforcement officials on scene, the statements of independent witnesses observing the encounter, the officer body-worn camera footage, photographs, and the forensic analysis of the evidence, it is apparent that Officer Jager fired his weapon inadvertently after being struck by the Taser probe and flinching. Officer Jager lacked a willful intent to shoot Sheahan. Rather, his actions were the result of an accident, done without any evil design or intention. Absent the union of both the unlawful act and the requisite intent, no crime was committed in this circumstance. Under controlling Nevada law, the result of the accidental discharge of his firearm does not support the pursuit of criminal charges.

## **VII. CONCLUSION**

Based upon a review of the entire investigation presented by the SPD and the application of relevant Nevada statutory and decisional authorities to the known facts and circumstances surrounding the shooting on July 26, 2020, of Christopher Sheahan, the actions of Reno Police Officer Richard Jager were accidental and therefore lacking the willful mental state required for criminal liability. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.