

OFFICE OF THE WASHOE COUNTY DISTRICT ATTORNEY

June 6, 2025



REPORT ON THE JUNE 10, 2023
OFFICER INVOLVED SHOOTING
OF DARNELLE EDWARD BOYKINS

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LIST OF ABBREVIATIONS

Abbreviation	Full Term
BOYKINS	Darnelle Edward Boykins, Civilian/Defendant
BWC	Body Worn Camera
CRYSTAL	Crystal Feier, Witness
DEPUTY TEIXEIRA	Deputy Joseph Teixeira, WCSO
DETECTIVE ALMARAZ	Detective Michael Almaraz, WCSO
DETECTIVE KLOEHN	Detective Jason Kloehn, SPD
DETECTIVE RHODES	Detective Ben Rhodes, RPD
FCC	Fired Cartridge Casing
FIS DEMERE	Justin Demere, Washoe County Forensic Investigator
FIS SHINMEI	Steve Shinmei, Washoe County Forensic Investigator
NHP	Nevada State Police, Highway Patrol Division
NRS	Nevada Revised Statute
NSP	Nevada State Police
OIS	Officer Involved Shooting
RPD	Reno Police Department
SERGEANT DIXON	Sergeant Justin Dixon, NHP
SPD	Sparks Police Department
THE YUKON	White GMC Yukon Denali
TODD	Todd Smith, Witness
TROOPER DOSH	Trooper Robert Dosh, NHP
TROOPER MCINTOSH	Trooper Marcus McIntosh, NHP
TROOPER OSETO	Trooper Spencer Oseto, NHP
WCCL	Washoe County Crime Lab
WCDA	Washoe County District Attorney's Office
WCSO	Washoe County Sheriff's Office

INTRODUCTION¹

On the evening of June 10, 2023, at approximately 9:53 p.m., the Nevada State Police, Highway Patrol Division (NHP), became involved in a high-risk incident that culminated in an Officer Involved Shooting near the intersection of Moana Lane and Neil Road in Reno, Nevada. The incident originated from a 911 call by witnesses Todd Smith and Crystal Feier, who reported a vehicle that had failed to stop at a red traffic light and was being operated in an erratic and dangerous manner. The vehicle, a white GMC Yukon Denali (the Yukon), was later identified as being driven by Darnelle Edward Boykins (Boykins).

Initial contact was attempted by Trooper Marcus McIntosh (Trooper McIntosh) at a gas station on Veterans Parkway, where Boykins fled the scene, nearly striking Trooper McIntosh in the process. Trooper McIntosh pursued the vehicle but temporarily lost visual contact. Shortly afterward, NHP Trooper Robert Dosh (Trooper Dosh) observed a vehicle matching the Yukon's description traveling at high speed in the wrong direction toward his patrol vehicle. Although Trooper Dosh was unaware at the time that it was the same suspect vehicle, he initiated a pursuit after it ran a red light and crossed a center median.

Troopers McIntosh and Dosh were ultimately able to locate and identify the Yukon near the intersection of Kietzke Lane and Moana Lane. They activated their lights and sirens and began to pursue the vehicle to initiate a traffic stop. Without warning, Boykins suddenly braked, leaned out the driver's side window with a gun in his hand and fired multiple rounds at Trooper McIntosh, striking his patrol vehicle. Trooper McIntosh returned fire through his windshield and then again after exiting his vehicle. Boykins discarded his firearm and exited the Yukon, advancing aggressively toward both Troopers. Trooper McIntosh was able to deploy his taser and successfully subdue Boykins. Neither Troopers McIntosh and Dosh, or Boykins, sustained any gunshot injuries.

Consistent with the regionally adopted Officer Involved Shooting Protocol (OIS), the Washoe County Sheriff's Office (WCSO) led the investigation into Trooper McIntosh discharging his firearm. Secondary investigative support was provided by the Sparks Police Department (SPD), and forensic services were provided by the Washoe County Crime Lab (WCCL). The investigation included witness interviews, the collection and examination of physical evidence, review of Body Worn Camera footage (BWC) and dashcam footage, video surveillance footage, and forensic examination of evidence and the shooting scene.

Boykins was subsequently charged and on September 13, 2024, he pled guilty to Attempted Murder with the Use of a Deadly Weapon; Discharge of a Firearm at or into an Occupied Vehicle; and Assault with Use of Deadly Weapon.

¹ The Introduction is synopsised from 911 calls, police reports, witness interviews, Body Worn Cameras (BWC) and forensic reports.

On November 13, 2024, Boykins was sentenced to an aggregate term of 624 months in prison with parole eligibility commencing after 200 months have been served. In accordance with standard procedure, the review of the OIS and the release of this public report was held pending the criminal proceedings against Boykins, in order to preserve the integrity of the prosecution.

All investigative reports, photographs, documents, video footage, forensic reports, witness statements, and recorded interviews were submitted to the Washoe County District Attorney's Office for the purpose of determining the legality of the actions in the Officer Involved Shooting event involving Boykins. No criminal charges were recommended by WCSO for NHP Trooper McIntosh who was involved in the incident. The Washoe County District Attorney's Office evaluation included a thorough review of all submitted investigative materials.

Based on the available evidence and the applicable legal authorities, it is the opinion of the Washoe County District Attorney (WCDA) that the shooting at Boykins by NHP Trooper McIntosh was legally justified and not a criminal act.

I. STATEMENT OF FACTS

A. Witness Accounts

The following section contains summaries of recorded statements collected from witnesses during follow-up interviews. The summaries reflect each witness's personal recollections of the events that unfolded, as told to interviewing officers.

1. NHP Trooper Marcus McIntosh

On June 14, 2023, Trooper McIntosh was interviewed at the WCSO by lead Detective Michael Almaraz (Detective Almaraz) of the WCSO. The interview was audio and video recorded.

Trooper McIntosh was assigned to the graveyard shift for Reno Urban Traffic on the date of the OIS and had been with the Nevada State Police (NSP) for approximately two years.

On June 10, 2023, at approximately 9:50 p.m., Trooper McIntosh recalled that he was dispatched to the area of southbound I-580 and Neil Road to a report of a reckless driver. The reporting party was retired deputy sheriff, Todd Smith (Todd), who was able to provide Dispatch with the make, model, and license plate number of the suspect vehicle. The vehicle was identified as a white GMC Yukon Denali (the Yukon) bearing the license plate 095X11. Trooper McIntosh was in the area of Clear Acre Lane and US 395 when he responded to the call for service with his emergency lights and sirens activated.

Todd, who was a passenger in an Uber driven by Crystal Feier (Crystal), remained on the line with Dispatch, providing real time updates on the Yukon's driving behavior and direction of travel, while Crystal continued to follow the vehicle. The Yukon eventually pulled into a Maverik gas station at 11795 Veterans Parkway. Trooper McIntosh arrived at this location a few minutes after the suspect parked, and after positioning his patrol car at an angle behind the Yukon, Trooper McIntosh activated his vehicle's spotlights and rear emergency lights.

When Trooper McIntosh made contact with the Yukon, he observed a Black male seated in the driver's seat, later identified as Boykins, who appeared to be on an active phone call. During the contact, the Trooper detected a strong odor of alcohol emanating from the vehicle. He also observed that Boykins had red, watery eyes and slurred speech, which Trooper McIntosh recognized as being consistent with impairment.

As Trooper McIntosh attempted to speak with him, Boykins did not verbally acknowledge him and instead became more animated while speaking on a phone call. Despite Boykins not acknowledging him, Trooper McIntosh recalled Boykins made eye contact and appeared to recognize his law enforcement uniform. Trooper McIntosh recalled Boykins telling the person on the other end of the telephone call, *"you gotta get down here, I'm just fucked."*

When the Trooper asked Boykins how much alcohol he had consumed, Boykins abruptly started the vehicle and reversed out of the parking space at a high rate of speed. Trooper McIntosh reported that he immediately stepped away from the vehicle to avoid potential harm and stated had he not moved, he believed he would have been struck by the Yukon.

Trooper McIntosh explained he considered Boykins to be lawfully detained at the time of the initial contact at the Maverick location and due to Boykins' rapid and unprovoked departure from the scene, he interpreted this action as an intentional effort to flee. The Trooper classified this behavior as resistance and suggested that Boykins knew that he was not free to leave.

After observing Boykins driving the Yukon westbound on Mount Rose Highway (Route 341), Trooper McIntosh returned to his patrol vehicle and proceeded in the same direction. Upon entering Route 341, however, the Trooper no longer had visual contact with the Yukon. He notified his sergeant via the radio about the signs of impairment he observed when he spoke with Boykins, then continued to search for the Yukon, believing Boykins posed a potential danger to himself and others.

Upon reaching Neil Road, Trooper McIntosh exited I-580, believing at the time that he would not be able to locate Boykins or the Yukon. Shortly after exiting the freeway, he heard NHP Trooper Dosh on the radio reporting seeing a vehicle matching the description of the Yukon traveling northbound in the southbound lanes of South Virginia Street, near Meadowood Mall.

Trooper McIntosh heard Trooper Dosh report he had a distant visual on the Yukon and believed it had turned from South Virginia Street onto Kietzke Lane. Activating his lights and sirens, Trooper McIntosh proceeded in that direction, attempting to catch up with Trooper Dosh. He successfully did so near the intersection of Kietzke Lane and Peckham Lane.

After both Troopers lost sight of the Yukon, Trooper McIntosh pulled alongside Trooper Dosh in the left turn lanes at the intersection of Kietzke Lane and Moana Lane and they both deactivated their lights and sirens. While speaking with Trooper Dosh through his open driver-side window, Trooper McIntosh saw and heard the Yukon traveling eastbound on Moana Lane. He immediately recognized the Yukon as the same suspect vehicle had previously contacted, however the driver's side rear tire was now missing, and the wheel was making contact with the roadway.

Activating his vehicle's lights and sirens once more, Trooper McIntosh followed the Yukon attempting to affect a traffic stop. Failing to yield to the emergency lights and sirens, the Yukon continued to travel on Moana Lane at approximately 40-42 miles per hour. As they approached Neil Road, Trooper McIntosh witnessed the Yukon begin to rotate and slow down, which he suspected was due to the loss of the tire. Boykins lost control of the Yukon and Trooper McIntosh notified Dispatch that the suspect had crashed.

As Trooper McIntosh slowed his patrol vehicle and approached the Yukon, which remained in drive, he observed Boykins leaning out of the driver's side window with a firearm pointed in his direction, discharging multiple rounds. Trooper McIntosh reported seeing both the muzzle flash and smoke emanating from Boykins' weapon, at which point he realized he was being fired upon. Fearing for his life and believing that Boykins was attempting to kill him, Trooper McIntosh responded to the immediate threat by drawing his service weapon and returning fire from inside his patrol vehicle. He noted that, although he had never previously discharged his firearm through a windshield, he believed the situation was dire enough. Trooper McIntosh further indicated that he believed that if he failed to fire his weapon, it would have resulted in his death.

Trooper McIntosh stated that Boykins was aiming a gun in his general direction, and he believed the suspect was attempting to shoot him. He estimated that he discharged his service weapon approximately six times during the exchange, which occurred at an estimated distance of 15 to 20 feet between him and Boykins. He indicated that he did not know how many rounds Boykins fired but recalled observing at least two shots discharged in his direction.

Following the exchange of gunfire, Trooper McIntosh exited his patrol vehicle and realized the *"situation had changed"* when he saw the firearm on the ground. Trooper McIntosh stated he was unsure how the firearm ended up in the roadway. Because he had confirmed that the firearm was no longer in Boykins' control and that his hands were raised, Trooper McIntosh began issuing verbal commands. He reported that Boykins exited the vehicle, raised his hands, and began walking toward him and Trooper Dosh. Despite both Troopers having their service weapons drawn and pointed at him, Boykins failed to comply with their commands and continued advancing in an aggressive manner, while repeatedly shouting at them to shoot him.

Trooper McIntosh described Boykins as significantly larger than him, estimating that Boykins was approximately 6 to 8 inches taller and approximately 80 to 100 pounds heavier than he was. Given this size disparity, Trooper McIntosh did not feel it was safe *"going hands on"* with Boykins and instead chose to re-holster his service weapon and draw his taser. He explained that this decision was influenced by several factors: Boykins' earlier statements indicating suicidal ideation by cop, uncertainty about whether Boykins possessed another weapon, the considerable difference in size between them, and concern that Boykins might attempt to retrieve the firearm still lying nearby on the roadway.

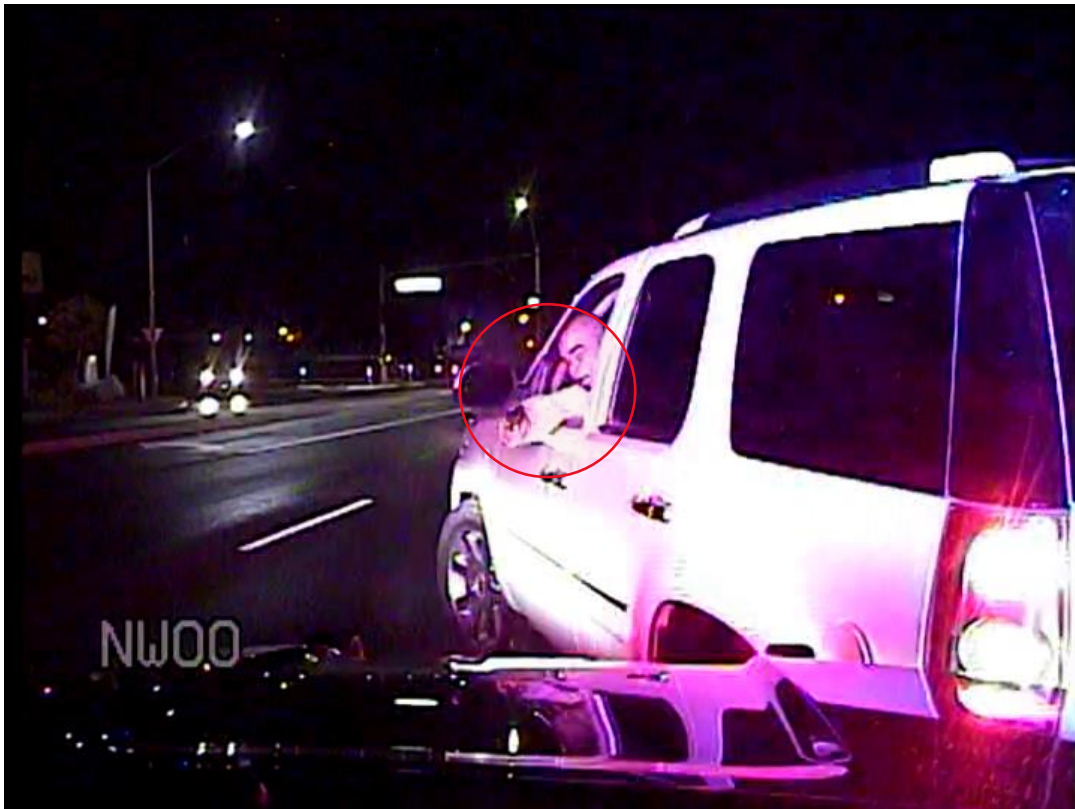
After drawing and activating his taser, Trooper McIntosh pulled the trigger twice. The taser probes successfully made contact with Boykins, causing him to fall to the ground. At that time, Trooper McIntosh was able to grab Boykins' arm and with the assistance from Sergeant Dixon, who had arrived on scene, Boykins was handcuffed without further issue.

Once Boykins was safely detained, Trooper McIntosh was removed from the immediate scene and transported to the Reno Nevada Highway Patrol Office, where his BWC and firearms were turned over to the OIS team.

Trooper McIntosh told Detective Almaraz he believed that without deploying his Taser, Boykins would have either assaulted Trooper Dosh or continued the pursuit. He stated that his only physical injury from the incident was a cut to his face. Trooper McIntosh went on to explain that the series of events and actions taken by Boykins were abnormal. In his two years as a law enforcement officer, he had never experienced a suspect fleeing from an initial traffic stop, continuing to evade him during an attempted stop, point a firearm at him, or being involved in an OIS.

Trooper McIntosh stated that Boykins was not compliant throughout the entire encounter and refused to follow any verbal commands or instructions. He confirmed that the person who had fired a gun at him was the same person he had first encountered at the Maverik gas station.

Trooper McIntosh expressed that he believed his response was appropriate given the circumstances and that he was in genuine fear for his life. He emphasized that the only reason he fired his weapon was to stop what he perceived as an active threat. Once he believed his life was no longer in danger, he immediately stopped firing. In discussing the taser deployment, Trooper McIntosh stated that there was no reasonable alternative at the time.



**Screenshot taken from Trooper McIntosh's Dashcam:
Darnelle Edward Boykins shooting at Trooper McIntosh from the driver's seat of the Yukon.**

2. NHP Trooper Robert Dosh

On June 16, 2023, Trooper Dosh was interviewed by WCSO Detective Almaraz. The interview was audio and video recorded.

After graduating from the academy in November 2021, Trooper Dosh was hired by NSP in March 2021. At the time of the OIS, he was assigned to the late shift for Reno Urban Traffic.

On Saturday June 10, 2023, Trooper Dosh operated a marked 2020 silver Ford Interceptor patrol vehicle equipped with standard emergency lights and sirens. His BWC was attached to his outer vest, and he believed it was recording throughout the incident. According to Trooper Dosh, both the BWC and the vehicle's dashboard camera are automatically activated when the emergency lights and sirens are engaged.

At that time, Trooper Dosh was wearing a standard Class B uniform with standard police markings. Attached to his outer vest were his radio, two loaded spare magazines, and two sets of handcuffs. His duty belt was equipped with a department-issued taser, baton, flashlight, glove pouch, Narcan, and his service weapon, which is a Sig Sauer P320, 9mm handgun. The firearm was loaded with a 17-round magazine, plus one round chambered. Each of his two spare magazines also contained 17 rounds.

Trooper Dosh stated that on the night of the incident, he was at the NHP office on Kietzke Lane where he was completing paperwork on a department computer. Some time after 10:00 p.m. he overheard a Dispatch call indicating that Trooper McIntosh was responding to the report of a reckless driver who had stopped at an unknown Maverick gas station. Dispatch also advised that the reporting party had relocated to a safe location.

Trooper Dosh noted that the mention of a Maverik location was unclear to him, as he was aware of three different Maverik stations that were south of the NHP office. He had only partially focused on the radio due to being engaged with his paperwork, but he did hear Trooper McIntosh report that he had arrived at the Maverik and made contact with the suspect vehicle. Trooper Dosh did not recall any additional officers being dispatched to the call, nor did he remember hearing a description of the suspect vehicle. Upon hearing over the radio that the suspect vehicle had fled the scene, Trooper Dosh made the decision to leave the office and respond to assist. He explained that it was not immediately clear whether the suspect had fled on foot or in a vehicle and it was at that point Trooper Dosh assumed the suspect fled on foot.

Trooper Dosh got into his patrol car and began driving without activating his emergency lights or siren. Unsure whether the suspect had fled on foot or in a vehicle, Trooper Dosh explained he was not headed to a specific location but towards the general direction of Trooper McIntosh. He traveled north on Kietzke Lane from the NHP office, turned east onto Meadowood Mall Way, then south onto South Virginia Street. While driving south in the number one lane, he observed an oncoming vehicle driving directly toward him, traveling north in the wrong direction.

Due to the brightness of the headlights, Trooper Dosh was unable to immediately identify the make or model of the vehicle and was unaware at that time that it was the same one involved in Trooper McIntosh's earlier call. In response to the imminent danger of a head-on collision, Trooper Dosh activated his emergency lights and siren. The oncoming vehicle swerved across the center median into the correct northbound lanes and accelerated rapidly, continuing northbound. Trooper Dosh believed that approximately 5 minutes had passed from the time that he heard on the radio that the suspect had fled to when he came across this vehicle.

Trooper Dosh stated that once the vehicle crossed over the center median into the northbound lanes, he was able to clearly identify it as a white, mid-sized four-door SUV. After determining it was safe to do so without damaging the undercarriage of his patrol vehicle, Trooper Dosh executed a U-turn to follow the SUV. However, the vehicle immediately accelerated at a high rate of speed, quickly creating significant distance between itself and Trooper Dosh.

At the time, there was a high volume of vehicular traffic in the area. Trooper Dosh observed the SUV driving erratically, weaving through traffic and making abrupt lane changes to bypass other vehicles. The vehicle continued northbound past South McCarran Boulevard. Trooper Dosh last saw it turn north onto Kietzke Lane, at which point he lost visual contact.

When the SUV turned onto Kietzke Lane, Trooper Dosh began to suspect it might be the Yukon connected to the earlier incident involving Trooper McIntosh. He also noted that at no point while he had his emergency lights and sirens activated did the driver, later identified as Boykins, attempt to stop or yield.

After Trooper Dosh lost visual contact of the Yukon, he deactivated his lights and siren and proceeded northbound on Kietzke Lane. Shortly thereafter, Trooper McIntosh approached from behind, with his lights and siren activated, which prompted Trooper Dosh to activate his own lights and siren again. They both continued north on Kietzke Lane, eventually stopping at a red light at the intersection with Moana Lane. Trooper Dosh stated he positioned his vehicle in the left-turn lane, still facing northbound, while Trooper McIntosh pulled up alongside him in the number one travel lane to discuss the incident with the vehicle. At this time, both troopers deactivated their overhead lights.

Trooper Dosh stated that as they waited at the intersection, the Yukon passed directly in front of them, traveling eastbound on Moana Lane. Trooper Dosh observed that although the Yukon was driving on the rim of its driver-side rear tire, he recognized it to be the vehicle from the earlier incident on South Virginia Street, although it was now moving slower. He did not recall noticing any tire damage during his initial encounter with the vehicle.

It was at this time that Trooper Dosh saw Trooper McIntosh activate his lights and sirens and maneuver behind the Yukon in the number two lane. Following his lead, he did the same and positioned his own vehicle behind Trooper McIntosh's but staggered in the number one lane. Both Troopers drove eastbound on Moana Lane, passing under I-580. Trooper Dosh noted that the Yukon failed to yield to their lights and sirens.

Trooper Dosh heard Trooper McIntosh report over the radio that the Yukon had struck an object and crashed. Trooper Dosh described the Yukon coming to a stop in the number two travel lane, facing northeast and that Trooper McIntosh stopped directly behind the Yukon. He pulled in behind Trooper McIntosh, approximately a car length back, in the number one lane. He did not recall any other civilian vehicles in the immediate vicinity.

As his vehicle stopped, Trooper Dosh stated he exited and saw Boykins produce a handgun and fire an unknown number of rounds. He believed that Boykins had just one of his hands out of the vehicle window while firing the handgun. Trooper Dosh, who was outside his vehicle near the driver's side at the time of the shooting, immediately transmitted over the radio "*shots fired*". Trooper Dosh believed that the rounds were fired "*towards us*", referring to himself and Trooper McIntosh, however Boykins was specifically firing towards Trooper McIntosh. He estimated the direction of fire as occurring within a "*6 to 9 o'clock*" arc from his position, which encompassed the locations of both troopers. Trooper Dosh stated that while the shots may have been directed toward them or the ground, they fell within that general range.

Following a brief exchange of gunfire between Boykins and Trooper McIntosh, Trooper Dosh explained that although he drew his service weapon, he did not fire. He stated this was due to uncertainty about whether there were additional occupants in the Yukon and concerns that Trooper McIntosh was in the line of fire. Trooper Dosh observed Trooper McIntosh return fire, after which the gunfire ceased. He then saw Boykins throw his firearm out of the Yukon and extend both hands out of the window. As Boykins exited the vehicle, Trooper Dosh attempted to triangulate his position, focusing on Boykins' hands and maintaining trigger control while holding him at gunpoint. Trooper Dosh observed Boykins ball his hands into fists, drop them to his sides, and then walk directly toward him.

Trooper Dosh kept Boykins at gunpoint, steadily backing up as Boykins continued advancing toward him. Trooper Dosh described Boykins as having a "*50-yard stare*" - a look that was both vacant and distant. Admitting that in that moment he felt scared, Trooper Dosh stated he was unsure whether to engage physically or maintain his drawn weapon. His mind was racing through possible outcomes, and he was unsure whether Boykins would attempt to pick up the handgun he had thrown to the ground or grab Trooper Dosh's weapon.

When Trooper McIntosh deployed his taser on Boykins, Trooper Dosh holstered his firearm as Boykins fell forward onto the ground. Both Troopers moved in to restrain Boykins, with Trooper Dosh securing the left arm while Trooper McIntosh took the right arm. With the arrival and assistance of Sergeant Dixon, they were able to handcuff Boykins and detain him.

3. NHP Sergeant Justin Dixon

On June 10th, 2023, at approximately 9:52 p.m., NHP Dispatch broadcast a call regarding a reckless driver traveling southbound on I-580 near Neil Road. Sergeant Justin Dixon (Sergeant Dixon) instructed Troopers to locate the vehicle in question, which was being operated by Boykins and was actively being pursued by Trooper McIntosh.

Sergeant Dixon arrived on scene after the exchange of gunfire, at approximately 10:13 p.m. He witnessed a tall Black adult male, later identified as Boykins, walking east on Moana Lane toward Neil Road with his hands raised. Sergeant Dixon stated that Trooper Dosh had his firearm drawn and pointed at Boykins while he backpedaled. He then observed Trooper McIntosh transition from his service firearm to his taser and deploy it, striking Boykins on his right side. The taser caused neuromuscular incapacitation, and Boykins fell to the ground. These events occurred as Sergeant Dixon exited his patrol vehicle and approached the scene on foot.

As he approached Troopers McIntosh and Dosh, Sergeant Dixon confirmed that there were no additional occupants in the Yukon. He assisted the Troopers in taking Boykins into custody by applying two sets of handcuffs, double cuffing him due to his large frame. Sergeant Dixon recalled that the Troopers conducted a medical check on Boykins for any visible signs of bleeding or gunshot wounds, with none found.

4. NHP Trooper Spencer Oseto

Trooper Spencer Oseto (Trooper Oseto) responded to the scene after hearing a shots-fired broadcast over the radio. Upon arrival, he retrieved his patrol rifle from his vehicle and proceeded to clear Boykins' vehicle, confirming there were no additional occupants inside.

After clearing the vehicle, Trooper Oseto assisted in restraining Boykins, who continued to resist NHP personnel. Trooper Oseto held Boykins's upper body to prevent him from standing up. Together with Trooper Gamberg, he conducted a medical check for gunshot wounds but found no visible injuries.

Boykins was then escorted to the rear passenger side of Trooper Dosh's patrol unit, where he again became combative and refused to enter the vehicle, actively resisting efforts to secure him. Once inside, he began violently kicking the rear driver-side door and window, causing the door to visibly protrude from the vehicle's frame. Due to his continued aggressive behavior, a WRAP restraint device was applied.

Trooper Oseto subsequently transported Boykins to Renown Regional Medical Center for medical clearance. He noted a strong odor of an unknown alcoholic beverage on Boykins' breath, as well as red, watery eyes and slurred speech. Boykins' behavior was described as highly erratic, fluctuating between calm and overly aggressive or confrontation.

Upon arrival at Renown Regional Medical Center, Trooper Oseto read the Informed Consent admonishment to Boykins and then asked him to voluntarily provide an evidentiary blood sample. He refused, stating, *"I'm not cooperating with you."* In response, Trooper Oseto applied for an electronic seizure order to obtain a blood sample. At 11:19 p.m. on June 10, 2023, a Reno Justice Court Judge granted the order.

While at the hospital, Boykins made multiple intimidating threats toward law enforcement officers. At approximately 11:50 p.m., Boykins stated, *"When I do get out of this shit, I'm going to break one of you motherfuckers jaws,"* and *"When I get out of these, I'm going to break one of you motherfuckers in half."*

A phlebotomist at Renown Medical Center collected two vials of blood from Boykins' left arm at approximately 11:32 p.m., after cleansing the area with non-alcoholic swab. Each vial was agitated precisely eight times, after which Trooper Oseto packaged the blood samples according to the instructions and secured them in the sample lock box at WCSO. Subsequent analysis by the WCCL indicated Ethanol: 0.202 g/100mL.

5. WCSO Detective Michael Almaraz

Detective Almaraz of the WCSO was assigned as lead Detective in this investigation. He conducted a review of Trooper McIntosh's patrol vehicle dashcam and BWC footage and the following is a summary of his findings.

Dashcam video revealed that on June 10, 2023, at approximately 10:12 p.m., as Trooper McIntosh slows down and prepares to exit his patrol vehicle, Boykins leaned his head and right arm out of the driver's side window of the Yukon and fires a black and brown Taurus handgun at Trooper McIntosh. Subsequent investigation by the OIS team later confirmed there were bullet strikes on the front of the patrol vehicle being driven by Trooper McIntosh.

In response to the gunfire, Trooper McIntosh drew his service weapon and returned fire in self-defense. After receiving the return fire, Boykins retreated inside the vehicle and moments later he discarded the black and brown Taurus handgun out of the driver's side window onto Moana Lane. The firearm was later recovered by members of the OIS Team. Upon inspection, the handgun was found to contain a loaded magazine, and the round in the chamber had a struck primer that failed to discharge. Analysis indicated that the weapon had potentially misfired. Based on this information, Detective Almaraz concluded that had the firearm not malfunctioned, Boykins likely would have continued to fire at Trooper McIntosh.

Following the exchange of gunfire, Trooper McIntosh is seen exiting his patrol vehicle and issuing verbal commands to Boykins. Boykins eventually exits the Yukon and advances aggressively toward Trooper McIntosh and Trooper Dosh, who had arrived on scene shortly after the gunfire. Boykins does not appear to be armed at this time, which is when Trooper McIntosh holsters his firearm and withdraws his taser. Boykins fails to comply with repeated commands from Trooper McIntosh, who then deploys his taser, achieving neuromuscular incapacitation, allowing both Troopers to take Boykins into custody without further incident.

Based on his investigation, Detective Almaraz concluded that Boykins acted with malice aforethought in attempting to murder Trooper McIntosh by firing a deadly weapon, as defined by Nevada Revised Statutes (NRS). Detective Almaraz opined that Boykins would have continued his assault with the intent to kill or cause serious bodily harm had his firearm not malfunctioned. Boykins made no attempt to flee following the malfunction, and his continued aggression suggests a clear intent to inflict lethal harm. His deliberate aim and discharge of the weapon toward Trooper McIntosh's occupied vehicle further support this conclusion. Trooper McIntosh stated he believed he would have been killed had he not returned fire.

6. Todd Smith

On June 11, 2023, at 11:18 a.m., Todd was interviewed by WCSO Detective Almaraz and SPD Detective Kloehn at the WCSO. The interview was audio and video recorded.

Todd is a retired Deputy Sheriff from the Amador County Sheriff's Office and lives in Eldorado Hills, California. On June 10, 2023, he and his wife traveled to Reno for a family reunion. While at the Peppermill Casino, Todd requested an Uber to take him to the Atlantis Casino.

His Uber driver, Crystal Feier (Crystal), picked him up at the Peppermill and began driving to the Atlantis Casino. While stopped at a red light, Todd observed a white four-door SUV pass them, running the red light and nearly colliding with another vehicle in the intersection. He noted that the SUV swerved to avoid the crash and continued down the road, estimating its speed at around 40 miles per hour as it entered the intersection.

Once their light turned green, Todd and Crystal began following the SUV. Todd told Crystal *"Let's make sure we report that vehicle. I mean, I, I, just, I try not to get involved with stuff being retired, but I was, I said something's not right. That guy almost killed that person of that vehicle. So, I felt obligated."*

As they drove behind the SUV, Todd called 911 to report the incident with Crystal providing location updates as Todd was not familiar with the area. Todd observed the vehicle frequently changing lanes and estimated they followed the driver for approximately seven to ten minutes before it pulled into a gas station. Todd could not recall the name of the gas station but believed it began with an "M". The white SUV parked in front of the gas station and Crystal parked about 40 to 50 yards away in a nearby dirt lot.

Todd described the Troopers' vehicle as dark blue in color with striping, a star on the door, and red overhead lights activated. The Trooper exited the vehicle, and Todd described the Trooper as a white male approximately five foot ten inches tall, slender, with clean cut hair, wearing a dark colored uniform with shoulder patches, a badge, and duty belt with a firearm. The Trooper, whom Todd described as a white male around 5'10" with a slender build, clean-cut hair, and dressed in a dark uniform with shoulder patches, a badge, and a duty belt, exited his vehicle and approached the driver's side window of the SUV, flashlight in hand. Todd noticed the reflection of the flashlight on the window, leading him to believe the window had not been rolled down.

The Trooper stood at the driver's window for approximately one minute. When Todd briefly looked away and then back, he saw that the SUV had backed out of the parking spot, maneuvered around the Trooper's vehicle, and exited the lot. The Trooper returned to his vehicle and left the gas station in pursuit, while Crystal continued to drive Todd to the Atlantis Casino.

7. Crystal Feier

At approximately 10:31 p.m., Crystal was driving past WCSO Deputy Joseph Teixeira (Deputy Teixeira) in her Toyota Tundra when she stopped to speak with him. Crystal reported to Deputy Teixeira that she had witnessed the driving behavior of the person operating the Yukon. She provided both verbal and written statements to Deputy Teixeira.

Crystal is an Uber driver and was transporting her passenger, Todd, from the Peppermill Casino to the Atlantis Casino when she observed a white Yukon bearing Nevada license plate 095X1 traveling southbound on South Virginia Street. The Yukon ran a red light at the intersection of Grove Street and nearly collided with another vehicle.

As Todd spoke with the 911 dispatcher, Crystal continued to follow the Yukon, describing its driving as erratic. The Yukon traveled south on South Virginia Street, then turned east onto East Moana Lane, continued south on I-580, and exited east onto SR-431. Crystal stated that eventually the Yukon pulled into the parking lot of the Maverik Gas Station at 11795 Veterans Parkway and Crystal and Todd remained at the scene until a Trooper arrived. Crystal observed the Trooper approach the Yukon to make contact with the driver. She then witnessed the Yukon abruptly flee the scene, nearly striking the Trooper in the process.

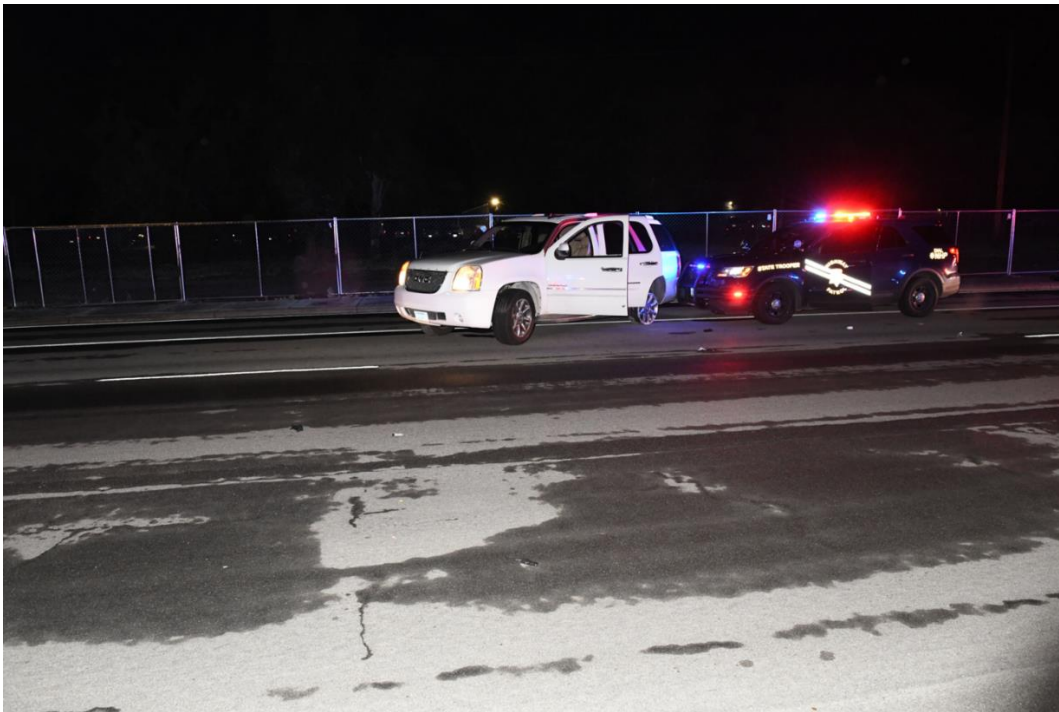
II. PHYSICAL EVIDENCE

A. Shooting Scene and Roadway Description

The shooting occurred on East Moana Lane, a paved, four-lane roadway that connects Kietzke Lane to the west and Neil Road to the east, passing beneath I-580. Moana Lane is accessible via on- and off-ramps from both northbound and southbound lanes of I-580.

The eastbound portion of East Moana Lane consists of two travel lanes marked by white dashed lines, a dedicated left-turn lane (northbound) marked by a solid white line, and a right-turn lane (southbound) also marked by a solid white line. The westbound portion consists of two travel lanes, divided by white dashed lines. The eastbound and westbound lanes are separated by a combination of solid and dashed yellow lines, and approximately 50 feet before the intersection with Neil Road, a narrow median divides the roadway.

Sidewalks run along both the north and south sides of Moana Lane. East of Neil Road, Moana Lane transitions into Airway Drive. Located immediately north of Moana Lane is the Starlight Mobile Home Park, which is separated from the roadway by an approximately six-foot-tall wooden fence. At the northwest corner of Moana Lane and Neil Road (1295 E. Moana Lane), multiple businesses are housed within a commercial building. Directly south of Moana Lane, there is a fenced, vacant lot.



Crime Scene Photograph:
Trooper McIntosh's patrol vehicle parked behind the Yukon belonging to Boykin.

Officers used yellow crime scene tape to secure the perimeter of the scene. All lanes of East Moana Lane were closed between I-580 and Neil Road, as well as the eastbound and westbound sidewalks between Neil Road and Gentry Way. WCSO deputies maintained and secured the outer perimeter of the crime scene.

All evidence was located within the eastbound lanes of East Moana Lane, west of Neil Road. Three marked NHP vehicles were within the secured area, each with its overhead red and blue emergency lights activated. All three vehicles were parked facing east and positioned west of and behind the Yukon.

On the roadway, in the number two eastbound lane, a gray zip-up sweatshirt and two Taser probes with attached wires were observed.

Three fired cartridge casings (FCCs) were located on the ground near the open driver-side door of Trooper McIntosh's patrol vehicle. An additional FCC was found on the ground near the passenger side of the patrol vehicle. Multiple damage defects were observed on the front of the patrol vehicle as follows:

- One defect to the passenger-side headlight
- Two defects to the hood
- Three defects to the windshield

Trooper McIntosh's vehicle impacted against the rear side bumper of the Yukon operated by Boykins. On the ground between Trooper McIntosh's patrol vehicle and the Yukon, a black handgun with a wood handle was observed. One FCC was located north of the handgun.

The white SUV was identified as a GMC Yukon Denali bearing Nevada license plate 095X11. The driver's door was ajar, the window was down, and the rear driver's side tire was missing, with the vehicle's rim in contact with the roadway.

Three apparent bullet entry defects were observed on the Yukon's driver door. One bullet fragment was located on the running board near the door. On the roadway northeast of the Yukon, a black Taser cartridge, a gray Taser cartridge, and one Taser probe were located.



Crime Scene Photograph: the Yukon operated by Boykins, Driver's Side View.



Crime Scene Photograph: Boykins' handgun is located on the roadway.



Photograph taken by WCCL:
Trajectory Rods showing the entry points of the bullets fired by Trooper McIntosh at the Yukon.



Photograph taken by WCCL:
Trajectory rods indicate the bullet entry points on Trooper McIntosh's patrol vehicle. The rods illustrate rounds fired by both Boykins and Trooper McIntosh during the exchange of gunfire.



**Photograph taken by WCCL:
Trajectory rods showing the entry and exit points of bullets on the windshield
and hood of the patrol vehicle.**

B. Evidence Collected from the Shooting Scene

The following relevant evidence was collected and photographed at the Crime Scene:

- NHP Vehicle (silver) - License plate 575, vehicle number 20-127 (Photographed)
- One gray, 3XL, Polo by Ralph Lauren zip-up sweatshirt (cut) with red staining (Collected)
- Two apparent Taser probes with wire (Collected)
- NHP Vehicle (silver) - License plate 441, vehicle number 21-233 (Photographed)
- One Taser 7, serial number X40002287 (Collected)
- One black towel (Collected)
- One yellow metal Fired Cartridge Casing (FCC) stamped "Win 380 Auto" (Collected)
- One white metal FCC stamped "Spear 9mm Lugar 19" (Collected)
- One yellow metal FCC stamped "Win 380 Auto" (Collected)
- NHP Vehicle (blue) - License plate 569, vehicle number 18-164 (Collected)
- Three white metal FCC stamped "Spear 9mm Lugar 19" (Collected)
- One white metal FCC stamped "Spear 9mm Lugar 19" (Collected)
- One black Taurus PT585 handgun with wood handle - Serial number: KNC 59743 (Collected)
- Magazine (Collected)
- One bullet stamped "Win 380 Auto" from chamber (Collected)
- Magazine contained 15 bullets - 7 stamped "Win 380 Auto"; 8 stamped "S&B 9mm BRC" (Collected)

- One yellow metal FCC stamped "Win 380 Auto" (Collected)
- Yukon - Nevada License Plate 095 X11 - Vehicle Identification Number: 1GKFK63837J161332 (Collected)
- One fired bullet (Collected)
- One black Taser Cartridge, Serial Number: X4921WXHX; One gray Taser Cartridge, Serial Number: X482H5RMY; One apparent Taser Probe (Collected)
- One white metal FCC stamped "Spear 9mm Lugar 19" (Collected)



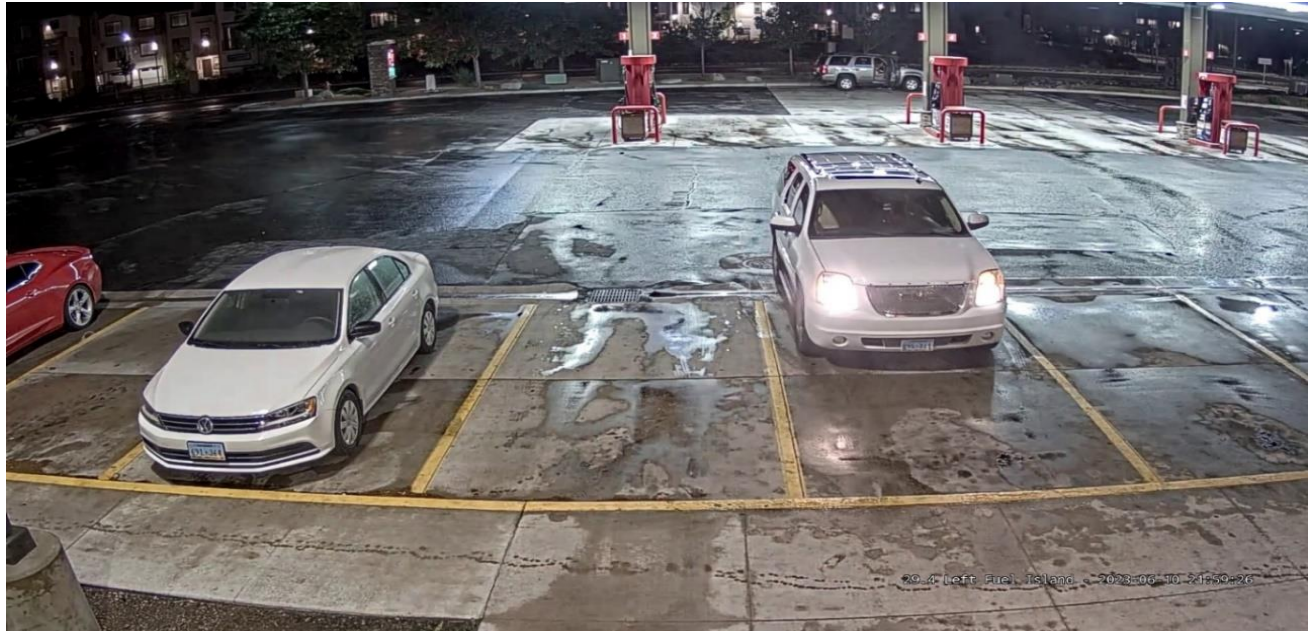
Photograph taken of Trooper McIntosh's Sig Sauer P320 9mm firearm.



Photograph taken of Boykins' Black Taurus PT585 handgun.

C. Video Evidence

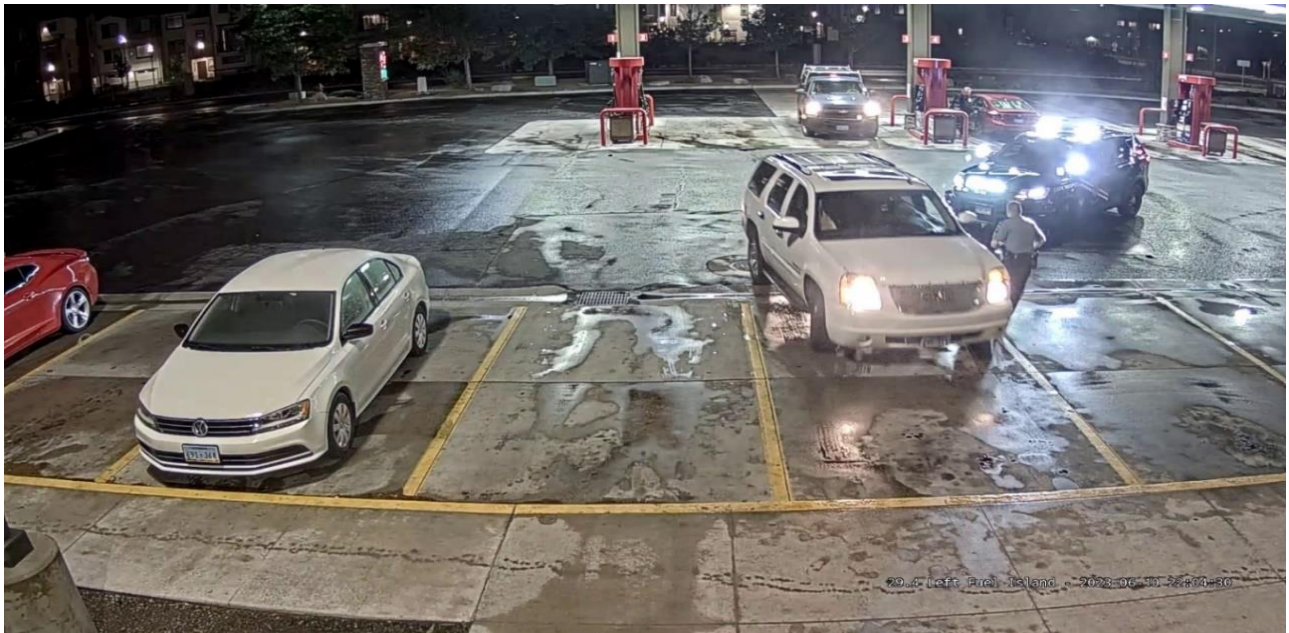
The Maverik gas station located at 11795 Veterans Parkway, captured the arrival of Boykins on June 6, 2023, at 9:59 p.m.



**Surveillance Camera footage from Maverik:
the Yukon driven by Boykins pulls into a parking spot at Maverik.**



**Surveillance Camera footage from Maverik:
Trooper McIntosh arrives at the Maverik gas station at approximately 10:02 p.m., parks behind
the Yukon and approaches the driver's side where Boykins is seated.**



Surveillance camera footage from Maverick:
At approximately 10:04 p.m., Boykins operates the Yukon in reverse, leaving the scene of the traffic stop. Trooper McIntosh runs back to his patrol vehicle.



Screenshot taken from Trooper McIntosh's Dashcam:
The camera shows him pulling up near Trooper Dosh's patrol vehicle at the intersection of Kietzke Lane and Moana Lane. At approximately 10:11:50 p.m., the camera captures Boykins' vehicle crossing Moana Lane with the driver's side rear tire missing.



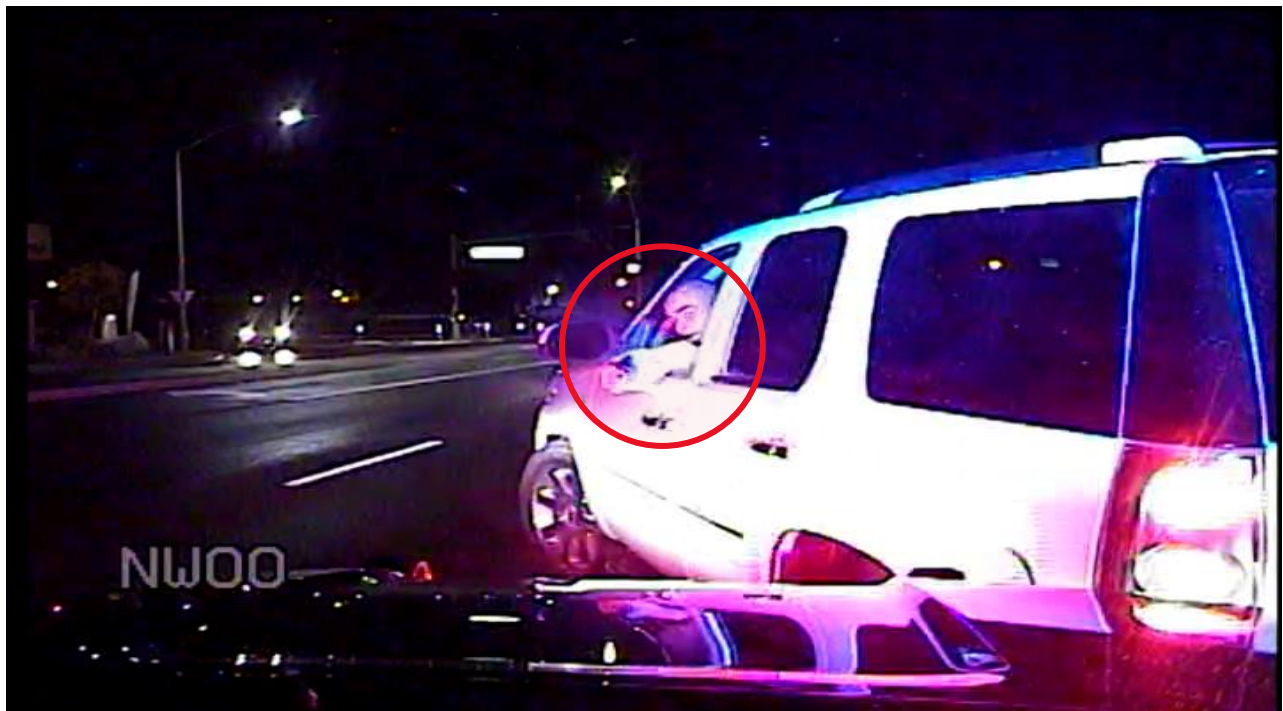
Screenshot taken from Trooper McIntosh's Dashcam:
At approximately 10:12:27 p.m., the camera captures Boykins engaging the brakes of the Yukon just before the vehicle's rear slides to the right. The Yukon is shown with a missing rear tire.



Screenshot taken from Trooper McIntosh's Dashcam:
At approximately 10:12:28 p.m., the camera captures the rear of the Yukon sliding to the right.



Screenshot taken from Trooper McIntosh's Dashcam:
At approximately 10:19:22 p.m., the camera captures Boykins' extended hand holding a firearm outside the Yukon.



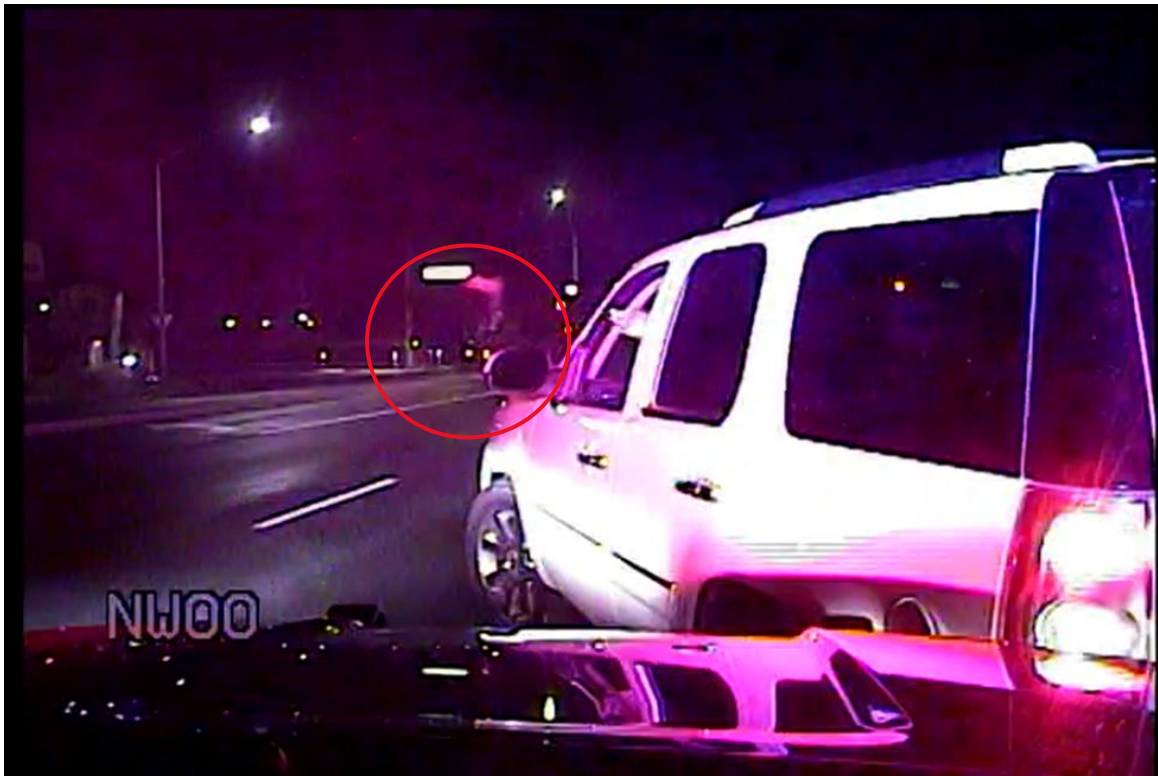
Screenshot taken from Trooper McIntosh's Dashcam:
At approximately 10:12:30 p.m., the camera captures Boykins leaning out of the Yukon with a gun in his hand shooting towards Trooper McIntosh.



Screenshot taken from Trooper McIntosh's BWC:
At approximately 10:12:33 p.m., the camera captures Trooper McIntosh returning fire at Boykins for the first time.



Screenshot taken from Trooper McIntosh's Dashcam:
After shooting the gun three times, Boykins withdraws the firearm back into the Yukon.



Screenshot taken from Trooper McIntosh's Dashcam:
Boykins throws the firearm out of the Yukon after the gun becomes jammed.



Screenshot taken from Trooper McIntosh's BWC:
At approximately 10:12:39 p.m., the camera captures him commanding
Boykins to *"show me your hands."*



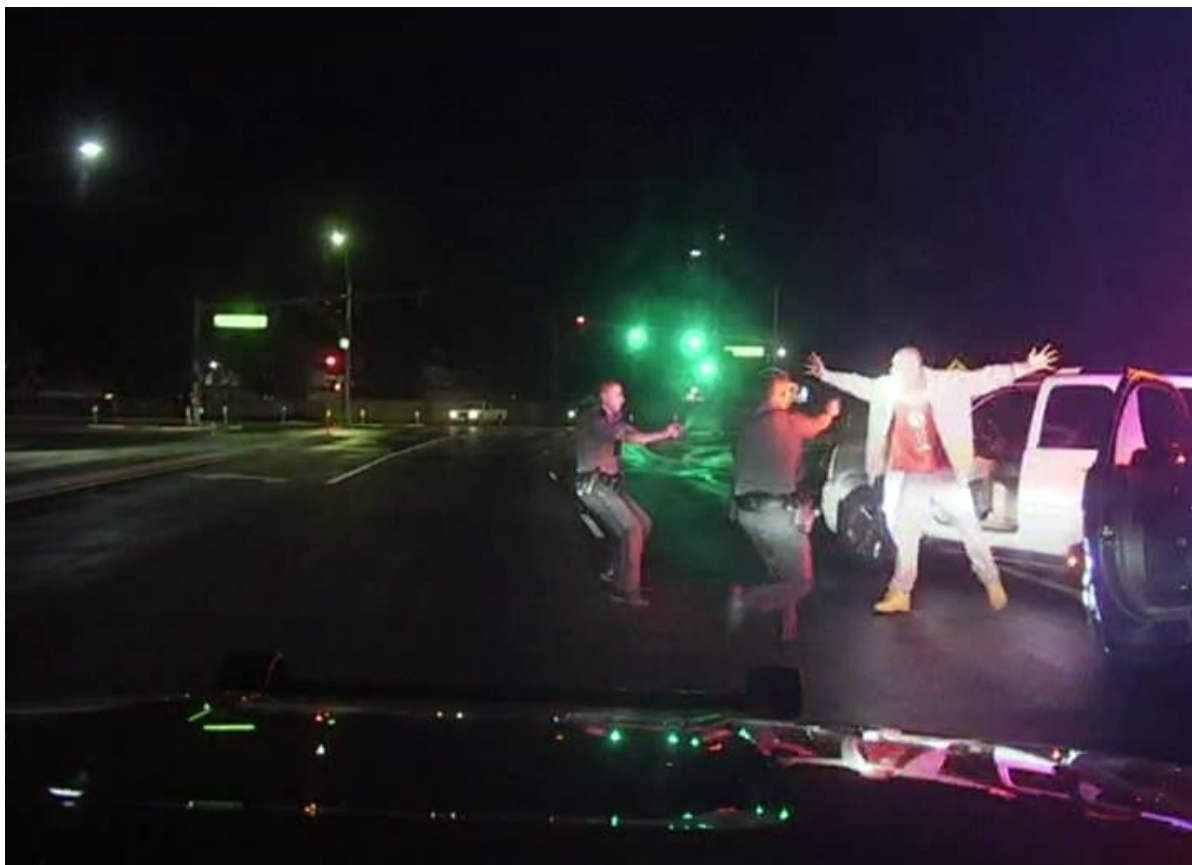
Screenshot taken from Trooper McIntosh's BWC:
At approximately 10:13:02 p.m., his camera captures Boykins withdrawing his "hands" back into the Yukon.



Screenshot taken from Trooper McIntosh's Dashcam:
Boykins refuses to follow commands, exits his vehicle, and approaches the Troopers in a threatening manner.



Screenshot taken from Trooper McIntosh's BWC:
The camera captures Boykins approaching Trooper Dosh and the firearm that he used,
which is located on the roadway.



Screenshot taken from Trooper McIntosh's Dashcam:
The camera captures Boykins exiting the Yukon and approaching the Troopers.



**Screenshot taken from Trooper McIntosh's Dashcam:
At approximately 10:13:15 p.m., the camera captures Boykins refusing commands and
approaching Trooper Dosh.**



**Screenshot taken from Trooper McIntosh's Dashcam:
At approximately 10:13:16 p.m., the camera captures Trooper McIntosh discharging
his taser at Boykins achieving neuromuscular incapacitation.**

D. Other Evidence

Because it was suspected that Boykins was driving under the influence, he was read the Informed Consent. This is a request asking for a voluntary sample, which Boykins refused, resulting in a seizure order being granted by Reno Justice Court. At approximately 11:32 p.m. on June 10, 2023, two vials of blood were drawn from Boykins pursuant to the seizure order, and Lilian Polsky of the WCCL provided evidentiary results from the blood draw. An analysis of the blood as provided in the toxicology report found Boykins to have a blood/alcohol content of 0.202 g/100mL with a standard deviation of 0.010g/100mL of Ethanol.

The OIS Team retrieved and booked into evidence the Taurus PT58S 380 Auto Pistol, serial number KNC59743 that Boykins used during this incident. Analysis of the Taurus PT58S 380 Auto Pistol revealed a bullet was lodged in the chamber. Washoe County Forensic Investigator Steve Shinmei (FIS Shinmei) believed that the bullet in the chamber failed to fire, most likely due to improper maintenance of the handgun.

E. Countdown and Review of Trooper McIntosh's Firearm

On June 10, 2023, Trooper McIntosh's primary weapon was a Sig Sauer P320 9mm firearm. The magazine used in the firearm had a capacity of seventeen (17) rounds. Trooper McIntosh carried two additional magazines for his primary firearm. He informed investigators that he typically loads his firearm with one round in the chamber and seventeen (17) rounds in the magazine.

On the same date, Washoe County Forensic Investigator Justin Demere (FIS Demere) collected the equipment worn and used by Trooper McIntosh during the incident. The collection included the Sig Sauer P320 9mm firearm (serial number 58H109247) and its contents. Examination revealed two magazines, each loaded with seventeen (17) Speer Luger 9mm cartridges. The firearm was also equipped with a TLR-7 Streamlight attachment. All evidentiary items were booked into evidence at the WCSO Forensic Science Division.

Firearm function and microscopic comparison testing were conducted by FIS Shinmei on the Sig Sauer P320 9mm firearm (serial number 58H109247). The examination determined the firearm was in normal operating condition with no noted malfunctions. FIS Shinmei concluded that six fired 9mm Luger cartridge casings had been discharged from this firearm.

F. Review of Darnelle Edward Boykins' Firearm

FIS Shinmei conducted firearm function and microscopic comparison testing on the Taurus PT58S .380 Auto pistol, which was in the possession of Boykins. FIS Shinmei concluded that the Taurus PT58S .380 Auto pistol, serial number KNC59743, exhibited occasional failures to discharge cartridges during test firing. Additionally, a buildup of gunshot residue on the breech face may have prevented cartridges from seating properly, resulting in off-center primer strikes and occasional misfires.

FIS Shinmei further concluded that three fired .380 Auto cartridge cases had been discharged from the Taurus PT58S .380 Auto pistol.

III. INJURIES

A. Darnelle Edward Boykins

On June 10, 2023, Boykins was transported directly from the scene to Renown Medical Center for medical evaluation and treatment. After being medically cleared, he was transferred to the WCSO later that same day. None of the rounds fired by Trooper McIntosh struck Boykins, and he did not sustain any gunshot wounds. However, the following injuries were observed on Boykins as a result of his resistance during arrest:

- Abrasion on the left cheek
- Abrasion on the right side of the forehead
- Abrasion on the left elbow
- Abrasion on the middle knuckle of the right middle finger
- Abrasion on the third knuckle of the right ring finger
- Abrasion on right shoulder

In addition, Boykins complained of pain in his leg, ankles, and wrists.

B. Trooper Marcus McIntosh

Trooper McIntosh did not suffer any physical injuries besides an incidental cut to his face.

IV. CRIMINAL PROSECUTION

On August 23, 2023, the Washoe County Grand Jury heard evidence in support of the Indictment charging Darnelle Edward Boykins with the following:

- Count I Attempted murder, with the Use of a Deadly Weapon, a category B felony
- Count II Discharge Firearm at or into Occupied Vehicle, a category B felony
- Count III Assault, with the Use of a Deadly Weapon, Victim is a First Responder, a category B felony
- Count IV, Own or Possess Firearm by Prohibited Person, a category B felony
- Count V Driver Evade, Elude or Fail to Stop on Signal of Peace Officer, Endangering other Person or Property, a category B felony
- Count VI Resist Public Officer, with use of a firearm, a category C felony

A True Bill was returned on all counts by the Grand Jury, and on September 12, 2023, Boykins was arraigned in District Court on the Indictment. He pleaded not guilty to all charges and waived his right to a speedy trial. A jury trial was initially scheduled for May 20, 2024. At the Motion to Confirm Trial hearing on May 16, 2024, the State informed the Court that it was prepared to proceed. Defense counsel requested a continuance to obtain an expert and conduct independent blood testing. The State opposed the continuance, asserting that the Defense had sufficient time to complete these tasks and reiterating its readiness for trial. The District Court granted the continuance and ordered the Defense to cover the associated witness fees.

The jury trial was rescheduled to commence on September 30, 2024. However, on September 13, 2024, pursuant to negotiations, Boykins pled guilty to the following charges, with parties free to argue all legal terms at sentencing:

- Count I - Attempted Murder with the Use of a Deadly Weapon, a category B felony
- Count II - Discharging a Firearm at or into an Occupied Vehicle, a category B felony
- Count III - Assault with the Use of a Deadly Weapon on a First Responder, a category B felony

Sentencing was scheduled for November 12, 2024. During the proceeding, the State called Trooper McIntosh, the victim in this case, to deliver a victim impact statement. The Court then imposed the following sentence upon Boykins:

- Count I - a minimum of 72 to a maximum of 240 months with an additional minimum of 72 to a maximum of 240 months for the deadly weapon enhancement.
- Count II - a minimum of 48 to a maximum of 120 months, to run consecutive to the sentence imposed in Count I.
- Count III - a minimum of 28 to a maximum of 72 months, plus an additional minimum of 28 to a maximum of 72 months for the first responder enhancement, to run consecutive to the sentences imposed in Counts I and II.
- The total aggregate sentence to be served was a minimum of 200 months to a maximum of 624 months in prison.

IV. LEGAL PRINCIPLES

Homicide is defined as the killing of one human being by another, and it may be either lawful or unlawful. Unlawful homicides include murder and manslaughter, while lawful homicides encompass justifiable or excusable killings. Although Boykins was neither killed nor struck by a bullet during this officer involved shooting, the principle of self-defense remains applicable even when no death occurs. As the Nevada Supreme Court stated in *Davis v. State*, 130 Nev. 136, 141, 321 P.3d 867, 871 (2014), “*death does not have to be the result for self-defense to be applicable.*” This is further supported by NRS 200.275, which provides: “*In addition to any other circumstances recognized as justification at common law, the infliction or threat of bodily injury is justifiable, and does not constitute mayhem, battery, or assault, if done under circumstances which would justify homicide.*” As such, the WCDA is tasked with assessing the conduct of Trooper McIntosh at the time of the shooting and determining whether any criminal liability exists on his part.

Nevada law contains several statutes that govern justifiable homicide, including NRS 200.120, 200.140, and 200.160. Additional provisions address excusable homicide (NRS 200.180) and the lawful use of deadly force to effect an arrest (NRS 171.1455). Moreover, Nevada case law provides further interpretation of justifiable self-defense and the defense of others. These legal principles are interconnected and warrant further detailed examination:

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

NRS 200.120 provides, in relevant part, that “*Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of a person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony . . .*” against the other person. NRS 200.160 further provides, in relevant part, that “[h]*omicide is also justifiable when committed . . . in the lawful defense of the slayer . . . or any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished.*”

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

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

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

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

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

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

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

If evidence of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable doubt that the defendant did not act in self-defense, you must find the defendant not guilty. *Id.* 1051-52.

B. Justifiable Homicide by Public Officer

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

C. Use of Deadly Force to Effect Arrest

NRS 171.1455(1) provides that a peace officer shall use de-escalation techniques and alternatives to the use of force whenever possible or appropriate. These techniques and alternatives should be consistent with the officer’s training and include advisements, warnings, verbal persuasion, and other tactics. If it is necessary for a peace officer to use force, the officer must identify himself or herself if it is possible to do so safely and use only the level of force that is objectively reasonable under the circumstances to bring an incident or person under control and safely accomplish a lawful purpose. To the extent feasible, the level of force used by the officer must be balanced against the force or resistance exhibited by the person and carefully controlled.

NRS 171.1455(2) provides that a peace officer may use deadly force to effect the arrest of a person following a warning, if feasible, but only if there is probable cause to believe that the person has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or, the person poses an imminent threat of serious bodily harm or death to the peace officer or others.

V. ANALYSIS

On June 10, 2023, the use of deadly force upon Boykins was justified based on the imminent danger of serious bodily harm or death he posed to Trooper McIntosh and Trooper Dosh. The threat Boykins presented was corroborated by witness interviews, video evidence, physical evidence from the scene, and forensic examination of both the firearm and vehicles involved.

The evidence shows that on June 10, 2023, law enforcement was notified of a vehicle driving recklessly through intersections at Virginia and Grove Street, nearly causing a collision. Witnesses Todd and Crystal observed the vehicle, a Yukon driven by Boykins, and followed it to a Maverik gas station, relaying information to law enforcement. Upon arrival, Trooper McIntosh parked his marked patrol vehicle behind the Yukon and made contact with Boykins, who was uncooperative and engaged in a phone call rather than speaking with the Trooper. During this phone call with an unknown person, Trooper McIntosh heard Boykins say *“you gotta get down here, I’m just fucked.”* He also observed signs of intoxication including Boykins’ slurred speech, red watery eyes, and the odor of alcohol. Without warning, Boykins suddenly reversed the Yukon at high speed, narrowly missing the Trooper and fleeing the scene. Considering Boykins to be in lawful detention with reasonable suspicion for reckless driving and driving under the influence, Trooper McIntosh returned to his patrol vehicle and attempted to pursue Boykins.

Shortly thereafter, Trooper Dosh observed a vehicle traveling the wrong way directly toward him on Virginia Street, which then jumped the median and fled again. The vehicle was later confirmed to be the same Yukon driven by Boykins. Troopers McIntosh and Dosh continued to search the area, and eventually located the Yukon, which was now missing a rear tire. Despite law enforcement lights and sirens, Boykins refused to stop.

As the pursuit approached Neil Road, Boykins slammed on his brakes, causing the Yukon to rotate. As the vehicle came to a stop, Boykins leaned out of the driver's window holding a handgun, and deliberately fired it directly at Trooper McIntosh, who was still seated in his patrol vehicle. Trooper McIntosh's dash camera picks up the very moment this occurs and captures Boykins firing three rounds before Trooper McIntosh could react.

In that moment, Trooper McIntosh faced imminent danger of great bodily harm or death. It was absolutely necessary for him to use deadly force to protect himself and others. Trooper McIntosh returned fire through his own windshield. BWC and dashcam footage confirms that Trooper McIntosh only fired his weapon in response to being shot at.

After the initial exchange, Boykins attempted to fire again, but his firearm malfunctioned due to excessive residue buildup and poor maintenance. Forensic analysis by WCCL confirmed a misfired cartridge and repeated jamming issues. Boykins appeared to attempt to clear the jam but ultimately threw the weapon from the vehicle. When Boykins exited the vehicle and approached the Troopers, Trooper McIntosh transitioned to less-lethal force and deployed his taser, successfully incapacitating Boykins. Despite this, Boykins continued to make verbal threats against the Troopers while they attempted to handcuff and detain him, indicating his intent to kill Trooper McIntosh. Trooper McIntosh later stated that he was in fear for his life and believed Boykins was attempting to kill him, and that he only returned fire after Boykins had fired at him.

An examination of the scene revealed that several bullets fired by Boykins penetrated Trooper McIntosh's vehicle, including the windshield, hood, and headlights. The trajectory suggests that, had the bullets struck only inches higher, Trooper McIntosh could have been fatally wounded. Some of the bullet holes in Trooper McIntosh's vehicle were determined to be from his own firearm, as he returned fire through the windshield, which was confirmed by analyzing the direction of the tears in the metal. Additional bullet damage to Boykins' vehicle was consistent with rounds fired by Trooper McIntosh in return. Surprisingly, neither Boykins nor Trooper McIntosh was struck by any bullets or shrapnel.

Boykins pleaded guilty to multiple felony charges, including Attempted Murder with the Use of a Deadly Weapon, Discharge Firearm at or into Occupied Vehicle, and Assault, with the Use of a Deadly Weapon, Victim is a First Responder. In doing so, he admitted to using physical force against Trooper McIntosh and specifically intended either to kill him or to place him in reasonable apprehension of harm by discharging his firearm at him. Boykins' actions posed an imminent threat of serious bodily harm or death to Trooper McIntosh.

To prove Assault with the Use of a Deadly Weapon, the State must show that Boykins intentionally placed Trooper McIntosh in reasonable apprehension of immediate bodily harm or death by discharging a firearm directly at or near him. Physical evidence and recorded footage support the conclusion that Boykins was attempting to kill Trooper McIntosh and to commit an assault with the use of a deadly weapon upon him. Trooper McIntosh's BWC and dashcam captured the sequence of events, showing Boykins deliberately pointing his firearm at Trooper McIntosh and firing at both him and his patrol vehicle. In response to the imminent threat, Trooper McIntosh returned fire through his own windshield. The only factor that prevented Boykins from continuing his deadly actions was the mechanical failure of his firearm.

Under Nevada law, peace officers are justified in using deadly force to protect themselves or others from imminent threats of serious bodily harm or death. In this case, Boykins's actions, including initiating unprovoked gunfire at close range, constituted such a threat. Trooper McIntosh was legally and factually justified in using deadly force in response. Therefore, the use of deadly force by Trooper McIntosh was lawful and necessary in self-defense and in defense of others.

VI. CONCLUSION

Based on a comprehensive review of the investigation and the application of Nevada law to the known facts and circumstances surrounding the June 10, 2023, Officer Involved Shooting of Darnelle Edward Boykins, the actions of Trooper Marcus McIntosh were determined to be legally justified under Nevada law. Unless new information arises that contradicts the factual foundation of this decision, the District Attorney's review of this case is considered officially closed.