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OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO

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March 25, 2025

Chief Scott Wahl San Diego Police Department 1401 Broadway San Diego, CA 92101

Sheriff Kelly Martinez San Diego Sheriff's Office 9621 Ridgehaven Court San Diego, CA 92123

Re: The Non-Fatal Shooting of Mr. Steffon Nutall by San Diego Police Officer Robert Gladysz on May 19, 2024; San Diego Police Department Case No. 24019892; San Diego Sheriff's Office Case No. 24120126; DA Special Operations Case 24-049PS; Deputy District Attorney assigned: D. Cal Logan

Dear Chief Wahl and Sheriff Martinez:

We have reviewed the reports and other materials compiled by the San Diego Sheriff's Office Homicide Division and San Diego Police Department Patrol Division concerning the circumstances leading to the shooting of Steffon Nutall. A District Attorney Investigator responded to the scene and was briefed on the incident. The investigative case was submitted to the San Diego District Attorney's Office for review on October 23, 2024.

Summary

On Sunday, May 19, 2024, at 10:20 p.m., San Diego Police Department officers were dispatched to a domestic violence incident. Steffon Nutall had entered his ex-girlfriend's (CW1) residence through unknown means. CW1 was in her bedroom with their one-year-old child and Nutall attempted to open the locked bedroom door. Nutall threatened to shoot through the door if she did not open it. CW1 called 911 and then opened the bedroom door. Nutall, pointing a handgun at CW1, entered and threatened to shoot her in the leg. While CW1 remained on the phone with a police dispatcher, Nutall threatened to shoot first responders and kill himself if the police arrived. Nutall then took their one-year-old child from the crib and left the apartment while still holding the handgun.

Officers arrived on scene as Nutall fled on foot with the child in his arms. Nutall ran through a nearby trolley station and into an adjacent apartment complex. Officers followed from a distance and lost sight of Nutall within the complex. Nutall, still holding the child, moved down a steep embankment and hid in bushes on the slope. Officer Robert Gladysz was searching the apartment complex when he heard a rustling sound in the dark. He shone his flashlight toward the noise and

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saw Nutall lying on his back in the bushes. Gladysz drew his firearm and repeatedly ordered Nutall to show his hands. Nutall stood up from the bushes, raising his right arm while holding a dark colored object, and turned toward Gladysz. Gladysz believed Nutall was holding a firearm and preparing to ambush him. Gladysz fired his handgun.

Gladysz fired ten rounds, striking Nutall multiple times. Nutall then ran down the embankment, placed the child on a retaining wall at the bottom of the hill, and took cover behind a wall near an adjacent apartment building. Responding officers quickly recovered the child and took Nutall into custody. They immediately provided Nutall first aid, and he was transported to Scripps Mercy Hospital for treatment. Upon release from the hospital, Nutall was taken to San Diego Central Jail.

The child was physically unharmed during the incident and was reunited with CW1.

A loaded "ghost gun" was recovered in the trolley station parking lot, and video footage showed that Nutall had dropped or discarded the firearm while fleeing from the police. Nutall told police he did not have a firearm on him at all that day. Laboratory tests later revealed that Nutall's blood alcohol level was 0.130, and his drug screen was positive for fentanyl, THC, opiates, and methamphetamine.

As a result of this incident, Nutall was charged with various felony offenses in San Diego Superior Court case number CD303533. Nutall initially entered a plea of not guilty to all charges and denied all allegations. On March 24, 2025, he changed his plea and entered a guilty plea to one count of Assault with a Semi-Automatic Firearm, in violation of Penal Code section 245(b), and admitted an allegation that in the commission of that crime, he personally used a firearm in violation of Penal Code section 12022.5(a). In addition, Nutall entered a plea of guilty to one count of Felony Child Abuse, in violation of Penal Code section 273a(a), and one count of Possession of a Firearm by a Felon, in violation of Penal Code section 29800(a)(1). He is scheduled to be sentenced on April 22, 2025.

Persons Involved

At the time of the incident, Nutall was a 29-year-old resident of San Diego County. Gladysz had been employed as an officer with the San Diego Police Department for one and a half years.

Statement of Civilian Witness One (CW1):

CW1 and Nutall previously were in a relationship and have a one-year-old child together. CW1 and Nutall do not live together. Recently, they argued over the custody of their child. CW1 states there has been a prior history of domestic violence in the relationship, including incidents of physical abuse and threats involving a firearm.

CW1 was inside her bedroom when Nutall called her asking her to open the front door to the residence. He hadn't previously called or texted to say he was coming over. CW1 saw Nutall was at her locked bedroom door and was attempting to open it. CW1 called the police. Nutall then threatened to shoot through the door if she didn't open it. Fearing for her safety, CW1 opened the door, raised her hands, and asked him not to shoot.

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Nutall entered the room, waving a handgun that CW1 had seen him with before. CW1 noted that Nutall was a convicted felon and prohibited from possessing firearms. Once he was inside of the bedroom, Nutall pointed the firearm at CW1's leg, making her fear he would shoot. CW1 believed the gun was real and she continued backing up. While she was still on the phone with a San Diego Police dispatcher, Nutall grabbed the phone from her and spoke to the dispatcher, asking who the dispatcher was. Nutall then said that if the police came, there would be a shootout, he would harm CW1, and he would kill himself. He then threw the phone aside.

Nutall told CW1 he was taking their child. CW1 tried to grab the firearm from his hand, but Nutall waved it around, warning her that he would shoot her in the leg if she moved. CW1 backed up and Nutall took the child.

As Nutall was about to leave, CW1's family member intervened, telling Nutall he wasn't going anywhere. Nutall raised the gun at the family member. CW1 urged the family member to let Nutall take the child, fearing Nutall's threats were serious. Nutall left the residence holding the child in one arm and the gun in the other.

Statement of Steffon Nutall:

Nutall provided a post-Miranda statement to detectives. He stated he was previously in a relationship with CW1, with whom he shares a child. He explained he is currently pursuing joint custody of the child through the court system. Nutall stated he went to CW1's residence, thinking everything was "cool," only for her to call the cops on him. Nutall asserted he did not break into CW1's home, explaining that CW1 had opened the sliding door to let him in.

Nutall recounted that there was no argument between him and CW1, but CW1's family member began yelling when Nutall took the child. Nutall claimed that CW1 had told him to take the child. After he did so, he said CW1 laughed and said she had called the police.

As Nutall was leaving with the child, he noticed police cars nearby. He believed CW1 had told the police he was armed. Fearing the police might shoot him, he ran with his daughter to keep her safe. Nutall emphasized he ran only to protect the child. Nutall claimed the police did not ask him any questions. He stated he was never involved in a foot chase with the police and was never told to stop running by the police:

Nutall said he placed the child on a ledge to ensure her safety, and then the police started shooting at him without asking if he had a weapon. Nutall clarified he wasn't holding his daughter while being shot, though he wasn't sure exactly where he was except that he was rolling down the hill. Nutall stated that although the officer ordered him to raise his hands, he was unable to do so because he had been shot in both arms. He claimed the body-cam footage would show he couldn't comply and that he was shot "for no reason." He said the police continued shooting and he sustained multiple gunshot wounds.

Nutall insisted he never had a firearm and didn't threaten to shoot CW1 or to harm her in any manner at any time. Nutall said he does not own firearms due to his status as a convicted felon.

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Statement of Law Enforcement Officer One (LE1)

LE1 was on duty as a uniformed San Diego Police officer and partnered with Gladysz. LE1 and Gladysz heard other patrol units being dispatched to a domestic violence radio call that was occurring near their location. Per dispatchers, one of the involved subjects had a gun and was threatening to shoot someone. LE1 and Gladysz responded to assist the other units. LE1 read the call notes on the mobile dispatch terminal and learned the suspect named on the call had been contacted previously by SDPD officers. During that prior incident, Nutall was placed into a WRAP restraint device. This type of device is used by police officers to safely transport combative persons. LE1 and Gladysz drove into the apartment complex behind another SDPDmarked patrol vehicle. LE1 saw Nutall walking through the complex. Nutall was wearing red clothing as had been described by police dispatchers and he was carrying a small child. Gladysz pointed out the same observations to LE1. LE1 did not see anyone else in the area. Nutall, who was still carrying the child, suddenly took off running when officers neared Nutall and the child. Nutall continued running with the child to the 47th Street Trolley Station. The pursuing officers stated over the radio that Nutall had gone into the next apartment complex. LE1 and Gladysz drove their marked patrol vehicle to that complex. LE1 and Gladysz searched the complex on foot, utilizing their flashlights to illuminate the dark property. They reached the backside of the complex, delineated by a steep embankment covered in shrubbery. LE1 used his flashlight to illuminate the area but did not see anyone. Gladysz was on LE1's left a short distance away. Gladysz started yelling commands at someone that LE1 could not see. Gladysz fired his duty weapon multiple times. LE1 drew his firearm and scanned for additional threats. Additional officers arrived on the scene to assist, LE1 observed Nutall at the bottom of the embankment behind a retaining wall and saw the child moving at the top of the retaining wall. Officers approached the area, recovered the child, and took Nutall into custody.

Statement of Law Enforcement Officer Two (LE2)

LE2 was on duty with his partner LE3 and responded to a domestic violence call. Per police dispatch, the male involved was threatening to "shoot through the door" and "if police come to the location, he will kill everyone." As LE2 arrived in the parking lot, he saw Nutall carrying a child and walking towards the 47th Street Trolley Station. Once Nutall observed LE2's patrol vehicle, he began running. LE2 exited the patrol car and chased after him. Nutall ran into another apartment complex adjacent to the trolley station. LE2 lost sight of Nutall and began using his flashlight to show the police helicopter where Nutall was last seen. LE2 heard gun shots in the complex and ran to Gladysz's location. Gladysz pointed toward Nutall, who was hunkered down behind a brick retaining wall at the bottom of the embankment. LE2 drew his handgun and gave Nutall commands to show his hands. Nutall stated he was unable to because he had been shot. LE2 and other officers formed a contact team to rescue the child and place Nutall under arrest. The contact team placed Nutall in handcuffs and began performing first aid.

Statement of Law Enforcement Officer Three (LE3)

LE3 was on duty with his partner LE2 and responded to a domestic violence radio call. Upon arrival, he observed Nutall walking at a fast pace away from the vicinity of the apartment complex. As LE2 and LE3 approached him in their patrol vehicle, Nutall began sprinting toward a wrought iron fence that led to the 47th Street Trolley Station. LE3 exited the patrol vehicle, announced himself as a police officer, and yelled at Nutall to stop. Nutall continued running

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away. LE3 observed Nutall was carrying a small child over his left shoulder. Fearing Nutall had kidnapped the child and was armed with a firearm, officers began to pursue Nutall on foot.

LE3 returned to the patrol vehicle and drove to the 47th Street Trolley Station. LE2 aired over the police radio that he last saw Nutall running between the apartments adjacent to the trolley station. LE3 parked the vehicle, exited, and walked into the apartment complex. As he was walking between several apartment buildings, he heard gunshots nearby. LE3 ran to where he believed the gunshots were coming from. As LE3 approached the top of the embankment, he saw Gladysz and other officers. LE3 was notified that Nutall was hiding somewhere near the bushes in front of them. Moments later, LE3 saw Nutall hold his arm up from the bottom of the hill and saw the child sitting on the ledge crying. LE3 drew and pointed his firearm at Nutall. The officers, including LE3, approached Nutall and placed him in handcuffs.

Statement of Officer Robert Gladysz

Gladysz and his partner LE1 were on duty and enroute to a call for service when they heard another call over the radio for a domestic violence incident involving a firearm. Although another unit was assigned to the call, Gladysz and his partner responded to cover the first unit because of the details of the call. From the information relayed over the radio, Gladysz learned a male, later identified as Nutall, was armed with a firearm and was banging on his child's mother's bedroom door. He had threatened to shoot through the door if she did not let him get the child. Additionally, Nutall stated he would shoot first responders if the child's mother called the police.

LE1 and Gladysz followed another responding police vehicle into the area of the apartment complex. The suspect was walking near the front of the first vehicle holding a child. The police vehicle in front of Gladysz's vehicle made a hard left turn and stopped. The lead officers began to pursue Nutall on foot.

Initially, Gladysz and LE1 started to pursue the suspect on foot as well. However, Gladysz quickly lost sight of his partners and decided it would be best to go to the parking lot on the other side of a fence where he believed the pursuit was travelling. That parking lot is for the 47th Street Trolley Station and is adjacent to another apartment complex. As Gladysz was driving to that parking lot, he observed a sign for the other apartment complex with the number 280. After seeing this, he heard the officers broadcast over the radio that Nutall was near building 280. Gladysz parked and got out to search for Nutall. Gladysz planned to use the tactics of a high-risk pedestrian stop if he found Nutall during his search.

Gladysz made his way into an open area of the complex using only his flashlight to search for Nutall. He saw LE2, who had been pursuing Nutall on foot. LE2 told Gladysz he had lost sight of Nutall. Gladysz moved towards a brush area and used his flashlight to illuminate the area. As he proceeded to an area of the apartment complex where there were trees and bushes on an embankment, Gladysz heard a rustling sound and pointed his flashlight toward the sounds. He saw Nutall lying on his back five to seven yards away in the bushes and grass. As Nutall turned to look at him, Gladysz drew his firearm and gave multiple commands for Nutall to show his hands. Gladysz did not hear or see a child at that time. Gladysz observed Nutall begin to stand up as soon as he realized he had been found. As Nutall was standing up, Gladysz believed he saw a

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black handgun in Nutall's right hand and Nutall pointed it at him. Gladysz believed Nutall had been waiting to ambush officers and was going to shoot him. Gladysz fired his handgun. He estimated he discharged his handgun between seven to ten times. Nutall moved down the embankment. As Nutall was moving away, Gladysz was worried Nutall would turn and shoot him. Gladysz did not know if Nutall had shot at him or not. After Nutall went down the embankment, Gladysz heard a baby crying. Although he never saw the child, Gladysz believed Nutall must have pulled the child down the embankment with him. Other officers had responded to the area and began making a plan to approach Nutall and take him into custody. Gladysz was directed to wait at his location, but he later walked down the embankment to check on the wellbeing of the child.

Gladysz believed if he had not discharged his firearm, he and other officers would have been shot by Nutall. He believed he would have been in a gunfight and was afraid. Gladysz did not consider using any less-lethal options because he believed Nutall was armed with a firearm and posed a lethal threat.

Investigation

The scenes relevant to this investigation were secured, photographed, and investigated by the San Diego Sheriff's Homicide Unit. All police and deputy reports, crime scene investigators' reports, audio-recorded interviews, video, including body worn camera and surveillance footage, and 911 and dispatch recordings were reviewed. These various materials were found to provide evidence that substantially corroborates the observations of, and statements given by the witness and officers.

At the time of the incident, Gladysz was armed with a Smith & Wesson M&P 2.0 9mm handgun. The handgun had an optic attachment at the rear of the slide to assist with target acquisition via a holographic red dot. The handgun also had a light attached to the lower receiver to provide illumination. A 22-round magazine was removed from the firearm. It contained six 9mm rounds. One additional round was chambered in the firearm. Gladysz carried two additional 22-round magazines on his duty belt. One magazine contained 19 9mm rounds and the second magazine contained 14 9mm rounds. Gladysz recognized his magazines were not fully loaded. He explained he had been to the firing range recently and had not reloaded afterwards.

The San Diego Sheriff's Crime Lab located nine fired cartridge casings at the top of the embankment near where Gladysz had been during the shooting incident.

The San Diego Sheriff's Office collected Gladysz's firearm and magazines for analysis. During the evaluation, the firearm was determined to be operable, and the magazines correct for the handgun.

San Diego Metropolitan Transit System (MTS) camera evidence showed Nutall running across the parking lot. A black object, later determined to be a firearm, is seen seemingly falling from Nutall's person and hitting the ground. The firearm, a Polymer80 PF940C 9mm semiautomatic handgun with an inserted Glock 10-round magazine, was located and recovered at the 47th Street

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Trolley Station parking lot. The gun was loaded with one live round in the chamber and five rounds in the inserted magazine. The "ghost gun" did not have a serial number. This firearm was collected as evidence and later examined by the San Diego Sheriff's Regional Crime Laboratory for operability. It was test-fired using the included magazine and laboratory reference ammunition. The recovered handgun was determined to be capable of firing but shown to not cycle reliably after the first shot. The magazine inserted in the firearm at the time it was recovered was determined to be the correct type for the handgun.

Near the retaining wall where Nutall was taken into custody, his blue iPhone was recovered. No firearm was found in the immediate vicinity. A review of Gladysz's body worn camera footage shows Nutall was holding a dark-colored item in his right hand as he stands up. The blue iPhone may be the object Gladysz observed in Nutall's right hand.

911 Call

The audio-recorded 911 call was placed on May 19th, 2024, at 10:18 p.m. CW1 called 911 and told the dispatcher her ex-boyfriend (Nutall) was at her door and threatening to shoot through the door. She said Nutall is known to carry a gun and had previously shot inside the home. CW1 identified Steffon Nutall by name. She let him into her room. CW1 and Nutall are heard arguing on the recording. Nutall asked CW1 who was on the phone. Nutall got on the phone with the dispatcher and asked who she was. The dispatcher gave Nutall a first name and said she was a friend of CW1. Nutall then stated he would shoot CW1, and if the police came to the door, he would "kill everything in here." Nutall continued to say he would kill others. CW1 told the dispatcher that Nutall had taken the child and was armed with a gun. CW1 advised that Nutall was wearing a big blue puffy jacket and had a dark blue bag.

San Diego Metropolitan Transit System (MTS) Camera Evidence

Video surveillance footage from the MTS 47th Street Trolley Station captured events relevant to the investigation. The footage shows Nutall running across the trolley platform on Sunday, May 19th, 2024, at about 10:24 p.m. Nutall is wearing a blue jacket, red shorts, and black shoes, and is carrying a child in his left arm. Nutall runs down a stairway into the parking lot of the MTS station. As Nutall is running across the parking lot, an object (later confirmed to be a firearm) falls from Nutall's person onto the ground. Nutall continues running into the Creekside Villas apartment complex. After Nutall exits the camera view, LE2 is seen running through the trolley station. LE2 is approximately 36 seconds behind Nutall and follows the same general path of travel through the trolley station and into the adjacent apartment complex.

Body Worn Camera Evidence

Gladysz's BWC video begins as he is driving a patrol vehicle to the apartment complex located on 47th Street. When Gladysz arrives in the parking lot, he comments to another officer that he observed a male with a child and identifies him as the suspect reported in the call. Gladysz parks and quickly exits the patrol vehicle. Officers are seen in pursuit of Nutall. Gladysz runs toward the fence of the nearby trolley station, then stops, and he and his partner return to their patrol vehicle. Dispatch broadcasts the suspect is wearing a black jacket and red shorts. Gladysz drives to the adjacent trolley station parking lot. While enroute, police officers and police dispatch again relay the description of Nutall and advise he has fled toward apartment complex 280.

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Gladysz drives through the parking lot and parks next to a building (later confirmed to be marked with a sign stating 280). Gladysz enters the apartment complex through the pedestrian gate and encounters other officers and asks them where Nutall went. The courtyard is lit and Gladysz moves to an unlit area behind an apartment where an officer has just come from. Gladysz uses his flashlight to illuminate the embankment next to the apartment. As Gladysz moves along the top of the embankment, he shines his flashlight toward an area of bushes. Gladysz draws his firearm with his left hand and points it at the bushes. While continuing to shine his light on the bushes, he yells, "Show me your fucking hands. Show me your fucking hands or you'll get shot." Initially, Nutall is not visible on the footage. After Gladysz's gives a second command to show his hands, Nutall quickly sits up out of the bushes holding a dark object in his right hand. Nutall's right arm is extended straight in front of his body. As Nutall rises to a standing position, he brings his right arm back towards his body. Nutall's back left side is facing Gladysz. The child is under Nutall's left arm. Gladysz fires ten times over an approximate four-second period. Nutall moves to the bottom of the embankment and Gladysz tells another officer, "He pointed the gun at me." Gladysz advises nearby officers where he last saw Nutall. Gladysz is instructed to hold at his location and he responds, "I didn't see the kid; I saw the gun." From the top of the embankment, officers give commands for Nutall to put both of his arms up. Nutall advises he cannot because he was shot in the arms. The officers ask Nutall where the child is and Nutall tells them the child is with him. Officers move to Nutall's location at the bottom of the embankment. An officer has recovered the child and Gladysz walks down to that officer and is told the child is "okay." Other officers contact Nutall behind a retaining wall next to the apartment building at the bottom of the embankment. Nutall is handcuffed and moved to an open area and is immediately provided medical aid. An on-scene supervisor obtains a safety statement from Gladysz. Gladysz advises he didn't see the child, that he told Nutall to show both hands, and says he then observed the gun. Gladysz is escorted from the scene and the video ends.

Injuries

Nutall suffered seven gunshot wounds from the shooting, including two on the right shoulder, two on the left upper arm, one on the left back and two on the right thigh. Additionally, Nutall sustained a bone fracture in the upper part of his right shoulder. No other party sustained injuries.

Toxicology '

The hospital reported Nutall's blood alcohol level was 0.130% and his drug screen was positive for fentanyl, THC, opiates, and methamphetamine.

Legal Standard of Criminal Liability

The analysis of use of force and deadly force by peace officers in California is set forth in Penal Code section 835a. Penal Code section 835a(b) provides, "any peace officer who has reasonable cause to believe that a person they intend to arrest has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance."

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force. The law provides, "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force

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is necessary... [t]o defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

The statute provides definitions for "deadly force," "imminent," and the "totality of circumstances" in Penal Code section 835a(e)(1) - (3).

- "Deadly force' means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).
- "A threat of death or serious bodily injury is 'imminent' when based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person." Penal Code section 835a(e)(2).
- "An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed." Penal Code section 835a(e)(2).
- "Totality of the circumstances' means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force." Penal Code section 835a(e)(3).
- "In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).
- "[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force." Penal Code section 835a(a)(4).
- "A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section 'retreat' does not mean tactical repositioning or other de-escalation tactics." Penal Code section 835a(d).

Conclusion

Officers responded to a 911 call of an active domestic violence situation in which Nutall was identified as the suspect. While the officers were enroute to the scene, dispatchers relayed that Nutall, was armed with a firearm, had taken a child by force and fear, and had threatened to kill

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the residents, the police, and first responders. Additionally, details were provided of Nutall's prior active resistance toward police.

As Gladysz and his partner arrived in the area, they observed Nutall fleeing on foot from officers into the nearby trolley station while carrying a child. Nutall was able to evade detention at that time. Unbeknownst to the officers, Nutall dropped or discarded a loaded handgun during the foot pursuit. Nutall's ghost gun was later recovered in the trolley parking lot.

Gladysz searched for Nutall outside a nearby apartment complex. Gladysz moved toward a steep embankment covered with dense shrubbery and trees behind one of the buildings. Due to the darkness, Gladysz used his flashlight to search the area.

Gladysz knew Nutall had fled from police while carrying a small child. Police dispatch had warned that Nutall was violent, armed with a firearm, and had threatened to shoot others if confronted by the police. Based on this information, Gladysz planned to use the tactics of a high-risk pedestrian stop if he encountered Nutall during his search.

While searching the embankment, Gladysz heard a rustling sound and aimed his flashlight toward the noise. He spotted Nutall lying on his back, attempting to hide in the bushes on the slope. Gladysz drew his firearm and ordered Nutall multiple times to show his hands. He saw Nutall sit up while holding a black object in his right hand. Based on the totality of the circumstances, Gladysz reasonably believed the item Nutall held to be a handgun. Nutall extended his right arm in front of him and began to rise while ignoring Gladysz's lawful commands. Gladysz evaluated the movements he perceived and concluded Nutall was preparing to shoot at him. Under the belief that his life and the lives of the officers around him were in imminent danger, Gladysz fired his handgun ten times, striking Nutall multiple times.

A reasonable officer in the same situation would conclude, based on the totality of the circumstances known to and perceived by Gladysz, that Nutall appeared to have the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury. A reasonable officer would likewise conclude that it was necessary to instantly confront and address the perceived imminent harm posed by Nutall. As a result, Gladysz bears no state criminal liability for his actions. A copy of this letter, along with the materials submitted for our review will be retained in our files.

Sincerely,

SUMMER STEPHA

District Attorney