

Ralph Chamness  
Chief Deputy  
Civil Division



Jeffrey William Hall  
Chief Deputy  
Justice Division

**DISTRICT ATTORNEY**  
SALT LAKE COUNTY  
SIM GILL

***HAND DELIVERY***

May 18, 2011

Chief Thayne "Buzz" Nielsen  
West Valley City Police Department  
West Valley City Hall  
3600 South Constitution Blvd.  
West Valley City, UT 84119

**Re: Officer Involved Critical Incident – April 29, 2011**

Dear Chief Nielson:

The Salt Lake County District Attorney's Office, working in conjunction with the West Valley City Police Department, has completed its investigation into West Valley City Police Officer Jeff McNees' use of deadly force against Cesar Hernandez Martinez during an incident that occurred on April 29, 2011 at 3475 West Parkway Boulevard, West Valley City, Utah. The purpose of the review was to determine whether the force employed was lawful under Utah law.

On April 29, 2011, Ruben Jeronimo called 911 and reported he had just been robbed at gun point. Mr. Jeronimo provided dispatch with a description of the robber's car. Mr. Jeronimo also reported that he had been pistol whipped by the robber and that the robber took Mr. Jeronimo's wallet.

Officer Jeff McNees responded to the area to look for the robbery suspect. Approximately thirty minutes after the robbery, at an apartment complex located at 3475 West Parkway Boulevard, Officer McNees located a car matching the description given by Mr. Jeronimo parked in a stall at the apartment complex. Cesar Hernandez Martinez was the car's sole occupant.

Officer McNees, dressed in full uniform, parked his patrol car near the suspected vehicle. Officer McNees got out of his car and approached Mr. Martinez. Mr. Martinez was sitting in the driver's seat of the car with the driver's side door open. Mr. Martinez' feet were out of the car on the ground. As Officer McNees got closer to Mr. Martinez, Mr. Martinez began digging through some items in the passenger area of his car. Officer McNees ordered Mr. Martinez to show his hands. The commands were given in both English and Spanish. Mr. Martinez responded by drawing a handgun and firing four shots at Officer McNees. One of the shots hit

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Officer McNees' knee, shattering his kneecap. Officer McNees drew his own sidearm and fired multiple rounds at Mr. Martinez. None of the shots fired by Officer McNees hit Mr. Martinez.

As Officer McNees returned fire, Mr. Martinez put his car in reverse, backed into Officer McNees' patrol vehicle, and fled the apartment complex.

Other West Valley City Police Officers apprehended Mr. Martinez a few minutes later. Officers searched Mr. Martinez' car and found a handgun and Mr. Jeronimo's identification card.

This office has concluded the force employed by Officer McNees was legally justified under Title 76, Chapter 2, Part 4 (1953 as amended). Specifically, under both 76-2-404 (1)(b), 76-2-404 (1)(c).

If you have any questions or concerns regarding the determination made in this case, or otherwise wish to discuss the matter, please feel free to contact our office to set up a personal meeting.

Sincerely,



Sim Gill  
Salt Lake County District Attorney

