

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**DECLARATION OF ARREST REPORT**

TCR1263581

County Jail     City Jail     Adult     Juvenile    Bureau: HSCB

ID# 8541739		EVENT # LLV230600133216		ARRESTEE'S NAME (LAST) KUSAK			(FIRST) EMMA		(MIDDLE)		SSN# UNK
RACE W	SEX F	DOB PII 2005	HGT 5'03"	WGT 150	HAIR BRO	EYES BRO	POB UNKNOWN, USA				
ARRESTEE'S ADDRESS STREET 2521 VIA DI AUTOSTRADA				BLDG/APT #	CITY HENDERSON		STATE NV	ZIP CODE 89074			
OCCURRED DATE: 6/29/2023    TIME: 10:18		ARREST DATE: 6/29/2023    TIME: 16:00		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 400 MARTIN LUTHER KING LAS VEGAS NEVADA 89106							
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 3900 LAS VEGAS S 12214 LAS VEGAS NEVADA 89119											
CHARGES / OFFENSES PC - JD - 50001 - F - OPEN MURDER-E/DW PC - JD - 50138 - F - ROBBERY, E/DW PC - JD - 62125 - F - GRAND LARCENY OF MOTOR VEH, 1ST OFF											
CONNECTING REPORTS (TYPE OR EVENT NUMBER) RFP, WIT											

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 14 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 3900 LAS VEGAS S 12214 LAS VEGAS NEVADA 89119 and that the offense(s) occurred at approximately 10:18 hours on the 29th day of June, 2023.

**Details for Probable Cause:**

**Initial Details**

On June 29, 2023, at approximately 0809 hours JUV received a call from Emma Kusak, who alleged she had shot and killed someone inside the Luxor Hotel & Casino. Emma disclosed to JUV that the shooting occurred on the 12<sup>th</sup> floor of the Luxor, and she had fled the scene.

JUV contacted the Las Vegas Metropolitan Police Department (LVMPD) and advised them of the possible incident. With the coordination of the Luxor Hotel & Casino security and Convention Center Patrol Detectives, a possible crime scene was located in room 12214. Security Officers conducted a welfare check on the room and located the deceased body of an adult male with an apparent gunshot wound to the head. The victim was later identified as Charlie Satrustegui. LVMPD Patrol Officers responded to the scene and secured the crime scene.

**Homicide Section Notification and Response**

The Homicide Section was notified, and Lieutenant Johansson responded, along with Sergeant Perry and Detectives Vensand, Jenkins, Solano, Beal, Muenzenmeyer, and Nahum. Once all the Homicide Detectives and Crime Scene Analysts (CSA) had arrived, they were given a briefing by Officer Z. Turner. Following the briefing, it was determined Detective Jenkins and the CSA would document the crime scene. Detectives Beal, Muenzenmeyer, and Nahum would be responsible for conducting interviews as well as canvassing for video surveillance.

**Emma Turns Herself Over to the Police**

On June 29, 2023, at approximately 1230 hours, Emma called JUV and advised that she was on the way to turn herself in at JUV. At approximately 1300 hours, Emma arrived and

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: CHADWICK VENSAND    P#: 14072

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was taken into custody by [REDACTED] JUV [REDACTED] While being taken into custody, Emma made the excited utterance, "I didn't mean to do it." JUV [REDACTED] transported Emma to LVMPD Headquarters for questioning.

Prior to processing the crime scene, Sergeant Perry obtained a telephonic search warrant for the Luxor Hotel & Casino and Emma Kusak.

Interview with Emma Kusak

On June 29, 2023, at approximately 1352 hours, Detective Vensand and Detective Solano conducted a recorded interview with Emma. Emma was read her Miranda Rights from Detective Vensand's LVMPD issued Miranda Card, and Emma stated she understood her rights. Emma did not wish to have a parent present and did not wish to have a lawyer present. Emma related the following:

Emma did not know the victim's name but thought his name was possibly "Anthony." Emma met Charlie on the dating application Bumble approximately two months ago. Emma and Charlie exchanged phone numbers and became casual friends. Emma stated she looked for new friends on the dating application and was not interested in anything romantic with Charlie. Over the last two months, Emma and Charlie periodically sent each other text messages and have shared approximately 30 text messages over the last two months.

On June 28, 2023, Charlie texted Emma asking if she wanted to hang out since he was going to be visiting Las Vegas from California. Emma agreed and was picked up by Charlie in his black Kia Niro bearing California plate 9DXA881. The two drove to an acquaintance of Emma, where she picked up her belongings, and they drove to an Albertsons to purchase alcohol at approximately 1600 hours. From there, they drove to the Luxor Hotel & Casino and entered Charlie's room 12214 on the 12<sup>th</sup> floor. Emma and Charlie hung out in the room and drank approximately eight shots of vodka each. Charlie showed Emma his handgun and told her he liked to hunt and go shooting. The handgun was placed in the nightstand next to the bed. Emma and Charlie went to sleep at approximately 0100 hours.

At approximately 0300 hours, Charlie woke up Emma and told her she had to leave the room. Emma's coughing woke Charlie up, and he couldn't take it any longer. Emma tried to call friends to come pick her up, but no one answered their phone [REDACTED] JUV [REDACTED] Emma did not want to call her parents and had nowhere to go. Emma cried inside the bathroom until Charlie allowed her to stay in the room. Charlie and Emma laid on the bed with Emma's back up against Charlie's chest.

**LEP-NA, PRVCY**

Emma got clothed and went into the bathroom to cry and called a friend. Emma exited the bathroom and sat in a chair next to the bed. Emma and Charlie got into a verbal argument about Emma leaving the room, and Emma [REDACTED] LEP-NA, PRVCY [REDACTED] Charlie began to advance toward Emma, and she thought he was going to attack her or [REDACTED] LEP-NA, PRVCY [REDACTED] Emma grabbed the firearm and fired one round at Charlie. Emma took Charlie's car key, wallet, and three cell phones and fled the area.

Emma drove Charlie's vehicle a few blocks away from the Luxor and left the wallet, phones, and car keys inside. Emma took an Uber to Wingstop, located at 903 S. Rainbow Boulevard. Emma called [REDACTED] JUV [REDACTED] and advised her she would

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turn herself in and ordered an Uber to [REDACTED] JUV [REDACTED] Emma met up with her friend [REDACTED] PRVCY and gave [REDACTED] PRVCY her cell phone. Emma arrived at [REDACTED] JUV [REDACTED] where she was taken into custody.

When detectives challenged the validity of Emma's story, she ultimately admitted she was being untruthful. After Charlie was kicking Emma out of his room, she became desperate. Emma had no money, nowhere to go, and was actively avoiding her parent and law enforcement. Emma took Charlie's gun with the intent to rob him of his wallet, phones, and car keys. Emma was positioned in the hallway leading to the room door, with her back to the door. Charlie was standing in the area where the hallway met the rooms opening.

Emma pointed the gun at Charlie and told him, "To give her his shit." Charlie complied and gave Emma his car keys. Charlie then lunged for the gun, and Emma shot him. Emma said she didn't mean to shoot him and didn't want to shoot him, but she had nowhere to go and didn't want to go back to jail. Emma said she impulsively shot Charlie. After he fell to the ground, Emma entered the room and took Charlie's three phones and wallet off the nightstand. Emma took the phones with the intent to break them so no one would know she was the one that shot Charlie. Emma took \$300 cash from Charlie's wallet and drove his car to an unknown location.

Emma did not call security, police, or an ambulance. Emma stated she does not like talking to the police and did not know what to do. Emma disposed of the gun in a trash receptacle in the area of Rainbow and Charleston.

**Room 12214**

Inside room 12214, one Smith & Wesson 40 caliber cartridge case was located in the hallway near Charlie's body. Clark County Office of the Coroner and Medical Examiner Investigator Mercado conducted a preliminary examination of Charlie's body. Charlie appeared to have two gunshot wounds to the head.

**Kia Niro Located**

On June 29, 2023, the Kia Niro was located in the parking lot of 3920 Hacienda Avenue. Detective Nahum and Detective Muenzenmeyer, along with LVMPD CSA, documented and processed the vehicle. Inside the Kia, detectives located three cell phones and the Kia key but, no wallet was located.

\*\*\*\*\* End \*\*\*\*\*

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P#: 14072



# PII

## Personal Identifying Information

The record(s) you seek contain personal identifying information.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 239B.030. NRS 239B.030 makes “personal information” confidential. NRS 603A.040 defines “personal information” to include social security numbers, driver’s license numbers, account numbers, and the like.

Here, because the record(s) you seek contain confidential personal identifying information, they have been redacted.

# JUV

## Juvenile Justice Information

The record(s) you seek are juvenile justice information and contain information the disclosure of which would constitute an unwarranted invasion of a person's privacy interests

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 62H.025. NRS 62H.025(1) makes "juvenile justice information" confidential. NRS 62H.025(6)(b), in turn, defines "juvenile justice information" as "any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court." Only a juvenile justice agency may disseminate juvenile justice information, and even then, only to certain organizations within the juvenile justice system. NRS 62H.025(2). LVMPD is not a juvenile justice agency. NRS 62H.025(6). The Legislature recognizes the importance of maintaining the confidentiality of juvenile justice information because wrongful dissemination is a gross misdemeanor. NRS 62H.025(5).

In *Reno Newspapers v. Sheriff*, 126 Nev. 211, 218, 234 P.3d 922, 927 (2010), the Nevada Supreme Court recognized that an individual's privacy must be balanced with the public's general right to open government, "especially because private and personal information may be recorded in government files"). Later, in *Clark County Sch. Dist. v. Las Vegas Review-Journal*, --- Nev. ---, 429 P.3d 313, 319-20 (2018), the Court adopted a balancing test in which the burden shifts to the requester of a record if the

public agency demonstrates a “nontrivial personal privacy interest” including “intrusion[s] into a person’s reasonable expectation of privacy, seclusion, or solitude.” Privacy interests include information that may cause “embarrassment, shame, stigma, [or] harassment” or “endangerment, or similar harm.” *Las Vegas Metro. Police Dep’t v. Las Vegas Review-Journal*, 136 Nev. Ad. Op 86, --- P.3d --- (2020). Medical information, personnel files, details about sexual orientation, and other information about a person’s life give rise to privacy interests. *Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal*, 136 Nev. Adv. Op. 5, --- P.3d --- (2020).

Here, the record(s) you seek contain information the disclosure of which would constitute an unwarranted invasion of a person’s privacy interests. Therefore, they are confidential and must be withheld or redacted.

# LEP-NA

## Law Enforcement Privilege Subject Not Arrested

The record(s) you seek are law enforcement records that pertain to a subject accused of criminal activity, however never criminally charged or arrested.

The accused have privacy rights. In *Donrey v. Bradshaw*, 106 Nev. 630, 798 P.2d 144, fn. 4 (1990), the Nevada Supreme Court referred to Exemption 7 of the federal Freedom of Information Act and recognized that law enforcement files are confidential in many circumstances. Exemption 7 is codified at 5 USC § 552(b)(7). Subpart (C) makes law enforcement records confidential if disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” See also 5 USC § 522(b)(6) (FOIA Exemption 6) (making records confidential if disclosure “would constitute a clearly unwarranted invasion of personal privacy”). *Donrey* cites to Att. Gen. Op. 83-3, which consolidates prevailing law governing the disclosure of law enforcement records. It provides, with emphasis added:

The legitimate public policy interests in maintaining confidentiality of criminal investigation records and criminal reports include the protection of the elements of an investigation of a crime from premature disclosures, the avoidance of prejudice to the later trial of the defendant from harmful pretrial publicity, the protection of the privacy of persons who are not arrested from the stigma of being singled out as a criminal suspect, and the protection of the identity of informants. These interests have generally been recognized by the courts to outweigh the general policy of openness in government and reflect the common law view that certain records which pertain to criminal investigations are confidential.

Here, to the extent records accusing the subject of criminal activity exist, there has never been an arrest. As such, a privacy interest arises making any such records confidential.

# PRVCY

## Privacy Interests

The record(s) you seek contain information the disclosure of which would constitute an unwarranted invasion of a person's privacy interests.

In *Reno Newspapers v. Sheriff*, 126 Nev. 211, 218, 234 P.3d 922, 927 (2010), the Nevada Supreme Court recognized that an individual's privacy must be balanced with the public's general right to open government, "especially because private and personal information may be recorded in government files"). Later, in *Clark County Sch. Dist. v. Las Vegas Review-Journal*, -- Nev. --, 429 P.3d 313, 319-20 (2018), the Court adopted a balancing test in which the burden shifts to the requester of a record if the public agency demonstrates a "nontrivial personal privacy interest" including "intrusion[s] into a person's reasonable expectation of privacy, seclusion, or solitude." Privacy interests include information that may cause "embarrassment, shame, stigma, [or] harassment" or "endangerment, or similar harm." *Las Vegas Metro. Police Dep't v. Las Vegas Review-Journal*, 136 Nev. Ad. Op. 86, -- P.3d -- (2020). Medical information, personnel files, details about sexual orientation, and other information about a person's life give rise to privacy interests. *Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal*, 136 Nev. Adv. Op. 5, -- P.3d -- (2020).

The Nevada Supreme Court equates the type of information that should be withheld under the Nevada Public Records Act with the common law tort of invasion of privacy. *Clark County Sch. Dist.*, *supra*, at 708, 549 P.3d at 320. "The tort of invasion of privacy embraces four different tort actions: '(a) unreasonable intrusion upon the seclusion of another; or (b) appropriation of the other's name or likeness; or (c) unreasonable publicity given to the other's



private life; or (d) publicity that unreasonably places the other in a false light before the public.” *Franchise Tax Bd. of Cal. v. Hyatt*, 133 Nev. 826, 842, 407 P.3d 717, 733 (2017), *overturned on other grounds by Franchise Tax Bd. v. Hyatt*, 139 S. Ct. 1485 (2019) *quoting* RESTATEMENT (SECOND) OF TORTS § 652A (1977); *see also PETA v. Bobby Berosini, Ltd.*, 111 Nev. 615, 629, 895 P.2d 1269, 1278 (1995), *overruled on other grounds by City of Las Vegas Downtown Redev. Agency v. Hecht*, 113 Nev. 644, 650, 940 P.2d 134, 138 (1997).

Here, the record(s) you seek contain information the disclosure of which would constitute an unwarranted invasion of a person’s privacy interests. Therefore, they are confidential and must be withheld or redacted.