



# OFFICE OF THE DISTRICT ATTORNEY

Fourth Judicial District  
105 East Vermijo  
Colorado Springs, CO 80903

JEANNE M. SMITH  
District Attorney

INVESTIGATIONS DIVISION  
(719) 520-6115 \ FAX (719) 520-6164



DANIEL H. MAY  
Assistant District Attorney

## PRESS RELEASE

The District Attorney's Office has completed its investigation of the Officer Involved Shooting that occurred on July 19, 2003 at 18215 Roller Coaster Road, in the Black Forest area of El Paso County, Colorado. The District Attorney's Office has determined that at approximately 8:30am, two Deputies from the El Paso County Sheriff's Office were dispatched to that address on a reported Theft. When the Deputies arrived at the house, Gardner Ewing, Age: 34, was in a physical altercation with his mother, Toni Ewing, in the front of the house. His mother was trying to prevent him from attempting to commit suicide with a firearm. As the two Deputies approached they noticed a gun and yelled for Gardner Ewing to put the gun down. Instead, Gardner Ewing, while still struggling physically with his mother, fired at the Deputies. Deputy Chris Ward returned fire. During the exchange of gun fire both Gardner Ewing and his mother were shot. Both were treated at Memorial Hospital and have since been released.

Under Colorado Law a Peace Officer or any other individual is justified in using physical and deadly force when that Officer has reasonable grounds to believe, and in fact does believe, that he or another person is in imminent danger of being killed or receiving great bodily injury, C.R.S. 18-1-704, and 18-1-707. In reviewing the facts of this case the District Attorney's Office has determined that in fact Deputy Chris Ward was justified under Colorado Law and was acting in self defense and defense of others when he returned fire.

Gardner Ewing has been charged with eight Felony counts including Attempted First Degree Murder, two counts of First Degree Assault and two counts of Menacing and three counts of Crime of Violence. These charges are merely an accusation and Gardner Ewing is presumed innocent until and unless proven guilty. His case is set in Division 3 on August 19, 2003, at 8:30am, for a Preliminary Hearing.