



OFFICE OF THE DISTRICT ATTORNEY

Fourth Judicial District
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DANIEL H. MAY
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April 7, 2004

PRESS RELEASE

The District Attorney's Office has completed its investigation regarding the officer-involved shooting which occurred on March 14, 2004 at 17028 Park Trail Drive, in Monument Colorado.

On March 14, 2004, Chief Warrant Officer 2 (CW2) William Howell, his wife Laura Howell, and three children, ages 13, 20 months, and 6 months lived at 17028 Park Trail Drive in Monument. Howell was assigned to the 10th Special Forces Unit stationed at Fort Carson for the last 7 years. He had been in the military for approximately 16 years and had returned from a 4 month tour in Iraq in mid-February.

At approximately 9:30 p.m. that evening, Howell and his wife got into an argument. Howell struck his wife several times. She left the house with the phone and called 911. She could see through the window that he was getting and loading a gun. In a low voice, so that he could not hear, she told 911 of the disturbance and the fact that he was getting a gun, and then hung up. Three officers responded to the home; Officer Steven Blaskowsky, Officer Chad Haynes, and Officer Rob Stewart. 911 called back and Howell answered the phone. The 911 operator said that his wife had called; he responded that everything was fine. He went outside as officers approached the home. Officer Blaskowsky was the first to see and encounter Howell. From about 20 feet, he could see Howell was arguing with his wife. He was grabbing and releasing his wife and wildly waving the gun around, pointing it in several directions including his own head. The officer was using his flashlight to see this and had his weapon drawn. The officer repeatedly told him, "Don't do it, it's not worth it!", and "Drop the gun!"

Howell fired the gun. Officer Baskowsky could not tell who he fired at and immediately fired at Howell. Howell fell to the ground. An autopsy performed by the El Paso County Coroner's Office found that he had been shot twice. Once in the left temple area, and once to his right arm. The shot to the head was from Howell's own gun. The shot to the arm was from Officer Baskowsky. The Coroner's Office determined the manner of death was a suicide. Howell's blood alcohol level was .137.

Pursuant to Colorado law, an officer is justified in using deadly force if he reasonably believes he or a third party are in imminent danger of being killed or of receiving great bodily harm. Under the facts of this situation the officer was justified in using such deadly force.



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DANIEL H. MAY
Assistant District Attorney

June 21, 2004

PRESS RELEASE

The District Attorney's Office has completed its review of the officer involved shooting which occurred on June 7, 2004 at Powers Blvd. and Galley Road in Colorado Springs.

On June 7, at approximately 9:50 p.m., Officer Nathan Gabrielson responded to a single car traffic accident at Powers Blvd. and Galley Road. Several cars with a number of people were stopped at the intersection to aid the driver of the crashed car (if needed) and to provide information to the police about the accident. While the officer was enroute to the call, the police dispatcher broadcast general information about an armed robbery that had just occurred at the Kohl's department store at 2100 N. Powers Blvd, but did not then have information about the suspect's vehicle. Shortly after the officer arrived at the accident scene, dispatch provided the officer with updated information on the robbery suspect's description and advised the officer of the possibility that the accident could be related to the robbery.

A witness directed the arriving officer to the only occupant of the vehicle involved in the collision, later identified as Patrick Holland. Patrick Holland appeared unharmed. He and the officer walked back to the patrol car to discuss what caused the accident. When they got to the car, Patrick Holland pulled what appeared to the officer and all present, to be a black, semi-automatic handgun and pointed it at the officer's head and chest. Patrick Holland took the officer's gun. With a gun in each hand, he walked over to a red Toyota and at gun-point, ordered the driver and passenger out of the car. The officer who was left by the squad car retrieved another gun. After Patrick Holland got in the red Toyota and from almost 60 ft. away, the officer shot Patrick Holland in the head. Mr. Holland was taken to the hospital and has since been booked into the El Paso County Jail on charges of 1st Degree Assault on a Peace Officer, Aggravated Robbery (2 counts), Disarming a Peace Officer, and Parole Violation. His bond has been set at \$500,000.00, and his next court date is June 24th at 8:30 a.m. for filing of charges. The initial gun used by Patrick Holland turned out to be a BB gun that was a replica of a semi-automatic handgun.

Pursuant to Colorado law, an officer is justified in using deadly force to defend himself or third parties from the use of deadly force, or to effect an arrest or prevent an escape of a person who has committed a felony using a deadly weapon. Under the facts of this situation the officer was justified in using such deadly force.

If you have any questions please contact Dan May at 520-6169.



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DANIEL H. MAY
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July 26, 2004

PRESS RELEASE

The District Attorney's Office has completed its investigation regarding the officer-involved shooting which occurred on July 8th, 2004 at 1910 East Fountain Boulevard in Colorado Springs.

On July 8th, 2004, Officers were dispatched to a 7-11 store located at 1910 East Fountain Boulevard in reference to a disturbance. Earlier that evening three males had attempted to break a window at the front of the store. While Officers Ryan Mooney, Sarah McCaslin and Andrew Baldwin were at the scene, three males matching the description of the suspects arrived and parked in front of the store.

The driver of the vehicle was approached and asked to identify himself. He indicated he had no identification, no driver's license, no registration or proof of insurance. Although it was later determined that these individuals were not involved in the earlier disturbance, the occupants were requested to exit the vehicle so the officers could conduct a pat down search for weapons. The driver and one passenger complied without incident and were placed in a police cruiser. The third male, identified as James LaRue, 6050 Breeze Ct., Colorado Springs, DOB 1-10-85, resisted the officers' requests.

When Officer Mooney physically started the pat down, Mr. LaRue pulled a hand gun from his waist band and threatened the officers. The officers struggled with Mr. LaRue in an attempt to get the gun away. The officers attempted to use their stun guns to immobilize Mr. LaRue. During the ensuing struggle on the ground, Officer Baldwin was able to control the suspect's firearm but this information was unknown by Officers Mooney or McCaslin in the few seconds that elapsed before the shooting. Mr. LaRue was able to obtain control of a stun gun and use it on the officers. Officer Mooney and Officer Baldwin both suffered stun gun injuries and burns. During the struggle, James LaRue was shot once in the upper back by Officer Mooney and later died from his wound. The struggle over the weapons occurred in a matter of seconds. Civilian witnesses confirmed these events and stated that the officers were in danger.

It was later determined that James LaRue was in possession of cocaine and had recently used cocaine at the time of the shooting.

Pursuant to Colorado law, an officer is justified in using deadly force to defend himself, fellow officers or others, from the use of deadly force. Under the facts of this situation, the officer was justified in using deadly force.



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DANIEL H. MA
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FILE COPY

November 8, 2004

Press Release

The District Attorney's Office has completed its investigation of the officer-involved shooting that occurred on October 9, 2004 in Colorado Springs, Colorado, and issues the following report:

On Saturday, October 9, 2004, at just before 9 p.m., David Badovinac attempted to buy a \$2000 laptop from Best Buy located at 3150 New Center Point, just off of Powers Blvd. One of the employees at Best Buy recognized that the check and ID that Badovinac provided were fake. Another employee of the store felt he recognized Mr. Badovinac as someone who had used a fake ID and attempted to purchase \$3000 worth of computer equipment at the Best Buy at Chapel Hills just two days prior. In that case the person fled from the store and got in a hit and run accident in the parking lot fleeing the scene. The management of Best Buy called the Colorado Springs Police Department while stalling Mr. Badovinac until the police could arrive. Officer David Kelly was the first officer to arrive. When Officer Kelly walked towards Badovinac to speak to him, Badovinac ran to the back of the store. Officer Kelly and store employees took chase. Badovinac was temporarily stopped from leaving the building by a 10-second lock release on the back door. This allowed the officer to catch up with him. As Badovinac went out the door at least one witness saw him reaching for something in his pants. Officer Kelly drew his Taser stungun and was able to stun Badovinac, which caused him to fall to the ground. A short struggle ensued between Badovinac and the officer. Badovinac broke free and reached into the small of his back and pulled out a .40 caliber Walther P99 semi-automatic hand gun. Later it was determined that he had a black belly belt holster capable of holstering 2 guns and 3 magazines concealed under his shirt. This concealed weapon was legal because in 2003 the El Paso County Sheriff's Office had granted a concealed weapons permit to Badovinac. Badovinac fired shots at Officer Kelly and Kelly returned fire. Three .40 caliber shell casings were found at this location and one 9 mm shell casing. At this time Officer Robert Tovey arrived on scene. Mr. Badovinac moved to a location where he was standing on the roadway, between Galyan's and Best Buy, with officers located just to the north of him. He tried several times to carjack cars driving by him in the roadway. He drew his weapon on drivers and ordered them out of their cars. Most were able to speed away. He shot into the car of a high school couple going to the movies. Officer Kelly, recognizing the public danger, exchanged gun fire with him. Officer Kelly was shot in the left elbow and Officer Tovey was shot in the right thigh during this shooting. Badovinac was able to commandeer a pickup from a private security officer at gun point and attempted to leave the scene. Officer Tovey fired rounds into the car prior to it leaving. Found in this area were another 6 shell casings from the officers 9 mm and 6 shell casings from the suspect's .40 caliber handgun.

A high speed chase ensued with several other police cars and the police helicopter. Badovinac stopped shortly at a house at 2989 Fascination Circle. He got out of the pickup and spoke with people in the driveway and then took off. Police had started to block his exit so he drove through yards crashing into 3 different cars and attempted to run over two officers on foot. Sgt. Charles Potter was hit by the pickup and injured his arm. Officer Ryan Jacobsen was injured diving out of the way. Both fired at the pickup as it attempted to run them over. Fourteen 9 mm shell casings were found in this area. Also, blood was found on the driveway where Badovinac stopped briefly indicating he had been hit earlier at the Best Buy.

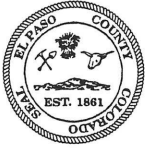
A high-speed chase took place going down Academy Blvd. with Badovinac swerving in and out of traffic and running several red lights. Several police cars and the police helicopter were following as Badovinac turned on the exit ramp to go west on Platte Avenue. Sgt. Knollhoff gave the order to stop his pickup. Officer Dave Henrichsen was driving the car immediately behind Badovinac. He pulled forward and did what is called a "pit maneuver", whereby he touches his left front fender to Badovinac's right quarter panel. This caused Badovinac's pickup to spin into the median of Platte just west of Academy Blvd. In the process, his pickup struck an east bound car (the passengers received no injuries) and Badovinac's pickup flipped on its side. A tremendous amount of dirt and dust was thrown into the air so that most officers and the helicopter crew could not see what was occurring. Officer Henrichsen got out of his car with gun drawn and approached Badovinac's car. Badovinac climbed out the top of the car and jumped down. The officer in the dust and dirt could see his figure and ordered him to get down on the ground. The officer could not tell where the gun was. Badovinac ignored the officer and started at him. The officer fired center mass. Two 9 mm shell casings were found here. Badovinac was shot in the chest and died. A knife was found in the front of his belly belt. His gun was found in the pickup he had stolen at gun-point. The gun had 1 live round in the chamber and 1 in the magazine. The pickup he was in had 13 bullet holes in it. Autopsy showed he had been shot once in the right wrist (and blood was found on the steering wheel) and once through the heart. Toxicology showed some evidence of THC (marijuana) and Ibuprofen in his system.

The police at the house on Fascination Circle found evidence of identity theft. There were several Colorado Drivers' licenses with Badovinac's picture and different names. Numerous checks in different names and other credit materials were discovered. In his pocket at autopsy, Doctors found a \$3000 check he tried to pass at Comp USA in a name different from his own. In September he was involved in attempting to pass fraudulent checks at a local business. His record showed a traffic arrest in 2004. In April he skipped court on that traffic case and was arrested on that warrant in July 2004 and booked and bonded out of jail that same night. On October 2nd, he carjacked at gun-point, a \$26,000 car from a local auto dealership. The dealership required a picture I.D. before he could test drive the car. He provided the dealer his concealed weapon permit.

Under Colorado Law, law enforcement officers are justified in using deadly force under two different circumstances. First, when they reasonably believe that they or a third party is in imminent danger of being killed or of receiving great bodily injury. Second, to effect an arrest or prevent an escape of a person they reasonably believe has committed a

felony with a deadly weapon or indicated he is likely to endanger others lives if not apprehended without delay.

In reviewing the facts surrounding the shootings, the District Attorney's Office has determined that pursuant to Colorado law, the officers' use of force was reasonable, appropriate and justified.



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PRESS RELEASE

The District Attorney's Office has completed its investigation into the shooting of Orrin Norris on November 17, 2004. In the evening hours of that date, Officer Marcus Lehmkuhl was on patrol in the area of Cimarron and Nevada in Colorado Springs. He saw a male, later identified as Mr. Pedro Carillo, running across Cimarron Street. He was being chased by an individual later identified as Mr. Orrin Norris. Mr. Norris was carrying something that looked like a long stick with a type of metal blade attached to the end of it and yelling at Mr. Carillo. Mr. Carillo waved down Officer Lehmkuhl and said, "That guy tried to stab me and said he was going to kill me." Officer Lehmkuhl pulled into the parking lot of the 7-Eleven Store to contact Mr. Norris. Because of the report that Mr. Norris was armed, Officer Lehmkuhl had his gun drawn and ordered Mr. Norris to get down on the ground and show his hands. Mr. Norris sat on a curb and ignored the commands to get down on the ground. Instead, Mr. Norris grabbed the officer's leg and a struggle began. Officer Lehmkuhl struck Mr. Norris with his knee repeatedly in an effort to get Mr. Norris to let go of him and turn over. Mr. Norris was able to grab Officer Lehmkuhl's gun and yelled at the officer to give him the weapon. Officer Lehmkuhl was able to get his finger on the trigger and fired one shot which struck Mr. Norris in the chest. The autopsy showed that Mr. Norris was shot once on the left side of the chest which caused his death. In addition to the stick with a metal blade fashioned to the end of it, Mr. Norris was found to be carrying a knife in his belt. His blood alcohol level at the autopsy was .203.

Colorado law allows for the use of deadly force to defend yourself or a third person from death or serious bodily injury. The fact that Orrin Norris had threatened to kill Mr. Carillo, then grabbed the officer's gun and was trying to disarm the officer, supports the use of force by the officer. No criminal charges will be filed relating to this event.