



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
August 21, 2018

Lee Richards
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4th Judicial District
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February 5, 2018 Officer-Involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that involved members of the regional multi-agency auto theft task force identified as B.A.T.T.L.E. Pursuant to Colorado Revised Statute 16-2.5-301 Peace Officer-involved shooting investigations – protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

At approximately 8:00am on Monday, February 5, 2018, members of a multi-agency auto theft task force placed under surveillance a green Saturn that had been reported stolen. Four hours later the task force observed the Saturn at Fillmore and Sage Streets where the suspect, later identified as nineteen year old Manuel Zetina of Colorado Springs, was observed spray painting the Saturn blue. The suspect then drove to two addresses on Marquette Drive in the Security-Widefield area where he finished spray-painting the car at the second location. As Zetina drove through the area he was observed making numerous evasive maneuvers in an apparent effort to identify (and throw off) any vehicle that might be following him. It was later discovered that, in days prior to this incident, Manuel Zetina had been monitoring police scanner websites on his cell phone. Just before 3:00pm the suspect drove to the Shannon Glenn Apartments on Murray Boulevard where he was seen exiting the vehicle and going through items in the trunk. At about 3:30pm he drove to the nearby Murray Hill Apartments on Galley Road, pulled into a parking spot and was observed smoking what was later determined to be methamphetamine in the stolen vehicle. An arrest at prior locations was not attempted for tactical reasons and because team members were still responding.

Several members of the auto theft task force soon arrived and parked in different locations throughout the parking lot. El Paso County Sheriff's Detective Tremaine White exited a vehicle in order to conduct surveillance and was in telephone contact with El Paso County Sheriff's Detective Michael Boggs, who radioed information to other team members. Detective White confirmed that Zetina was the sole occupant of the stolen vehicle and watched as he got out and eventually sat on a stoop outside one of the apartment buildings, while talking on his cell phone. Based on his observations, Detective White communicated to team members that it was a good time to make an arrest, which was then approved by Colorado Springs Police Sergeant Kevin Miyakusu. At that time, Zetina walked into one of the buildings then walked back out, but his phone was now in his left hand, and his right hand was in his jacket pocket. Detective White noticed that Zetina appeared to have his hand on something in his pocket and was concerned that he was holding a gun. He attempted to relay his observations to Detective Boggs, but Detective Boggs had gotten out of his vehicle and was no longer on his phone.

Each officer provided a different perspective because each approached Zetina from different places and angles. Their individual perspectives will be outlined in this report, however, it is clear that the entire incident, from the moment Zetina was grabbed by Detective Stone until the shooting ended, happened in a matter of seconds, and that Detectives Flick, Stone, Yanez and Thomas Villanueva were all shot before any member of law enforcement fired their weapons. El Paso County Sheriff Sergeant Jacob Abendschan was also struck by shrapnel during the incident.

Manuel Zetina was using 9mm full-metal jacket rounds, which are designed to travel through the target and could create through and through shots. Members of law enforcement used .40 caliber hollow point bullets, which are designed to stay in the target.

El Paso County Sheriff's Office (EPSO) Detective Scott Stone indicated that he and EPSO Detective Micah Flick moved west across the parking lot toward Zetina while Zetina moved east toward them. Zetina brushed against Detective Stone and began to lift his arm up in his pocket. Detective Stone grabbed Zetina in a "bear hug" and yelled "police." Other team members heard "police" announced several times. As Manuel Zetina struggled, he shot Detective Stone in the left hip, causing the detective to lose his grip and fall to the ground. Detective White observed that neither Stone nor Flick had their guns out when they approached Zetina, and that he saw Zetina pull out a gun as he neared the two detectives.

Shortly after Detective Stone fell to the ground, team members observed Zetina and Detective Flick on the ground. Some observed the two struggling over Zetina's firearm, others observed them wrestling on the ground, and Sergeant Abendschan observed Detective Flick in a physical fight on the ground with Zetina who had a gun in his hand raised above his shoulder. Shortly thereafter, team members saw Detective Flick motionless on the ground.

Colorado Springs Police Detective Marcus Yanez stated that as he approached from the west he heard gunshots and saw Detective Stone fall to the ground and then saw Detective Flick wrestling with Zetina on the ground. He heard at least three gunshots at that time. As he approached, he was shot in the groin by Zetina. Detective Yanez fired his gun four or five times, striking Zetina once in the back.

EPSO Detective Boggs approached through the parked cars on the north and said that as Detectives Flick and Stone approached Zetina he heard distinct gunshots. He said he watched Detectives Flick and Stone as well as Zetina go to the ground. He then saw Zetina point his gun at him, so he fired his service weapon at Zetina.

EPSO Detective White said that after Detectives Stone and Flick were shot, Zetina was still firing, so he approached and fired and struck Zetina's torso as Zetina continued to fire. Zetina fell to the ground with the gun in his hand and his finger on the trigger. Detective White kicked the gun out of his hand and Detective Yanez handcuffed him. Blood spatter was found on several areas of Zetina's gun, which DNA analysis indicated belonged to Detective Flick.

Manuel Zetina had three gunshot wounds. One gunshot went into the chest and one into the back, with no exit wounds present. The third injury was a graze wound to his left arm. While the condition of the bullets prevented them from being matched to particular guns, the bullet that was found in Zetina's chest matches ammunition that is used by the El Paso County Sheriff's

Office and the bullet that was retrieved from his back matches ammunition that is used by the Colorado Springs Police Department.

After shooting Detectives Flick and Stone, Manuel Zetina began to spray the parking lot with gunfire, moving in a circle as he fired. Bullets and cartridge cases from Zetina's handgun were later found in a nearby apartment building and in various locations in and around the parking lot. Thomas Villanueva, a civilian, was walking westbound through the parking lot when Manuel Zetina first fired his weapon. Mr. Villanueva was shot once during the gunfire by Manuel Zetina. It was a through and through shot. Mr. Villanueva's DNA was found on a bullet that forensic firearms analysis showed was fired from Zetina's handgun. Mr. Villanueva was not initially visible to members of the task force at the time the team made the decision to take Zetina into custody.

Detective Micah Flick was shot one time. The wound left tell-tale marks of soot, searing and unburnt gunpowder surrounding the entrance wound, which indicates a shot from near-contact range. The bullet entered the area near his throat and exited his back. Based on the angle of the shot, the close proximity of the suspect to Detective Flick, and because no officer had fired his weapon prior to Flick going down, along with the fact that the injury was a through and through shot and the DNA analysis of the blood found on Zetina's gun was that of Micah Flick's, it has been determined that the fatal shot was fired by Manuel Zetina.

At the time of this incident the task force members were not equipped with body worn cameras.

Colorado Revised Statutes §18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly physical force.

The District Attorney's Office reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this investigation show that Colorado Springs Police Detective Yanez and El Paso County Sheriff Detectives Boggs and White acted reasonably. Thus, based on the law and the facts, the investigation has determined that their actions were justified under the law of the State of Colorado. No criminal charges will be pursued.

Legend

- MF:** Micah Flick
 - SS:** Scott Stone
 - SC:** Stephanie Criss
 - MY:** Marcus Yanez
 - MB:** Michael Boggs
 - JW:** John Watts
 - JA:** Jacob Abendschan
 - JR:** John Reindollar
 - KM:** Kevin Miyakusu
 - TW:** Tremaine White
 - TV:** Thomas Villaneuva
 - MZ:** Manual Zetina
- Red Placards:** Cartridge cases fired from Manual Zetina's firearm
- Blue Placards:** Cartridge cases fired from law enforcement firearms
- Red/Green Placard:** Bullet with Thomas Villaneuva's DNA on it, fired from Manual Zetina's firearm
- Yellow Placard:** Manual Zetina's handgun





NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
May 29, 2018

Lee Richards
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February 9, 2018 Officer-involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred in Colorado Springs, CO on February 9, 2018. Pursuant to Colorado Revised Statute 16-2.5-301 Peace Officer-involved shooting investigations – protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

Following a careful review of the facts and evidence, the 4th Judicial District Attorney's Office has concluded that Colorado Springs Police Officer Vijay Seenath was justified when he fired his weapon on February 9, 2018, striking Dennis Callin Caldarelli. Colorado Revised Statute 20-1-114 states that a district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. This is an abbreviated report because of the open and pending case against Dennis Caldarelli.

At 4:11 pm on February 9, 2018, Colorado Springs Police Department's Communications Center received a 911 call from a woman regarding an argument she was having with Dennis Caldarelli, in which he had reportedly become violent and threatening. Colorado Springs Police Officers Hamblin and Strauss responded to the dwelling in the 2400 block of North Cascade Avenue where they were confronted by Mr. Caldarelli, who came outside to speak to them briefly before returning to the home. While speaking with the officers, Mr. Caldarelli verbally threatened them and indicated he had firearms in his residence. Because of the potentially volatile situation, the officers retreated, took cover and radioed for back-up. Efforts to convince the suspect to surrender were unsuccessful. Mr. Caldarelli eventually exited the house and started running toward officers carrying an object that looked like a firearm, which he pointed toward the officers. The object was later determined to be a hammer. Officer Seenath fired at the suspect, hitting him once. Mr. Caldarelli has recovered and is being held in the El Paso County Jail. His next court appearance is scheduled for May 31, 2018. As with all defendants, Dennis Caldarelli is presumed innocent until proven guilty beyond a reasonable doubt.

Colorado Revised Statutes §18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly physical force.

The District Attorney's Office reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this investigation show that Colorado Springs Police Officer Vijay Seenath acted reasonably. Thus, based on the law and the facts, the investigation has determined that his actions were justified under the law of the State of Colorado. No criminal charges will be pursued.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
July 2, 2018

Lee Richards
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March 12, 2018 Officer-Involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred in Colorado Springs, CO on March 12, 2018. Pursuant to Colorado Revised Statute 16-2.5-301 Peace Officer-involved shooting investigations – protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

On Monday, March 12, 2018, Colorado Springs Police Department (CSPD) received a request from FBI Safe Streets Task Force to assist with locating Corky Oliver, who was wanted on an attempted murder warrant out of Lakewood, Colorado. Oliver was believed to be at the TravelStar Inn, located in the 1700 block of S. Nevada Avenue in Colorado Springs. Members of CSPD's Tactical Enforcement Unit (TEU) responded to that location to assist Safe Streets and Lakewood Police Department officers after Safe Streets officers observed Corky Oliver entering a room on the second floor of the motel.

CSPD TEU officers knocked on the door, announced their presence and demanded that everyone come out of the room. Two males and two females exited the room as officers continued to call for Oliver to surrender. Through the open door, CSPD Officer Nate Johnson could see the defendant grabbing hold of a woman, heard Oliver yell that he has a gun, and then the door to the room slammed shut. Officers immediately set up containment and initiated hostage response procedures. During that time, Corky Oliver called 911 demanding he be given a car so he could leave and he also told the 911 operator that he was holding a gun "to somebody's head." He further stated that if the police don't back away from the door, "then she dies, and then I die." The operator was able to hear a woman whimpering and crying in the background.

CSPD established a phone connection with Oliver and began negotiating with him as he made demands for cigarettes, a vehicle and an opportunity to speak with his mother, which officers arranged. During a phone call with his mother, Oliver stated that he would not go back to prison, that "he's not playing anymore," and that he will kill the female hostage if police don't do as he says.

Throughout the phone negotiations, Oliver repeatedly threatened to harm or kill the woman. Officers were able to hear her crying in the background, saying that Oliver was pointing a gun at her and indicating that he has hurt her and will hurt her more. During later contacts, the woman could be heard screaming and crying for help. At that point, a decision was made to enter the room through the use of an explosive device. As soon as the door was forced open, CSPD

Officers Andrew Leeper, Armando Newell, William Wingert, Christopher Laabs and Frederick Sunderlin entered the room. Corky Oliver was lying on the bed, holding the woman on top of him with his right hand, while his left hand was out of view. Officers ordered him to release the hostage and put his hands up, which he failed to do. As the officers saw him move his arm as if to reach for something, Officers Leeper, Newell, Laabs and Sunderlin moved closer and fired their weapons, striking Corky Oliver seven times. The officers immediately removed the hostage, who sustained an unintentional gunshot wound to her arm. She was treated at the scene by paramedics, then transported to the hospital and has since recovered from her injury. Corky Oliver was pronounced dead by medical units on scene. When Oliver's body was removed, a cocked and loaded sawed-off shotgun was found near him and a cocked and loaded handgun was discovered on the other bed.

Colorado Revised Statutes §18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly physical force. CRS § 18-1-707 further states that an officer is justified in using deadly force if he or she reasonable believes that it is necessary to effect an arrest, or to prevent the escape from custody, of an individual who has committed a felony involving the use or threatened use of a weapon.

The District Attorney's Office reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this investigation show that Colorado Springs Police Officers Leeper, Newell, Laabs and Sunderlin acted reasonably. Thus, based on the law and the facts, the investigation has determined that his actions were justified under the law of the State of Colorado. No criminal charges will be pursued.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
September 18, 2018

Lee Richards
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No Charges in April 25, 2018 Officer-Involved Shooting

The 4th Judicial District Attorney's Office has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred on April 25, 2018, in Colorado Springs, Colorado. Pursuant to Colorado Revised Statute 16-2.5-301 Peace Officer-involved shooting investigations – protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

At 6:17 A.M. on Wednesday, April 25, 2018, Colorado Springs Police Dispatch received a call for service regarding a burglary in progress in the 1000 block of North 19th Street. Officer Troy Kananen responded to the location and was met by Mike Ayles, a friend of the property owner (Glenn O'Brien).

Mr. O'Brien later informed investigators that he had asked Mr. Ayles to periodically check on the property because of an ongoing history of break-ins and thefts. Mr. Ayles told detectives that he arrived at the address and observed an unidentified white male breaking in to one of the buildings on the property. Mr. Ayles called Mr. O'Brien to report the burglary, and Mr. O'Brien then called police dispatch.

At approximately 6:25 A.M., Officer Kananen arrived on scene in his marked patrol vehicle. He was wearing a standard patrol officer's uniform. Mr. O'Brien arrived shortly after Officer Kananen and led him to Mr. Ayles, who was keeping watch on the north end of a yellow building. A woman, later identified as Diana Ayles, was also waiting near the yellow building, apparently recording a video with a cell phone.

As he approached, Officer Kananen saw that Mr. Ayles' attention was focused on a gap in the building's siding. The siding was forcibly pulled apart to create an improvised point of entry to the building. Mr. Ayles gestured to be quiet, and then pointed to the hole in the building to indicate to Officer Kananen that the suspect was there.

At that time, Officer Kananen heard Officer Gary Darress, who was dispatched as back-up, announce by radio that his arrival would be delayed. Officer Kananen gestured to Mr. Ayles to move behind him, in order to "get him out of danger." Officer Kananen then asked Mr. Ayles to go out to the road in order to direct Officer Darress back to the building in question.

Officer Kananen said "a few moments later" he saw the sheet-metal begin to move, and he watched as the suspect crawled or "scooted" out of the hole in the side of the building. Officer Kananen drew his pistol as the suspect emerged from the hole in the building. At approximately the same time, the suspect made eye contact with Officer Kananen.

Although Officer Kananen doesn't remember his exact words to the suspect, he later recounted that he told the suspect to not move, while keeping the suspect at gunpoint. The suspect looked at the officer, but then began to run away.

Officer Kananen chased the suspect, noting that the suspect initially had nothing in his hands. As the suspect ran around the northwest corner of the building, Officer Kananen updated dispatch of his direction of travel by radio.

As the suspect fled south, Officer Kananen suddenly noticed an object in the suspect's left hand, describing it as a cylindrical/rectangular object, about two by two, by six inches. He said at this point he realized it might be a gun. Officer Kananen announced by radio that the suspect possibly had a gun.

As the chase continued, the suspect went around the southwest corner of the building where Mr. Ayles reappeared from the opposite corner. Officer Kananen continued running to catch up to the suspect, and saw Mr. Ayles and the suspect engage in a very brief tussle. The suspect began to pull away from Mr. Ayles. While Mr. Ayles continued to hold on to a piece of the suspect's clothing, he yelled, "He's got a gun!" Mr. Ayles then released his hold on the suspect.

As the suspect continued his flight, Officer Kananen observed that the suspected gun was now in the suspect's right hand. As he continued to pursue, Officer Kananen said the suspect began to slightly turn to the left toward Mr. Ayles. Believing that the suspect was about to shoot Mr. Ayles (and possibly Officer Kananen next), Officer Kananen fired his weapon, striking the suspect several times. The suspect fell to the ground, dropping a loaded Glock, Model 19, 9mm pistol as he fell. Officer Kananen immediately called for an ambulance.

The suspect, who has been identified as 41 year old Jesse Paul Schlegel, of Colorado Springs, was transported to the hospital where he was pronounced deceased. An autopsy revealed he was shot in both upper arms and three times in the back. Toxicology revealed several narcotics present in his system, including oxycodone and an extremely high concentration of methamphetamine.

Emergency response teams at the scene cut off Mr. Schlegel's clothing as they performed CPR. Among Mr. Schlegel's belongings, left at the scene after he was transported to the hospital, was a loaded spare magazine for a Glock 19, 9mm pistol which was recovered from Mr. Schlegel's pants pocket. A Colorado ID for Jesse Schlegel was also recovered from one of the pants pockets.

The incident, beginning approximately midway through the chase, was recorded by Officer Kananen's body worn camera.

According to Colorado Revised Statutes §18-1-707 a peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

Officer Kananen indicated that he fired because he believed that the suspect was about to shoot at Mr. Ayles. Under paragraph (1) (a) that can be grounds for using deadly force.

Further, Colorado criminal law allows the use of deadly force to affect an arrest on a fleeing felon when the officer knows that the suspect has committed or attempted to commit a felony involving the use of a deadly weapon. Here the suspect was committing a felony burglary and when he pulled a gun out he was committing two more felonies of menacing and robbery. At that moment, even if fleeing, under Colorado criminal law the officer is allowed to use deadly force in effecting his arrest.

As such no criminal charges will be filed against Officer Kananen.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
July 27, 2018

Lee Richards
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May 20, 2018 Police Officer-involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the Cripple Creek Police Department's Officer-involved shooting that occurred on May 20, 2018, in Teller County, Colorado. Pursuant to Colorado Revised Statute 16-2.5-301 Peace Officer-involved shooting investigations – protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

Following a careful review of the facts and evidence, the 4th Judicial District Attorney's Office has concluded that Cripple Creek Police Officer Karr was justified when she fired her weapon on May 20, 2018, striking Jeffrey Boyd Bader. Colorado Revised Statute 20-1-114 states that a district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. This is an abbreviated report due to the open and pending case against Jeffrey Bader.

On May 20, 2018 at 8:15 p.m., the Teller County Sheriff's Office and the Cripple Creek Police Department responded to a suspicious person in a car parked outside of the mine located on CO-67, between Victor and Cripple Creek, Colorado. Upon arriving at that location, Teller County Sheriff's Deputy Bisset found Jeffrey Boyd Bader slumped over the steering wheel, asleep, with the engine running and the vehicle in drive. When the deputy tapped on the window, Mr. Bader suddenly accelerated and drove off. A high speed chase ensued with speeds reaching 90 miles per hour. Approximately five minutes into the pursuit, Jeffrey Bader crashed his vehicle into a guard rail. When Deputy Bisset approached the vehicle, Mr. Bader came out of his car and attacked him. As Officer Karr went to Deputy Bisset's aid, Mr. Bader attacked her, wrapping his forearm around her throat and neck. Before Officer Karr went to the ground he yelled, "I'm going to kill her." Officer Karr then shot Mr. Bader in the leg and arrested him. He has since recovered from his injury and faces charges including Attempted 1st Degree Murder-After Deliberation, a Class 2 Felony. His next court appearance is a plea hearing, which is set for September 4, 2018 in Teller County, Colorado. As with all defendants, Jeffrey Bader is presumed innocent unless and until proven guilty beyond a reasonable doubt.

Colorado Revised Statutes §18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly physical force.

The District Attorney's Office reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this investigation show that Cripple Creek Police Officer Karr acted reasonably.

Thus, based on the law and the facts, the investigation has determined that her actions were justified under the law of the State of Colorado. No criminal charges will be pursued.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
October 17, 2018

Lee Richards
Public Information Officer
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August 2, 2018 Police Officer-involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred on August 2, 2018, in Colorado Springs, Colorado. Pursuant to Colorado Revised Statute 16-2.5-301, captioned Peace Officer-Involved Shooting investigations, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

Colorado Revised Statute 20-1-114 states that a district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release and publicly disclose a report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. This is an abbreviated report due to the open and pending case against Karrar Noaman Al Khammasi.

At 2:46 A.M. on Thursday, August 2, 2018, the Colorado Springs Police Communications Center received a call for service regarding gunshots being heard in the vicinity of 1902 Boulder Street. Officer Cem Duzel and Corporal Ron Carter responded separately to this area, and while en route, subsequent reports were received of additional shots being fired in this area. Both officers were in marked Colorado Springs Police Department patrol cars, wearing the standard duty uniform for Colorado Springs patrol officers.

At approximately 2:55 A.M., Officer Duzel travelled east of the intersection of Boulder and Swope and contacted a male heading west, later identified as 31-year old Karrar Al Khammasi. Officer Duzel exited his vehicle and there was an exchange of gunfire between himself and the suspect. Officer Duzel sustained a gunshot wound to the head during this exchange. Corporal Carter arrived on scene within seconds of this encounter and observed both Officer Duzel and Karrar Al Khammasi lying on the ground. Corporal Carter observed Karrar Al Khammasi to still have a firearm in his hand, so Corporal Carter discharged his firearm, ultimately concluding in Mr. Khammasi being disarmed. Corporal Carter, in the company of other responding officers, then initiated medical intervention for both the suspect and Officer Duzel.

At the scene, in the vicinity of where the suspect had fallen, police recovered a loaded Glock Model 27 .40 caliber firearm. Additional loose rounds of live .40 caliber ammunition were removed from the suspect's person prior to his transport for medical treatment. The suspect, who is presumed innocent until proven guilty, is currently facing multiple charges including criminal attempt to commit murder in the first degree. He is set to be arraigned November 30, 2018.

According to Colorado Revised Statutes §18-1-707 a peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

- (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
- (b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:
 - (I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 - (II) Is attempting to escape by the use of a deadly weapon; or
 - (III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

Following a careful review of the facts and evidence, the 4th Judicial District Attorney's Office has concluded that Colorado Springs Police Officers Cem Duzel and Ron Carter were justified when they fired their weapons on August 2, 2018. No criminal charges will be filed.