



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

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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.