



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
December 20, 2018

Lee Richards
Public Information Officer
4th Judicial District
(719) 520-6084

July 22, 2018 Deputy-Involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the El Paso County Sheriff's Office deputy-involved shooting that occurred on July 22, 2018, in unincorporated El Paso 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.

On July 22, 2018, at approximately 6:51 am, El Paso County Sheriff's Deputies responded to the report of a shooting victim being treated at St. Francis Medical Center in Colorado Springs, Colorado. The victim, 50 year old Alberto Bello, told hospital staff that the shooting occurred at 12345 State Highway 94, in unincorporated El Paso County. He said his friend had also been shot in the head at that address.

Deputies responded to that location and located a deceased male in the residence on the property. The male, later identified as 46 year old Gustavo Del Sol Sanchez, had a gunshot wound to the head. During the search for the victim, deputies discovered more the 70 suspected marijuana plants in an outbuilding located on the property. A vehicle registered to Gustavo Del Sol Sanchez at 19290 Loop Road was also discovered on the property. The address matched a tip recently received by Metro Vice, Narcotics and Intelligence (VNI) which indicated that that address could be a suspected illegal marijuana grow. The Loop Road address was familiar to Metro VNI detectives because of a previous investigation involving illegal marijuana activity.

As deputies investigated the homicide at the State Highway 94 location, they received a call reporting several armed men were observed removing items from the residence at 19290 Loop Road and that a black SUV believed to be associated with the homicide was also seen at the address. Additional deputies, including Deputy C. Wheat, immediately responded to the Loop Road address, where they attempted to make contact with residents in order to check the welfare of the occupants.

While standing outside of the residence on Loop Road, deputies observed signs of marijuana product inside a box trailer and what appeared to be blood on the floor of the trailer. They then observed a broken lower window on the house and several spent shotgun shells on the deck and surrounding area. Deputy Wheat decided that, due to the circumstances, they would make entry into the residence to check the status of the occupants. As deputies made entry into the home, loud verbal announcements were directed to the interior of the residence. They received no response and made full entry into the house, which they proceeded to search.

Before clearing the house, deputies received information that a black SUV had been seen leaving the 19290 address and driving to 19230 Loop Road. Believing that address was also involved in the homicide investigation, deputies proceeded to that location. Upon arriving they discovered the home was occupied by three adults, including the property owner, and several small children, all of whom voluntarily exited the residence and spoke with deputies. The owner gave his permission to search the property and told deputies that there were no other people on the property or in any of the outbuildings. Deputies commenced searching the property, accompanied by the property owner, who had to be reminded repeatedly that deputies would enter first for safety. At one point while the search was being conducted, the property owner was again asked if anyone else was on the property and he replied no.

As deputies approached a barn, the property owner moved toward the door and pushed it open before being pulled out of the way by El Paso County Sheriff's Deputy Sergeant Hess. Deputy Wheat noted that the barn was completely dark, with minimal light coming from the open door. As he turned to clear the left corner of the barn, Deputy Wheat observed the barrel of a 12 gauge shotgun, leveled and pointing directly at him. He stated that the white male holding the shotgun was in a rifle stance and prepared to shoot. Deputy Wheat stated he was less than three yards from the suspect and remembers firing four times as he retreated backwards. William Bacorn was struck one time and pronounced dead at the scene. Deputy J. Juhl, who was struck by shrapnel during the incident, was treated and released from the hospital.

Deputy Wheat stated that the owner of the property gave no indication that the suspect, 18 year old William Bacorn, was in the barn prior to the incident. Following the shooting, the property owner stated to deputies that Bacorn, who was a former roommate, had threatened his family.

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.

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.

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 El Paso County Sheriff's Deputy C. Wheat 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.