



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

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Shelly LaGrill
Public Information Contact
4th Judicial District
(719)520-6169

DISTRICT ATTORNEY'S OFFICE DECLINES TO FILE CHARGES IN SHOOTING DEATH OF ERIC BLANCAS

The District Attorney's Office has concluded its' review of the Colorado Springs Police Department's investigation into the shooting death of Eric Blancas that occurred on July 26, 2009 at the Greentree Apartments, 3576 N. Carefree #A, Colorado Springs, CO.

In the early morning hours of July 26, 2009, a group of people with potential gang involvement got into a verbal argument with a group of individuals who were standing on the front steps of their apartment building. Joseph Fleming who was inside his apartment came outside to check on the situation. A short time later, the group with potential gang involvement returned with more people, approximately 20. They began making threatening and provoking statements to the individuals on the front stoop. Joseph Fleming again came outside and took his family members inside the apartment to protect them.

Joseph Fleming got out his shotgun for protection. While attempting to let a friend in the apartment who was calling for help, he was rushed by several members of the group with potential gang involvement. Eric Blancas was in the crowd of people who rushed uninvited into Mr. Fleming's apartment. They began beating and stabbing Mr. Fleming. They also attempted to disarm him. Concerned that they would kill him or his family with the shotgun, he tried to discharge all of the cartridges into the floor. He was doing this while the crowd was continuing to assault and attempt to disarm him. One of the cartridges struck Eric Blancas in the chest, killing him. Joseph Fleming was hospitalized with his injuries.

Under Colorado law a person is justified in using deadly physical force when he believes it necessary to defend himself or others when he reasonably believes he or that other person is in imminent danger of being killed or of receiving great bodily

injury. Moreover, any occupant of a dwelling is justified in using deadly physical force against another person when that person has unlawfully entered the dwelling and the occupant reasonably believes that the person has committed or is committing or intends to commit a crime and the occupant reasonably believes that person might use any physical force, no matter how slight against any occupant. This is commonly known as the “make my day” law and any person who fits the above definition is immune from criminal prosecution.

In reviewing the facts surrounding the shooting, the District Attorney’s Office determines that pursuant to Colorado law, Joseph Fleming was justified in his use of deadly physical force to defend himself and his family and to defend against an intruder.

Please direct any additional inquiries to Dan May 520-6000