



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
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DA's Office Reaches Conclusion in Officer-Involved Shooting

The Fourth Judicial District Attorney's Office has completed an investigation into the officer-involved shooting in Woodland Park that resulted in the death of Craig Bondo on January 22, 2013.

On January 22, 2013, at approximately 1:45 pm, Officer Christopher Moeller of the Woodland Park Police Department was at the Woodland Park Wal-Mart located at 19600 East Highway 24 in Teller County, Colorado. While he was at the Wal-Mart, Officer Moeller was approached by several employees, including an assistant manager and a loss prevention officer. They informed him that there was a man in the store who they suspected was engaged in shoplifting, and Officer Moeller agreed to remain in the store to see what the man was doing. Officer Moeller maintained a position near the store exit and observed the suspect pushing a full shopping cart. The suspect then left the store without purchasing or stealing any items, telling the assistant manager that he left his wallet in his car. Officer Moeller was told that the suspect was not welcome in the Wal-Mart, and Officer Moeller decided to stop the suspect to identify him and warn him not to return to the Wal-Mart.

Officer Moeller requested Officer Andrew Leibbrand, also of the Woodland Park Police Department, to conduct a traffic stop on the suspect's vehicle, a light blue 2002 Saturn station wagon LW200. At 2:13 pm, Officer Leibbrand pulled the suspect over travelling eastbound on Highway 24, not far from the intersection with the road to the Wal-Mart and within view of the store. The suspect provided Officer Leibbrand with a license, registration, and proof of insurance. Officer Moeller arrived at the scene at 2:15 pm and the two officers discussed what to do. They ran the temporary license tag on the car and it came back to a 2003 Jeep Cherokee. Officer Moeller contacted the suspect in the car and told him that he was not welcome in the Woodland Park Wal-Mart and that the temporary license tag on his car was registered to a different vehicle.

Officer Moeller and Officer Leibbrand returned to their vehicles and ran the Saturn's VIN number, which came back as having been reported stolen out of Colorado Springs. The officers also knew that the Saturn had a temporary license tag that belonged to another vehicle; they did not know, but investigators later found, that the driver's license the suspect gave them was also stolen from a different person than the owner of the Saturn. Upon learning that the Saturn was a stolen vehicle, the officers decided to remove the suspect from the car and place him under arrest. Officer Moeller approached the car on the driver's side and Officer Leibbrand on the passenger's side. Neither officer drew his weapon at this point. Officer Moeller walked to the

driver's door and began to open it, ordering the suspect out of the car. Instead of getting out, the suspect pulled his door shut and locked it. He then looked straight at Officer Moeller, moved the wheels of the car to the right, and drove in reverse so that the left front wheel of the car struck Officer Moeller on his left leg, leaving a visible injury.

Officer Moeller jumped out of the way after being struck, and the car continued back in a reverse arc. This put Officer Moeller in front of the stolen car near the left front fender. At the same time he was jumping away from the car, Officer Moeller drew his duty weapon, a Sig Sauer P229 .40 caliber semi-automatic handgun. At this point, Officer Moeller believed that the suspect could have driven away down Highway 24, but instead the suspect looked at Officer Moeller again, turned the wheels of the car to the left, and accelerated towards Officer Moeller. Officer Moeller said he was in fear for his life at this point, and that he fired his weapon at the suspect. These details are verified by the evidence at the scene, where the tire marks of the vehicle had piles of sand and gravel in them, indicating the tires spun in quick acceleration. They are also verified by the statements of Wal-Mart employees who were watching what was going on from in front of the store. One employee told investigators from the District Attorney's Office that the car "just about ran [the officer] over," and that the officer had to jump back to avoid getting run over. The assistant manager wrote that he saw Officer Moeller jump to the front of the Saturn with his weapon drawn. Then they heard the shots being fired.

Officer Moeller fired eight continuous shots into the stolen vehicle. The first four shots were fired as the car was coming at Officer Moeller or was right next to him; three of these shots struck the suspect. The remaining four shots were fired as the car was passing Officer Moeller or driving away from him; none of these shots hit the suspect.

The suspect was transported to Penrose Main Hospital in Colorado Springs, where he was pronounced dead. The autopsy revealed that he died as a result of multiple gunshot wounds. The suspect was identified as Craig Bondo. In addition to being in possession of a stolen car and a stolen driver's license, Mr. Bondo had methamphetamine in his possession, and the autopsy revealed that he also had methamphetamine in his system at the time of the incident.

Colorado Revised Statutes 18-1-707 provides that a peace officer may use deadly physical force upon another person to effect an arrest if he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force. This means that the law in Colorado looks at whether there are facts that support the officer's belief, at the time of the incident, that it was necessary to use deadly force in order to defend himself from the threat of deadly force.

The summary of the facts that Officer Christopher Moeller knew when he fired his weapon were as follows: Craig Bondo was driving a stolen vehicle and refused to obey Officer Moeller's commands, had hit and injured him with the vehicle once already, and was accelerating towards him a second time. Based on his belief that his life was in danger, Officer Moeller began firing his weapon when he was still near the front of the car. The first four shots were fired while Officer Moeller was in front of and beside the driver and are directly related to Officer Moeller's belief that his life was in danger. Although Officer Moeller continued to fire his weapon after the car had passed him, because none of those shots struck the driver no decision needs to be made whether they were reasonable or not.

Officer Moeller was forced to make an instantaneous decision regarding the driver of a car that had just struck him and was again accelerating directly at him. The facts support his belief that his life was in imminent danger. For these reasons, the District Attorney's Office has determined that no criminal charges will be pursued.

For further information, please contact Lee Richards at 520-6084.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE

June 26, 2013

4th Judicial District

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Officer-involved Shooting Ruled Justified

The Fourth Judicial District Attorney's Office has completed an investigation into the officer-involved shooting that occurred in Manitou Springs, Colorado on May 11, 2013. Following a careful review of the facts and evidence surrounding the incident, it has been determined that the officer's use of force against the suspect was reasonable and justified.

On May 11, 2013, at 2:00 a.m., Manitou Springs Police Department (MSPD) officers were dispatched to the LaFon Motel, 123 Manitou Avenue, Room number 30. The nature of the dispatch was that a male occupant of the room had a warrant for his arrest. Officers additionally received information that a possible illegal gun transaction was taking place inside the hotel room.

MSPD Officers Joshua Thomas and Cary Noll responded to the LaFon Motel. As the officers were attempting to contact the occupants of the room, a male party, later identified as Christopher Clemons (9/30/1975), came out of the room and was approached by Officer Thomas. Contrary to commands given by officers, Clemons ran from them. Officer Thomas chased Clemons. As the suspect ran away from Officer Thomas he fired a handgun towards Officer Thomas. Officer Thomas returned fire, hitting Clemons once in the hip.

Upon checking, Clemons had a warrant for his arrest for a parole violation – escape. After being treated on scene, Clemons was taken to Penrose Main Hospital where he was later medically cleared and then arrested for the warrant.

The Office of the District Attorney, the El Paso County Sheriff's Office and Manitou Springs Police conducted an investigation into the shooting. Investigators collected a .45 caliber Smith and Wesson handgun from the scene as well as an expended shell casing and a projectile that had been removed from a hotel room door to the west of the LaFon hotel. The shell casing and projectile were identified as having come from the .45 handgun that was in the possession of Christopher Clemons. Colorado Revised Statutes 18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be imminent use of deadly physical force, or to effect an arrest of a person he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or otherwise indicated that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. In addition, Colorado Revised Statutes 18-1-704 provides all citizens with the right to defend themselves with deadly force if they reasonably believe they are in imminent danger of being killed or receiving great bodily injury and reasonably believe a lesser degree of force is inadequate.

The District Attorney's Office conducts independent investigations and reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this particular investigation demonstrate that Officer Joshua Thomas acted reasonably and was justified in defending himself and others from the imminent use of deadly physical force by Christopher Clemons. Because the officer's actions were justified under Colorado law, no further investigation or criminal charges will be pursued related to the discharge of Officer Thomas's gun. Criminal charges including attempted first degree murder of a peace officer have been filed against Christopher Clemons. Clemons is in the custody of the

El Paso County Sheriff's Office. Mr. Clemons is presumed innocent. His next court date is July 24, 2013 at 1:30 p.m.

For further information, please contact Lee Richards at 520-6084.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
March 11, 2014
4th Judicial District

Lee Richards
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Officer-involved Shooting Ruled Justified

The Fourth Judicial District Attorney's Office has completed an investigation into the officer-involved shooting that occurred in Fountain, Colorado on November 11, 2013. Following a careful review of the facts and evidence surrounding the incident, it has been determined that the officers' use of force against the suspect was reasonable and justified and did not cause the suspect's death.

On November 11, 2013, at approximately 5:00 p.m., Fountain Police Department (FPD) officers were dispatched to 405 Crest Drive in Fountain regarding an automobile that had crashed into a residence. The witness reported that the driver of the vehicle was threatening suicide and had fired a shot while still sitting in the vehicle.

FPD Officers Timothy Johnson, Tara Mallet and Daniel Anthony responded to the area and located a vehicle in the front yard of the residence. The driver of the vehicle was later identified as 25 year old Jonathan Clark.

Officers Johnson, Mallet and Anthony took cover behind vehicles in the area and immediately engaged the driver of the vehicle in conversation. His responses indicated he was suicidal. Over the course of several minutes, Officers made repeated attempts to convince Mr. Clark to voluntarily exit his vehicle. Mr. Clark refused. At that time and due to poor lighting conditions, Officer Johnson turned on his tactical flashlight mounted on his rifle to better see the suspect. The suspect responded by saying "I have one of those, too," and pointed his weapon directly at the officers. Sgt. Johnson and Officer Mallet each fired four rounds, striking Mr. Clark's vehicle several times and hitting him once in the left wrist. At this point Mr. Clark fired one shot into his chest. Emergency personnel rushed to his car, removed him from the driver's seat and began providing emergency care. Mr. Clark was taken to Memorial Hospital where he was later pronounced dead.

An autopsy was conducted by the El Paso County Coroner's Office. The Coroner's Office determined that Mr. Clark died as a result of a self-inflicted gunshot wound. The Coroner's Office report states,

"It is my opinion that Jonathan Clark, a 25-year-old White male, died as a result of a gunshot wound of the chest. Investigation and autopsy findings are consistent with this being deliberate and self-inflicted."

The Office of the District Attorney and the Fountain Police Department conducted a thorough investigation into the shooting. Investigators collected a Black Sig Sauer .40 caliber handgun from the front seat of Clark's SUV and two expended shell casings found in his SUV. Investigators were able to account for the rounds fired by the FPD Officers.

Further investigation revealed that thirty minutes prior to the incident, Mr. Clark was driving on I-25 at speeds in excess of 100 miles an hour and firing his gun out the driver's side window. He indicated to his passenger that he wished to join his deceased mother.

Colorado Revised Statutes 18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be imminent use of deadly physical force, or to effect an arrest of a person he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or otherwise indicated that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. In addition, Colorado Revised Statutes 18-1-704 provides all citizens with the right to defend themselves with deadly force if they reasonably believe they are in imminent danger of being killed or receiving great bodily injury and reasonably believe a lesser degree of force is inadequate.

The District Attorney's Office conducts independent investigations and reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this particular investigation demonstrate that Officer Tara Mallet and Sergeant Timothy Johnson acted reasonably and were justified in defending themselves and others from the imminent use of deadly physical force by Jonathan Clark. Because the officers' actions were justified under Colorado law, no further investigation or criminal charges will be pursued related to the discharge of Officer Mallet's and Sergeant Johnson's guns.

For further information, please contact Lee Richards at 520-6084.