



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
July 6, 2017
4th Judicial District

Lee Richards
Community Outreach Director
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January 2017 Officer-involved Shooting Ruled Justified

The Fourth Judicial District Attorney's Office has completed its investigation into the officer-involved shooting that occurred in Colorado Springs, CO on January 5th 2017. 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 neutral agency. The outside participating agency in this incident is the El Paso County Sheriff's Office.

On January 5th 2017 at approximately 2:40 p.m., law enforcement officers from the Colorado Springs Police Department Tactical Enforcement Unit attempted to apprehend a juvenile suspect wanted on outstanding warrants. While officers at the scene waited for a search warrant for one of the apartments, the wanted juvenile came down the stairwell with a gun in his left hand. He was immediately contacted by Sgt. Robert Wolf who yelled commands at the juvenile ordering him to drop the weapon. The juvenile did not comply and started to bend his left arm at the elbow. Fearing that the juvenile was raising the weapon to fire at officers, also potentially putting the tenants in the apartments in danger, Sgt. Wolf shot the juvenile. He was subsequently apprehended and provided medical treatment. After the juvenile recovered from his injuries, he was charged with several offenses. As with all defendants, the juvenile is presumed innocent until proven guilty in a court of law. As he has been charged as a juvenile, his name is not being released.

Colorado Revised Statute 20-1-114 states that the 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 the juvenile.

Colorado Revised Statutes 18-1-707 provides that an officer is justified in using deadly force if he 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 others with deadly force if they reasonably believe another is 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 reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this particular investigation demonstrate that Sgt. Robert Wolf acted reasonably and was justified in defending others from the imminent use of deadly physical force by the juvenile and further used reasonable force to effect the arrest of the juvenile. Because the officer's actions were justified under Colorado law, no criminal charges will be pursued.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
April 28, 2017

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Colorado Springs Police Department Officer-Involved Shooting Ruled Justified

The Fourth Judicial District Attorney's Office has completed an investigation into the officer-involved shooting that occurred in Colorado Springs, Colorado, on January 12, 2017. 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 neutral agency. The outside participating agency in this incident is the El Paso County Sheriff's Office.

Following a careful review of the facts and evidence, the 4th Judicial District Attorney's Office has concluded that Colorado Springs Police Department Officers Anthony D'Agostino and Christopher Dryman were justified when they fired their weapons on January 12, 2017, striking Shawn Michael Oliver twice. Shortly after 9:00 pm, the two officers made contact with Mr. Oliver near a restaurant located in the 600 block of West Garden of the Gods Road. After attempts by Officers D'Agostino and Dryman to convince Mr. Oliver to put his gun down, Mr. Oliver fired his gun at the officers. Officers D'Agostino and Dryman returned fire, striking Mr. Oliver. Mr. Oliver has recovered and is currently being held in the El Paso County Jail. He faces charges of criminal attempt to commit first degree murder, first degree assault on a peace officer, and possession of a weapon by a previous offender. His next court appearance is scheduled for July 5, 2017. As with all defendants, Mr. Oliver is presumed innocent until proven guilty in a court of law.

Colorado Revised Statute 20-1-114 states that the 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 Mr. Oliver.

Colorado Revised Statute 18-1-707 states that an officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to defend himself from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest, or 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 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 reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this particular investigation demonstrate that Officers Anthony D'Agostino and Christopher Dryman acted reasonably and were justified in defending themselves and others from the imminent use of deadly physical force by Shawn Oliver and further used reasonable force to effect the arrest of Mr. Oliver. Because the officers' actions were justified under Colorado law, no criminal charges will be pursued.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
August 2, 2017

Lee Richards
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February 21, 2017 Colorado Springs Police Department Shooting Ruled Justified

The 4th Judicial District Attorney's Office, in coordination with the El Paso County Sheriff's Office, has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred in Colorado Springs, CO on February 21, 2017. 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.

A citizen called the CSPD Dispatch Center to report that Misael Cano was on the roof of a building in the area of Illinois Avenue. Cano was wanted for charges that included Attempted Second Degree Murder and First Degree Assault. At approximately 3:00 pm, Colorado Springs Police Department Officers were dispatched to 2921 Illinois Avenue to contact Cano regarding two felony warrants. Sergeant Carlos Sandoval exited his police vehicle and approached Cano as Cano got into his vehicle. Sergeant Sandoval gave Cano several commands to show his hands in both Spanish and English. Cano responded by moving his right hand downward. Sergeant Sandoval repeatedly ordered Cano in both English and Spanish to keep his hands up and to get out of the vehicle. Cano refused to comply and placed his vehicle in reverse. Sergeant Sandoval attempted to slow Cano down by stabbing Cano's front tire with his duty belt knife. Cano fled the scene but crashed near the intersection of Templeton Gap and Fillmore Street.

Cano exited his vehicle and fled on foot, pursued by officers. Officer Steven Pugsley exited his vehicle and attempted to make contact with Cano on Elm Meadow View. Officer Pugsley saw a handgun in Cano's hand and repeatedly ordered Cano to stop and drop his gun. Cano did not comply with any of Officer Pugsley's commands and instead turned around and started to raise his gun. Officer Pugsley fired one shot, hitting a gas meter attached to a nearby residence. Officer Pugsley's body worn camera captured the initial contact with Cano at Illinois Avenue and the contact at Elm Meadow View. Cano continued to flee on foot in the Elm Meadow View neighborhood.

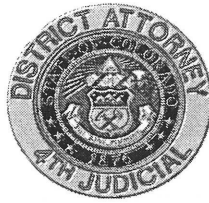
Cano forced his way at gunpoint into a home located on Elm Meadow View. The resident of the home informed dispatch that Cano had fled the home in the resident's Kia van.

In the area of Circle and Palmer Park, Officer Jeffrey Whittmore performed a successful Tactical Vehicle Intervention (TVI) with the stolen van, ultimately placing Officer Whittmore's cruiser perpendicular to the driver's side of the stolen van driven by Cano. Cano pointed his 9mm at officers and fired. Video of the shooting was recovered. Officers Jake Skifstad, Dale Lucky, and Jeffrey Whittmore returned fire, shooting Cano multiple times. He was later pronounced dead at a local hospital. Cano's

9mm was recovered from the floor board between the driver and passenger seats. A cartridge case recovered from beneath Officer Whittmore's cruiser traced back to Cano's 9mm. Surveillance video from a nearby local business captured the shooting, in which a puff of smoke from Cano's van (indicating the moment he fired at officers) can be seen prior to the officers returning fire.

Colorado Revised Statutes 18-1-707 provides that an officer is justified in using reasonable and appropriate physical force upon another person when necessary to effect an arrest or to prevent the escape from custody of an arrested person. In addition, a peace officer may use physical force to the extent that he reasonably believes it necessary to defend himself from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest. Further, peace officers are justified in using deadly physical force upon another person to effect an arrest of a person whom he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon or if he or she reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force. 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.

Following a careful review of the facts and evidence, the 4th Judicial District Attorney's Office has concluded that Colorado Springs Police Department Officers Jake Skifstad, Dale Lucky, and Jeffrey Whittmore were justified when they fired their weapons on February 21, 2017 striking and killing Misael Cano. No charges will be filed.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
October 26, 2017

Lee Richards
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No Charges in Officer-involved Shooting

The 4th Judicial District Attorney's Office has completed its investigation into the Colorado Springs Police Department Officer-involved shooting that occurred in Colorado Springs, CO on August 15, 2017. 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 careful review of the facts and evidence surrounding the incident, it has been determined that no charges will be filed against the officer for his use of deadly force.

Colorado Revised Statute 20-1-114 states that the 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.

In the late evening hours of August 15, 2017 a CSPD officer responded to Wal-Mart on Platte and intercepted a shoplifter attempting to leave the store. Seconds after the officer's arrival, the suspect, later identified as 45 year old Steven James Young, sprinted through the store and exited thru a loading dock door, running into a nearby neighborhood. At this time the initial officer on scene called for back-up and several officers responded, including Officer Anthony Voltz, who was in uniform and was driving a fully marked patrol car.

During the chase officers briefly lost sight of the suspect until Officer Voltz heard rustling in bushes near a home on E. Bijou, where he stopped his vehicle with its flashing lights activated. Once stopped, the suspect jumped out from behind the bushes and Officer Voltz saw that the suspect was holding a firearm (later determined to be a CO2 pellet gun) in his right hand. The suspect then began to run in the direction of other officers. Officer Voltz aired over the radio that the suspect had a gun. The suspect continued to run, ignoring the officer's command to get on the ground. Officer Voltz stated that the suspect began to turn toward him causing the officer to fear that he was about to be shot. Officer Voltz fired, hitting the suspect. All of the officers involved in this incident, including Officer Voltz, were wearing body worn cameras; however, due to the lack of lighting and/or rapid movement of the officers, every image was not clearly captured.

During the investigation, the weapon used by the suspect was determined to be a Crosman Vigilante Revolver .177 Caliber CO2 Air Pistol. Steven Young was seen driving a stolen jeep to the Wal-Mart on Platte. Young stole the Jeep in June 2017 and had since been involved in

numerous high speed chases with law enforcement. During a search of the Jeep CO2 cartridges and pellets were found that are consistent with the weapon brandished by Mr. Young. It was also determined that the suspect had amphetamine and methamphetamine in his system. In addition, text messages exchanged by acquaintances of Steven Young were later discovered in which he reportedly indicated he would not be taken alive.

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. 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 of receiving great bodily injury and reasonably believe a lesser degree of force is inadequate. Under either standard, Colorado law allows an individual to act based on their subjective reasonable belief.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
February 12, 2018

Lee Richards
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September 19, 2017 Officer-Involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred in Fountain, Colorado on September 19, 2017. 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 careful review of the facts and evidence surrounding this incident, it has been determined that no charges will be filed against the officers for their use of deadly force.

Colorado Revised Statute 20-1-114 states that the 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(s) with any criminal conduct. As this is an open and pending case, this will be an abbreviated report.

On September 19, 2017, at approximately 2:45am, El Paso County Sheriff's Deputy Cesar Talavera attempted to stop a Chevy pickup truck for traveling 52 mph in a 35 mph zone. The driver, later identified as Robert William Zupko, JR, failed to stop for the red light at Powers and Fontaine Boulevards, then he "brake-checked" Deputy Talavera in an apparent attempt to cause a collision. Due to Zupko's reckless and dangerous driving a pursuit of the suspect's vehicle was terminated at that time, however, over the next several hours, a series of high speed pursuits followed as the suspect drove into oncoming traffic, jumped curbs and intentionally rammed Deputy Talavera's car, disabling it.

The final pursuit ended in a cul de sac in the 6900 block of Roaring Springs Lane in Fountain, Colorado, where law enforcement officers from the Fountain Police Department and the El Paso County Sheriff's Office blocked in the suspect, who rapidly accelerated toward, and struck, patrol cars and civilian vehicles, causing significant damage. Zupko then proceeded to strike the patrol cars occupied by Fountain Police Officer Sheyna Marshall and El Paso County Sheriff's Deputy Cody Jaworski and almost struck law enforcement officers who had gotten out of their patrol cars and were standing in the road. At that time, Fountain Police Officers Noah Walter and Matthew Angoy, and Sheriff's Deputy Cody Jaworski fired several non-fatal rounds at Zupko, incapacitating him.

Robert Zupko has recovered from his injuries and is facing several charges, including five counts of Attempted First Degree Murder-Extreme Indifference, a Class 2 Felony. His next court appearance is a

Review Hearing set for January 23, 2018. Please keep in mind, these charges are merely allegations. All defendants are presumed innocent unless and until they are proven guilty beyond a reasonable doubt.

Colorado Revised Statutes 18-1-707 provides that an officer is justified in using reasonable and appropriate physical force upon another person when necessary to effect an arrest or to prevent the escape from custody of an arrested person. In addition, a peace officer may use physical force to the extent that he reasonably believes it necessary to defend himself from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest. Further, peace officers are justified in using deadly physical force upon another person to effect an arrest of a person whom he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon or if he or she reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force. 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 4th Judicial District Attorney's Office has concluded that Fountain Police Officers Walter, Angoy, and El Paso County Sheriff's Office Deputy Jaworski were justified when they fired their weapons, striking Robert Zupko.



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
April 26, 2018

Lee Richards
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December 2, 2017 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, Colorado on Saturday, December 2, 2017. 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 careful review of the facts and evidence surrounding the incident, it has been determined that the officers' use of force was reasonable, appropriate and justified.

Colorado Springs Police DART (Downtown Area Response Team) Officers Christopher Fernandes and Tracy Toth drove to the parking lot behind a strip mall in the 1500 block of South Nevada Avenue to arrest Christopher Louis Willard for failure to appear on a misdemeanor theft charge. Officers Fernandes and Toth, who were familiar with Willard, arrived at the location at approximately 6:18 pm and spotted his vehicle parked at the north end of the parking lot. The officers, who were wearing CSPD patrol uniforms, exited their vehicles and approached Christopher Willard and another male, who were standing near the rear of Willard's car. Officer Fernandes was not wearing his body worn camera (BWC) as it was charging in his patrol vehicle. Officer Toth was wearing her BWC, which self-activated.

Officer Fernandes approached Willard, while Officer Toth contacted the other male. As Officer Fernandes approached, Willard walked to the front of his vehicle and stood by the open driver's side door. Officer Fernandes mentioned to Officer Toth that there was a possible knife on the back fender of Willard's vehicle. Later scene inspection revealed that Willard had a taped, double bladed weapon and a claw hammer on top of the vehicle's trunk, near the driver's side door. A couple weeks earlier, Officer Toth heard from a source that Willard had a gun in his possession – information that Officer Toth shared with Officer Fernandes as he, too, had frequent contact with Willard.

Noting that Willard appeared nervous, Officer Fernandes called out to him and tried to engage him in small talk to put him at ease. While speaking with Willard near the open driver side door, Officer Fernandes noticed a large prescription bottle on the driver's seat and asked Willard about it, who said he'd found the bottle earlier that day. Officer Fernandes told him, "We'll get it sorted out. You got a warrant anyway. Go ahead and turn around, put your hands behind your back." Willard started to comply, turning around and placing one hand behind his back. As Officer Fernandes began to put handcuffs on Willard's wrist he felt a brace or cast on his wrist, which turned out to be an arm or shin guard strapped to his inner left forearm and modified into a weapon with a screwdriver bit. Willard began to tense up and pulled his hands toward his waist. At this time, Officer Toth came to assist in the arrest. As the officers tried to handcuff Willard, he said to Officer Toth, "I have something." The officers attempted to pin him against the driver's side door, giving him multiple commands to put his hands behind his back, and then ordered him to get on the ground, but Willard twisted out of the officers'

grips. Willard continued reaching toward his waistband and, despite multiple maneuvers to bring him under control, he remained upright and combative. During the ensuing struggle, Officer Fernandes yelled warnings to Officer Toth that Willard was reaching. Officer Toth yelled for Willard to get down and warned him that he was about to be tased. Officer Toth tripped and fell backwards on the ground in front of Willard. Christopher Willard spun around and Officer Fernandes said he saw "the barrel of a gun pointing at me." Immediately after yelling, "get back," Officer Fernandes opened fire. Officer Fernandes yelled, "don't move" at Willard, who was lying on the ground on his back, a few feet from Officer Toth, who was still on the ground. Officer Fernandes saw Willard lift his head and raise his gun. Officer Toth thought Willard was going to shoot Officer Fernandes. Both officers fired at Willard. The officers fired 13 rounds.

Christopher Willard was pronounced dead at Memorial Hospital. According to the autopsy, he had been shot at least 9 times and had methamphetamine in his system.

Subsequent investigation revealed that Christopher Willard's gun was a realistic looking semi-automatic styled bb gun.

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 CSPD Officers Fernandes and Toth acted reasonably. It was reasonable to believe that the gun in Willard's possession was a legitimate firearm. Thus, based on the law and the facts, the investigation has determined that the actions of the officers were justified under the law of the State of Colorado. No criminal charges will be pursued.