



August 4, 2015

Michael McIntosh, Adams County Sheriff  
Adams County Sheriff's Office  
1901 East Bridge Street  
Brighton, CO 80601

Re: The investigation of the death of Michael David Stutsman at the Adams County Detention Facility at 150 N. 19<sup>th</sup> Avenue, Brighton, Colorado on April 8, 2015.

Dear Sheriff McIntosh:

The investigation and legal analysis of the death of Michael David Stutsman, while in-custody at the Adams County Detention Facility (ACDF) on April 8, 2015, has been completed. Detective James McKenzie of the Adams County Sheriff's Office led the investigation and presented his reports, video recordings, photos and other documents to the office of the Seventeenth Judicial District Attorney for our review for any potential criminal charges. Based on the evidence presented, Mr. Stutsman died of asphyxia due to hanging. Your investigation and the evidence demonstrate that the manner of death was suicide. Therefore, no criminal charges will be filed against anyone in this matter.

#### STATEMENT OF INVESTIGATION

On March 16, 2015, Michael David Stutsman was booked into the Adams County Detention Facility (ACDF) after violating the conditions of his parole. [Prior to his arrest, Mr. Stutsman had been placed at a community corrections facility by parole to transition from prison (the Colorado Department of Corrections) to parole in the community.] Michael Stutsman was serving a sentence in prison for felony criminal charges in five separate criminal cases; one from Adams County (13CR3568) and four from Jefferson County (98CR2624, 98CR2613, 03CR3168, and 07CR1928).

During Intake, Mr. Stutsman underwent an assessment of his mental status. This is a standard assessment given to every inmate to detect whether the inmate poses a risk to himself or herself. In this assessment, Mr. Stutsman did not express a desire to take his life, and he did not engage in any behavior to indicate that he was at risk to commit suicide. Had he given some indication that he was at-risk, he would have been placed in the medical unit or placed under extra surveillance for his own safety. After completing three days in intake at ACDF, Michael Stutsman was moved to A-Module Pod 1, also known as 'Pod A-1.' He was assigned to cell A-109. He remained in Pod A-1 until his death.

On April 3, 2015, Michael Stutsman was advised by Parole that he was going to be regressed back to prison, and he was served with that paperwork on April 7, 2015.

On April 8, 2015 at 11:16 a.m., Detention Specialist Ryan Martinez was working his assigned post in A-Module when he heard yelling coming from pod A-1. Detention Specialist Martinez ran to the window looking into pod A-1. He saw an inmate Dale Rasmussen holding up another inmate in the shower in the lower level of A-1. Detention Specialist Martinez yelled to Deputies James Castellano and Dominic Romero to go into the pod. Martinez said that when the shower curtain was removed from the entrance to the shower, he was able to see a blue inmate issued bed sheet tied around the shower curtain rod. Detention Specialist Martinez immediately aired a medical emergency code over the radio to alert other staff.

Deputy Castellano, who was working in A-module where the inmates were being served lunch, was alerted to go to pod A-1. Upon entering the pod, an inmate told him that someone was hurt in the shower. Deputy Castellano went to the showers, and he saw inmate Dale Rasmussen standing half-way in and half-way out of the shower. Rasmussen was holding up another inmate. This inmate, Michael Stutsman, had a blue sheet tied around his neck and tied around the rod for the shower curtain. Another sheet was tied around Stutsman's wrist and around Stutsman's ankles. Deputy Castellano also observed that a chair from the pod was in the shower. Inmate Rasmussen called to Deputy Castellano to help him get the sheet off of Stutsman. Deputy Castellano held up Stutsman and tried – without success – to cut the sheet. Around this time, Deputy R. Romero arrived and assisted in trying to get the sheet untied. Deputy Castellano noted that that Michael Stutsman's face was pale, but that he was warm to the touch.

Deputy Dominic Romero entered the pod and assisted in trying to untie the sheet from Michael Stutsman's neck as Deputy Castellano continued to hold Stutsman up to relieve pressure on Stutsman's neck. Deputy Ramon Sanchez, who had arrived in response to the medical emergency code, assisted in untying the knot in the sheet around Michael Stutsman's neck. After the sheet was removed from around the neck of Michael Stutsman, he was moved to the day space area directly in front of the shower. Deputy Castellano said that once Michael Stutsman was placed on the floor, he began Cardiopulmonary Resuscitation (CPR), and continued until he was relieved by responding nurses.

Chantel Trevizo (a Licensed Practical Nurse or LPN) was the first nurse to arrive on scene. LPN Trevizo began CPR, relieving Deputy Castellano. Litzzy Hernandez (a Registered Nurse or RN) arrived and placed Automated External Defibrillator (AED) pads on Michael Stutsman. Registered Nurse Hernandez indicated that once the AED pads applied, the AED began to analyze for a heart rhythm. RN Hernandez advised that the AED's display advised that "No Shock" should be applied, so CPR was continued. Multiple rounds of Chest Compressions were completed before the AED advised to deliver a shock at 11:25 p.m. The AED was immediately used to deliver a shock. After the shock, CPR resumed and continued until paramedic's from the Brighton Fire Rescue District and Platte Valley Ambulance arrived and took over care at 11:26 a.m. Care was continued on Michael Stutsman until he was pronounced deceased at 1139 by Doctor Ryan Klemt of the Platte Valley Medical Center.

Numerous other officers of the Sheriff's Department arrived during this incident and provided reports about their roles and observations. Early during this incident, as other officers arrived, inmate Rasmussen and other inmates in the pod were told to go to their cells and locked down.

Detectives Nina Thomas-French and Kenny Sherman, who are assigned to the Crime Scene Lab, were notified and arrived on scene after Mr. Stutsman's death to process and photograph the scene.

Shortly after arrival of the Lab Detectives, Sherronda Appleberry, Chief Deputy Coroner, and Jess Jensen, an Investigator with the Coroner's Office, arrived and began their investigation. At 1:21 p.m., Jess Jensen took custody of the remains of Michael Stutsman and transported them to Coroner's Office.

Detective Marquez and Detective McKenzie interviewed James Denman, who was housed with Michael Stutsman in cell A-109 since, per the records of the ACDF, March 19, 2015. During these weeks together, James Denman said that he and Michael Stutsman spent most of their time in the cell sleeping. James Denman told the detectives that Michael Stutsman didn't have any problems in the pod and said that Stutsman had no enemies. On the date of Mr. Stutsman's death, James Denman said that he was in line to get his lunch when he realized that Michael Stutsman was nowhere around. After he received his lunch tray, James Denman began to look for Michael Stutsman. James Denman said that he noticed that there were clothes in the shower, so he went to see if Michael Stutsman was in the shower. James Denman said that he heard no water running in the shower, so he hollered into the shower and hit the shower curtain to see if anyone was inside. When he heard no response, he opened the shower curtain and found Michael Stutsman standing awkwardly near the curtain. James Denman said that he was aware that Michael Stutsman had seizures, and he was concerned that Michael Stutsman was having a seizure. He asked Stutsman if he was okay and heard no response from Michael Stutsman. James Denman said he pushed at Michael Stutsman and realized that Stutsman was hanging by the neck. James Denman said that Michael Stutsman was pale in color with blue lips. James Denman said he grabbed Michael Stutsman and held him up as he tried to untie knots on the sheet. Mr. Denman said that lunch service was complete and the door to the housing unit was closing when he yelled for deputies.

Detective Marquez and Detective McKenzie interviewed Dale Rasmussen, who was the inmate contacted in the presence of Mr. Stutsman. Mr. Rasmussen was assigned to cell A-109. Mr. Rasmussen said he was seated nearby getting ready to eat when he heard James Denman holler for deputies. Rasmussen said he knew something wasn't right, and he went to assist. Dale Rasmussen said that he thought that Michael Stutsman might have been having a seizure, so he grabbed him to help him. When he grabbed Michael Stutsman, he saw that Stutsman's hands were tied and he was hanging by the neck from the shower curtain rod. Dale Rasmussen said that he picked Michael Stutsman up, and as he did Michael Stutsman groaned and let air out. Dale Rasmussen said that there were about three knots tied around Michael Stutsman neck. Dale Rasmussen said that James Denman was attempting to untie the knots near the shower curtain when deputies arrived and took over. Dale Rasmussen told me that he didn't see Michael Stutsman walking to the shower with sheets and said that he didn't hear any water running.

Detective interviewed Anthony Martinez, A-107, who was seen on video approaching and turning away from the shower. Anthony Martinez said that he heard Michael Stutsman asking Kenneth Prien about getting another sheet during clothing exchange that morning. Anthony Martinez said that he sat at the same table and ate with Michael Stutsman. Anthony Martinez said that right before lunch he went towards the shower and said that it appeared that someone was in the shower. Anthony Martinez said that he saw clothes at the top of the curtain and a chair inside the shower, but he did not hear any water running. Anthony Martinez said that after he received his lunch he heard a commotion in the shower and he went to see what was going on. Anthony Martinez said that as approached deputies entered the pod and told everyone to lockdown.

Detective McKenzie interviewed Kenneth Prien of cell A103. Kenneth Prien said that he and Michael Stutsman were in Time to Change (the community corrections facility) together, but Prien said he really didn't know Mr. Stutsman. That morning, Michael Stutsman had asked Kenneth Prien how he could get an extra sheet, and Kenneth Prien told him that he didn't know. Kenneth Prien said that he was behind Michael Stutsman in line and didn't hear him ask laundry workers for an extra sheet.

As part of this investigation, Mr. Stutsman's cell, A-109, was searched. Numerous letters were found in the cell which appeared to be written by Michael Stutsman. After reviewing copies of these letters, it is apparent that they are suicide letters. One of the letters in particular, which was addressed to "Dad," is clearly a suicide letter. In the letter, Michael thanked his father being an incredible dad. Michael also apologized for being "such a screw up." He further wrote, "Please know I just hurt so bad and can't go thru this anymore knowing the mess I've made of things," and, "It was nothing you did wrong this has all been me." Mr. Stutsman also wrote, "I'm sorry I wasn't there to take care of you the way you did me." Michael Stutsman then reminds his father that he has three accounts at Academy Bank. He then states, "At my services 2 songs that I want are ..." and lists two songs and artists. In other letters, Michael Stutsman wrote similar things, repeating his request for the two songs at his services, thanking the recipients, indicating he couldn't go on, and apologizing for the errors in his life. They are heart rending and clearly portray that Mr. Stutsman was experiencing severe emotional pain. They also convey that he is saying goodbye for the final time.

Unfortunately, Mr. Stutsman does not appear to have conveyed his extreme distress or suicidal ideation to anyone inside (or even outside) the detention facility. None of the other inmates, including his cell mate, reported any suicidal threats or behavior by Mr. Stutsman. He did not even express this plan to his father during a phone call a few hours before his death. Nor did Mr. Stutsman did not make any such statements to the personnel at the jail.

Calls between inmates and individuals outside of the ACDF are routinely recorded. Detective McKenzie reviewed a phone call that Michael Stutsman had made to his father, Charles Stutsman, on the morning of April 8, 2015. During the call Michael Stutsman spoke about his checking and saving accounts and balances in the accounts. Michael also told his father how to access his accounts through his cell phone. During the call Michael and his father spoke about a Power of Attorney that had been filled out while Michael was at ACDF, which would empower his father to access the accounts. As the phone call came to a close Michael told his dad that he loved him, that he was a wonderful dad, and that he missed him. Mr. Stutsman can be heard to sob. Charles Stutsman told Michael that he also missed him. Charles then told Michael that, "Somehow you need to get some psychological help." Charles also told Michael, "chin up, you'll be out again," and, "You're a pain in the ass, but you keep walking into it, somewhere along the line you need not to do it anymore." Michael said he hoped it was over, and Charles replied that he hoped so, too. Despite the emotional content, Michael Stutsman never indicates to his father that he intended to take his life.

Detective McKenzie spoke with Ciara Fields, Programs Assistant, about the Power of Attorney that Michael Stutsman had completed on April 7, 2014 in the Law Library at ACDF. Ms. Fields said that Michael Stutsman came to the library at about 2:06 p.m. and filled out the Power of Attorney. This was notarized and given to Charles Stutsman. Ms. Fields said that Michael Stutsman seemed to be in good spirits and was joking about his cellmate. Ms. Fields said that after completing the form she left the library with Michael, and Michael Stutsman told her to tell his father thank you and that he loved him.

Detective McKenzie reviewed video in A Module, Pod 1 for April 8, 2015 to track the movement of Michael Stutsman. Detective McKenzie provided the following timeline:

<b>Time:</b>	<b>Activity</b>
0500:25	Michael Stutsman comes out of his cell (A109) from nighttime lockdown.
0503:29	Eats breakfast with others at second table.
05:11:53	Back in cell A109
0521:08	Exits cell and is in and out of cell until
0532:24	Door shut, lockdown 0545.
0552:10	Row check by deputies
0622:03	Row check by deputies
0649:33	Row check by deputies
0722:18	Row check by deputies
0732:00	Exits cell, walks around day space, puts chair in shower and puts up shower curtain
0743:00	Med call
0745:56	Back in cell
0749:21	Cell door shuts
0750:28	Out in day space
0823:27	Back in cell
0825:29	Out in day space
0842:34	Goes to cell for laundry
0852:03	Laundry exchange pod#1
0856:08	Back to cell
0857:13	Out in day space
0859:22	Back in cell
0859:39	Cell door shuts
0903:28	Out in day space, sits at table
0908:15	Makes telephone call to father
0925:14	Back in cell
0926:40	To shower with chair
0927:18	Out of shower
0929:12	In shower
0930:17	Out of shower
0931:29	In shower
0933:31	Out of shower
0933:50	In shower
10:02:17	Out of shower
1003:19	To cell
1004:58	Out in day space
1005:19	In shower
1103:17	Anthony Martinez walks near shower
1115:45	James Denman finds Michael Stutsman hanging in shower
1116:17	Dale Rasmussen to shower to help James Denman

1116:23	Inmate runs to notify deputies
1116:30	Deputy Castellano and Romero enter pod#1, runs to shower.
1118:03	Deputies cut down Michael Stutsman and begin CPR
1118:23	Nurses arrive on scene
1126:39	Brighton Fire on scene
1127:28	Platte Valley Ambulance on scene
11:39	Michael Stutsman pronounced deceased by Dr. Klemt

While it should be noted that Mr. Stutsman's wrists were tied, the video is telling in that it shows Mr. Stutsman entering the showers unrestrained and alone. Nobody enters the shower until Mr. Denman enters over an hour later, at which time he is discovered restrained. The only conclusion is that Mr. Stutsman bound his own wrists.

It should also be noted that Mr. Stutsman moves the chair into the shower over forty minutes before he enters the shower for the final time. While it is possible that he moved the chair for some other unknown purpose, it appears that he may have pre-positioned the chair for use in his suicide.

On April 10, 2015, Detective Marquez and Detective McKenzie attended the Post Mortem Examination of Michael Stutsman at the Adams County Coroner's Office. The autopsy was completed by Pathologist Michael Arnall. Dr. Arnall is board certified in forensic pathology, and he has testified as an expert in forensic pathology in numerous murder cases. On June 2, 2015, Detective McKenzie received a copy of the Autopsy Report from the Adams County Coroner's Office. This report was provided to the Office of the District Attorney. Dr. Arnall noted in the autopsy report that he observed an external injury to Mr. Stutsman's body, describing it as "2 cm horizontally oriented strip of abrasion" about Mr. Stutsman's neck. It should be noted that this singular external injury is consistent with Mr. Stutsman being found in the shower hanging by a sheet. The absence of other injuries corroborates the video that Mr. Stutsman was in the shower alone. Dr. Arnall also notes internal injuries in his report, specifically that the "soft tissues of the neck demonstrates hemorrhage around fractures of the bilateral thyroid cornua," which is in the neck in area of the abrasion. Dr. Arnall concluded that that the **cause of death** of Michael Stutsman was **Asphyxia due to hanging**, and the **manner of death** was **Suicide**.

#### LEGAL ANALYSIS

Criminal liability is established in Colorado when it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statutes, and it is proven beyond a reasonable doubt that the offense was committed without any statutorily recognized justification or excuse.

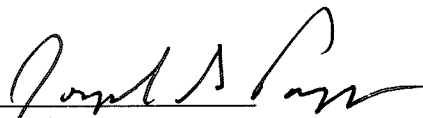
There is no evidence to support the filing of criminal charges for the death of Michael David Stutsman. The evidence demonstrates that on April 8, 2015, Mr. Stutsman went into the shower and hung himself with a jail issued sheet.

### Conclusion

On April 8, 2011, Mr. Michael David Stutsman was in the Adams County Detention Facility due to violating his parole on multiple felony convictions. All of the evidence indicates that Mr. Stutsman died as a result of suicide. There is no indication that either detention personnel or other inmates in the detention facility contributed to his death.

If you have any questions pertaining to this report or findings and conclusions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph S. Pacyga", written over a horizontal line.

Joseph S. Pacyga  
Chief Trial District Attorney  
Office of the District Attorney, 17<sup>th</sup> Judicial District