



August 29, 2016

Tim Carlson  
Chief of Police  
Westminster Police Department  
9110 Yates Street  
Westminster, Colorado 80031

Re: *The investigation of the officer involved shooting of Damon Blair, DOB 07/25/94, occurring on April 27th, 2016*

Dear Chief Carlson:

The investigation and legal analysis of the officer involved shooting of Damon Blair is complete. The 17<sup>th</sup> Judicial District Critical Incident Investigation Team (CIIT) conducted the investigation into this matter, led by Detectives Dale Hammell of the Broomfield Police Department and Eric Brodheim of the Adams County Sheriff's Office. The CIIT is comprised of detectives and crime scene technicians from multiple police agencies within the 17<sup>th</sup> Judicial District, as well as investigators from the Office of the District Attorney for the 17<sup>th</sup> Judicial District. The factual findings of the investigation were presented to my office on June 22, 2016. The CIIT presented police reports, videos and transcripts of the interviews of witnesses, along with photographs and diagrams of the crime scene investigation. The Office of the District Attorney concludes that the investigation is thorough and complete.

The District Attorney's review is limited to determining whether criminal charges should be filed against the involved officers or other involved parties. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove any criminal violations beyond a reasonable doubt to a jury. In this instance, the prosecution also has the burden to prove beyond a reasonable doubt that the use of force was not justified pursuant to Colorado law. This review does not evaluate the appropriateness of the actions of the involved officer, whether department policies or procedures were followed, or whether the policies, practices, or training at the involved agency were sufficient. That evaluation is left to each individual agency.

Based on the evidence presented and the applicable Colorado law, there is no reasonable likelihood of success of proving that the involved officers committed any crimes beyond a reasonable doubt at trial. Therefore, no criminal charges will be filed against the officers involved in this incident.

## **OVERVIEW OF THE INCIDENT**

On April 26, 2016, Tanya Lillie reported to Wheat Ridge Police Department that her 1990 red Honda Civic had been stolen from the parking lot of her apartment at 9700 W. 51<sup>st</sup> Place. The next day, April 27, 2016, Sherry Pierson, Ms. Lillie's sister-in-law, reported seeing the vehicle parked near 7360 Tennyson Street. Westminster Police officers responded to the 7300 block of Tennyson Street, where they talked to the reporting parties and viewed a cell phone photo of the vehicle related to the report.

Officers searched for the vehicle in the area but didn't find it. At approximately 9:00 p.m., Westminster Police Officers were again dispatched to the same location on a similar report identifying the stolen vehicle parked in the area of 7350 Tennyson. Police officers located the stolen vehicle and called the Special Enforcement Team (SET) to investigate the situation. The SET is a group of law enforcement officers focusing on automobile theft investigations. Officers confirmed the vehicle was in fact stolen and conducted surveillance from perimeter locations around the area. The purpose of continued surveillance was to give law enforcement an opportunity to assess the situation and safely apprehend any person associated with the theft of the vehicle. The investigators watched the vehicle from their unmarked van. This operation was designed to prevent a pursuit from happening with the stolen vehicle. The SET officers were in plain clothes covered by vests depicting, "POLICE." The patrol officers were in their standard police uniforms.

Officers observed an individual later identified as Damon Blair approach the vehicle and open the passenger side door and place a bag into the car. Mr. Blair then walked around and entered the car on the driver's side. The SET gave the order to take Mr. Blair into custody. The SET van pulled up next to the stolen vehicle on the driver's side, while marked patrol cars blocked the front and back of the vehicle. Officer Roger Stockman was the first out of the rear of the SET van and approached the driver's side door and tried to open it, but it was locked. Officer Stockman yelled to Mr. Blair that he was under arrest while also indicating he was a police officer. Officer Stockman continued giving Mr. Blair commands to show his hands and open the door of the car. Officer Rob Phelps was driving the SET van and was the second to approach the stolen vehicle at the rear driver's side window. While attempting to open the car door, Officer Phelps identified himself as a police officer and further stated to Mr. Blair that he was under arrest. Officer Phelps also yelled commands to Mr. Blair to show his hands. Mr. Blair did not comply with these commands. Officer Matt Neihart exited the SET van and approached the rear of the stolen vehicle. When Mr. Blair did not comply with officer commands, Officer Neihart moved back around the SET van and took a position at the front of the stolen vehicle. Patrol officer James Holley exited his marked patrol vehicle that had its overhead lights on and approached the stolen car from the front driver's side. Officer Holley stated that other officers were yelling at Mr. Blair giving him commands that he didn't comply with.

Patrol Officer Anthony Stroup initially took a position in an area east of where the stolen vehicle was located in the event there was a foot chase. When the other officers attempted to place Mr. Blair in custody Officer Stroup heard continued shouting and approached the vehicle from his position. When Officer Stroup came upon the vehicle it was rolling backwards and Mr. Blair continued to disregard commands of officers. Officer Stroup stated that he observed Mr. Blair reaching around at his waistband just prior to the shooting.

When Mr. Blair did not comply with the officers commands to open the door and show his hands, Officer Phelps used a hammer to break the driver's side window to gain entry into the vehicle. Officers then attempted to gain control of Mr. Blair physically by grabbing his clothing. Mr. Blair continued to disregard the commands of officers and pulled away from the grasp of Officer Stockman while reaching into the middle of the car. Mr. Blair raised a handgun in his right hand and pointed it at Officer Stockman, who was physically trying to restrain him. Mr. Blair then fired a round in the direction of Officer Stockman's head. Officer Stockman stated that he feared for his life and that he felt he was going to be killed. The other officers present stated that after hearing the gunshot and seeing Officer Stockman's response, they believed that Officer Stockman had been shot in the head. Officers Stockman, Neihart, Phelps, Holly and Stroup all returned fire on Damon Blair, killing him.

### **SUSPECT INFORMATION**

Damon Blair is a convicted felon per NCIC/CCIC, and had an active felony warrant at the time of this incident. His criminal history includes arrests for multiple felonies as well as misdemeanors, both as a juvenile and as an adult.

### **SYNOPSIS OF OFFICERS INTERVIEW**

**Officer James Holley** – Interviewed by Detective Mullen and Detective Aragon on April 28, 2016. Officer Holley stated that he was in his standard police uniform and on patrol when he was informed there was a stolen vehicle around the 7300 block of Tennyson. The SET was notified and planned to observe the vehicle to see who was associated with the stolen car. Officer Holley was to be in a position to disable the stolen vehicle with stop sticks to prevent the suspect from leaving the area. Dispatch aired that a person was approaching the stolen car. Officer Holley saw the SET get out and approach the stolen car while giving commands such as "get out of the car." Mr. Blair appeared to ignore these commands. Officer Holley then approached the front of the stolen vehicle to try and help get Mr. Blair out of the car. As Officer Holley got to the car, he couldn't see Mr. Blair's hands and Mr. Blair was bent over. Officer Holley took a step back and looked at Mr. Blair through the windshield and saw Mr. Blair raise up a silver object in his hand. Officer Holley then saw a flash and heard a bang. Officer Holley then heard Officer Stockman cuss and move backward such that Officer Holley believed him to have been shot. Officer Holley then drew his weapon and returned fire through the front windshield towards Mr. Blair and stopped firing when he felt the "threat was over." Officer Holley indicated that he felt his life, as well as the lives of the other individuals were in grave danger at the time he fired his weapon, and actually thought that Officer Stockman had already been shot by Mr. Blair.

**Officer Rob Phelps** — Interviewed by Detective Parker and Detective Monares on April 28, 2016. Officer Phelps stated that he is a member of the SET and was tasked with the investigation of a stolen vehicle that was found near the 7300 block of Tennyson. Officer Phelps was in plain clothes with a tactical vest that clearly indicates he is a police officer. He was the driver of the SET van and drove it up to the stolen car when Mr. Blair gained entry into the car. Officer Phelps exited the driver's door of the SET van and attempted to open the door of the stolen car to get Mr. Blair out of the car while shouting "stop you're under arrest, open the door",

but the car door was locked. Mr. Blair ignored the commands of officers and would not open the door, so Officer Phelps stated he retrieved a hammer from the SET van and broke the driver's side window. Officer Phelps saw Mr. Blair make a sudden movement and then saw a gun in Mr. Blair's hand. Officer Phelps saw Mr. Blair fire a round directly towards Officer Stockman. Officer Phelps then saw Officer Stockman recoil to the right and spin backwards while uttering an expletive. Officer Phelps indicated that he believed that Officer Stockman was shot and he was afraid that Mr. Blair was going to keep shooting and he fired his weapon through the driver's window at Mr. Blair. He said that "I was in complete terror...I've got to stop him."

**Officer Anthony Stroup** — Interviewed by Detective Aragon and Detective Mullen on April 28, 2016. Officer Stroup said that he was in his standard police uniform and on patrol when he was tasked with helping the SET conduct an investigation regarding a stolen vehicle. He was assigned to take a position east of where the stolen vehicle was located, in the event there was a foot chase he would be in position to cut off a person from running away. When he heard that the SET was approaching the stolen vehicle Officer Stroup got out of his vehicle and took a position to the east of the car. Officer Stroup heard officers yelling "get out of the car." He then jumped over a fence and made his way to the passenger side of the stolen car. The car was rolling backwards as he approached it. Officer Stroup saw Mr. Blair in the driver's seat hunched over reaching into his waistband while officers were yelling for Mr. Blair to show his hands. Officer Stroup saw Mr. Blair turn his body and then Officer Stroup heard a gunshot. After the gunshot Officer Stroup heard Officer Stockman yell in a way that Officer Stroup felt he had been shot. Officer Stroup stated he was afraid for his life and the lives of others and returned fire into the open front passenger door of the vehicle.

**Officer Matt Neihart** — Interviewed by Detective Parker and Detective Monares on April 28, 2016. Officer Neihart stated that he is a member of the SET and was tasked with finding out information regarding the stolen vehicle of Ms. Lillie. He stated that the plan was to wait and observe the stolen vehicle to see who was associated with it. Officer Neihart was in plain clothes but had on a vest that indicates he is police officer. He was seated in the SET van in the front passenger side in order to observe the stolen vehicle in case it is approached by anyone. When Mr. Blair approached the stolen vehicle and opened the door the SET van drove up to the stolen car. Officer Neihart exited the van and approached Mr. Blair in the stolen vehicle while he heard officers giving Mr. Blair commands such as "stop police, get out of the car" which were ignored by Mr. Blair. When Officer Neihart moved to the front of the stolen car he indicated that the window to the car had been broken out and they were trying to get Mr. Blair out of the car. Officer Neihart saw Mr. Blair reach in the direction of the passenger seat and come up with a shiny object pointed in the direction of the officers trying to get him out of the car. The next thing Officer Neihart saw was the muzzle flash and he believed that Officer Stockman had been shot in the head. Officer Neihart then fired his weapon through the front windshield of the stolen vehicle.

**Officer Roger Stockman** — Interviewed by Detective Parker and Detective Aragon on April 28, 2016. Officer Stockman said during his interview that he is a member of the SET and was part of the assignment to investigate the stolen vehicle that was found near the 7300 block of Tennyson. He was in plain clothes and had on a tactical vest that says "POLICE" on it. When the SET van approached the stolen vehicle after Mr. Blair entered it, Officer Stockman exited the driver's side rear door to contact Mr. Blair. Officer Stockman and other officers were screaming "police let's see your hands, you're under arrest." After officers tried to open the door they

realized it was locked and were telling Mr. Blair to open the door. Mr. Blair ignored the officer's commands and Officer Phelps breaks the car window out with a hammer. Officer Stockman tries to remove Mr. Blair through the window and there is a struggle. Mr. Blair pulls away from Officer Stockman and comes back up with a gun in his hand. Officer Stockman saw Mr. Blair point a gun in his direction and then saw a muzzle flash and heard a pop. Officer Stockman moved back and away from the shot. Officer Stockman then returned fire after being shot at and stated he was in fear that Mr. Blair would continue shooting. Officer Stockman described this event as follows, "I see the gun, it's right near my face and the next thing I know there's a flash and I hear a pop." He also said, "I thought I would die."

### **SYNOPSIS OF WITNESS'S INTERVIEWS**

**Jennifer Neef** - She lives at 7345 Tennyson. She was returning from the laundry room in the basement so she didn't see the incident but heard someone say, "put your hands up and get out of the car." She then heard one shot followed immediately by twenty shots. She then went to her apartment and saw the officers from her window.

**Krystle Montoya** - She lives at 7360 Tennyson and had just returned from getting food when she saw the van drive by followed by police cars. She heard people yelling "put it down" which was followed by about twenty gunshots. She couldn't see the incident because of a truck that was parked between her and the stolen car.

**Pauline Chavarin** - She lives at 7362 Tennyson and was in her home and saw a white male sitting in a red Honda on the street earlier in the day. When the incident occurred she was home and heard someone yelling "put it down." She heard the police say that the suspect had a gun.

**Richard Smalley** - He lives at 7350 Tennyson and knows the victim of the stolen car Tanya Lillie. He saw a car he believed belonged to Ms. Lillie, so he took photos of the car and sent them to Ms. Lillie via Facebook. He heard the officers saying "He has a gun" and saw twelve officers surrounding the car. He heard about thirty shots and used his phone to do a recording that was collected and used during this investigation to show the positions of the officers.

### **SCENE INVESTIGATION and EVIDENCE ANALYSIS**

Scene collection and evidence analysis was done by members of the Critical Incident Investigation Team (CIIT). The scene investigation and resulting analysis revealed the following:

1. The vehicle that Mr. Blair was in was confirmed to be the stolen vehicle reported by Tanya Lillie.
2. Mr. Blair had in his possession a silver Iver Johnson five shot .32 caliber revolver.
3. Mr. Blair's handgun contained four unfired .32 caliber rounds and one fired .32 caliber casing.

4. One of the unfired rounds in Mr. Blair's gun, next to the fired round, had a marking on the firing pin consistent with a strike from a firing mechanism.
5. The handle on Mr. Blair's handgun was broken and pieces of it were found in the vehicle.
6. Examination of the involved officers duty weapons in combination with the statements of the officers revealed the following:
  - A. Officer Hooley fired eleven rounds.
  - B. Officer Phelps fired eleven rounds.
  - C. Officer Stroup fired eight rounds.
  - D. Officer Neihart fired three rounds.
  - E. Officer Stockman fired thirteen rounds.
7. Forty six shots were fired from the five officers. Forty four shell casings were recovered from the scene.

### **AUTOPSY AND ANALYSIS**

On April 29, 2016 Doctor Jim Caruso performed a post mortem exam on Mr. Damon Blair. During the autopsy it was determined that Mr. Blair suffered thirteen gunshot wounds many of which would have been fatal in the absences of the others. The majority of the gunshot wounds were to the head, neck and torso. Additionally, there was a gunshot wound to Mr. Blair's right hand that has an entrance on the back of the hand and an exit on the front of the hand. The back of Mr. Blair's hand also had secondary projectile wounds consistent with glass. All of these wounds were documented in photographs obtained during the autopsy. The wounds and their placement are consistent with the statements made by the officers regarding how Mr. Damon Blair was acting and was positioned in the vehicle.

Toxicology from Mr. Blair's blood obtained at the autopsy revealed the following results:

Carboxyhemoglobin	2% saturation
Amphetamine	220 ng/mL
Methamphetamine	1000 ng/mL
Codeine	13 ng/mL
Morphine	230 ng/mL
6 Monoacetylmorphine	<1.0 ng/mL

### **LEGAL ANALYSIS**

As was previously noted, this review is limited to determining whether criminal charges should be filed against the involved officers. The decision to file criminal charges involves an assessment of all known facts and circumstances as well as an evaluation of whether there is a reasonable likelihood of conviction at trial under the applicable law. Generally speaking,

criminal liability is established when the evidence is sufficient to prove all of the elements of a crime beyond a reasonable doubt. In addition to proving the elements of a crime, the prosecution must also disprove any statutorily recognized justification or defense beyond a reasonable doubt. In this instance, in order to file a criminal charge, the District Attorney's office must prove beyond a reasonable doubt that the officers' actions were not justified under the circumstances surrounding this incident and the applicable law.

There is no dispute that Officer James Holley, Officer Rob Phelps, Officer Matt Neihart, Officer Roger Stockman and Officer Anthony Stroup intentionally fired their weapons and caused the death of Mr. Damon Blair. The legal question presented to the Office of the District Attorney is whether it can be proved beyond a reasonable doubt that at the time the officers fired their weapons that their actions were not justified under Colorado law.

The use of force by a law enforcement officer necessarily invokes an analysis under C.R.S. § 18-1-707, the law applicable to the use of force by a peace officer. In pertinent part, the language of the statute reads as follows:

(1) A peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or immanent use of physical force while effectuating or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) 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.

(3) Nothing in subsection (2) (b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

(4) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If they believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is affecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid.

"Deadly physical force" is defined as "force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact produce death." C.R.S. §18-1-901(3)(d).

#### **LEGAL ANALYSIS AS TO OFFICER JAMES HOLLEY**

At the time that Officer James Holley fired his service weapon, he had an unknown armed male brandishing and shooting a handgun at Officer Stockman. Officer Holley observed the male disobey police commands to exit the vehicle, open the door or show his hands. Officer Holley also saw Mr. Blair actively and physically resisting the efforts of the officers trying to arrest him. Officer Holley saw Mr. Blair retrieve a handgun and shoot it at Officer Stockman in a populated residential area. Officer James Holley indicated that he felt his life, as well as the lives of the other individuals were in grave danger at the time he fired his weapon, and actually thought that Mr. Blair had already shot Officer Stockman. This evaluation of Officer Holley's actions is based on and takes into consideration the witness statements the officers' statements and the physical evidence.

Under these facts, the Office of the District Attorney cannot prove that Officer James Holley's actions were not justified as applied to C.R.S. § 18-1-707. Therefore, the prosecution is unable to prove the elements of any crime beyond a reasonable doubt with regards to Officer James Holley.

#### **LEGAL ANALYSIS AS TO OFFICER ROB PHELPS**

When Officer Rob Phelps fired his service weapon, he had just witnessed Mr. Blair shooting a handgun at Officer Stockman and thought that Officer Stockman had been shot in the head. Officer Phelps was next to Officer Stockman when Mr. Blair disobeyed lawful police commands to exit the vehicle, open the door or show his hands. Officer Phelps tried to open the door of the car and had to break the window in an attempt to get the situation under control, so that the car could not be started and used as a weapon. After breaking the window, Officer Phelps saw Mr. Blair actively resisting the efforts of the officers trying to arrest Mr. Blair. Officer Phelps saw Mr. Blair retrieve a handgun and shoot his weapon at Officer Stockman in a populated residential area. Officer Phelps indicated that he felt his life, as well as the lives of

other individuals, were in grave danger at the time he fired his weapon, and actually thought that Mr. Blair shot Officer Stockman. Officer Phelps indicated that he believed Mr. Blair was going to continue shooting at officers and that he had to stop that threat. The physical evidence and witness statements are corroborative of the statements regarding the actions of Mr. Blair and the danger he posed to officers as well as the public.

Under these facts, the Office of the District Attorney cannot prove that Officer Phelps' actions were not justified as applied to C.R.S. § 18-1-707. Therefore, the prosecution is unable to prove the elements of any crime beyond a reasonable doubt with regards to Officer Rob Phelps.

#### **LEGAL ANALYSIS AS TO OFFICER ANTHONY STROUP**

Officer Anthony Stroup was positioned east of the incident in case there was a foot pursuit. Officer Stroup could see the overhead lights of the marked patrol units and could hear the officers yelling for Mr. Blair to get out of the car and to show his hands. Officer Stroup made his way to the stolen vehicle and when he arrived he saw Mr. Blair in the stolen vehicle as it was moving. Officer Stroup heard the other officers give commands to Mr. Blair, which Mr. Blair ignored. Officer Stroup then saw the officers trying to engage Mr. Blair to prevent him from using the car as a weapon. During the struggle, Officer Stroup saw Mr. Blair reaching around in the center of the vehicle and saw him retrieve a weapon and shoot at Officer Stockman. When Officer Stroup made the decision to fire his weapon he believed that Officer Stockman had been shot. Officer Stroup indicated that he was in fear that Mr. Blair would continue to shoot, and his life and other lives were in danger. This evaluation of Officer Stroup's actions takes into consideration the witness statements, the officers' statements and the physical evidence.

Under these facts, the Office of the District Attorney cannot prove that Officer Stroup's actions were not justified as applied to C.R.S. § 18-1-707. Therefore, the prosecution is unable to prove the elements of any crime beyond a reasonable doubt with regards to Officer Anthony Stroup.

#### **LEGAL ANALYSIS AS TO OFFICER MATT NEIHART**

Officer Matt Neihart's indicated that he was afraid for his life and the lives of those around him when he fired his weapon. The events as related by Officer Neihart indicate that he witnessed Mr. Blair ignore the commands of officers trying to arrest him, and Mr. Blair physically struggled with those officers when they tried to remove him from the car. Based on the physical evidence, the statements of the officers and witnesses, Mr. Blair fired his weapon attempting to shoot Officer Stockman. Officer Neihart fired his weapon at Mr. Blair after Mr. Blair shot at Officer Stockman.

Under these facts, the Office of the District Attorney cannot prove that Officer Neihart's actions were not justified as applied to C.R.S. § 18-1-707. Therefore, the prosecution is unable to prove the elements of any crime beyond a reasonable doubt with regards to Officer Matt Neihart.

## LEGAL ANALYSIS AS TO OFFICER ROGER STOCKMAN

Officer Roger Stockman approached the stolen vehicle yelling at Mr. Blair to show his hands. When he tried to open the door to extricate Mr. Blair, the door was locked, so he told him to open the door and that he was under arrest. Mr. Blair didn't comply with any of the officers' commands. When Officer Phelps broke the window with the hammer, Officer Stockman grabbed Mr. Blair by the shirt and began struggling with him. The car began rolling backwards causing Officer Stockman to go into a crouching position. Officer Stockman struggled with Mr. Blair in an attempt to prevent the car from becoming mobile and presenting a greater danger. During the struggle Mr. Blair pulled away from Officer Stockman and retrieved a weapon. Mr. Blair pointed the weapon at Officer Stockman and fired. Officer Stockman moved backwards and returned fire trying to shoot Mr. Blair. Officer Stockman indicated that at the time he saw Mr. Blair with the gun and the muzzle flash that he was sure that he was going to be killed. He also indicated that he feared not only for his life but for the life of others as well.

Under these facts, the Office of the District Attorney cannot prove that Officer Stockman's actions were not justified as applied to C.R.S. § 18-1-707. Therefore, the prosecution is unable to prove the elements of any crime beyond a reasonable doubt with regards to Officer Roger Stockman.

## CONCLUSION

When Mr. Blair was shooting at officers, the conclusion that the lives of officers and the public were in danger was reasonable. The gunshot wound to Mr. Blair's hand, when considered in conjunction with the revolver found in the car that had a broken handle due to a bullet strike, corroborates that at the time of the shooting Mr. Blair had the gun in his hand prior to officers firing at him.

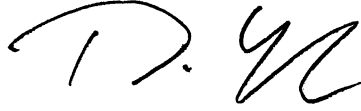
Mr. Blair was contacted in a stolen car, did not comply with officers' commands and shot at a police officer. Officer's had a reasonable belief that the male shooting had committed a felony and was trying to escape by the use of a deadly weapon creating an imminent need to stop Mr. Blair for public safety.

Additionally, the amount of force used was reasonable. Mr. Blair was armed with a handgun and fired upon Officer Stockman. Officers all stated that they fired their duty weapons because the suspect shot at Officer Stockman. They further stated that they stopped shooting because the suspect stopped shooting. As such, there is no basis for which to conclude a lesser degree of force was necessary. Mr. Blair's actions and behavior dictated the officers response of firing their weapons.

Given all the facts and circumstances, the prosecution cannot prove that the involved officers' actions of pulling their triggers intending to shoot Mr. Blair was not justified as applied to §18-1-707.

Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of criminal charges against any of the officers for this shooting incident involving Damon Blair on April 27th, 2016. Please feel free to contact me if you have any questions or further investigation is needed.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Young', with a large, sweeping initial 'D' and a stylized 'Y'.

Dave Young  
17th Judicial District Attorney