



For Immediate Release:

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October 3, 2025

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of Kory Dillard on October 3, 2024, in Aurora, Colorado.

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District Attorney Mason assumed the oath of office on January 12, 2021. The 17th Judicial District Attorney's Office endeavors to seek justice on behalf of the citizens of Adams and Broomfield counties in felony and misdemeanor cases. DA Mason and his staff are dedicated to transforming the criminal justice system to better serve the citizens of the 17th Judicial District.

*AdamsBroomfieldDA.org, Facebook: [@da17colorado](https://www.facebook.com/da17colorado) Twitter: [@da17colorado](https://twitter.com/da17colorado)
Instagram: [@da17colorado](https://www.instagram.com/da17colorado) YouTube: [ColoradoDA17](https://www.youtube.com/ColoradoDA17)*



October 2, 2025

Chief Todd Chamberlain
Aurora Police Department
15001 E. Alameda Parkway
Aurora, CO 80012

RE: The officer-involved shooting of Kory Dillard on October 3, 2024

Dear Chief Chamberlain:

This letter is a review of the criminal investigation into the October 3, 2024 shooting of Kory Dillard by Aurora Police Officer Kevin Rodier. The 17th Judicial District Critical Incident Response Team (CIRT) conducted the investigation, led by Detectives Matt Calhoun and Lance Dawson of the Westminster Police Department. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Aurora Police Department. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter includes a summary of the facts and materials that the CIRT presented for review, along with my pertinent legal conclusions.

This review is mandated by Colorado law which requires the public release of a report explaining findings and the bases for a District Attorney's decision relative to the filing of criminal charges when officers are involved in the discharge of a firearm that results in serious bodily injury or death. Accordingly, this review is limited to determining whether any criminal charges should be filed against the involved officer for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all the elements of a crime beyond a reasonable doubt. The prosecution also carries the burden to prove beyond a reasonable doubt that the use of force was not legally justified. The 17th Judicial District Attorney's review does not evaluate compliance with any departmental policies, standards, or procedures. As such, this independent investigation and review is not intended to take the place of an internal affairs investigation by your agency.

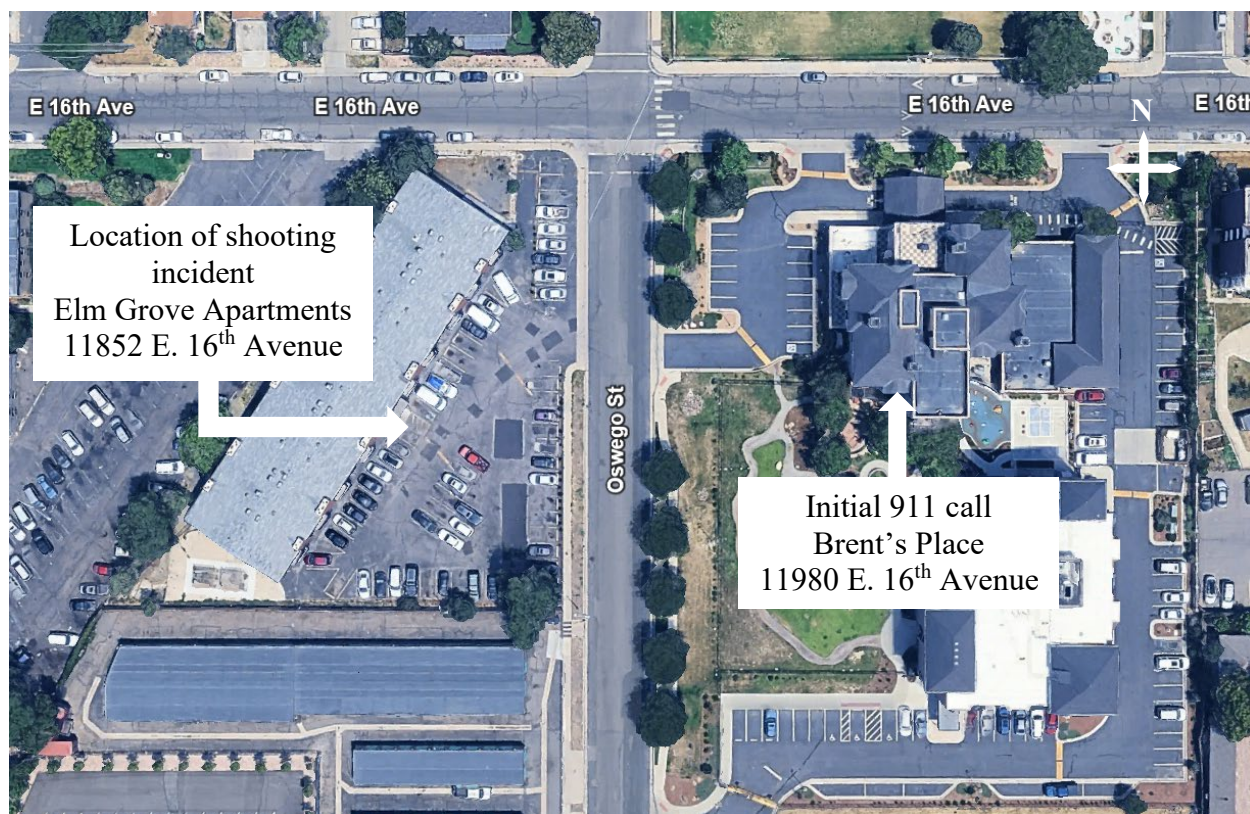
Based on the evidence presented and the applicable Colorado law, there is no reasonable likelihood of success of proving the elements of any crime beyond a reasonable doubt against Officer Rodier, the law enforcement officer involved in this incident. Consequently, no criminal charges will be filed against him.

SUMMARY OF THE INCIDENT

Just before 2:00 p.m. on October 3, 2024, Aurora police officers received a 911 call reporting a fight in the parking lot of Brent's Place located at 11980 E. 16th Avenue in the City of Aurora. The caller described a black male and a white male actively fighting in the parking lot. The black male was observed walking across Oswego Street to Elm Grove Apartments located at 11852 E. 16th Avenue, where he climbed up to a 2nd floor

balcony. The black male was observed entering a unit through the patio door and coming back out to the parking lot holding a rifle. Multiple witnesses reported the black male walking around the parking lot and pointing the rifle at people in the area.

Aurora PD Officers Kevin Rodier and Ryan Shamblin were working together as a two-person unit. They were dressed in Aurora PD uniforms riding in an unmarked black pickup truck. They received the dispatch report and were the first officers to arrive on the scene. Officer Rodier drove the truck south on Oswego Street and, upon arrival, both officers immediately saw the black male holding the rifle at the entrance to the Elm Grove Apartments. The officers quickly got out of the truck and confronted the black male, who stood at the front door to the building near a civilian. Both officers drew their firearms and pointed them at the male, giving him verbal commands to drop the rifle and show his hands. The male raised the rifle and pointed it at the officers. Officer Rodier fired his weapon at the male, striking him, and causing him to fall to the ground. The male, later identified as Kory Dillard, died from these gunshot wounds.



Aerial photo of the scene.

THE INVESTIGATION

The CIRT investigation encompassed two locations. The original call came from residents at Brent's Place, a long-term residence for families of patients undergoing medical treatment at nearby hospitals. The police shooting occurred just west of Brent's Place in the parking lot of the Elm Grove Apartments.

A surveillance camera affixed to Brent's Place captured video of a silver Kia Forte sedan pulling into

the parking lot at 1:46 p.m. A white male, later identified as E.M.¹, got out of the front passenger's seat, walked over to the driver's side door and opened it. A black male, later identified as Mr. Dillard, got out of the driver's side and the two men engaged in a physical struggle. At 1:53 p.m., Mr. Dillard sat in the driver's compartment while E.M. paced around the front of the car. Mr. Dillard got out and the two fought again. A few minutes later, several people gathered around the men as they wrestled on the ground. Witnesses reported that Mr. Dillard was on top of E.M. and would not let him up while E.M. demanded his keys.



Still image taken from video recorded by resident of Brent's Place who witnessed physical altercation between Mr. Dillard and E.M. near the silver Kia.

At 2:02 p.m., Mr. Dillard walked across Oswego Street toward the apartment building at 11852 E. 16th Avenue. Witnesses observed him climb up onto a balcony. Minutes later, he came back down and stood by a white van with what appeared to be a long black rifle. Mr. Dillard was then observed walking around the parking lot carrying the rifle.

Witnesses reported seeing Mr. Dillard walking around the parking lot “waving” the rifle around at people. Witnesses referred to the rifle as an “automatic gun” and an “AK47,” describing Mr. Dillard to be waving it around. At 2:05 p.m., E.M. approached Mr. Dillard, appearing to interact with him in the parking lot near a white van. Several eyewitnesses captured video recordings of Mr. Dillard as he walked around the parking lot with the rifle. One of the recordings reveals Mr. Dillard pointing the rifle at E.M. at a close distance. E.M. put his hands up and appeared to back away, returning to the parking lot at Brent's place.

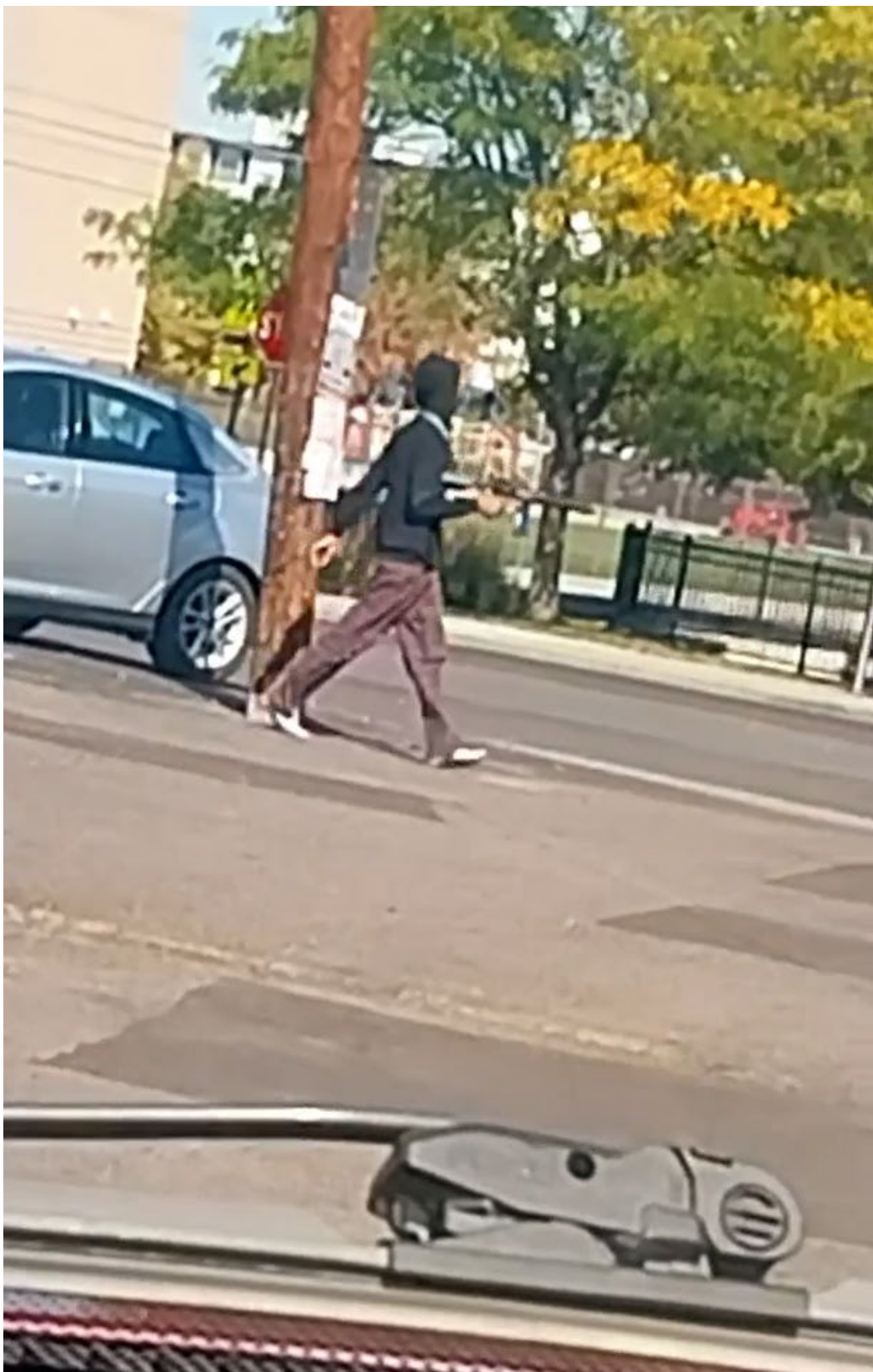
¹ Initials are used to protect the privacy interests of civilian witnesses.



Still image of video recording taken by a witness depicting Mr. Dillard pointing the rifle at E.M.



Still image of video recording taken by witness who observed Mr. Dillard holding a rifle walking around the parking lot of the apartment complex.



Still image of video recording taken by witness who observed Mr. Dillard holding a rifle walking around the parking lot of the apartment complex.

The first 911 call was made at 1:55 p.m. by a resident at Brent's Place. She described seeing the two males fighting near a silver Kia. She described the subjects as a Caucasian male with no shirt and a male of unknown race wearing a black hoodie. No weapons were initially observed. The woman called back at 2:08 p.m. and advised that the male with the black hoodie was pointing a gun at the other male. She said the weapon looked like an "M16," and further described it as an "AR-style" weapon.

At 2:10 p.m., Aurora dispatched the 911 call as a physical fight. The call was upgraded to an alert involving a black male in a black hoodie armed with a rifle in the apartment complex parking lot. At 2:11 p.m., E.M. called 911. He reported a black male wearing a black shirt had an "AR15" and was waving it around near a white van. He further claimed that the black male was trying to take his keys and rob him of his car.

Aurora Police Department Patrol Officers Shamblin and Rodier were working as partners in an unmarked Chevrolet Silverado. They responded to the dispatch call at 2:11 p.m. Officer Shamblin's BWC shows the officers arriving in the area and parking facing southbound on Oswego Street at 2:12:25 p.m. Both officers got out of the truck at 2:12:39 p.m.

Officer Rodier's body-worn camera reflects Mr. Dillard standing at the front door of the apartment building holding what appears to be a long rifle. A woman stood a few feet away from Mr. Dillard. Officer Rodier and Officer Shamblin quickly approached Mr. Dillard. Both officers wore official Aurora Police Department issued uniforms and were armed with rifles. At 2:12:44 p.m., Officer Rodier pointed his rifle at Mr. Dillard and yelled, "Aurora PD!" "Drop the rifle!" One second later, Officer Shamblin yelled, "Let me see your hands!" Officer Rodier advanced a few steps toward Mr. Dillard and repeated, "Drop the rifle!" At 2:12:47 p.m., Mr. Dillard raised the rifle with the barrel pointed toward Officer Rodier. Officer Rodier then fired his rifle at Mr. Dillard two times in rapid succession. Two audible gunshots can be heard on the BWC. Mr. Dillard fell to the ground. After about 30 seconds, Officer Shamblin moved the rifle from near Mr. Dillard and the officers began to render medical aid.



Still image taken from Officer Rodier's BWC showing Mr. Dillard standing near a woman one second before Officer Rodier fired shots at Mr. Dillard.

CIRT investigators interviewed Officer Rodier about the incident. Officer Rodier explained that he and Officer Shamblin work as partners on the Direct Action Response Team (DART). The DART is a unit focused on reducing violent crime through proactive enforcement operations. They wear department-issued uniforms and drive an undercover Chevy Silverado pick up truck. Officer Rodier drove the vehicle while Officer Shamblin monitored the police radio from the front passenger seat. Officer Shamblin advised that he heard a dispatch call reporting a fight in the parking lot of Brent's Place. The report included reference to a man pointing a rifle at people. Officer Rodier said they were only two blocks from the location of the incident, so they advised over the radio that they would respond immediately. He was familiar with the area and expressed his concern of a man being armed with a rifle in that particular area as it was populated with children and families.

Officer Rodier recalled that the suspect was identified over the radio as a black male wearing a black hoodie or t-shirt in the parking lot of the apartment complex. Officer Rodier advised that as the officers drove southbound onto Oswego Street, Officer Shamblin pointed to the suspect in the parking lot. Officer Rodier observed a black male wearing a black hoodie carrying a black rifle in his hand. He described the rifle as an "AR-15." Officer Rodier perceived the suspect to be a threat to the community and explained that it was "imperative" that they contact the suspect as soon as possible to prevent him from shooting anyone.

Officer Rodier said the suspect was facing the door to the apartment building holding the rifle in his hands. A woman stood nearby a short distance from the suspect. Officer Rodier parked the truck in the street and ran around the back of the truck toward the suspect. As he ran to the suspect, Officer Rodier recalled yelling, "Aurora Police Department! Drop the rifle!" two times. The suspect continued to hold the rifle. Officer Rodier described that when he was about fifteen yards from the suspect, the suspect turned around to face Officer Rodier, raised the rifle, and pointed it at Officer Rodier. Officer Rodier explained that he fired his rifle at the suspect because he believed that the suspect was about to shoot and kill him. He also feared for the safety of Officer Shamblin who he thought was behind him, along with other civilians in the area.

Officer Rodier stated that after he fired at the suspect, the suspect fell to the ground and dropped the rifle. Officer Rodier held the suspect at gunpoint while Officer Shamblin kicked the weapon away from the suspect. The officers called for emergency medical and attempted to render aid to the suspect.

Officer Shamblin was also interviewed by the CIRT investigators. He recalled hearing the dispatch report of a physical fight and multiple reports of a man wearing black in the parking lot pointing an AR-15 rifle at someone. He explained that as Officer Rodier turned onto Oswego Street, he immediately saw a black male with a black hoodie armed with what he recognized as an AR-15 style rifle. Officer Rodier parked the truck on Oswego Street and both officers got out and approached the male by walking through the parking lot. Both officers had their rifles drawn and pointed at the male. Officer Shamblin was slightly offset from Officer Rodier. Officer Shamblin stated that both he and Officer Rodier gave loud commands to the male. The male turned toward Officer Rodier and brought the rifle up with his right hand, pointing the barrel at Officer Rodier.

Officer Shamblin stated that he believed the male was going to shoot Officer Rodier. Officer Shamblin recalled aiming his rifle to shoot the male first, thus preventing him from shooting Officer Rodier. However, Officer Shamblin explained that he did not fire at the male because just as he was about to shoot, Officer Rodier shot the male two times, causing the male to fall and drop the rifle. Once the male was down, Officer Shamblin

did not fire his rifle because the male no longer appeared to be an immediate threat to the officers. Officer Shamblin advanced toward the male and removed the rifle from him. Officer Shamblin reported shots fired over the radio and requested emergency medical response. The officers then administered emergency aid until an ambulance arrived.

Officers Rodier and Shamblin both explained that they did not attempt to use other non-lethal force weapons because the suspect was armed with a rifle. According to Officer Rodier, any less lethal alternatives would likely have been futile since the suspect could have easily killed the officers with his rifle.

Officer Adam Harris responded to the dispatch call in his marked patrol vehicle. He pulled into the parking lot of the apartment complex just as Officer Rodier and Officer Shamblin were approaching the black male with the rifle. He heard the officers shout loud commands, "Drop the weapon!" He observed the black male raise the rifle and point it at the officers. He saw the officers fire their weapons in response. While his BWC was activated, it did not capture the incident, as he was still seated in his vehicle at the time of the shooting.

The woman standing nearby Mr. Dillard at the time of the shooting was interviewed by CIRT investigators. She explained that she encountered Mr. Dillard as she was coming back home from the food bank. She was struggling to push a cart through the parking lot when Mr. Dillard grabbed her cart and told her "Open the fucking door, you stupid bitch." She knew Mr. Dillard from the apartment complex, but did not know his name. She saw him carrying what appeared to be a rifle, but she thought it was a fake gun because it was blue. She reported that he repeated his demand, telling her, "Open the fucking door or I'll shoot you." She noticed a scratch on Mr. Dillard's face and asked if he was ok. Mr. Dillard responded that he was going to jail and that he would kill her. As the woman was trying to open the apartment door, she heard police officers identify themselves and yell at Mr. Dillard to put the rifle down. She turned to see Mr. Dillard move the gun upwards toward the officers. She stated that she ducked when Mr. Dillard pulled up the rifle because she knew the officers were going to shoot at him.

E.M. was contacted and interviewed. He had abrasions and bruises on his face, shoulders, and back consistent with the reports of a physical struggle. E.M. explained to investigators that he was driving his silver Kia sedan on 16th Avenue when it broke down. He did not know Kory Dillard, but Mr. Dillard approached him and offered to help. According to E.M., Mr. Dillard got into the driver's seat and acted as if he was going to drive away. E.M. got into the passenger's seat and was able to convince Mr. Dillard to pull into a parking lot. Mr. Dillard took E.M.'s keys and refused to give them back. The two engaged in a physical fight near the vehicle. Mr. Dillard hit E.M. with a closed fist and a rock. He then ran away yelling "I'm going to kill you," at which point E.M. called 911. Mr. Dillard returned a short time later armed with a gun. E.M. thought Mr. Dillard got the gun from a white van parked nearby and described it as an AR-15 with a pistol grip and a 30-round magazine. He claimed that Mr. Dillard pointed the gun just inches away from him.

E.M. saw the police arrive and confront Mr. Dillard. He heard the police give Mr. Dillard verbal commands to drop the gun. He saw Mr. Dillard raise the gun and point it at the officers, at which point he heard a gunshot. He saw the officers tending to Mr. Dillard after the shot was fired.

Mr. Dillard's girlfriend was not at the scene during the incident but was interviewed as part of the background investigation. She advised CIRT investigators that Mr. Dillard was suffering from mental illness and had been drinking alcohol for the past several days. She was familiar with Mr. Dillard's Airsoft rifle, stated

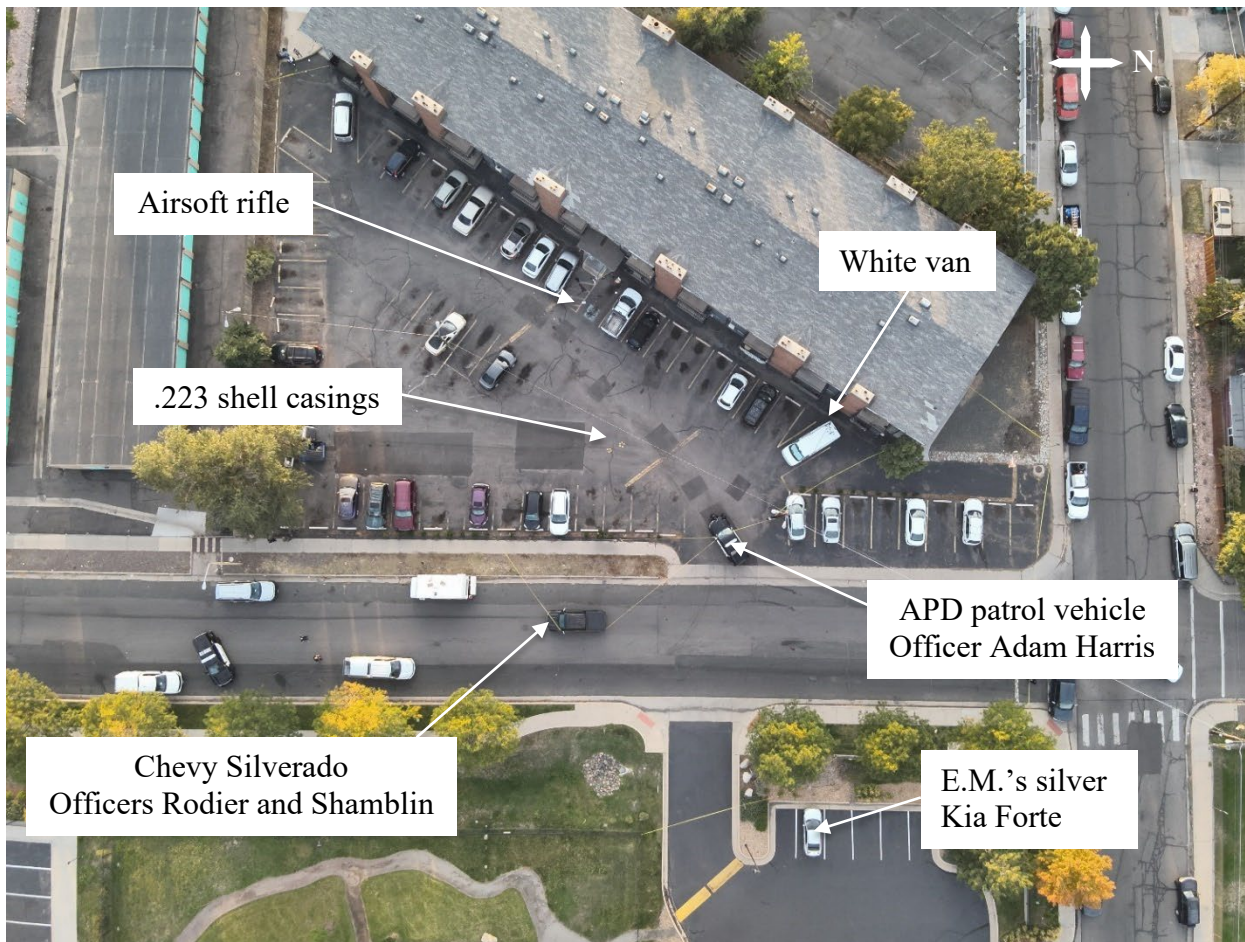
that it looked real, and further commented that there was no way for the police to know that it was an Airsoft. She stated that on occasion, Mr. Dillard would drink heavily and go into the parking lot with the rifle and hide behind cars because he thought he was being hunted. She encouraged him to stop this behavior. She believed that he was going through a rough time and wanted to kill himself because he would tell her that he had “nothing to lose.” She believed he was trying to engage police to shoot him.

Crime scene investigators canvassed the scene and gathered evidence from the location of the shooting incident. The scene of the shooting was the parking lot and raised front porch area of the apartment building located at 11852 E. 16th Avenue. The parking lot was situated just to the west of Oswego Street and the front porch area was on the east side, at the center of the building facing the parking lot. The single door into the building was glass and was surrounded by windows. A bullet hole was located in the bottom portion of the window to the left of the glass door. A single fired bullet was located in the small lobby area amongst broken glass fragments. Two .223 caliber shell casings were found in the approximate center of the apartment complex parking lot.

Investigators collected a black rifle with a blue magazine near the front porch area. The rifle was identified as a 6mm caliber Airsoft gun manufactured by Lancer Tactical that shoots small BB-style projectiles. The magazine was equipped with a clear window that displayed what appeared to be gold-colored rounds. There was no orange tip on the end of the gun, which would have been consistent with the legal requirements for an Airsoft-style gun to ensure it is readily identifiable from an actual firearm.



Photograph of Airsoft gun held by Mr. Dillard.



Aerial photograph depicting items of significance with the investigation of the incident.

CIRT investigators also performed a digital enhancement of Officer Rodier's BWC. The enhancement involved a focus zoom and split-second frame-by-frame review of the BWC. The enhanced video images reflect Mr. Dillard raising the rifle and pointing it in the direction of Officer Rodier just prior to the shots fired by Officer Rodier.



Still image of focus zoom from Officer Rodier's enhanced BWC the moment before he fired upon Mr. Dillard.



Still images of focus zoom from Officer Rodier's enhanced BWC to show frame-by-frame sequential movement of the rifle barrel lifted and pointed at Officer Rodier just before the shooting.

Criminalists collected the firearm utilized by Officer Rodier, a .223 caliber Aero Precision M4E1 rifle. Examination of the rifle, magazine, and expended cartridge casings on scene revealed that Officer Rodier fired the rifle two times.

Search warrants were executed on the apartment and the white van that Mr. Dillard appeared to access. This apartment was discovered to be rented by Mr. Dillard. The white van also appeared to be Mr. Dillard's.

An autopsy performed on the body of Mr. Dillard confirmed the cause of death to be a gunshot wound to the abdomen. Postmortem toxicology revealed the presence of cannabinoids and ethanol, with a blood alcohol level of .249 g/100mL.

LEGAL ANALYSIS

Kory Dillard's death is a tragedy and I join the community in mourning his loss. What I must determine, as the District Attorney for the jurisdiction where this death under these circumstances has occurred, is whether the officer who discharged his weapon at Mr. Dillard committed a crime in doing so. My review of this tragic incident is limited to a determination of whether criminal charges should be filed against the law enforcement officer involved in this incident. 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. Criminal liability is established when the evidence is sufficient to prove all 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. Consequently, to file a criminal charge, the District Attorney's Office must be able to prove beyond a reasonable doubt that the involved law enforcement officer's actions were *not* justified under the circumstances surrounding this incident and the applicable law.

Under Colorado law, a law enforcement officer may use an amount of force, including deadly physical force, that is necessary and reasonable. Additionally, under Colorado law, police officers, like any other individual, have the right to defend themselves or others from the use or imminent use of unlawful physical force. An officer's right to use reasonable force is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was *not* justified. The affirmative defenses applicable to the officers' use of force at the time of this incident is found at §18-1-707(4.5), C.R.S. (2025), and that subsection provides that:

...a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

The United States Supreme Court has set forth a standard of “objective reasonableness” in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer's use of force must (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene “in light of the facts and circumstances confronting them, without regard to [his] underlying intent or motivation.” Further, the United States Supreme Court notes, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-97 (1989).

In this case, there is no dispute that Officer Rodier discharged his firearm two times at Kory Dillard, causing his death. Applying the proper legal standards to the facts and circumstances of this case, the critical question is whether the prosecution can *disprove* that Officer Rodier's use of deadly force was reasonable. In answering this question, the prosecution must determine whether an objectively reasonable officer would have concluded that Kory Dillard posed an immediate threat to the safety of the officer or another person such that the use of deadly force was necessary to prevent serious injury or death.

Here, Officer Rodier responded to a dispatch call of a physical assault between two men that escalated into reports that one of the men was openly displaying an assault rifle and waving the assault rifle around at others. Witnesses described the man holding an “AK-47” and an “AR-15.” The nature of such a call is alarming and, indeed, Officer Rodier expressed his concern for the safety of the children and families that populated this area.

Upon arriving at the scene, Officers Rodier and Shamblin immediately noticed Mr. Dillard holding a rifle as he stood near a woman. Both officers identified Mr. Dillard as the suspect described in the 911 calls and described what they perceived as an immediate threat posed by Mr. Dillard's possession of the rifle. The rifle, later discovered to be an Airsoft, had

the design and appearance of a realistic firearm. In addition to appearing to be an assault rifle, it did not have an orange tip required by manufactures to differentiate it from a real firearm. In the rapidly evolving context of this situation, any reasonable police officer would have concluded that Mr. Dillard posed an immediate threat to the safety of themselves and other civilians in the area.

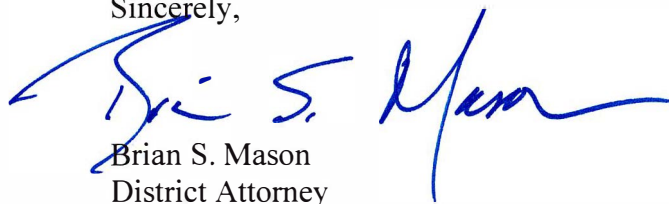
The officers identified themselves and commanded Mr. Dillard to drop the weapon. Mr. Dillard turned toward the officers and pointed the rifle at Officer Rodier. Both officers stated their belief that when Mr. Dillard raised his rifle, he was about to fire it at Officer Rodier. Officer Rodier further expressed that a lesser degree of force was inadequate to address the threat of being shot by Dr. Dillard. Consequently, he fired his rifle at Mr. Dillard. Based on a review of Officer Shamblin's BWC, Officer Rodier fired his rifle at Mr. Dillard approximately eight seconds from exiting his police vehicle. While this situation escalated within a matter of seconds, it does not change the law applicable to these officers' right to exercise self-defense when they were faced with what they perceived as an imminent threat of death or injury to themselves or others. There is no evidence to suggest that any reasonable police officer would have acted differently.

It is particularly tragic that Mr. Dillard died holding an Airsoft gun that, unlike its clear appearance to those who saw it, was not actually a lethal firearm. The law, however, requires us to review what a reasonable officer would do under these circumstances. Given Mr. Dillard's conduct with what clearly appeared to be a rifle, and which Mr. Dillard brandished as if it were a rifle – even saying to a nearby witness that he was going to shoot her -- Officer Rodier had no choice but to protect himself and others from what he perceived as a life-threatening situation. Mr. Dillard's actions with the rifle caused Officer Rodier to quickly react in a tense and rapidly evolving situation. Under these circumstances, the evidence supports a conclusion that Officer Rodier's use of deadly physical force against Mr. Dillard was reasonable.

CONCLUSION

Given the totality of the circumstances and evidence, the prosecution cannot disprove that Officer Rodier was justified in using reasonable force under §18-1-707, C.R.S. (2025). Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of criminal charges against Officer Kevin Rodier for firing his weapon at and causing the death of Kory Dillard. No charges, therefore, will be filed against this officer.

Sincerely,



Brian S. Mason
District Attorney