

A. WILLIAM RITTER, JR.
District Attorney

SECOND JUDICIAL DISTRICT



201 West Colfax Avenue
Dept. 801
Denver, CO 80202
720-913-9000
Fax 720-913-9035

State of Colorado

OFFICE OF THE DISTRICT ATTORNEY
DENVER

March 23, 2004

Gerald Whitman
Chief of Police
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

RE: Investigation of the shooting of Luis Acuna-Rodelas, DOB 5/27/77, DPD # 570226, by Officer Michael Ahrens, 00023, on October 18, 2003, at 4339 West Center Avenue, Denver, Colorado.

Dear Chief Whitman:

The investigation and legal analysis of the shooting death of Luis Acuna-Rodelas have been completed, and I conclude that under applicable Colorado law no criminal charges are fileable against Officer Michael Ahrens. My decision, based on criminal-law standards, does not limit administrative action by the Denver Police Department where non-criminal issues can be reviewed and redressed, or civil actions where less-stringent laws, rules and legal levels of proof apply. A description of the procedure used in the investigation of this shooting by a peace officer and the applicable Colorado law is attached to this letter. The complete file of the investigation will be open to the public at our office and any interested party is welcome to review the investigation and my decision in greater detail.

SYNOPSIS

In the early morning hours of October 18, 2003, Denver police were dispatched to the address of 4339 West Center Avenue, Denver, Colorado, on a family disturbance and assault in progress. The first officer to arrive was Officer Michael Ahrens, 00023. Upon his arrival, Officer Ahrens spoke with occupants inside the home, one of whom told him that her husband, Luis Acuna-Rodelas, had gotten drunk and was assaulting family members. Officer Ahrens was at the front door of the house when an occupant alerted him that Acuna-Rodelas was in the backyard and was trying to leave the area. Officer Ahrens moved to the front of the house and took a position in the driveway just west of the house. A privacy fence separated the front driveway from the backyard. Officer Ahrens used his flashlight in an effort to locate Acuna-Rodelas in the very dark backyard. Officer Ahrens then heard the loud sound of the privacy-fence gate banging open and closed. He then saw a man, later identified as Acuna-Rodelas, holding an object and standing back near the fence. It was also very dark in this area. As the man started rapidly coming toward him, Officer Ahrens realized that the item he was

holding was a very large pick or pickax.¹ Acuna-Rodelas stopped at a point short of the front southwest corner of the house approximately a car length away from Officer Ahrens.² Officer Ahrens identified himself as a police officer, trained his handgun on Acuna-Rodelas, and repeatedly ordered him to drop his weapon. Instead, Acuna-Rodelas shouted at Officer Ahrens and raised the pickax in an aggressive posture. He held the long pickax handle with one hand near each end. The blade end was held high in his right hand above the right side of his head in a manner consistent with an intention to use it. He gave no indication at any time of any intent to comply with Officer Ahrens' commands. In this aggressive attack stance, he then began to move toward Officer Ahrens. Officer Ahrens rapidly fired his pistol and Acuna-Rodelas fell to the ground. As he fell, the pickax fell from his hands and came to rest on the driveway between the two cars about five feet to the right (west) of Acuna-Rodelas' position. Officer Ahrens held his position and he immediately notified the police dispatcher that he had been involved in a shooting and requested an ambulance Code-10. Other officers arrived quickly. The officers approached Acuna-Rodelas' who had fallen in the tight space between the house and the front left side of the vehicle. Prior to the arrival of medical personnel, the officers moved him forward to provide easier access for medical attention. Acuna-Rodelas was rushed to Denver Health Medical Center where he was later pronounced dead as a result of the gunshot wounds.

STATEMENT OF INVESTIGATION

This investigation involves the October 18, 2003, shooting death of Luis Acuna-Rodelas by uniformed Denver Police Officer Michael Ahrens, 00023. At 2:39 a.m., Denver police 9-1-1 operators received a call on a family disturbance at the residence at 4339 West Center Avenue. The information provided to the 9-1-1 call-taker by the caller included the fact that her husband was attacking his parents. The caller stated that the assailant was drunk, but that no weapons were involved. Officer Ahrens was dispatched to the call at 2:43 a.m. and arrived at 4339 West Center Avenue at 2:46 a.m. Shortly after his arrival, Officer Ahrens was confronted by Acuna-Rodelas outside of the house. Acuna-Rodelas had armed himself with a large pick or pickax. Officer Ahrens identified himself as a Denver police officer and ordered Acuna-Rodelas to drop his weapon. Acuna-Rodelas, instead, approached Officer Ahrens and raised the pickax above the right side of his head in a threatening manner. Officer Ahrens fired his service pistol at Acuna-Rodelas. Immediately after the shots were fired, he advised the dispatcher that a shooting had occurred and that an ambulance was needed—Code-10. This call was made at 2:48 a.m.

Officer Ahrens was dressed in a full blue Denver Police Department uniform. He wore a black uniform jacket with a cloth silver-colored DPD badge sewn on the left chest. He was driving a fully marked Denver Police patrol car. Officer Ahrens' handgun was a Glock, Model 21, .45 caliber semi-automatic pistol. This weapon has a magazine capacity of thirteen rounds and may be carried with an additional round in the chamber. At the time of the incident, Officer Ahrens' weapon was fully loaded with DPD-issued ammunition. Following the incident and in compliance with the

1 A photograph of the pickax being held by an investigator is attached as **Appendix 1**.

2 See attached diagram in **Appendix 2** and photographs in **Appendix 3**.

protocols established for officer-involved shootings, the weapon was given to Denver police crime lab personnel for appropriate testing.

On October 18, 2003, Dr. James Wahe, a forensic pathologist with the Denver Coroner's Office, conducted an autopsy on Acuna-Rodelas' body. Dr. Wahe documented five gunshot wounds. The **first**³ was a "perforating" wound to the upper chest which entered at the "left upper arm," fractured the clavicle and larynx, lacerated the left jugular vein and exited at the "right neck." The **second** was a "perforating gunshot wound, right chest." Dr. Wahe was unable to form an opinion regarding the "direction of the bullet path" but found one either entrance or exit wound "on the anterior right chest" and the related entrance or exit wound "on the posterolateral right chest." This bullet passed through the "right lateral chest wall" causing bleeding in that region. A **third** wound was described as a "penetrating gunshot wound, chest" which entered the left arm, then exited and re-entered the body at the left axilla. This bullet entered the thoracic cavity and damaged the heart and right lung. The bullet was recovered from "the pleural cavity between the right chest wall and the right lung." A **fourth** wound was also described as a "penetrating gunshot wound, chest." This bullet also entered the left upper arm and exited the arm at or near the location that the third bullet exited this area of the arm. The bullet re-entered the body at the "left lateral chest wall," and then entered the thoracic cavity, perforating the lower left lung, the esophagus and damaged the "thoracic aorta." It passed through the lower part of the right lung and was located "within the pleural cavity between the right chest wall and the right lung. The **last bullet** entered at the "lateral left hip" and "perforate[d] into the pelvis." It was recovered "within the subcutaneous tissue just below the skin of the posterolateral right buttock. Dr. Wahe also noted evidence of blunt force injuries and abrasions. These injuries included a "1/8 inch abrasion on the left superior temple near the headline," and two abrasions of similar size located on the "anterior right temple" and on the "bridge of the nose." Dr. Wahe also documented a "3 inch by 1 inch area on the anterior right shoulder which contains multiple linear vertically oriented 1 inch abrasions," and bruises and abrasions to the left leg, right forearm, and left elbow.

Toxicological analysis of blood and urine samples obtained from Acuna-Rodelas' body showed that, at the time of his death, his blood ethanol level was 0.251%. This is a level approximately 2.5 times the level at which Colorado law presumes a driver to be operating a motor vehicle under the influence of alcohol. A postmortem blood cocaine test, using mass spectrometry, revealed the presence of cocaine at a level of 158 ng/ml (nanograms per millileter) and a level of benzoylecgonine of 337 ng/ml. Dr. Wahe found the cause of death to be multiple gunshot wounds.

Investigators at the scene recovered seven spent .45 caliber shell casings on the sidewalk and in the driveway at 4339 West Center Street.⁴ Parked in the driveway just west of the house were a Blue Chevrolet Corsica and a white van. The Corsica was closer to the street and south of the van. A spent bullet was recovered in the driveway between the white van and the residence. A bullet fragment was recovered in the driveway "near the gate" which is part of the fence separating the

³ Bullets are numbered for ease of reference. The forensic pathologist was unable to determine which bullet struck Acuna-Rodelas first.

⁴ Diagrams of the front and side of the house, with attached legends, are attached as **Appendix 2**. These diagrams depict the location of recovered items of evidence.

driveway from the backyard. Bullet strikes were noted on the gate of the wooden fence, the gate post, and on the driver's-side fender of the white van. Recovered between these two vehicles and in a position west of the position where Acuna-Rodelas fell, investigators located the pickax.⁵

When Officer Ahrens' pistol was examined by firearms examiners, it was found to contain seven live rounds. As noted above, when fully loaded, it has a fourteen-round capacity. This is consistent with Officer Ahrens firing seven times. The seven shell casings recovered at the scene were positively identified to Officer Ahrens' pistol. Three spent bullets or fragments were ultimately recovered at the crime scene. Firearms examiners stated that they were "damaged and cannot be positively identified. However, they are consistent in class characteristics with Officer Ahrens' firearm." Three spent bullets were recovered from Acuna-Rodelas' body at autopsy. Firearms examiners stated that these bullets also could not be "positively identified. However, they are consistent in class characteristics with Officer Ahrens' firearm." Dr. Wahe also recovered two small bullet fragments from Acuna-Rodelas's body at autopsy. Firearms examiners weighed these fragments but determined that they otherwise had "no further comparative value."

The shooting took place in a residential neighborhood and a number of residents were awakened by the sounds of the shots. Investigators conducted a neighborhood survey, identified the ear witnesses and obtained written statements from them. A neighbor across the street heard the sounds of the initial disturbance and was watching when Officer Ahrens arrived. This witness, Ms. Nancy Baca, 2/28/83, saw and heard much of the actual shooting incident. She provided investigators with written and video-taped statements.

In the home at the time of the initial disturbance were Acuna-Rodelas' fiancée, Ms. Ana Rios, 11/5/80 (Ms. Rios made the first 9-1-1 call to the police); Acuna-Rodelas' father, Mr. Luis Acuna, 3/20/58 (Mr. Acuna made a second 9-1-1 call to the police); Acuna-Rodelas' mother, Mrs. Juana Rodelas, 10/29/60; Acuna-Rodelas' brother, Mr. Ubaldo Acuna, 5/27/88; and a friend of Acuna-Rodelas', Mr. Eder Gonzales-Aragonez, 2/17/83. Each of these individuals provided brief written statements and, thereafter, each witness provided video-taped statements to investigators at Denver Police headquarters.⁶

Following the shooting, Officer Ahrens was brought to Denver Police headquarters by an uninvolved supervisor in accordance with the protocol established for officer-involved shootings. At headquarters, Officer Ahrens provided a voluntary video-taped statement regarding the incident.

All of the individuals who were in the home confirm that there was a disturbance before Officer Ahrens arrived. Mr. Gonzales-Aragonez told police that he had come over to visit Acuna-Rodelas and that the two of them did some drinking (he estimated that he and Acuna-Rodelas had imbibed as many as seven beers and confirmed that Acuna-Rodelas had been drinking before he

⁵ Photos of the pickax and the other areas involved in this incident are attached as **Appendix 3**.

⁶ Mrs. Juana Rodelas and Mssrs. Eder Gonzales-Aragonez, and Luis and Ubaldo Acuna, speak Spanish as their primary language. The interviews were either conducted in Spanish or Spanish and English. Interviewers received assistance from Spanish speaking Denver police officers Jorge Hernandez, 00067, (the Ubaldo Acuna, Eder Gonzales-Aragonez and Juana Rodelas interviews) and Theresa Garcia, 83034, (the Luis Acuna interview).

arrived). He fell asleep, but woke to hear Acuna-Rodelas yelling with “the mom and the father.” Mr. Gonzales-Aragonez told investigators that he heard either the mother or the father tell Acuna-Rodelas “to calm down because they called the police.”⁷

Mrs. Juana Rodelas told investigators that Acuna-Rodelas came home at about 10:00 in the evening “and he came home drunk and then it was eleven o’clock an’ he stayed home drinking in the house.” She stated that he woke her and her husband up and requested the car keys. When she told him that he couldn’t have them as she did not wish for him to drive drunk, he retrieved the keys, anyway, and an argument ensued. Acuna-Rodelas called her husband and her “assholes.” Mrs. Rodelas stated that she slapped Acuna-Rodelas in the face and he then pushed her. She told investigators that at this point

My husband [Mr. Acuna] got up an’ was angry. An’ my husband was gonna hit my son [Acuna-Rodelas] an’ my son ran out into the yard. Then my husband went after him. An’, an’ then my husband went after him an’ he grabbed a chair.

INVESTIGATOR: Son grabbed the chair?

Mrs. Rodelas: Yes. Then he threw it at my husband.⁸

Mrs. Rodelas went on to say that she grabbed a tree branch and hit Acuna-Rodelas with it. Her husband then came out in the backyard with a pole and she took it from him so he would not hit Acuna-Rodelas with it.

Ms. Ana Rios told investigators that the conflict began when Acuna-Rodelas started a small campfire in the backyard and his mother took a pail of water and extinguished the fire. According to her, Acuna-Rodelas “kinda got mad, so [Mrs. Rodelas] thought she was gonna, he was gonna hit her or something.” Ms. Rios stated that as the argument turned into a physical confrontation, she went into the living room to call the police.

Ms. Rios placed the 9-1-1 call at 2:39 a.m. The transcript of the initial colloquy follows:

⁷ In the context of this investigation, several facts regarding the family history are worthy of note. Ubaldo Acuna advised investigators that this was not the first time that his brother had fought with his mother. He told investigators that his mother had woken and told him that his brother was assaulting her, adding “I think she just wanted me to defend her ‘cause I alw . . . I always go jump in and defend her.” Later in the interview he was asked about his statement that his mother sought to have him defend her and he added “Yeah, because sometimes he gets like this an’ he does this. An’ I have another brother, an’ he’s the same. But he went to Albuquerque. An’ so we don’t have this many problems.”

Mrs. Rodelas also told investigators “Yes, my son gets violent when he drinks. An’ an’ if, an’ if people don’t wanna lend ‘im stuff he gets, he gets angry o’course.”

Ms. Rios told investigators that she had met Acuna-Rodelas on August 2, 2003, and had moved in with him on August 10, 2003. She told investigators that “He drinks, but he drinks occasionally,” adding, “He’s not out in the streets. He’s not violent.”

Denver police records reflect previous family disturbance calls to the Acuna address. At about 10:48 p.m. on September 26, 2003, police were called to a family disturbance where, according to the complainant, her brother-in-law was drunk “fighting with her step-father” and her “mother-in-law.” The complainant told the call-taker that the suspect’s name was “Sergio.” On September 6, 2003, an anonymous caller complained of a “fight w/ weapons” involving a drunk party named “Sergio” at the address of 4339 West Center Avenue.

⁸ The chair referred to is believed to be the chair indicated in a photograph in **Appendix 3**.

AGENT: Nine, one, one, Agent Boston, how can I help you?

RIOS: Yes, my husband's attacking my mother-in-law (and) my father-in-law.

AGENT: Are you at forty-three, thirty-nine West Center?

RIOS: Yes

AGENT: Is this a house (or an) apartment?

RIOS: It's a house.

AGENT: Okay, what's your husband's name?

RIOS: (A) Luis Acuna. (Referred to in this letter as "Acuna-Rodelas")

AGENT: Okay, any weapons involved?

RIOS: No, he was trying to start a fire and his mom burned it out with some water and . . . (he) . . .

AGENT: Okay, has he been drinking?

RIOS: Yes.

The call taker got a description of Acuna-Rodelas. The transcript contains notations that, while the call taker is getting additional information from Ms. Rios, the sounds of "background noise with a female/male voices arguing" and "background noise/loud voices" can be heard.

Almost immediately after Ms. Rios rang off, Denver 9-1-1 call takers received another call from 4339 West Center. The caller was Mr. Luis Acuna (father of "Acuna-Rodelas"). The call was made in Spanish. Several notations are made indicating that the caller "appears to be breathing hard" or "appears to be out of breath." While the transcript suggests that much of the tape is garbled or unintelligible, it is clear that some kind of disturbance is occurring:

ACUNA: I went to the . . . my house. A little problem here, with my son here.

AGENT: Eh, Are you fi .. are yous' [sic] fighting physically?

ACUNA A litt . . . a little bit with me. Yes.

Mr. Acuna also advised the call taker that Acuna-Rodelas was drunk and confirmed that there were no weapons involved in the disturbance. When asked whether Acuna-Rodelas was inside the house, Mr. Acuna responded, "Yes, he is here in the uh, back of the house, in..., in the yard."

The disturbance was so loud that Ms. Baca, who had gotten home from work and was waiting for her boyfriend to arrive, heard the sounds from across the street. She told police that she had opened the front door to await her boyfriend and she heard "arguing outside." She stepped outside and

Heard a woman yelling and hollering, and I heard a gentleman hollering. And I heard banging, so I . . . of course, you know, walked back in the house and I called nine-one-one from my cell phone. And a few minutes later, a police officer pulled up. And he got out of his car and he walked up to the house. And he flashed his light around and he banged on the door, or not banged, but knocked on the door with his flashlight. They opened the door and a few people came out.

The police dispatcher had dispatched Officer Ahrens, car 413, at 2:43 a.m., providing him with the following information: “Forty Three Thirty Nine West Center Avenue. Anna (Ana Rios) is calling. It sounds like a domestic an’ a family problem. She says her husband is assaulting her parents. It is physical, um, that he is D-K [drunk]. Hispanic male, five three, spiked hair, blue jacket an’ his name is Luis.”⁹ The dispatcher then asked for another car to “cover” or respond with Officer Ahrens. Officers working car 417 indicated that they would “start over” but that they were getting gas. Car 434 then came on the radio and indicated that it would “start that way,” and the dispatcher advised Car 417 to disregard. Ultimately, no officers would arrive to provide Officer Ahrens with cover until after the shots were fired.

Ms. Rios opened the door when Officer Ahrens knocked. She stated that she recognized him as a police officer as he was in uniform and “the cop car was parked, parked right over here by this address.” When the officer inquired into the situation, she started trying to explain when her

Mother-in law come running through the house screaming that Acuna-Rodelas is in the backyard . . .

INVESTIGATOR: M-huh.

RIOS . . trying to jump the fence. So I told the police officer he’s trying to jump the fence. An’ my mother-in law says he may or may not have something in his hand, I’m not sure what it was.

Other people in the house confirmed that Acuna-Rodelas had been in the backyard when Officer Ahrens arrived.¹⁰ Gonzales-Aragonez told investigators that he was inside the home and he heard Acuna-Rodelas pass by a window as he went from the backyard to the front of the house. Ubaldo Acuna told investigators that when the officer arrived

He asked what’s the problem. An’, an’ my sister-in-law said what was going on. An’ then from there they were looking for him. “Cause my dad told, told ‘im that he was in front. No, but he [Acuna-Rodelas] went to the back. An’ that’s when he [Acuna-Rodelas] went inside an’ he went an’ grabbed somethin’, but I don’t know what. And then he went to the front. And, I think he was yelling something at the police officer.

INVESTIGATOR: What was he yelling at the police officer?

ACUNA (by interpreter) : Sayin’ bad stuff

INVESTIGATOR: Like what?

⁹ According to the dispatch tape, Officer Ahrens arrived at the location or, in Denver police parlance “went code 6” at 2:46 a.m. At 2:49, Officer Ahrens requested “code 10” cover (Code 10 is the Denver Police radio code for full emergency response – lights and siren). The transcript contains a note that when he made this dispatch “The record should reflect the sound of background screaming and simulcast signal.”

¹⁰ There is evidence that suggests when Acuna-Rodelas first left the house he went to the front yard and then, as or just before Officer Ahrens arrived, he went into the backyard. Ms. Baca told investigators that “And the, um, right before the officer pulled up, I seen a guy in the driveway and w... then when the officer got out of his car, I seen the guy go into the back.” Mrs. Rodelas told investigators that when she told her son the police were coming he said that he would “wait for them outside.” She then stated, “Okay. That he was in the front yard then he went inside an’ went to the . . .m-huh. Oh, an’ then he came back inside the backyard. An’ he, an’ he entered the room where the, uh, washer is.”

ACUNA (by interpreter); He said what's up motherfucker or somethin' like that. Cause I asked is that what he said an' he goes yeah.

INVESTIGATOR: Did he say it in Spanish or English?

ACUNA: In English, I think in English, say in English.¹¹

Upon hearing the information provided by the occupant, Officer Ahrens stepped back from the front door and into the front yard to look for Acuna-Rodelas. Ms. Rios, Mr. Luis Acuna, and Mrs. Rodelas also stepped into the yard. Mr. Ubaldo Acuna told investigators that he remained in the living room; Mr. Gonzales-Aragonez told investigators that he remained in the room in which he had been sleeping until after the shots were fired. Although Ms. Rios, Mr. Luis Acuna, and Mrs. Rodelas were in the front yard, from their various positions they could only see Officer Ahren's actions; the southwest corner of the house blocked their view of Acuna-Rodelas until after the shots were fired.

In her video-taped statement, Mrs. Rodelas first claimed that she saw "her son come out of the yard," and, when asked whether he was armed, stated "No. No, I didn't see anything. He didn't have anything." (*Transcript*, p. 6.) She later stated that when Officer Ahrens was by the Corisca (his position when the shooting started), she was "standing outside the [front] door lookin'—adding that she moved away from the front door "when he started shootin' at my son. An' then I came over running." (*Transcript*, pp. 7-8.) However, when questioned about the inconsistency of her statements, she admitted that because of her position, she did not see Acuna-Rodelas until after shots were fired:

INVESTIGATOR: So your son was still back in back o' the, in back ' the house?

MRS. RODELAS: Yes, An'he was coming.

INVESTIGATOR: Then you couldn't see your son at that time, could you?

MRS. RODELAS: No, I couldn't. No, I couldn't because I was right here.

An' the police officer

shot 'im an' he fell out here (sic). An' this (indicating the corner of the house) blocks that.

INVESTIGATOR: Okay, so you didn't see your son until after your son was shot?

MRS. RODELAS: Yes, when he was down I went to grab 'im.

(*Transcript*, p. 12.)

¹¹ It is interesting to note that several witnesses heard Acuna-Rodelas say something but they disagree whether he spoke in English or Spanish. Officer Ahrens, in his video-taped statement, stated, "An' he makes direct eye contact with me, an' he says fuck you come get some." This would appear to confirm that at least some of the comments made by Acuna-Rodelas were spoken in English. Luis Acuna said that he heard Acuna-Rodelas tell the officer "come get me." The investigator did not specifically ask him what language was being used, but the suggestion is that Acuna-Rodelas and the officer were speaking English. Ms. Baca stated that when Officer Ahrens confronted Acuna-Rodelas outside the house, Acuna-Rodelas "yelled something in Spanish. Ms. Ana Rios stated that when Acuna-Rodelas came out from the back he was "screaming in Spanish ... screaming, 'here I am.'" Mrs. Rodelas claimed that while Officer Ahrens was yelling at her son in English, she never heard her son say anything to the officer. More generally, Mr. Luis Acuna told investigators that his son had lived in the United States since 1995. He was asked whether his son spoke English and he said, "Ver - . . uh, little. He understands."

After she placed the 9-1-1 call, Ms. Nancy Baca stepped back inside her home which is across the street and slightly west of 4339 West Center Avenue. She stood by a front window through which she could see the front of the Acuna household. She told investigators that she saw an officer arrive. When asked by investigators how she recognized the individual as an officer, she stated, “because he’s in his police car. And he’s in his uniform. And he has his flashlight. And when he banged, or, you know, knocked on their door with his flashlight, he identified himself as a police officer.”

Ms. Baca stated that as the officer pulled up she saw a man in the driveway. However, when the officer got out of his car, I seen the guy go into the back and that’s when I was opening my phone to call them again to tell them, you know, y - . . . this cop needs backup.¹²

Ms. Baca saw the door to the Acuna house open and then saw the officer step out onto the front lawn and three or four other people came out of the house. She told investigators that the citizens were

Standing off to the side, like on the right side of the property, right by the front door. And the officer walks towards the driveway and he looks around. And he tells the guy in the driveway to come out. And then he flashes his light on him and he tells him to come out again. And the guy yelled something in Spanish.”

Ms. Baca stated that the officer was yelling commands but it seemed, to her, that the man in the driveway was not complying:

Because r- . . . the, the officer told him whatever it was, you know, to get down or, or stop or, you know, whatever it was he told him to do. And that guy yelled something really loud and he moved fast. Like he moved and that’s when the cop went and shot him.

INVESTIGATOR: Okay. And when you say he moved, was he moving away from the officer or toward the officer?

MS. BACA: Moving towards him. Because he moved to the right side of h- . . . right side of his body towards him. And then the cop shot him and then he fell.

Investigators sought to have Ms. Baca further describe Acuna-Rodelas’ actions in the moments before the shooting. She stated that “the right side of [Acuna-Rodelas’] body went up and that’s when the cop shot him, and then he fell.” She estimated that Acuna-Rodelas was about “a car length” away from Officer Ahrens at the time of the shooting. Ms. Baca told investigators that she was able to see some of the incident because the officer was using his flashlight and there was some background lighting from a window at the house but it was too dark for her to distinguish any items

¹² See, note 8, above.

Acuna-Rodelas might have been wielding. She saw Acuna-Rodelas raise his arm just before Officer Ahrens fired his weapon.¹³

MS. BACA: Um, he lifted his right arm and then his left arm and then the cop shot him and he fell.

INVESTIGATOR: Okay. And you're not sure if he did or did not have something in his hands?

MS. BACA: You know, it might've been his left arm. [The transcript notes a pause.] No, it was his right arm.

INVESTIGATOR: Okay.

MS. BACA: Yeah.

INVESTIGATOR: And he may or may not have had something in his hand, you don't know.

MS. BACA: I'm pretty sure he did. He, he had to have had something in his hand.

INVESTIGATOR: Okay.

MS. BACA: Because that's why he lifted his arm.

INVESTIGATOR: Okay. Could you tell what that object was?

MS. BACA: No, it was too dark.

Ms. Baca told investigators that before the shooting, she heard Officer Ahrens order the man to come out. However, when the man started approaching the officer, "the officer told him to put, put it down or, or something, something about putting down. I, I, I know I heard down."

As noted above, within moments of his arrival, Officer Ahrens had been advised that Acuna-Rodelas was in the back of the house. He told investigators that one of the women told him that Acuna-Rodelas had armed himself with a knife. When he learned that Acuna-Rodelas was not inside, he moved to a position on the side of the driveway south and west of the front door. He took note of the fence that separated the driveway from the backyard and, standing on a little rise, he used his flashlight in an attempt to see over the fence. He was, in his words, not only trying to see if he could see anyone in the back, but "buyin' some more time also for my cover to get there." While he was so engaged, he saw Acuna-Rodelas come "out of the gate," armed with an "ax pick." Officer Ahrens told investigators that Acuna-Rodelas came "runnin'" out of the gate on the side of the house and down the driveway to the corner of the house at which point he stopped. Acuna-Rodelas was holding the pickax "across his chest like this [demonstrating]. The pick end is facing towards me an' it's above his head." At this point, Officer Ahrens told investigators that he identified himself as a Denver police officer and ordered Acuna-Rodelas to drop his weapon. He estimated that Acuna-Rodelas was less than fifteen feet away from him when he ordered him to drop his weapon.

¹³ When viewing the videotape of her statement, Ms. Baca makes movements with her hands and arms that are consistent with the manner in which Officer Ahrens describes that Acuna-Rodelas was holding the pickax. The actions of Acuna-Rodelas, as described and shown by Ms. Baca, are very consistent with Officer Ahrens account of the final frames of this confrontation. The videotape of Ms. Baca's statement can be viewed to observe her body movements as she describes Acuna-Rodelas' actions.

OFFICER AHRENS: He doesn't do it. I tell 'im a couple more times an' he doesn't acknowledge me. An' he makes direct eye contact with me, an' he says fuck you come get some. A-...at that time I'm like drop the weapon, drop the wea-...he wouldn't drop it. He takes an aggressive step or step an' a half towards me . . .

INVESTIGATOR: M-huh

OFFICER AHRENS: ... holding the ax or pick still above his head in an aggressive manner. An' I tell 'im to drop again an' he advances at me aggressively. An' at that time I have my sidearm aimed at him in the ready, you know, the higher aim position. An' I was in fear for my life so at that time I ...shot five or six times.

INVESTIGATOR: M'kay

OFFICER AHRENS: Um, at that point he fell to the ground. I didn't see where the, the ax went so I kep' my weapon drawn on 'im an' waited for cover to come.¹⁴ Once cover came we or they, uh, handcuffed the suspect. The weapon was layin' next to him.¹⁵

INVESTIGATOR: Okay. Uh, do you know if anybody moved the weapon, changed anything ...

OFFICER AHRENS: Nothin'.

INVESTIGATOR: ...when they went up to contact this individual?

OFFICER AHRENS: N- ... nothin' was changed.

INVESTIGATOR: Okay. An' then, uh, who arrives? A-...w-...was the subject removed from the scene at this point?

OFFICER AHRENS: Uh, he was layin' in between the white minivan an' the house. An' it's a pretty tight space in there...

INVESTIGATOR: M-huh.

OFFICER AHRENS: ...so the first two officers who got there, I believe it was Officer Tak an' Sampson, handcuffed the suspect an' kind've pulled him in between the minivan an' the, the blue car so that when the paramedics got on scene they were able to get the guy outta there ...an' work on 'im.

Immediately after Acuna-Rodelas had fallen to the ground, Officer Ahrens advised the police dispatcher that he had been involved in an officer-involved shooting and requested an ambulance—"Code-10." When covering officers arrived, Officer Ahrens moved forward and was able to see the pickax lying in the area between the two cars and to the right of Acuna-Rodelas. He told investigators that "it had fallen between the two cars." Sergeant Ronald Kelly placed an evidence marker by the

14 The pickax had fallen to a position between the two vehicles. Officer Ahrens' view of the pickax was obstructed by the blue Chevrolet Corsica. At a later point in his statement, Officer Ahrens stated: "The suspect had hit the ground; the weapon had fallen out of his hand. I didn't believe at that point he was a threat any longer. At this point, at that point though I did keep 'im covered with my, my sidearm until cover came so he could be handcuffed. Jus' to ensure that if for some reason he did get back up or was able or was layin' on that ax or whatever ... try to get back up. I'd still have the tactical advantage."

15 In response to follow-up questions, Officer Ahrens stated: "It (the pickax) had fallen in between the two cars. The pick end was facin' east ... or I mean west an' the handle was (unintelligible, verbal override)." The investigator asked Officer Ahrens to draw in the position of the pickax on the diagram being used for the interview. The handle was drawn in facing east (as shown in the photos in Appendix 3).

pickax, as well as by other evidence located at the scene. The pickax was later recovered at that location by crime lab investigators.¹⁶

In accordance with the officer-involved shooting protocol, all witnesses were sequestered from other witnesses after the shooting. As with other witnesses, investigators took a video-taped statement from Ms. Ana Rios. The following are pertinent parts of her video-taped statement to investigators.

MS. RIOS: She (Mrs. Rodelas) picked it up an' she was gonna hit 'im with it. An' he (Acuna-Rodelas) told her oh, you're gonna hit me with it, so it made him more angrier an' she started hitting, whackin' with it. So he grabbed her by the neck like a n-...a neck hold with his, um, like his arm. An' he fell backwards because I don't know if he tripped on something an' she went backwards with him. I went running in the house, I told my father-in-law that I think that he was hitting her. So my father-in-law ran out the back door. Well, I proceeded into living room to call the police. So I called the police an' I told the police officers that my husband was assaulting his parents.

Ms. Rios went on to state that she thought Acuna-Rodelas would sit out front of the house and wait for the officers to take him to Detox. She then noticed he was not there. When Officer Ahrens arrived she stated the following:

MS. RIOS: ... then my mother-in-law came running through the house screaming that he's in the backyard ... tryin' to jump the fence. So I told the police officer he's tryin' to jump the fence. *An' my mother-in-law says he may or may not have something in his hand, I'm not sure what it was (emphasis added).* So the police officer flashed his light towards the backyard an' told him to come out. So he (Acuna-Rodelas) booted the gate an' came walking out. *I don't know what he had in his hand, I don't know if he had anything in his hand (emphasis added).* I kind of went towards my mother-in-law to keep her back because the officer pulled out his gun. He drewed (sic) his gun from his side. *He repeated about three or four times to drop it. An' I guess he did not drop whatever he had in his hand (emphasis added).* So the officer started shooting. He shot anywhere from three to five times. I was not sure, I was too busy panicking, *yelling in Spanish (unintelligible) drop it, leave it, jus' listen to the officer. I tell 'im you wanna get hurt. An' my father-in-law an' everybody was telling him to drop it (emphasis added).* And when he started firing, my mother-in-law came running out telling the police officer to get off her property an' put that gun away.

Ms. Rios told investigators that Acuna-Rodelas was intoxicated at the time of the incident. In response to investigator questions going back over the few seconds prior to the shooting, Ms. Rios stated the following.

¹⁶ See photographs in **Appendix 1 and Appendix 3.**

MS. RIOS: An' the officer's standing right here, flashes his flashlight towards the backyard like that an' telling him to come out. Telling him to step out, so that's when he (Acuna-Rodelas) boots the gate open an' walks out. R-...*I don't know if he had anything in his hand like I said (emphasis added).*

INVESTIGATOR: Now this is your fiancé that does that?

MS. RIOS: Yes.

INVESTIGATOR: Okay, when you say he boots open the gate, how do you know that?

MS. RIOS: 'Cause you can hear...because all you can hear is a big old bam. But, I'm not sure if he booted it or if he pushed it open. *But you can hear that he came out in rage (emphasis added).*

INVESTIGATOR: M'kay. And then what's going on? What happens at this point?

MS. RIOS: So then that's when the police officer saw the...*I guess the police officer saw that he had something (emphasis added),* told us to back up. *So we all backed towards the front door, everybody. An' we were all screamin' at him to put it down, jus' listen (emphasis added).* An' that's when the police officer started shooting after repeating himself several times.

Ms. Rios told investigators that she was “*screaming honey, please put it down whatever you got, don't make the officer mad (emphasis added).*” She said she was screaming in Spanish for him to not cause any problems. Because the corner of the house blocked her view of Acuna-Rodelas, she could neither see him nor what he had in his hand(s).

RIOS: Next I hear is the officer saying put the tho-...put, put down, put your hand, uh, *put down what you got in your hand. Put it down, put it down (emphasis added).* And then ... *All I remember is standing by the front door (emphasis added).* The officer had a gun in his right hand. I think he had the flashlight in his left hand. An' all I heard was *put it down, put it down ... an' all I heard was pow (emphasis added).*

Ms. Rios stated that when Acuna-Rodelas was shot he “fell down right in between the two, the two cars.” As previously described in this letter, this is the same location where the pickax was observed and recovered by investigators.

After making her video-taped statement to investigators, Ms. Rios at some point spoke to members of the media. The two Denver daily newspapers quoted her in articles about the shooting the next day. Ms. Rios gave a significantly different account of the incident to the reporter(s). Her account, if accurately reported by the reporter(s), was inconsistent with the statement she had just given to investigators and with the overwhelming weight of the evidence. In *The Denver Post* the sub-headline stated: “GIRLFRIEND CLAIMS HE WAS UNARMED.” In the body of the article in *The Denver Post* the authors wrote:

Rodelas-Acuna's ("Acuna-Rodelas" in this decision letter) girlfriend, who says she was at the scene of the shooting, contradicted police accounts and accused them of "planting evidence" on Rodelas-Acuna.

Rios said she called police when she heard noises and feared Rodelas-Acuna was fighting with his parents. While the officer spoke with Rios at the front of the house, Rodelas-Acuna came from behind the house carrying what Rios said was a "twig, a stick about as thick as a pencil." **(Based on the totality of the facts developed in this investigation we find that this is totally inconsistent with her prior videotaped statement and the clear weight of the evidence.)**

Rodelas-Acuna had been drinking heavily, Rios said, but had not been violent. **(We find this is not consistent with the totality of the facts developed in this investigation.)** When the shots were fired, the ax was on the opposite side of the house propped against a tree, she said. **(Based on the totality of the facts developed in this investigation we find that this is not true.)** It was being kept there because the family was in the process of landscaping the house. Rodelas-Acuna was a landscaper before he was injured several months ago. In the moments after the shooting, when family members rushed to Rodelas-Acuna, the pickax was nowhere in sight, according to Rios.¹⁷

'The pickax that they planted on him was clear across the house,' Rios said. **(Based on the totality of the facts developed in this investigation we find that this is not true.)** 'Yes, I'm accusing them of planting the ax, and I'll do whatever it takes to get the truth out.'

In the *Rocky Mountain News* the headline stated: "DENVER POLICE DENY CLAIMS PICKAX PLANTED ON VICTIM and FAMILY INSISTS MAN DIDN'T WIELD PICKAX." The sub-headlines stated: "FAMILY REVISES INITIAL STORY, SAYS SLAIN MAN CARRIED ONLY A TWIG and BUT POLICE SAY THAT CLAIM CONTRADICTS STATEMENTS MADE AFTER FATAL SHOOTING." In the body of the article in the *Rocky Mountain News* the authors wrote:

Family members of Luis Rodelas-Acuna ("Acuna-Rodelas" in this decision letter), 29, have accused police of planting the pickax on him after the Saturday shooting. Instead, family members say, he had only a twig in his hand when he was shot. **(Again, if the RMN reporter is reporting this accurately, the "family members" who said this are clearly not telling the truth. None of them could see Acuna-Rodelas prior to or at the time he was shot. Their vision was blocked by the corner of the house.)**

¹⁷ The totality of the facts developed in this investigation make it clear that Acuna-Rodelas was wielding the pickax when shot by Officer Ahrens. He dropped the pickax when he fell to the ground between the two cars.

In addition to claiming that Acuna-Rodelas was not armed and, in fact, that the pickax was planted on him, family members, friends, and Ana Rios, both in the case investigation record and in statements made to the media, suggested that Acuna-Rodelas did not possess a violent nature. It appears these statements were made in an effort to support the claim that he was unarmed (or armed with a “twig”) and not a danger to Officer Ahrens. We here take note of prior criminal conduct in Denver of a similar assaultive nature committed by Acuna-Rodelas. Additionally, there are other statements made by these same individuals that are inconsistent with that assertion.

On December 25, 1999, Acuna-Rodelas was arrested for investigation of Felonious Assault on a Peace Officer. In that case, Denver police officers were called to the 4339 West Center Avenue on a suicidal party. Upon arrival, officers were confronted by Acuna-Rodelas and his mother, Mrs. Rodelas, both of whom refused the officers entrance into the house. Acuna-Rodelas picked up a large rock and threw it at one officer who was injured trying to deflect it with his hand. Another officer sought to restrain him and he fought with that officer. At some point, Mrs. Rodelas began either assaulting or interfering with the officers as they tried to restrain Acuna-Rodelas. During the melee, one of the officers suffered a broken bone in his arm. Charges were filed and the case was tried to a jury in March of 2001. At trial, Acuna-Rodelas was found guilty of Assault in the Third Degree, a class 1 misdemeanor.

Additionally, the very nature of his assaultive conduct against his parents in this case, that resulted in Officer Ahrens responding to 9-1-1 calls for assistance, suggests a violent propensity. For example, putting his arm around his mother’s neck and throwing a chair at his father. In fact, in her video-taped statement, Mrs. Juana Rodelas stated that her son is violent when he drinks. On the night of this incident, he was intoxicated. Ana Rios stated at one point in her video-taped statement, “Acuna-Rodelas “kinda got mad, so [Mrs. Rodelas] thought she was gonna, he was gonna hit her or something.” Why would she think this if he were not violent? Ms. Rios stated that as the argument turned into a physical confrontation, she went into the living room to call the police.” In his statement to investigators, Ubaldo Acuna (Acuna-Rodelas’ brother) stated that Acuna-Rodelas is “violent.”

LEGAL ANALYSIS

Criminal liability is established in Colorado only if it is proved beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and it is proved beyond a reasonable doubt that the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting another human being and causing their death is generally prohibited as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of deadly physical force is justified. As the evidence establishes that Acuna-Rodelas was shot by Officer Ahrens, the determination whether his conduct was criminal is primarily a question of legal justification.

Section 18-1-707(2) of the Colorado Revised Statutes defines the circumstances under which a peace officer can use deadly physical force in Colorado. In pertinent part, the statute reads as follows:

- (2) A peace officer is justified in using deadly physical force upon another person ... 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 the arrest or to prevent the escape from custody of a person whom he reasonably believes:
 - 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 - 2. Is attempting to escape by the use of a deadly weapon.

Section 18-1-901(2) (e) of the Colorado Revised Statutes defines the term “Deadly weapon” as follows:

(2) (e) “Deadly Weapon” means any of the following which **in the manner it is used or intended to be used is capable of producing death or serious bodily injury**: (I) A firearm, whether loaded or unloaded; (II) A knife; (III) **A bludgeon**; or (IV) Any other weapon, device, instrument, material, or substance, whether animate or inanimate.

Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (*Boykin v. People*, 22 Colo. 496, 45 P. 419). This, of course, does not mean that an officer cannot retreat, if he or she chooses to do so.

Also pertinent to the facts and circumstances of this case is Section 18-3-202 (1)(e), Assault in the first degree, of the Colorado Revised Statutes, which reads as follows:

- (1) A person commits the crime of assault in the first degree if:
- (e) With intent to cause serious bodily injury upon the person of a peace officer or firefighter, he or she threatens with a deadly weapon a peace officer or firefighter engaged in the performance of his or her duties, and the offender knows or reasonably should know that the victim is a peace officer or firefighter acting in the performance of his or her duties.

In reference to the pertinent section of the “Assault in the first degree” statute in which the victim is a peace officer, in *People v. Prante*, 177 Colo. 243, 493 P.2d 1083 (1972), the Colorado Supreme Court stated:

“The General Assembly recognizes that peace officers are placed in a position of great risk and responsibility, so to invoke a special punishment for an assault upon a peace officer acting in the scope of his official duties is neither arbitrary, capricious, nor unreasonable.”

Therefore, the question presented in this case is whether, at the instant Officer Ahrens fired the shots that caused Acuna-Rodelas’ death, he reasonably believed, either that Acuna-Rodelas had

directed or was about to directly deadly physical force toward him or a third person, that Acuna-Rodelas had just committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or, finally, that Acuna-Rodelas was attempting to escape by the use of a deadly weapon. In order to establish criminal responsibility for knowingly or intentionally causing the death or bodily injury of another, the state must prove beyond a reasonable doubt that the person doing the shooting either did not really believe in the existence of the requisite circumstances, or, if he did hold such belief, that belief was, in light of all available facts, unreasonable.

CONCLUSION

Officer Ahrens was working a solo car when he answered the dispatcher's call to respond to a domestic assault in progress. After making an initial assessment of the situation, Officer Ahrens was attempting to both protect the parents and others from Acuna-Rodelas' assaultive behavior and buy time to allow cover officers to arrive to assist him. Ms. Nancy Baca, a neighbor from across the street, is commended for identifying what she as a citizen perceived to be Officer Ahrens' need for back-up assistance and for taking quick action to try to get such assistance by calling 9-1-1. Unfortunately, Acuna-Rodelas' actions did not permit the time for cover to arrive. Officer Ahrens was quickly confronted by the drunk, angry, aggressive, armed, and totally non-compliant Acuna-Rodelas. Every aspect of Acuna-Rodelas' conduct was consistent with his prior violent conduct and a present intent to harm the officer. Nevertheless, Officer Ahrens remained stationary during the attack. It was Acuna-Rodelas who rapidly and aggressively closed the distance from the backyard to within a car length of Officer Ahrens. A threat turns to an attack by the closing of distance. The speed and intensity of the movement increases the risk to the officer and incrementally reduces the response time and response options for the officer.

The position of the parents and others in the confined-front yard severely limited Officer Ahrens' options. As a police officer, it is his duty to protect them from harm. In this case, the call for assistance was due to Acuna-Rodelas assaulting his parents. Officer Ahrens exercised sound judgment in his efforts to attempt to await cover. Of necessity, disengagement or retreat was not an option for him. Based on the information Officer Ahrens had available to him, to disengage or retreat would have exposed the original targets of Acuna-Rodelas' assaultive conduct to the danger of another attack. Officer Ahrens needed to maintain his position, and he did so in the face of what he most certainly knew was the potential of great danger to himself. It was the totally non-compliant, aggressive conduct of Acuna-Rodelas that forced Officer Ahrens to shoot. Less lethal force options were neither available nor practicable under the specific facts of this case. Acuna-Rodelas posed a direct, immediate, and deadly threat to Officer Ahrens at the moment he fired. He fired in rapid succession and stopped when he perceived the threat was neutralized.

We train officers to do as Officer Ahrens did here—attempt when feasible to buy time to await cover and assess options for controlling the assailant; but, also, when assailant actions and other circumstances do not permit the luxury of time, distance, and cover, they must take reasonable, necessary, and appropriate action to protect our citizens from harm.

This case is an example of family members making totally false, inaccurate, and inconsistent statements to the media after the event that cause negative headlines and articles to be written, resulting in negative misperceptions of police conduct, that are then rarely undone when the true facts are published. Repeated occurrences of this scenario over time may incrementally damage the reputation of a department and individual officers. The true facts of the case reveal the professional and courageous actions of an officer we should be thankful is willing to protect and serve us.

Based on the facts of this case, as described in detail in this letter, no criminal charges are provable against Officer Ahrens. Therefore, I conclude that under applicable Colorado law no criminal charges are fileable against Officer Michael Ahrens in the death of Acuna-Rodelas.

As in every case we handle, any interested party may seek judicial review of our decision under C.R.S. 16-5-209.

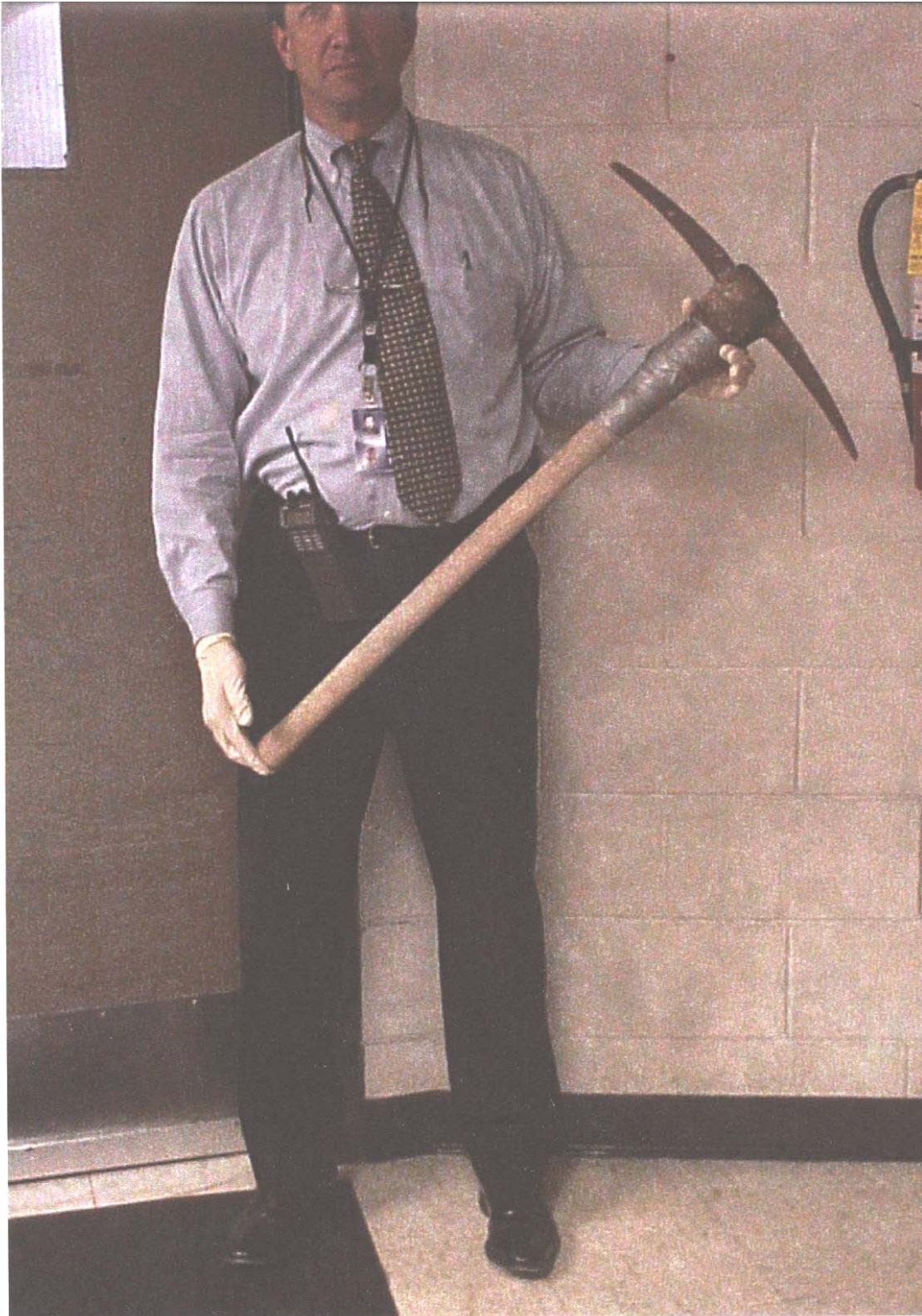
Very truly yours,



Bill Ritter, Jr.
District Attorney

cc: Officer Michael Ahrens
Marc Colin, Esq.
John W. Hickenlooper, Mayor
All City Council Members
Cole Finegan, Denver City Attorney
Alvin J. LaCabe, Jr., Manager of Safety
Marco Vasquez, Deputy Chief
Michael Battista, Deputy Chief
Dan O'Hayre, Division Chief
Dave Fisher, Division Chief
Steve Cooper, Division Chief
Mary Beth Klee, Division Chief
Dave Abrams, Captain, Crimes Against Persons Bureau
Jon Priest, Lieutenant, Homicide
Shane Webster, Homicide Detective
Martin Vigil, Homicide Detective
John Lamb, Commander, Civil Liability
Chuck Lepley, First Assistant District Attorney
Lamar Sims, Chief Deputy District Attorney
Henry R. Reeve, General Counsel, Deputy District Attorney
Justice William Erickson, Chair, The Erickson Commission

Appendix 1

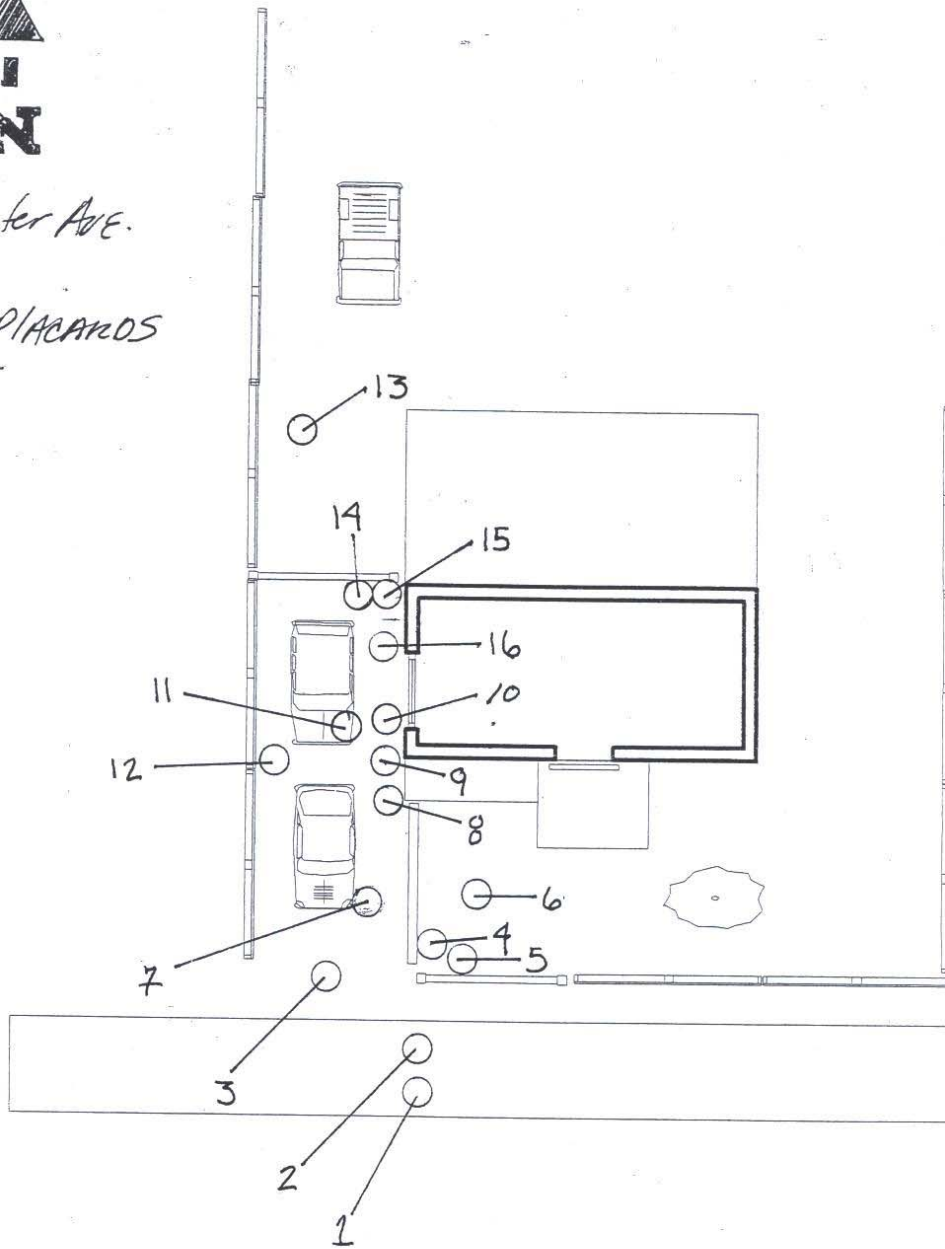


Appendix 2

M.E. Vigil 80012



4339 W. Center Ave.
10/18/03
CRIME LAB PLACARDS
OF EVIDENCE



NOT DRAWN TO
SCALE

G+14

**Appendix 2
Continued**

CRIME SCENE MEASUREMENTS
CASE # 200361590
LOCATION: 4339 W. Center Ave.

#	Description	E to W	W to E	S to N	N to S	Taken from Reference
1	Spent shell casing	1'10"		1'9"		Southwest edge of House - 4339 W. Center Ave. (SWE)/ North curb line of W. Center Ave.(NCL)
2	Spent shell casing	1'9"		2'2"		SWE/NCL
3	Spent shell casing	3'8"		5'8"		SWE/NCL
4	Spent shell casing		1'4"	6'2"		SWE/NCL
5	Spent shell casing		2'3"	4'9"		SWE/NCL
6	Spent shell casing		4'1"	8'7"		SWE/NCL
7	Spent shell casing	1'8"		11'8"		SWE/NCL
8	Blood	0"		19'9"		SWE/NCL
9	Currency/nickel	5"		21'5"		SWE/NCL
10	Blood spot	3"		6'2"		SWE
11	Bullet defect on van	2'3"		3'11"		

?	Pick axe	8'		8"		SWE
13	Beer bottle	6'		4'10"		North West edge of 4339 W. Center Ave. (NWE)
14	Strike on fence gate	6"	Height 2'7"	19'10"		SWE
15	Hole in fence post	3"	Height 2'7"	20'1"		SWE
	South West Edge of house			24'2"		
	Length of house			31'4"		
	Gate / back end of post			20'7"		SWE

Appendix 3



Appendix 3
Continued



Appendix 3
Continued



View from backyard through open gate. Acuna-Rodelas ran through this gate at Officer Ahrens.



Backyard

