

Beth McCann  
District Attorney  
Second Judicial District



201 W. Colfax Ave. Dept. 801  
Denver, CO 80202  
720-913-9000

[Beth.McCann@denverda.org](mailto:Beth.McCann@denverda.org)

May 1 2024

Ron Thomas  
Chief of Police  
Denver Police Department  
1331 Cherokee Street  
Denver, CO 80204

Re: Officer Involved Shooting at 450 N. Federal Blvd., Denver, CO, on March 1, 2024, resulting in the death of Christopher K. Cauch (dob 7/17/80). GO# 24-117973.

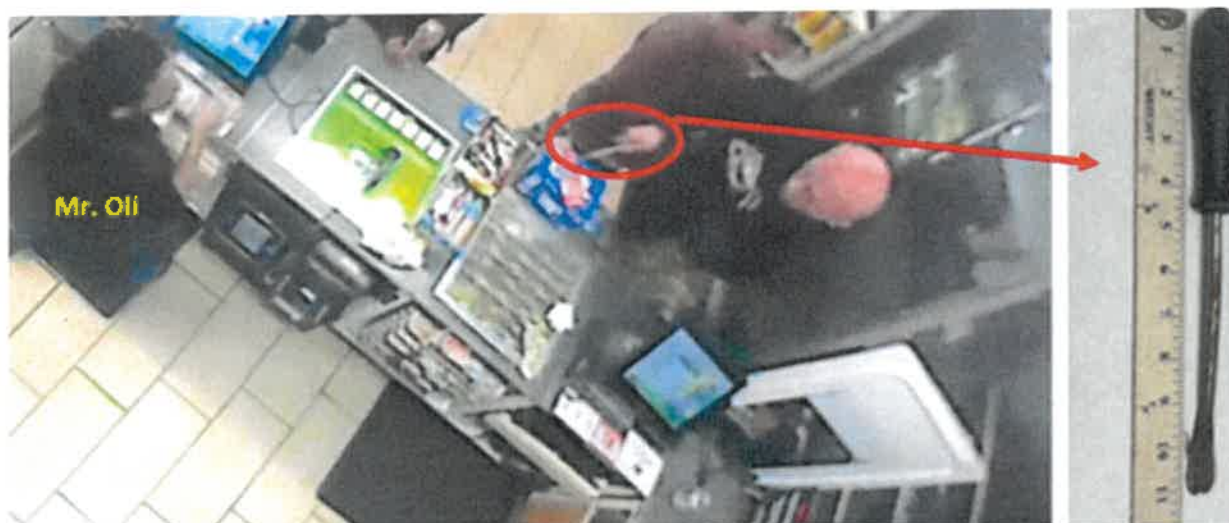
Dear Chief Thomas,

Our office has reviewed the investigation of the officer involved shooting on March 1, 2024, inside the 7-11 store at 450 N. Federal Boulevard in Denver, Colorado. The shooting occurred when Denver officers rescued two male 7-11 employees who were being held against their will in an office inside the store by Mr. Christopher Kemper Cauch, age 43. I am writing to inform you of my conclusion that the deadly force used by the officers against Mr. Cauch was legally justified and criminal charges will not be filed against the officers involved.

### Summary of Facts

At 6:48 p.m. on March 1, 2024, Mr. Christopher K. Cauch entered the 7-11 at 450 N. Federal Blvd. He was carrying a weapon in his right hand that witnesses thought was a knife. He turned to his left and jumped onto and over the service counter to confront the 7-11 clerk on the other side.





Cauch held the weapon, reported to 911 as a "knife", in his right hand. It has a 6.5-inch shaft.

Cauch threatened the clerk, Mr. Budiram Oli, with the weapon, and forced him into a room that was used as an office and stockroom. Another 7-11 employee, Mr. Parvinder Singh, was in the office at the time.



After entering the office, Cauch closed the door, and held both employees against their will inside. He told them: *"The police need to shoot me. You wait till they fucking do!"*

At 6:49 p.m., a witness who saw Cauch run into the store carrying what she believed to be a knife, and who thought the clerk had been stabbed, called 911. She told the 911 call taker: *"This guy just went into the 7-11 with a knife and jumped the counter and stabbed the clerk."* Another customer called 911 and said: *"There is a guy robbing a 7-11 right now... He's got a guy -- the clerk -- inside the office."* A third 911 caller, said: *"I'm at the 7-11... the guy is holding the people hostage inside the room with a knife."* (The "knife" being reported was actually a tool used as a lever for prying. It has a 6.5-inch metal shaft and a 4.5-inch handle).

This information was dispatched to officers as a high priority call, whereupon multiple Denver police officers began responding to the 7-11. The store is located within Denver Police District 4 but is very close to Districts 1 and 3. Officers from all three districts responded to the call.

Officer Shane Sperry (19015), a patrol officer from District 3, was the first officer to arrive. As he approached the store entrance, customers were standing outside. They told him, *"They're being robbed ... with a knife."* *"He's got some hostages inside there with a knife. Inside that room."* One man said: *"He told me: 'If you open that door, he's going to make me shoot him in the head.'"*

When Officer Sperry approached the interior office at 6:54 p.m., he had his handgun drawn. The door to the office was metal, with a metal doorway frame. There was a small window in the door. A store surveillance camera was recording the events inside the office. It shows that Cauch saw the officer through the window. He then forced Mr. Singh to walk to the door by threatening him with the weapon and by grabbing him at the back of his neck with his left hand. When Mr. Singh resisted, Cauch urged his cooperation by saying: *"No. We're not fighting. Ok? But they need to know I fucking mean business. Hey. I'm not going to cut you. Ok?"* Mr. Singh opened the door as Cauch stood to his right, holding the back of his neck. The door opened fully, and Cauch leaned to look out, but Cauch then quickly closed the door as Officer Sperry commanded: *"Put your hands up!" "Put your hands up!"* Cauch replied, *"Hell no!"*, and secured the door.

Officer Pablo Carrera (19109), a patrol officer from District 1, entered the store and joined Officer Sperry outside the office door. They both gave commands to Cauch through the closed door, which he refused.

Officer Sperry: *"Hey. Denver Police. Open the door!"*

Cauch: *"Do you think I'm fucking around?"*

Officer Carrera: *"Open the door."*

Cauch: *"No fucking way."*

...

Officer Sperry: *"Hey. Just open the door and lay on the ground, man.  
This can be resolved really easily."*

Other officers arrived. Taking positions in line closest to officers Sperry and Carrera at the door were two officers from District 1, Officer Savannah Vandermiller (20022), and Corporal Kevin Antoine (17021). Officer Vandermiller was carrying a rifle.

At 6:57 p.m., Officer Sperry kicked at the door five times. After the third kick, Cauch yelled out: *"Hey! You kick that fucking door -- I'm going to stab these motherfuckers!"*

A battering ram was obtained, and Officer Carrera began using it to strike the door forcefully. He struck the door with the ram 25 times. When the door opened slightly, Officer Vandermiller moved against the door and pushed with her body as she held her rifle with both hands. Because a computer desk was against the inside of the door, it took a few seconds to push the door open.

During the seconds the door was being opened, the office camera recorded Cauch's words and actions. He yelled: *"I'm going to stab this motherfucker right now! I'm going to fucking stab him – right the fuck now!"* Simultaneously, Cauch held Mr. Singh's left wrist with his left hand and pushed the tool against the left side of Mr. Singh's neck with his right hand. Mr. Singh struggled to pull away to his right, while gripping the shaft of the tool defensively with his right hand. As they struggled, they moved toward an office chair and toward the door as it was opening.



Recording from the camera in the 7-11 office (6:58:52 p.m. – 6:58:55 p.m.).

As Cauch reached the office chair, he was impeded by it, lost his footing, and fell back over the armrest and into the chair. Note that this occurred just before shots were fired.



All four officers who were in the doorway fired their weapons at Cauch. 36 shots were fired within 5 seconds.<sup>1</sup> Cauch was struck in the torso by many bullets, resulting in his death, and enabling the safe rescue of both 7-11 employees without injury.

Paramedics arrived at the 7-11 before the shooting. Immediately after the shooting, they entered the office to attend to Cauch. They rendered aid to him and transported him to Denver Health where he was pronounced dead by Dr. Daniel VanDerPloeg at 7:12 p.m. An autopsy was later performed on Cauch's body by the office of the Medical Examiner. An autopsy report is pending.

After the shooting, the Denver protocol for Officer Involved Shootings was initiated. The officers who fired were taken separately to DPD Headquarters and instructed not to speak about the incident, other than to their attorneys. They did not view or listen to recordings from their body worn cameras. Their weapons were taken by investigators and examined. This investigation was conducted by the Denver Police Department in conjunction with the Colorado Bureau of Investigation and the Colorado State Patrol. Written statements and reports were provided by officers, crime scene investigators, crime lab personnel, paramedics, and others. Video recorded statements were given by some witnesses. Body worn camera recordings from the officers were downloaded and reviewed. Homicide Unit Detectives Daniel Andrews (96015) and Christopher Williams (08011) were assigned as primary and secondary investigators, respectively. They reviewed and compiled numerous reports, documents, videos, photographs, body worn cameras, etc., and prepared a thorough and detailed supplemental report. This is reported under Denver Police Department GO #24-117973.

---

<sup>1</sup> Gunshot sounds were recorded on the officers' body worn cameras beginning at 18:58:59, with the last gunshot at 18:59:03. The time stamp on the office camera was different. It recorded the gunshot sounds beginning at 06:58:57, with the last gunshot at 06:59:01. (This is approximately a two second difference between the time stamps).

## **Excerpts From Interviews of the Involved Officers**

All four of the officers who fired shots gave interviews under oath voluntarily at DPD Headquarters on March 4, 2024. The interviews were conducted by DPD Major Crimes Commander Matt Clark, with Assistant District Attorney, Maggie Conboy. Below are summaries of portions of the interviews that help to inform my decision in this case.

### **Officer Shane Sperry**

Officer Sperry was the first officer to arrive on scene at the 7-11. He recalled that the dispatch on the radio was about a stabbing with a knife, and that a gun was also present at the scene. Several people were outside the entrance doors to the store when he approached. Someone told him a man had a knife and was inside the store. Officer Sperry entered the store, thinking that a stabbing had occurred. When he went around the store counter to approach the office, the office door opened. He saw a man (Cauch) holding a "knife" in his right hand. Officer Sperry said, "*Put your hands up*". Cauch immediately closed the door. Officer Sperry thought this would be a barricade situation, but as other officers arrived, he learned there were other people inside the office being held hostage. He could hear the suspect yelling, but he did not know what was said.

Officer Sperry kicked at the door several times but could not breach it, so a battering ram was obtained. Another officer (Officer Carrera) began ramming the door. The door was forced open only a few inches at first, because something was blocking the door. Looking in as the door was pushed open further, Officer Sperry saw Cauch holding the knife against the neck of a man (Mr. Singh) as they were moving toward the door. Officer Sperry said Cauch "*had full control of the victim*". Officer Sperry described what he saw:

*It was at that time the suspect (Cauch) started walking towards myself and other officers with one of the victims – staying behind one of the victims -- with the knife up to the victim's neck or throat area. He was yelling something. ... I don't know what he was yelling, but he seemed very agitated. So, at that time, when there's enough gap between the suspect and the [victim] I shot center mass.*

Commander Clark: *And what was your specific reason for firing?*

Officer Sperry: *I was afraid that he was going to kill the victim.*

### **Officer Pablo Carrera**

Officer Carrera was the second officer to arrive at the 7-11. He recalled the radio call as "*a tone out that said there was a stabbing and a robbery at 5<sup>th</sup> and Federal.*" When he arrived at the store, he saw several customers outside the entrance doors. "*They're asking me to come inside and looked pretty frantic.*" He entered the store and saw Officer Sperry pointing his handgun at the door to a room.

*I tried to build rapport or try to communicate with the suspect. I asked him to get out multiple times using hand gestures just in case he didn't hear me. He kept -- I can hear him yelling that he was going to cut people up, that he was going to cut me if we*

were to go into that room. ... And that's when it was brought to me that the two workers were inside that room with that guy. ... Then I asked for a ram, and I decided that we needed to go into that room as soon as possible.

He described what occurred when the door was opened by use of the ram:

...Once I did the last strike to the door, that's when I noticed that Savannah (Officer Vandermiller) went into the room. And then I think I followed right after her and I heard two gunshots. I also saw the suspect had his -- what appeared as his left hand -- on top of the victim's shoulder, and a knife or some sort of sharp object directly to the victim's neck. That's when I began to hear the gunshots. After that, I saw the guy look like he was lunging at us or at the victim again. It was just hard to tell since it was such a confined space. And that's when I began to fire my weapon. After that, I saw the suspect stop. I stopped.

Commander Clark: So, when you fired, ... what's your reason for firing?

Officer Carrera: The fear that he was going to try attack us if he still had the knife or trying to get that victim back.

### **Officer Savannah Vandermiller**

Officer Vandermiller said she was just finishing a different weapons related incident that required her to have her rifle ready when she heard the "alert tone" indicating a high priority call for this incident at the 7-11. So, as she responded to the 7-11 call, she kept the rifle ready. She said:

*I kept my rifle ready just because I didn't know at that point really what we were walking into. ... I knew it was knife related.*

*... The specific info that I knew when we were going into that call was that somebody was in the 7-Eleven with a knife, that the clerks were locked back in their clerk's office.*

When Commander Clark later asked, "What's your consideration on deploying [the rifle] on this call?", Officer Vandermiller explained:

*... We hadn't really reviewed the call. So, I didn't know if maybe we were walking into somebody who potentially also had a gun. Or maybe somebody who had rifle plates on him, or plate carrier or something that would make handguns ineffective -- or not an optimal choice. So, ... while heading down there, we were like ... we had a bunch of people with the handguns, so we might as well have a rifle deployed as well just in case.*

When Officer Vandermiller entered the 7-11, Officer Sperry and Officer Carrera were already at the door to the office with their guns drawn. She could hear scuffling in the room. She said that when the door was kicked, she heard the suspect from inside the room saying: "I'm going to fucking kill them if you come in", or "I'm going to fucking stab them if you come in."

When the door was finally cracked open a little by the use of the ram, she was first in line to make entry into room. As she pushed into the door, something was blocking it from the inside. She described what occurred as she pushed the door open further:

*I remember as the door was opening, I remember the suspect and the victim were kind of back into the room a little bit. And as soon as the victim (Mr. Singh) saw me, he started running my direction. When he started to run towards me, the suspect (Cauch) had the knife in his hand, in his right hand, pressed up against the victim's neck. I could see it, like, pushing, putting pressure on the victim's neck. And he, like, just kept trying to get at the victim....*

*...I didn't give any commands, I don't think. I don't remember if anybody else gave him any commands to drop the knife. But I was worried that he was -- I was scared that he was going to kill the guy. So, at that point I had made the decision to shoot. And so, I fired my gun, my rifle. And he fell back into the chair.*

...

*I knew that if I didn't do something, he was going to kill that guy. He was going to kill the victim.*

...

*I had good target acquisition on him and then I also knew I was close enough that I was going to hit.*

### **Corporal Kevin Antoine**

Corporal Antoine was partnered with Officer Vandermiller on this shift. As the door to the office was being pushed open, he was behind officers Vandermiller and Sperry. Corporal Antoine described what he saw and what caused him to fire his weapon:

*Somebody pushed the door open further. At that time, I saw the suspect and the victim moving -- from my view: right to left. The suspect had the victim in front of him and he was holding what I saw and believed was a knife. I saw a knife handle in his hand. And I believe that at that point that he was actively stabbing the victim.*

*At that point, I drew my firearm and I shot -- begin to shoot at the suspect. ... I continued to shoot until I saw that the suspect was no longer a threat.*

Corporal Antoine also described what he heard the suspect saying:

*...after the door had been opened, I do recall hearing the suspect saying: "I'm going to stab you, I'm going to stab you", multiple times. And that was as I came into my view and I saw what I believe was the knife in the victim's neck.*

### **Crime Scene Evidence & Weapons Unload**

DPD Crime Scene Unit personnel responded to the 7-11. The scene was documented by photographs and video recordings. Evidence was marked and collected. Thirty six spent cartridge



cases were recovered by crime scene investigators in and near the office. Several fired bullets were recovered in the office. The weapon wielded by Cauch was recovered. The weapons fired by each officer were unloaded at DPD Headquarters by personnel from the Crime Scene Unit and observed by investigators from CBI. The weapons unload accounting procedure showed that Officer Sperry fired 13 bullets; Officer Carrera fired 10 bullets; Corporal Antoine fired 8 bullets; and Officer Vandermillier fired 5 bullets. The conclusion that 36 bullets were fired by the officers is consistent with 36 spent cartridge cases recovered at the scene.

### **Legal Analysis**

#### Legal justification for the use of deadly physical force

Criminal liability is established only if it is proved beyond a reasonable doubt that all elements of a criminal offense have been committed without legal justification. When deciding whether any of the officers should be criminally liable in this case, my analysis is governed by the legal justifications for using deadly force in defense of another person. These legal justifications are set forth in C.R.S. §18-1-704 (1) and (2) and in C.R.S. §18-1-707 (4.5).<sup>2</sup>

As pertinent to this case, C.R.S. §18-1-704 states:

- (1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.
- (2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:
  - (a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or
  - (b) ... [-- not applicable to this case – applicable to a burglary --]; or
  - (c) The other person is committing or reasonably appears about to commit ... assault as defined in sections 18-3-202 and 18-3-203.<sup>3</sup>

---

<sup>2</sup> Note that under Colorado case law a person accused of a crime does not have to prove he or she acted with legal justification. Instead, the prosecution has the burden of proof to show the legal justifications do not apply by proving all the elements of the crime beyond a reasonable doubt. For crimes alleging a culpable mental state of acting intentionally or knowingly (e.g., murder), the issue of self-defense or defense of another is handled at trial as an “affirmative defense”, which is a defense that admits the commission of the elements of the charged crime but argues the defendant’s actions were legally justified or excused. This affirmative defense becomes an additional element of the charge at trial, and it is the prosecution’s burden to disprove it by proof beyond a reasonable doubt. For crimes alleging a culpable mental state of acting recklessly, or with criminal negligence or extreme indifference, the evidence of self-defense or defense of another is handled as a “traverse” defense that seeks to refute, or to cast doubt upon, the proof of the mental state element alleged. The prosecution must prove the alleged mental state element by proof beyond a reasonable doubt. See C.R.S. § 18-1-704 (4); *People v Pickering*, 276 P.3d 553 (Colo. 2011).

<sup>3</sup> Per C.R.S.18-3-203(1)(b), “a person commits the crime of assault in the second degree if, with intent to cause bodily injury to another person, he or she causes such injury by means of a deadly weapon.” The term “deadly weapon” as defined in C.R.S. 18-1-901(3)(e), includes “... any ... device, instrument, material, or substance ... that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.”

C.R.S. §18-1-707 (4.5) provides:

(4.5) Notwithstanding any other provision in this section, 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 evidence in this case shows that all four officers were acting to defend Mr. Singh from Mr. Cauch's use of unlawful force against him. The tool Cauch used has a 6 ½ inch sturdy metal prong. If used to assault a person, it is capable of inflicting serious bodily injury or death, especially if it is used to stab and puncture a vital organ or artery. A stab puncture wound to the neck could cause death. Note that Cauch was 5'10", 180 pounds, and physically strong, as demonstrated by him jumping onto and over the store counter to confront Mr. Oli. Stabbing Mr. Singh was what Cauch announced he was going to do: "*I am going to stab this motherfucker right now!*" So, a moment later when the officers saw Cauch attacking Mr. Singh with what they thought was a knife to Mr. Singh's neck, it was objectively reasonable for them to believe that Cauch was unlawfully committing assault on Mr. Singh. It was also objectively reasonable for the officers to believe that Mr. Singh was in imminent danger of being seriously injured or killed.

The severity of the threat, coupled with how rapidly the attack was proceeding, meant time was of the essence, and that it was necessary to use a degree of force that was immediately effective. It was objectively reasonable for the officers to believe that deadly force by firing their weapons was necessary, and that a lesser degree of force would have been inadequate in this circumstance.

Therefore, I find that each of the officers had reasonable grounds to believe, and did believe, that Mr. Singh was in imminent danger of receiving serious bodily injury or being killed by Cauch's unlawful use of force. I also find that each of the officers had objectively reasonable beliefs that less than deadly force was inadequate to defend Mr. Singh. Therefore, I find the officers were legally justified to use deadly physical force.

Other requirements of C.R.S. 18-1-707 (1), (2), (4) regarding a peace officer's use of force

Other provisions of C.R.S. §18-1-707 are not specific to using force in defense of another person but are relevant to the use of force generally by a peace officer. Those provisions are:

C.R.S. §18-1-707(1): Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

C.R.S. §18-1-707(2): When physical force is used, a peace officer shall:

- (a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
- (b) Use only a degree of force consistent with the minimization of injury to others.

C.R.S. §18-1-707(4): A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

C.R.S. §18-1-707(2) also requires (after force is used) that a peace officer shall: (c) ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and (d) ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

I find that the requirements of C.R.S. 18-1-707 were sufficiently and appropriately met in this case. Cauch knew that police officers were present. They announced their presence, and he replied to them. As mentioned above, to protect Mr. Singh, the officers reasonably believed they needed to stop Cauch immediately and that nonviolent means would be ineffective. There was not enough time to warn Mr. Cauch right before the shots were fired. Any delay to warn Cauch that they intended to discharge their firearms would have endangered Mr. Singh even more. While the officers used a great degree of force to stop Cauch, it was necessary because of the severity and immediacy of the threat to Mr. Singh. The officers were concerned about the separation between Cauch and Mr. Singh and were accurate with their aim. No one other than Cauch was injured by the officers. Paramedics were on scene and attending to Mr. Cauch immediately after the shooting. Later, timely and appropriate notifications were made to relatives of Mr. Cauch.

### **Conclusion**

The officers acted lawfully to defend Mr. Singh and Mr. Oli and their actions were justified by the statutes mentioned above. Therefore, no criminal charges will be filed against any of them.

Sincerely,



Beth McCann  
Denver District Attorney

cc: Armando Saldate, Director of Public Safety; Deputy Chief Joe Montoya; Commander Matt Clark; Commander Ed Leger; Commander Joel Bell; Commander Brad Qualley; Sergeant Scott Murphy; Sergeant Scott Hagan; Sergeant Tony Lopez, Jr.; Detective Daniel Andrews; Detective Christopher Williams; Corporal Kevin Antoine; Officer Shane Sperry; Officer Pablo Carrera; Officer Savannah Vandermiller; John Davis, Esq.; Denver City Attorney Kerry Tipper; Director of the Office of Independent Monitor Lisabeth Pérez Castle.