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August 4, 2021

Paul Pazen  
Chief of Police  
Denver Police Department  
1331 Cherokee Street  
Denver, CO 80204

RE: Investigation of the shooting death of Shannon Wright, DOB 02/27/92, in which Denver Police Department officers William Bartz (badge number 17044) and Richard Eberharter (badge number 18043) fired shots on May 30, 2021 at S. Platte River Dr. and W. Alameda in Denver, Colorado.

Dear Chief Pazen,

The investigation and legal analysis of the shooting death of Shannon Wright, in which shots were fired by Denver Police Department officers William Bartz and Richard Eberharter, has been completed. I conclude that under applicable Colorado law, no criminal charges are warranted against these officers. This letter will be posted on our website and our file will be available for interested members of the public to review.<sup>1</sup> My decision, based on standards of criminal law, does not limit administrative action by the Denver Police Department, where tactical issues may be reviewed, or civil actions where less stringent laws, rules and legal levels of proof apply.

#### STATEMENT OF FACTS

On May 30, 2021, the Denver Police Department received a 911 call relating that a man carrying a rifle had just left their store without paying for some merchandise. The caller, T.H.<sup>2</sup>, said that the man told employees of the store that he was "out tonight shooting police." Once he took the

<sup>1</sup> Parties interested in reviewing the file should visit [www.denverda.org/records-request/](http://www.denverda.org/records-request/). Our officer involved shooting protocol is also available on our website under Officer Involved Shootings.

<sup>2</sup> I use initials to protect the privacy of witnesses.

items, he told them “ok you can call the police now” and walked out of the store. He was last seen walking eastbound on W. Alameda Avenue.

Officers Bartz and Eberharter were partners that afternoon and responded to the area in their patrol vehicle. They were in full police uniform. During this incident, Officer Bartz was armed with a rifle and Officer Eberharter was armed with a handgun. They observed Mr. Wright walking in the 200 block of S. Platte River Dr. He was carrying a black rifle slung over his shoulder. Officer Bartz verbally identified themselves as Denver Police officers and issued a command to drop the weapon. Mr. Wright ignored that command, instead raising his rifle toward the officers. In response, Officer Bartz fired his rifle twice. Officer Eberharter discharged his weapon three times.

Immediately after the shots were fired, officers aired the need for an ambulance. They approached and rendered aid to Mr. Wright. An ambulance was nearby and arrived very quickly. Mr. Wright was transported to the hospital where unfortunately he succumbed to his injuries.

Investigators went to the scene at the Great American Beer store. While there, Mr. Wright’s wife, A.E. arrived. She asked whether her husband was the person involved in the incident. Before officers could intervene to make proper notification, a civilian witness advised her that Mr. Wright was indeed the person involved. Formal notification was made later that evening, at Denver Health Medical Center, after Mr. Wright was pronounced deceased.

A multijurisdictional team comprising the Denver Police Department homicide unit, Aurora Police Department major crimes unit, and the Denver District Attorney’s Office responded to conduct the investigation. Chief Medical Examiner Dr. James Caruso conducted the autopsy of Mr. Wright on June 1, 2021. He determined that Mr. Wright had sustained four gunshot wounds, three of which were not lethal. The non-fatal gunshot wounds were to the right forearm, to the left lateral shoulder, and to the right thigh.<sup>3</sup> The lethal wound was to the left chest. Dr. Caruso recovered the round that inflicted the lethal injury; it was consistent with a rifle round. Dr. Caruso concluded that the cause of Mr. Wright’s death was a gunshot wound.

## STATEMENTS OF CIVILIAN WITNESSES

Civilian witness T.H. was interviewed the afternoon of the incident. She stated that she was working at the counter at the Great American Beer store. She was helping another customer while her co-worker, J.R., was helping Mr. Wright to obtain a bottle of alcohol and a pack of cigarettes. At that point, T.H. saw the man with a long gun across his back. She had never seen him before. T.H. heard Mr. Wright say, “sorry you have to be involved with this.” T.H. then heard J.R. ask Mr. Wright what he was doing with the gun. J.R. later told her that Mr. Wright replied that his intention was not to harm anyone inside the store but rather to shoot police officers. J.R. had placed the cigarettes and bottle of alcohol on the counter. He took those items without paying for them and said “alright I’m taking this now. Now you can call the police.” T.H. called her boss and her boss advised her to call the police. T.H. then called 911.

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<sup>3</sup> The wound to the thigh did not perforate the skin or enter the body.

Civilian witness J.R. was interviewed the afternoon of the incident. She stated that she was working at the Great American Beer store. She saw Mr. Wright walk in and recognized him as someone who had previously been in the store. She saw that he had a rifle slung over his left shoulder. He asked her for a pack of cigarettes and pointed to a bottle of vodka, asking for that as well. J.R. was alarmed by the rifle and asked him if she was being robbed. Mr. Wright said that he did not wish to hurt anyone in the store; rather, he said to her "I'm out shooting cops." She placed the items on the counter and Mr. Wright took them and left, saying "ok you can call the cops now." J.R. stated that Mr. Wright also apologized to another customer in the store, saying he was sorry to have put the customer in the middle of this. After Mr. Wright walked out the door, J.R. and T.H. discussed whether to call the police. They decided to do so because he had a rifle and because he had given them "permission."

Civilian witness M.S. was interviewed two days after the incident. He stated that he was a customer at the Great American Beer store, when he overheard a woman tell a man that he could not "have that in the store." M.S. looked over and observed a man holding a rifle. It had a homemade sling, and the man was carrying it over his left shoulder. As the man left the store, he turned to M.S. and said, "I'm sorry that you have to be involved with this, bro." M.S. knew at that point that "something was going to happen," so he watched the man walk down the street until the man reached Lipan Street.

## OFFICERS' STATEMENTS

### Officer Valderrama

Officer Christopher Valderrama was a witness to this incident. He did not discharge any weapon. He agreed to be interviewed the evening of the incident.

He was working with Officer Alicia Martinez in a marked patrol car and in full uniform. He was driving southbound on I-25 and exiting onto Alameda when Officer Martinez, who was monitoring the on-board computer, advised Officer Valderrama that there was a weapons call in that area. Officer Valderrama saw a patrol car ahead of him, which he knew to be occupied by Officers Bartz and Eberharter. Several seconds later, Officer Valderrama heard that those two officers were in contact with the subject of the weapons call. As Officer Valderrama turned northbound onto S. Platte River Drive, he could see Officers Bartz and Eberharter taking cover behind their open car doors. Their police lights were activated. Several seconds later, Officer Valderrama heard over the air that shots had been fired.<sup>4</sup> He drove up to the scene and saw Mr. Wright holding a long gun, pointing it back toward them. Officer Valderrama described that as he pulled up, he could see that

*he absolutely has a gun in his hand – or – a long gun in his hand and he's pointing it back at us. And that's – you know – I was fully expecting – I've been on for seven years – I was fully expecting to see or at least hear rounds coming at me. I was that sure that he was going to start shooting.*

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<sup>4</sup> At that point, Officer Valderrama says he had not yet heard any shots fired. He only heard a single shot as he pulled up to the scene and was getting out of his patrol car.

Officer Valderrama got out of his car and was drawing his duty weapon when he heard a shot and saw Mr. Wright fall to the ground. At that point, Officer Valderrama determined that the threat was over; as a result, he did not discharge his own weapon.

Officers approached, using their patrol cars as cover, to render aid and secure the scene. Officer Valderrama tried to retrieve the long gun, but it was in a sling and it was still over Mr. Wright's shoulder. Officer Valderrama used his knife to cut that gun off of Mr. Wright as Officer Martinez put on gloves to render first aid. An ambulance was down the road and Officer Valderrama waved them to the scene to take over the medical aid.

### **Officer Martinez**

Officer Martinez agreed to be interviewed the evening of this incident, during which she did not discharge her weapon.

Officer Martinez was in a marked patrol car and in police uniform, in the passenger seat monitoring the on-board computer for calls. She saw a weapons call with very few details except that a rifle or shotgun was involved and that the person had taken items from a store. Shortly after that, Officers Bartz and Eberharter aired that they were with that subject, later identified as Shannon Wright.

They turned northbound onto S. Platte River Dr. and saw a patrol car with lights on stopped in the roadway. She and Officer Valderrama pulled up next to it. She saw Officer Bartz with a rifle, and she unlocked her own rifle and got out of the car. She saw Mr. Wright holding a long gun and pulling it up toward them. She heard a single gunshot coming from her right then saw Mr. Wright fall to the ground. They used their patrol cars as cover and approached Mr. Wright. She watched as Officer Valderrama cut off the rifle and she secured it next to a nearby fence. Once that weapon was secured, she began to render aid to Mr. Wright. She saw one gunshot wound and applied pressure to it until paramedics arrived. She then told Officers Bartz and Eberharter to separate and remove themselves from the immediate scene. She then rode in the ambulance with Mr. Wright, who was able to speak to her, giving her his name and date of birth.

### **Officer Bartz**

Officer Bartz agreed to be interviewed on June 1, 2021. At the time of his interview, he had not seen any video footage nor spoken with any witnesses.

Officer Bartz stated that he was the driver of a partner car with Officer Eberharter on the day in question. He was wearing a police uniform<sup>5</sup> in a fully marked patrol vehicle. Officer Eberharter was reading the calls on the computer and saw that there was a call of a man with a rifle who had stolen some items at a store on Alameda. Officers Bartz and Eberharter were very close to that call, so they proceeded westbound on Alameda. Officer Bartz reported that he saw a male with a rifle walking on Alameda and turning northbound onto S. Platte River Drive, on the west side of

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<sup>5</sup> He was wearing an "Impact Team" uniform, which consists of a black polo shirt with an embroidered DPD badge, a black cap with a police badge, black pants and boots.

the street. He turned from Alameda to follow this man, who was later identified as Shannon Wright. Officer Bartz also unlocked the rifle he keeps in the patrol car.

As Mr. Wright approached Cedar St., he stopped. Officer Bartz parked his patrol vehicle and verbally identified himself as Denver Police. He was armed with his rifle.<sup>6</sup> Mr. Wright turned toward the officers. Officer Bartz described what happened next:

*I saw that that male was turning around towards us. He was unslinging the rifle from his back -- and he was facing us unslinging the rifle -- and then he was -- so he turned towards us, unslung the rifle. So, I got back out of the car using the car as cover. I brought my rifle up. It looked like he was going to point the rifle -- he was pointing the rifle at us, so at that time, he was pointing the rifle at us and I thought "he's going to shoot us. He's going to shoot us with the rifle."*

*So, I took -- I -- I shot him, and I had -- several occasions, I put my rifle on safe, accidentally, and tried to pull the trigger. I thought I was having a malfunction, but I wasn't. I was basically pulling the trigger on safe. So, I conducted several clearance drills on my rifle. And then I -- after I took several shots, he -- the suspect -- went down. He was no longer a threat. And then, at that time, Officers Valderrama and Martinez pulled up to the left side of me and we agreed that we would use -- use our cars as cover, drive up and approach the suspect so that we could get the rifle away from him and render aid, and -- I should say, before we moved up, Officer Eberharter aired that shots had been fired and called for an ambulance Code Ten.*

Officer Bartz reported that Mr. Wright still had the rifle slung over him. They removed the rifle then an ambulance drove up. Officer Bartz assisted paramedics in placing Mr. Wright into the ambulance. He then separated himself from the other officers, sitting in a patrol vehicle until he was transported downtown, where the Denver Crime Lab personnel collected his rifle.

When asked how far away the officers were from Mr. Wright when they first engaged with him, Officer Bartz estimated it was between 25 and 45 yards.<sup>7</sup> When asked what his backdrop was, Officer Bartz stated that it was a grassy field that was part of a park; it was pouring rain at the time and there was no one out. When asked why he fired his weapon, he said, "because the rifle - - I could see that the rifle was pointed at myself and Officer Eberharter... I thought he was going to shoot us -- shoot at us with a rifle." When asked why he stopped firing, Officer Bartz said, "because the male went down to the ground and was no longer a threat." Officer Bartz estimated that from the time he announced himself until Mr. Wright began to unslung his rifle was one second.

### **Officer Eberharter**

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<sup>6</sup> When asked about the decision to arm himself with a rifle rather than his handgun, Officer Bartz explained "I knew that was the male matching the description of the party in that call for service, and he had a rifle, which can be used to lethal effect against us at a great distance, therefore, I wanted to deploy my rifle, which can also be used at a distance."

<sup>7</sup> They were far enough from Mr. Wright that he was looking for the PA in the patrol car to project loud verbal commands over that system, but Mr. Wright pointed the rifle at them before he could do so.

Officer Eberharter was interviewed on June 1, 2021. Prior to being interviewed, he did not watch any surveillance footage and he did not speak with any witnesses to this incident.

Officer Eberharter stated that was the passenger in a marked patrol car and in full police uniform, partnered with Officer Bartz. He heard over the police radio a call that caught his attention:

*[S]o I'm wearing an earpiece and I heard -- I can't remember exactly what I heard -- coming from the -- the car radio. The car radio said something about an officer, or something to the effect, that would immediately get my attention. And I remember looking over at Officer Bartz and saying, 'did you hear that?' And I immediately went to the computer and queried the calls holding for service in District Four, in case I missed a major call that was -- or didn't hear details or something, just trying to investigate and figure out what I heard.*

Officer Eberharter found the call on the computer: a weapons call on Alameda, very close to them. As soon as he read those notes to Officer Bartz, the latter said, "that's him." Officer Eberharter looked up from his computer and made eye contact with a woman in a car next to him. She looked alarmed. He then looked up S. Platte River Dr. and saw a man with an item strapped to his back. As they approached, Officer Eberharter realized it was "the outline of an assault rifle." Officer Bartz stopped the car and announced, "Denver Police". He then turned to Officer Eberharter and asked him to get the PA. As Officer Eberharter was searching for the PA handset, Officer Bartz got back into his car to move forward. He explained: "and then I remember Officer Bartz returning to the driver seat of the vehicle and beginning to drive forward and I remember Officer Bartz had his issued rifle pointed at the individual through the windshield, and I observed Bartz attempting to drive and also point the rifle at the same time. So, I just said, Bartz, I'll -- I'll worry about the steering wheel, so I grabbed the steering wheel and began to try and steer while he was doing this." Very soon after, Officer Bartz said "stop" and Officer Eberharter got out of the car on the passenger side with his door open. He dropped to one knee for cover:

*Got on one knee behind the door and drew my firearm and pointed it at the individual, to which point, I observed him look back at me kind of over his shoulder, and then I observed him begin to unsling the rifle from his back and completely turn around. And I observed the muzzle of the rifle pointing -- beginning to raise -- pointing at the direction of me and my partner, to which in point, I was afraid that he was either going to discharge that firearm at me or my partner, so I discharged my firearm due to the fact he was a potential threat, and the risk of my safety and my partner's. I fired and -- an unknown amount of rounds -- until I observed the individual drop and fall, to which I realized he was no longer a threat. And I remember Officer Bartz and I communicated with two other officers who arrived on scene that we were going to move up. And we obtained the rifle and moved it away from him and began to render aid.*

Officer Eberharter then clarified that immediately after the shots were fired, he aired this fact over the police radio. He asked for an ambulance to respond emergently and assisted in rendering

aid when the paramedics responded. The paramedics then transported Mr. Wright away from the scene.

The two involved officers physically checked each other to make sure that they were not injured, then separated. Officer Eberharter then turned off his body worn camera and sat alone in a patrol car until he was transported to police headquarters. There, he turned over his weapon to the Denver Crime Lab personnel.

When asked why he made the decision to discharge his firearm, Officer Eberharter stated:

*I made the decision to fire my weapon, sir, because through my training and experience, I was very afraid that if this individual would have shot his rifle, it would have either seriously injured or killed me or my partner... And due to the fact that I observed that muzzle being pointed at my partner and I, I made the decision to discharge my firearm to make sure that that threat was no longer a threat to me or my partner... I felt like I had no other choice other than to discharge my firearm to protect my wellbeing and my partner's wellbeing and safety.*

When asked why he stopped firing, he stated: "I stopped firing -- I stopped discharging my firearm due to the fact I saw the individual fall. And at that point, I recognized that he was no longer a threat to my partner or I." When asked whether either officer gave commands, Officer Eberharter stated that he did not hear any. He explained that the situation evolved "very very rapidly." From the time that Mr. Wright lifted the rifle until Officer Eberharter shot, it was "seconds."

## OTHER EVIDENCE

Investigators recovered a rifle in the 200 block of S. Platte River Drive. It was identified as a Norinco SKS 7.62x39 assault rifle.<sup>8</sup> Additionally, officers recovered from Mr. Wright a plastic bag containing 7.62 caliber ammunition. A bottle of vodka was next to him.

Investigators searched for relevant surveillance footage of the incident. Unfortunately, the surveillance cameras inside the Great American Beer store were not working the day of this incident. Investigators were able to recover surveillance footage from the Sinclair gas station at 1253 W Alameda Ave. as well as from the Rocky Mountain High Dispensary at 1233 W. Alameda. These videos show Mr. Wright walking eastbound on Alameda with a rifle slung over his left shoulder.

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<sup>8</sup> It should be noted that Mr. Wright's criminal history prohibited him from possessing any weapons. This is true even if the weapon was, as here, later determined to be inoperable.



*Figure 1. Video footage from the Sinclair gas station shows Mr. Wright with the rifle slung over his shoulder.*

Additionally, they obtained a cell phone video from a civilian witness, A.B. A.B. was in a car behind the two patrol vehicles and took a very short cell phone video of the incident. It was of poor quality and was therefore enhanced by members of the Denver Crime Lab. This video shows Mr. Wright on the west side of S. Platte River Dr. In the video, Mr. Wright appears to lift his rifle and point it toward the officers across the street.

Both involved officers activated their body worn cameras, which provided video of limited value in that they do not show Mr. Wright's actions. Officer Eberharter's body-worn camera footage shows him in the passenger side of the patrol car. The car stops and he opens his car door. One can hear Officer Bartz yell "Denver Police!". One can then hear Officer Bartz ask Officer Eberharter to look for the PA. Officer Bartz then yells "Hey! Drop the gun!" Officer Eberharter gets out of the car and kneels next to his open car door. Five seconds after Officer Bartz yells to drop the gun, one can hear gunshots. Four seconds after the last shot, Officer Eberharter says "shots fired. Alameda and Platte River. Give us the air." One can hear two more shots fired, then Officer Eberharter says "suspect down. Send us an ambulance Code Ten." The officers then approach Mr. Wright, with Officer Eberharter steering while Officer Bartz drives. One can see Officer Valderrama cut off the rifle; they call the ambulance to the scene to render aid.

Officer Bartz activated his body-worn camera as well. It shows Officer Eberharter in the passenger seat while Officer Bartz unlocks and retrieves his rifle. One can hear Officer Eberharter trying to make out what type of weapon Mr. Wright is carrying. Officer Bartz stops his patrol vehicle and yells "Hey! Denver Police!". He then tells Officer Eberharter to "get the PA." While Officer Eberharter is looking for the PA, one can hear Officer Bartz yell "Hey! Drop the gun!" One can then hear shots fired. Officer Eberharter airs over the police radio that shots have been fired and he gives their location. They drive up to where Mr. Wright is on the ground.



They recover the rifle then they call for the paramedics, who arrive immediately. They then render medical aid and transport Mr. Wright away from the scene.

Officer Valderrama activated his body-worn camera as he approached the area. The video shows him driving and one can hear Officer Eberharter say “shots fired. Alameda and Platte River.” One then sees him pulling up to the scene. As he opens his driver’s door, one can hear two shots fired. Several seconds later, one hears what may be another gunshot. Officer Valderrama drives up to the area where Mr. Wright has fallen and, using his knife, recovers the rifle that is still wrapped around Mr. Wright’s torso. They immediately gesture to the waiting ambulance that it is safe for them to approach. They then render medical aid

Officer Martinez likewise activated her body-worn camera. Its footage shows the aftermath of the shooting, where she is assisting paramedics in rendering aid. Another video shows her riding in the ambulance with paramedics continuing to render aid. Mr. Wright gives her his name and date of birth.



*Figure 2. The rifle carried by Mr. Wright and recovered at the scene.*



*Figure 3. Plastic baggie containing 7.62 caliber ammunition.*



*Figure 4. The location of Officer Eberharter's three spent cartridge casings.*

## 200 block S Platte River Drive



*Figure 5. An aerial photo of the area with approximate locations of the police and Mr. Wright.*

## LEGAL ANALYSIS

Criminal liability is established only if it is proved beyond a reasonable doubt that all of the elements of an offense defined by a statute have been committed and it is proved that the offense was committed without legal justification as set forth in Colorado statutes. The justification of using physical force in self-defense or defense of others is described in C.R.S. § 18-1-704. As pertinent to this case, C.R.S. § 18-1-704 (1) states:

... 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.

Deadly physical force “may be used only if a person reasonably believes a lesser degree of force is inadequate and 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.” C.R.S. § 18-1-704(2)(a).

The justification for a peace officer’s use of physical force while attempting to make an arrest is described in C.R.S. § 18-1-707. As pertinent to this case, C.R.S. § 18-1-707 states:

(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 serious bodily injury or death to the peace officer or another person.

(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) 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.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

- (a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- (b) The suspect poses an immediate threat to the peace officer or another person;
- (c) The force employed does not create a substantial risk of injury to other persons.

(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.

(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.

These justifications are “affirmative defenses.” This means that a person accused of a crime for using force does not need to prove that he or she was justified in using the force. Instead, the prosecution must prove, beyond a reasonable doubt to a unanimous jury, that the force was *not* justified. Accordingly, the question I must consider is: **Is there enough evidence of criminal conduct that a jury would find, beyond a reasonable doubt, that Officers Bartz and Eberharter acted without lawful justification?**

After a thorough review of the evidence, I conclude that a jury would find that these officers had lawful justification to fire at Mr. Wright in defense of their fellow officers and in self-defense, pursuant to C.R.S. §18-1-704. Furthermore, it is my belief that the People cannot disprove beyond a reasonable doubt the circumstances outlined in C.R.S. §18-1-707(4.5).

At the moment they discharged their firearms, Officers Bartz and Eberharter reasonably believed that they were both in danger of being killed or receiving serious bodily injury. As they approached Mr. Wright, they could clearly see that he possessed a long gun slung over his shoulder. They made contact with him and Officer Bartz identified himself as a police officer and ordered that Mr. Wright drop his weapon. In response, Mr. Wright began to unsling the long gun. He then pointed the barrel of that assault rifle directly at Officers Bartz and Eberharter. It was reasonable for these officers to believe that they were facing an imminent and deadly threat. They credibly told investigators that they did indeed feel they were facing deadly force.

While it does not appear that the officers knew of Mr. Wright’s intent to “shoot police” that day, this fact is relevant to corroborate his actions; he committed a crime in order for the police to be summoned to the area. He was clearly carrying a long gun over his clothing, with no apparent attempt to conceal it. This alarmed at least one citizen who was in a car next to Officer Eberharter. When officers announced themselves, he simply raised his rifle at them, causing them to shoot him.

I believe that a jury would conclude that the actions taken by Officers Bartz and Eberharter were reasonable and necessary in light of the totality of the circumstances and that we cannot disprove the circumstances in C.R.S. § 18-1-704 and C.R.S. § 18-1-707(4.5) beyond a reasonable doubt.

Furthermore, I find that the officers complied with C.R.S. § 18-1-707. Officer Bartz clearly and loudly yelled at Mr. Wright that he was “Denver Police”. He was in uniform and driving a marked patrol car with its police lights activated. While Mr. Wright displayed no ill will toward citizens, the moment that he saw these officers, he raised his weapon and pointed it at them; these facts suggest that Mr. Wright knew that he was engaged with police. The officers were unable to announce their intention to deploy deadly force because events unfolded too quickly

for them to do so. After the shots were fired, aid was rendered nearly immediately. Additionally, although the circumstances under which the family was notified were less than optimal, they were in fact notified of Mr. Wright's injuries and subsequent death in a timely fashion. Finally, I have determined that the officers acted in a way that minimized the likelihood of injury to others; their backdrop was an empty field in poor weather with no citizens in the line of fire.

The Supreme Court of the United States has instructed regarding assessing the reasonableness of an officer's beliefs when using physical force:

The 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 (1989) at pp. 396-397.

Under these dangerous circumstances, Officers Bartz and Eberharter were forced to make a split-second judgment, and her decision to shoot Mr. Wright in self-defense and in defense of others was justified under Colorado law, C.R.S. § 18-1-704 and 707. Finally, their actions complied with the legal requirements set forth in C.R.S. §18-1-707.

Sincerely,



Beth McCann  
Denver District Attorney

cc: Deputy Chief Barb Archer; Division Chief Joe Montoya; Commander Matt Clark; Lieutenant Joe Bell; Detective John McGrail; Detective Jamie Sisneros; Officer William Bartz; Officer Richard Eberharter; John Davis, Esq., Attorney for Officers; Denver City Attorney Kristin Bronson; and Interim Director of the Office of Independent Monitor Gregg Crittenden