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

Re: Investigation of the officer-involved shooting death of Nicholas Jon Lendrum (dob 12-3-87) at 2601 Zuni Street, Denver, CO, on June 7, 2023; GO# 23-300734

Dear Chief Thomas,

Our office has reviewed the investigation of the officer-involved shooting that occurred on June 7, 2023, outside the Quality Inn at 2601 Zuni Street, in Denver, Colorado. The shooting occurred when Nicholas Jon Lendrum, age 35, suddenly opened fire on Denver Police Corporal David Briggs (badge 13089), firing 18 rounds from a 9mm semi-automatic pistol during an unprovoked attack. Despite being hit by three bullets at the outset of Lendrum's attack, Corporal Briggs was able to return fire in self-defense. This resulted in Lendrum's death. I am writing to inform you of my conclusion that Corporal Briggs acted lawfully to defend himself. His use of deadly force was justified as self-defense by Colorado statutes C.R.S. §18-1-704 and C.R.S. §18-1-707.

Summary of Facts

On June 7, 2023, Corporal David Briggs, assigned to DPD District Six, volunteered for an assignment at the Quality Inn to provide security for migrant housing being provided by the Inn. He had worked this assignment previously and was familiar with the area. At approximately 4:00 a.m., he positioned his fully marked police SUV in front of the entrance to the Inn. The entrance doors were to the passenger side of his SUV. From this position, he was close to the lobby so he could provide help inside if needed. He was alone and was seated in the driver's seat of the SUV. He was wearing his DPD uniform and was wearing a ballistic vest. Corporal Briggs noticed Lendrum walk by the front of his vehicle and enter the Inn at 4:10 a.m. Inside the Inn, Lendrum approached the front desk clerk and inquired about the price of a room. After a short discussion, Lendrum left and walked out of the Inn.

An exterior surveillance camera recorded Lendrum exiting through the front door and looking directly at the police SUV. Corporal Briggs saw Lendrum and thought he may be coming to his passenger window to speak to him. Instead, Lendrum suddenly reached into his jacket with his right hand, pulled out a handgun, extended his right arm, and began firing at Corporal Briggs through the passenger window. Lendrum fired multiple shots, holding his gun in one hand. Corporal Briggs tried to get out of the driver's seat as fast as he could.

He was struck by one bullet at his right rib area on the front of his ballistic vest, and two bullets to the back of the vest. The ballistic vest prevented the bullets from entering Corporal Briggs' body and saved his life. In his interview later, he said that he thought he was going to be killed.

"I saw him draw the firearm. He came out and that's when he fired the first shot. I know I got hit in the front, and I was just thinking ... I'm not going to die in this car! I'm not going to die in this car! I was scared. I knew if I stayed in the car, I was dead. He had the angle on me. He already had the draw. I was able to open the door. As I'm exiting the car from the driver side, I knew he fired again, I think multiple times. And I knew I got hit in the back again. I felt blood going down my back into my pants. I was able to get around the back of the car, the rear of my patrol car."

Lendrum was moving and Corporal Briggs thought he would come around the front of the SUV toward him, so Corporal Briggs went to the rear of the SUV for cover. Lendrum fired more shots from the front of the SUV, using a two-handed grip on his pistol. He was moving to his right and away from the SUV as he continued to fire. He moved southeast through the parking lot, angling toward Zuni Street.¹ The surveillance video shows him moving in a sidestep fashion to his right, extending both arms to his left and shooting. Multiple muzzle flashes are seen on the recording. He then turned his back and ran toward Zuni Street. Meanwhile, Corporal Briggs had moved to the passenger side of the police SUV and was returning fire at Lendrum. He fired multiple rounds over the top of the SUV, then he fired over the front hood as Lendrum got closer to Zuni Street.

By the time Lendrum reached the curb at Zuni Street he had fired 18 rounds and his gun was empty. As he entered the street, he ejected the empty magazine from his gun.² He fell to the pavement momentarily but got up and continued across the street.

Corporal Briggs spoke on his radio at 4:11:40 a.m.: *"Shots fired. I'm hit. Shots fired. I'm hit."* He then moved toward the rear of the SUV on the passenger side and fired several more shots at Lendrum, who he saw in the grass area on the other side of Zuni Street. His last shot was fired at 4:11:47 a.m. The time elapsed from the first shot fired by Lendrum to the last shot fired by Corporal Briggs was 27 seconds.

Corporal Briggs backed away from the SUV to a spot next to the doors of the Inn where he could brace himself against the wall and still watch the area. He felt himself weakening. He activated his body worn camera at 4:12 a.m. and radioed for help and for an ambulance.

Multiple DPD units were on the way because of Corporal Briggs' first radio call. Officer Brandon Cameron (19003) arrived first, and briefly checked on Briggs, who said he was okay and indicated where Lendrum was in the grass area. Officer Cameron saw Lendrum and approached with his rifle. Lendrum was on his back on the grass and was not moving and was unresponsive. Officer Cameron saw a black handgun next to his head, which appeared to be a Glock. At 4:13:45 a.m. he radioed to send the ambulance for Lendrum.

¹ Zuni Street runs north to south and is just to the east of the entrance area where the shooting began.

² Ejecting the magazine suggests that Lendrum was preparing to load another magazine into his gun. He had two additional magazines with him. One magazine was found under his body by officers. This suggests that he retrieved it from where he was carrying it and held it in his hand, at least momentarily, before he finally went down on the grass on top of it. See page 5.

Other officers arrived. Corporal Briggs was helped into a DPD vehicle and rushed to DHMC. He had been struck by three bullets which were stopped by his vest, but which caused painful wounds to his torso on his right back and on his right ribs.

Officers checked Lendrum for weapons and for injuries. He was bloody and motionless. Paramedics arrived at 4:16 a.m. Lendrum was transported to DHMC and was pronounced deceased at 4:27 a.m.

Surveillance camera recordings³ at the Quality Inn show the unprovoked attack by Lendrum:



Lendrum walks to the Quality Inn entrance.



He exits and reaches his hand under his jacket.



Lendrum fires his first shot at Corporal Briggs.



Corp. Briggs has been hit and is getting out. More shots fired.

³ Note that the times stamped on the surveillance photos are **17 minutes, 54 seconds** behind the correct time of the body cameras worn by DPD officers. The correct time of the first photo above is 04:09:57 a.m. The correct time of the first gunshot fired by Lendrum (shown in the photo below) was 04:11:20 a.m.



Corp. Briggs scrambles out. Lendrum firing.



Corp. Briggs moves toward the rear of the SUV.



Lendrum takes sidestep strides toward Zuni Street, looking back toward Corporal Briggs as he fires more rounds.



Corp. Briggs shoots multiple rounds.



Lendrum turns to run to the street.



Lendrum ejects his magazine. He falls in the street but gets up and crosses. Corporal Briggs was firing from this position.





The ejected magazine in the street gutter.



Lendrum's path from the police SUV to the grass area.



Corp. Briggs firing at Lendrum in the grass area.



Lendrum's final spot on the grass next to a tree.

Investigation

The Denver protocol for Officer Involved Shootings was followed, and the investigation of this shooting was conducted by the Denver Police Department in conjunction with the Colorado Bureau of Investigation and the Colorado State Patrol. Many written statements and reports were provided by officers, crime scene investigators, crime lab professionals, first responders, and others, including civilian witnesses. Video interviews were given by Corporal Briggs and others. Surveillance camera recordings were located and obtained, and body worn camera recordings from the officers were downloaded and reviewed. The scene was documented by video and still photography. Denver Police Department Homicide Detectives Brandi Thomas (06087) and Christopher Fayles (15006) were assigned as primary and secondary investigators, respectively. They obtained search warrants, conducted searches and interviews, reviewed evidence and numerous reports, documents, videos, photographs, etc., and conducted a thorough investigation of this incident. This is reported under Denver Police Department GO #23-300734.

Crime Scene Evidence / Firearms and Cartridge Cases

Two handguns were near Lendrum on the grass.⁴ The handguns were examined by investigator of the Crime Scene Unit and by the Firearms Unit. One was the Glock semi-automatic 9mm pistol that Lendrum used in this shooting and that Officer Cameron observed next to Lendrum's head. It was not loaded and contained no magazine. The second gun was a .38 caliber revolver, found a few feet from Lendrum. It was fully loaded with five bullets and was not fired in this incident.

Three magazines for a 9mm semi-automatic handgun were collected at the scene. The empty magazine that Lendrum ejected from the Glock pistol was found in the gutter along Zuni Street. In addition, the officers who checked Lendrum for weapons before paramedics arrived found two loaded magazines. One was found underneath Lendrum as he was rolled over. The other was in the front left pocket of his pants. Both magazines contained "Blazer" 9mm luger bullets.

A total of 35 spent 9mm cartridge cases were recovered in the parking lot and near the police SUV.

- 18 of the cases were microscopically identified as having been fired in the 9 mm semi-automatic handgun used by Lendrum.⁵ All of these were "Blazer" brand cases.
- 17 cases were microscopically identified to Corporal Briggs' handgun.⁶

There were numerous bullet impacts that caused defects to the police SUV and broken glass, which were documented by crime scene investigators, and three bullet impacts to Corporal Briggs' ballistic vest.

Autopsy

An autopsy was performed on Lendrum's body by Dr. Sterling J. McLaren, M.D., a forensic pathologist at the Denver Office of the Medical Examiner, on June 7, 2023. A report of the autopsy was issued July 11, 2023. The report noted three gunshot wounds sustained by Lendrum. The most serious wound was a "gunshot wound of the chest". The entrance wound was in the left back, 6 5/8-inches to the left of the midline. The trajectory of the wound path was "right, back to front, and upward". The bullet that caused this wound was recovered from the right chest. It had damaged the left 7th rib, left lung, thoracic aorta, esophagus, right lung, and right 4th rib as well as soft tissues. Lendrum also had a gunshot wound to his right forearm and a gunshot entrance wound to his right anterior (front) thigh. A bullet was recovered from his thigh.

Legal Analysis

Criminal liability is established only if it is proved beyond a reasonable doubt that all elements of an offense have been committed without legal justification. In this case, C.R.S. §18-1-704 and C.R.S. §18-1-707, regarding the legal justification of using force in self-defense, guide my analysis.

⁴ Lendrum was also wearing two holsters at his waist and an ankle holster. All holsters were empty.

⁵ 18 spent cases are consistent with Lendrum having a fully loaded handgun when he began firing (one in the chamber of the gun and 17 in the magazine) and firing all 18 rounds until the gun was empty.

⁶ 17 spent cases are consistent with the weapons unload procedure done by investigators which showed that 17 rounds were fired by Corporal Briggs. He had one round remaining in the chamber of his handgun.

C.R.S. §18-1-704 states:

- (1) ... 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 grounds 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. §18-1-707 states:

- (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 facts of this case very clearly show that Corporal Briggs was acting in self-defense. Corporal Briggs was in imminent danger of being killed by the unexpected and completely unprovoked attack by Mr. Lendrom and he was, in fact, hit by several bullets that were fortunately stopped by his vest. Corporal Briggs' use of deadly force to defend himself was immediately necessary and clearly justified. Using less than deadly force would have been inadequate under these circumstances. Even after Lendrum had fired all the bullets in his 9mm pistol, he still possessed two more loaded magazines and a fully loaded revolver. Corporal Briggs, despite having been hit himself and being afraid for his life, saved his own life and possibly the lives of others through his quick, decisive and heroic actions. The video corroborates what Corporal Briggs described in his interview. No jury would find culpability on the part of Corporal Briggs.

Conclusion

I find that deadly force was necessary and was justified by C.R.S. § 18-1-704 (2) (a) and by C.R.S. § 18-1-707 (4.5). Therefore, no criminal charges will be filed. This letter will be posted on our website, and I will hold a community meeting during which interested members of the public may ask questions about this incident.

Sincerely,



Beth McCann
Denver District Attorney

cc: Armando Saldate, Director of Public Safety; Division Chief Joe Montoya; Commander Matt Clark; Commander Layla DeStaffany; Commander Kim Bowser; Lieutenant Joel Bell; Lieutenant Ryan Koenigsfeld; Sergeant Scott Murphy; Sergeant Scott Hagan; Detective Brandi Thomas; Detective Christopher Fayles; Corporal David Briggs; Bradley Hanson, Esq., Attorney for Corporal Briggs; Denver City Attorney Kerry Tipper; Director of the Office of Independent Monitor Lisabeth Pérez Castle