

El Paso County Sheriff's Office

Summary

Print Date/Time: 11/13/2019 13:15
Login ID: shrkirby

El Paso County Sheriff's Office
ORI Number: CO021000
 0

Case

Case Number: 2019-00011348
Location: 2100 PREUSS RD
 COLORADO SPRINGS, CO 80910
Reporting Officer ID: 02034 - Price

Incident Type: EPSO Assist Outside Agency
Occurred From: 08/03/2019 18:30
Occurred Thru: 08/03/2019 19:30
Disposition: Open
Disposition Date: 08/07/2019
Reported Date: 08/03/2019 20:16 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	AOA CSPD	Assist Outside Agency - Colorado Springs Police Department	1
2	CO0210000	90Z	DFIT	DFIT Call	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Associate	1	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	1	Bailey, Greg Charles	[REDACTED]	[REDACTED]			[REDACTED]
Medical Personnel	1	LINGAMFELTER, DANIEL	[REDACTED]	[REDACTED]			[REDACTED]
Other	1	BAILEY, DEVON MALIK	[REDACTED]	[REDACTED]	Black	Male	08/18/1999 19
Other	2	Rotolo, Ann	FOURTH JUDICIAL DISTRICT COURT COLORADO SPRINGS, CO 80903	[REDACTED]			[REDACTED]
Other	3	Walker, Nora	[REDACTED]	[REDACTED]			[REDACTED]
Other	4	Gonzales, Margaret Rose	[REDACTED]	[REDACTED]			[REDACTED]
Other	5	Schilling, Shawn Marie	[REDACTED]	[REDACTED]			[REDACTED]
Other	6	BAKER, SAGE ANNA	[REDACTED]	[REDACTED]			[REDACTED]
Other	7	BROADBENT, BEN LAWRENCE	[REDACTED]	[REDACTED]			[REDACTED]
Other	8	McArdle, Daniel	[REDACTED]	[REDACTED]			[REDACTED]
Other	9	CLAUSSEN, COREY Brent	[REDACTED]	[REDACTED]			[REDACTED]
Other	10	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
Other	11	Newsome, John	[REDACTED]	[REDACTED]			[REDACTED]

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Other	12	French, Andrew Jacob	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	14	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	16	May, Diana	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	17	James, Andy	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	[REDACTED]	[REDACTED]
Other	18	Paton, Deb	SAFE PASSAGE CENTER COLORADO SPRINGS, CO 80903	[REDACTED]	[REDACTED]	[REDACTED]
Other	19	Kirk-Small, Beth	SAFE PASSAGE COLORADO SPRINGS, CO 80903	[REDACTED]	[REDACTED]	[REDACTED]
Other	20	Weber, Shelley	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	21	Jacobsen, Brent	705 S NEVADA AVE COLORADO SPRINGS, CO 80903	[REDACTED]	[REDACTED]	[REDACTED]
Other	22	Greely, Dana	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	23	Robinson, [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	24	Fruci, Alexander Joseph	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Reporting Party	1	Boarman, Glenn	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	(719)520-7100	[REDACTED]	[REDACTED]
Witness	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	3	CLAUSSEN, COREY Brent	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witness	8	Evenson, Blake	705 NEVADA AVE PUEBLO, CO 81004	(719)444-7000 Unknown	Male	40
Witness	9	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

El Paso County Sheriff's Office

Summary

Print Date/Time: 11/13/2019 13:15

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El Paso County Sheriff's Office

ORI Number: CO021000
0

Witness 10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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EPSCO
12/02/19

METRO CRIME LABORATORY

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
 Phone: (719)444-7750 Fax: (719)444-7924

LABORATORY REPORT

Requesting Agency: Case No.: 19-00707
 El Paso County Coroner
 2741 E Las Vegas St
 Colorado Springs, CO 80906

Lab Case Number: 19MCL01868

Unit: Latent Prints

Analyst: Amanda Kimball, 4867

Request Submitted By: Deputy Jerry Fraser

Request Date: Mon Aug 05, 2019

Subject: BAILEY, Devon

Report Date: Mon Aug 05, 2019

DOB: 08/18/1999

REQUESTED SERVICE - [Latent Print - Examination]

EVIDENCE ITEMS

Barcode (Item No.)	Item description
4867 A-01 (A-01)	RECORDED 10-PRINT IMPRESSIONS TAKEN AT AUTOPSY #19-00707.

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

INITIAL REVIEW

Barcode	Total Cards	Prints Reviewed	Prints Of Value (OV)	Date Started
4867 A-01	1	1	1	08/05/2019

ANALYSIS

Inked Fingerprint 01 observed on Item: 4867 A-01 recovered by Amanda Kimball (4867) from the right index finger recorded at autopsy #19-00707.

COMPARISON

Inked Fingerprint 01 observed on Item: 4867 A-01 was compared to the record prints of Devon BAILEY DOB: 08/18/1999 resulting in an identification to the right index finger.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT

Akimball, 4867

Assigned Analyst Amanda Kimball | 4867
 Latent Print Analyst 08/05/2019 14:20



METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: **19MCL01868**

Agency Case No.: **1900707 (EPCC)**

Appendix A

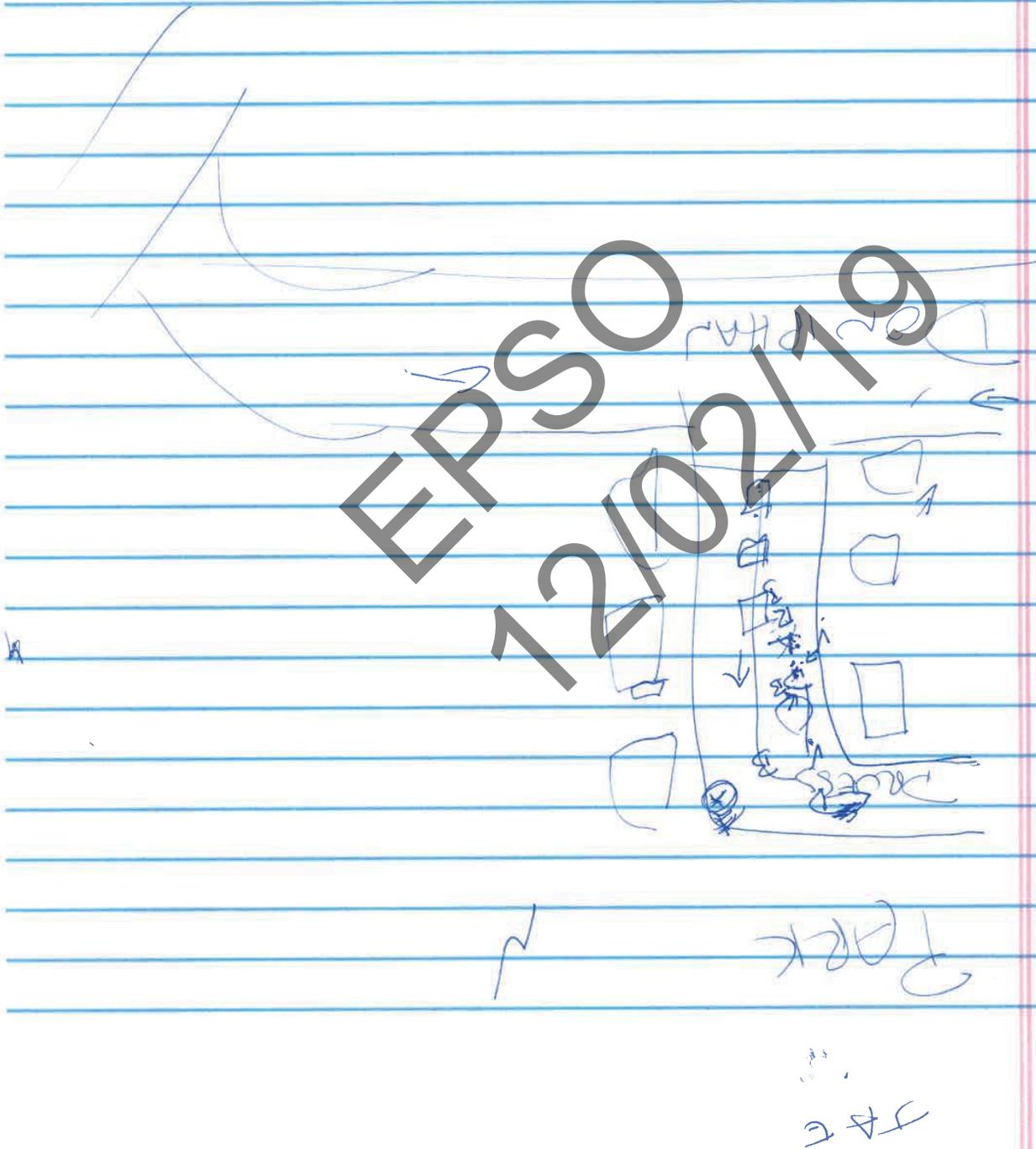
Significance of the conclusions reached in latent print examination are as follows:

Identification: Sufficient quantity and quality of friction ridge detail was observed in agreement between a friction ridge impression and a record print.

Inconclusive: Sufficient quantity and quality of friction ridge detail was not observed in agreement or disagreement between a friction ridge impression and a record print.

Exclusion: Sufficient quantity and quality of friction ridge detail was observed in disagreement between a friction ridge impression and a record print.

EPSSO
12/02/19



Evidence Invoice

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Price, Jon 02034**

Barcode	Item #	Item Type	Description
 1146682	1	Drawing(s)/Diagram(s)	Serial #: 1

Mandatory Info: **Evidence** DIAGRAM DRAWN BY CSPD OFFICER GONZALEZ DURING INTERVIEW

Collected by: Price, Jon 02034
Recovery Address: 705 S NEVADA AVE
Homicide #:

Evidence entered: 08/04/2019
Current Location: Evidence Facility Intake Lockers

EPSCO
12/02/19

On Saturday, August 03, 2019, at approximately 7:50 pm, I, Detective Jon Price #02034, received a phone call from Detective Sergeant Kurt Smith. He directed me to respond to Memorial Central Hospital (1400 E. Boulder Street) to assist in the investigation of a shooting which involved Officers of the Colorado Springs Police Department (CSPD). Sgt. Smith told me the suspect was deceased. I arrived at the Hospital at approximately 8:21 pm. I contacted CSPD Officer M. Waldera #4665 and Sgt. R. Harris #1958 in a consult room #3. There was a sealed cadaver bag in the room.

Officer Waldera told me he ridden in the ambulance with the suspect. There were no signs of life during the transport. The suspect was treated by Doctor [REDACTED] [REDACTED]. The suspect's chest cavity was opened, but it was determined a heart massage would be ineffective. Dr. [REDACTED] pronounced time of death at 7:20 pm. Officer Waldera collected the suspect's two socks, and one shoe from the floor of the ER. He had these items in separate evidence bags in the room.

Sgt. Harris he told me he heard the incident on the radio. The call started as a robbery with a weapon. The description of two suspects were aired, to include that one suspect was a black male with a goatee. The involved officers found two persons similar to those description, and contacted them. Sgt. Harris heard the Officers call out with the suspects, and it was just a brief time later when they called out shots fired.

Sgt. Harris has since learned when the Officers attempted to pat down the suspect he pulled away and attempted to draw a handgun from his waistband. The Officers fired. They were not injured. A gun was found underneath the suspect. The CSPD case number reference this incident is 19-28176.

I received a phone call from Sgt. Smith who told me members of the suspect's family were upset and enroute to the hospital. A few minutes later an unidentified uniformed CSPD Officer told me the suspect's [REDACTED] had arrived at the Hospital. His name is Gregory Bailey [REDACTED]. He identified the suspect as his [REDACTED] Devon Bailey DOB 8/18/99. Sgt. Harris found record of Devon Bailey in the CSPD Law Enforcement Records System (LERMS). A comparison of LERMS photos with photos of the suspect taken in the ambulance by Officer Waldera revealed this was a highly probable correct identification.

Deputy Coroners Rachel Broden and Rob Stevenson arrived at approximately 8:45 pm, and examined Mr. Bailey. I took digital photographs during the examination. The bags of the two socks and one shoe were given to DC Broden when she took possession of Mr. Bailey.

I spoke with Sgt. Smith as I left the hospital. He directed me to respond to the CSPD Police Operations Center (POC) to assist by conducting an interview. I arrived at the POC at approximately 9:40 pm. I contacted EPSO Detective Tremaine White, who was processing the involved Officers. I loaned him my EPSO issued digital camera to assist in this task.

I learned I was assigned to interview CSPD Officer Richard Gonzalez #2572. I conducted the interview in a POC interview room, and it was video recorded. This interview will be transcribed, and I will, therefore, not discuss it in detail in this report. Officer Gonzalez drew a diagram of the scene where the incident occurred during the interview. I collected this diagram.

After I completed the interview of Officer Gonzalez, I was directed by Sgt. Smith to respond to the 2100 Block of Preuss Rd. to assist Sgt. Hubbell and Detective Darbyshire in processing the scene.

I arrived at approximately 11:39 pm. I assisted with a search of the scene, but did not locate any items of evidential value. I did not perform any other investigative function, and was dismissed by Sgt. Smith at approximately 12:30 am.

I went to the Office of the Sheriff where I entered the diagram produced by Officer Gonzalez into evidence as item #1.

I cleared the call at approximately 1:03 am.

Nothing Further

Case Status: Active Investigations.

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">AUG 05 2019</p> <p style="text-align: center;">CLERK'S OFFICE</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
People of the State of Colorado vs. Defendant:	
Deputy District Attorney: Attorney Registration #: Add.: 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 520-6115 District Attorney: Daniel H. May, #11379	Case #: Division #: 19-1822 Courtroom #:
REQUEST FOR SEALING OF SEARCH/ARREST WARRANT	

The People respectfully request this Court enter an Order, sealing the Search Warrant and Application, to include the Affidavit and all attachments and, as grounds, therefore state the following:

1. The Criminal Case Report supporting this Search Warrant was initiated by the El Paso County Sheriff's Office, 2019-00011348, El Paso County, Colorado.
2. If the information supporting the Search Warrant Affidavit was to be released, it could jeopardize the ongoing case investigation.
3. The People request the sealing of this document until the completion or termination of the investigation, upon order of the court.

WHEREFORE, the People of the State of Colorado respectfully request the Court enter an ORDER, sealing the SearchWarrant and Application for the Search Warrant, to include the Affidavits and all attachments.

8/5/19

 Date

By: 

 Prosecutor's name
 Deputy District Attorney

District Court, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903	RECEIVED
People of the State of Colorado vs. Defendant: Bailey, Devon DOB 08/18/99	AUG 05 2019
<u>Deputy District Attorney:</u> Address: 105 E. Vermijo, Colo. Spgs., CO 80903 Phone Number: 520-6000 Attorney Registration #: District Attorney: Daniel H. May, #11379	CLERK'S OFFICE
▲ COURT USE ONLY ▲	
Case #:	<i>19-1822</i>
Division #:	<i>19-1822</i>
Courtroom #:	
COURT ORDER	

THE COURT, having been advised of the premises, hereby enters an ORDER that the Search Warrant Affidavit and Application for Search Warrant, to include the Affidavit and all attachments, be sealed until the completion of the investigation in this case, upon further order by the Court.

EP 50
 1210219

DONE THIS 5th DAY OF August, 2018, at the hour of 2:41 pm.



 JUDGE

RECEIVED

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		AUG 05 2019 CLERK'S OFFICE ▲ COURT USE ONLY ▲
RE: Search Warrant of Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: "[REDACTED]" and Facebook account: "[REDACTED]"		Case/File Number: 19-1822
El Paso County Sheriff's Office	Case Number: 2019-00011348	Division: Criminal Ctrm:
SEARCH WARRANT		

Whereas Detective **Bradley Whitehead / #05071** has made an Application and Affidavit to the Court for the issuance of a Search Warrant, and;

Whereas the application is in proper form and probable cause is found for the issuance of a Search Warrant to search the person(s) and or premises specified in the application.

THEREFORE, the applicant, and any other peace officer into whose hands this Search Warrant shall come, is hereby ordered, with the necessary and proper assistance, to enter and search within the next fourteen (14) days the person, premises, location and any appurtenances thereto, description of which is:

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: "[REDACTED]" and Facebook account: "[REDACTED]"

NON-DISCLOSURE ORDER under 18 U.S.C. 2705(b)

It is further ordered that Facebook not notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the account holder an opportunity to destroy evidence, notify confederates, flee or continue her flight from prosecution.

The following person(s), property or thing(s) will be searched for and if found seized:

See Attachment 'B' which is hereby incorporated in reference

as probable cause has been found to believe that it:

- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Is stolen or embezzled, or

- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or
- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, or
- That would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

Furthermore, a copy of this warrant is to be left with the person whose premises or person is searched along with a list of any and all items seized at the time of its execution. If said person cannot be located or identified, a copy of the Search Warrant and the list of property seized shall be left at the place from which the property was taken.

Further, a return shall be promptly made to this Court upon the execution of this Search Warrant along with an inventory of any property taken. The property seized shall be held in some safe place until the Court shall further order.

So ORDERED this 5 day of August, 2019 at 2:22 A.M./P.M. 

BY THE COURT:

Judge/Magistrate: 

EPSSO
12/02/19

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		
RE: Search Warrant of Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: "[REDACTED]" and Facebook account: [REDACTED]		▲ COURT USE ONLY ▲
El Paso County Sheriff's Office Case Number: 2019-00011348		Case/File Number: Division: Criminal Ctrm:
APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT		

The undersigned, a peace officer as defined in 16-2.5-101 Colorado Revised Statutes, as amended, being first duly sworn on oath moves the Court to issue a Warrant to search those person(s) and/or premises known as:

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: [REDACTED] and Facebook account: [REDACTED]

NON-DISCLOSURE ORDER under 18 U.S.C 2705(b)

It is further ordered that Facebook not notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the account holder an opportunity to destroy evidence, notify confederates, flee or continue her flight from prosecution.

The undersigned states that there exists probable cause to believe that the following person, property or thing(s) to be searched for, and if found seized, will be found on the aforementioned person(s) and/or premises and are described as follows:

 See Attachment "B" which is hereby incorporated in reference

The grounds for the seizure of said person(s), property or thing(s) are that probable cause exists to believe that it:

- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Is stolen or embezzled, or
- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or

- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, or
- That would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding. (Mark "X" according to fact);

The facts submitted in support of this application are set forth in the accompanying attachment designated as Attachment A which is attached hereto and made a part hereof.

Applicant: Bradley Whitehead #05071
Detective **Bradley Whitehead / #05071**
Law enforcement Agency: El Paso County Sheriff's Office

Sworn and subscribed before me this 5th day of August, 2019 at A.M. / 2:22 P.M.

Judge/Magistrate: [Signature]

EP SO
12/02/19

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		
RE: Search Warrant of Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: "[REDACTED]" and Facebook account: "[REDACTED]"		▲ COURT USE ONLY ▲
El Paso County Sheriff's Office	Case Number: 2019-00011348	Case/File Number: Division: Criminal Ctrm:
ATTACHMENT A		

In support of a request for the issuance of a Search Warrant to search the location as described as

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: "[REDACTED]" and Facebook account:

"[REDACTED]"

NON-DISCLOSURE ORDER under 18 U.S.C 2705(b)

It is further ordered that Facebook not notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the account holder an opportunity to destroy evidence, notify confederates, flee or continue her flight from prosecution.

Your Affiant, Detective **Bradley Whitehead / #05071**, a Deputy Sheriff for the El Paso County Sheriff's Office, currently assigned to the Investigations Division, state under oath that I have personal knowledge of the following facts:

On Monday, August 05, 2019, at about 9:00 am, I, Detective Bradley Whitehead, #05071, of the El Paso County Sheriff's Office Investigation's Division, was asked by Detective Sergeant Rosario Hubbell, #07050, to complete a social media preservation request in reference to this case.

Sgt. Hubbell was made aware of a post made to social media platform Instagram, by [REDACTED] [REDACTED] I would later identify him as [REDACTED], [REDACTED], [REDACTED] [REDACTED]. The post consisted of a video that included himself and Devon Malik Bailey, DOB 08/18/99. In the video [REDACTED] was holding a black handgun and pointing it at the camera. Devon was sitting in the passenger seat and was wearing the same shirt as he was on Saturday, August 3, 2019, during an officer involved shooting located near 2100 Preuss

Road, Colorado Springs, CO 80910. It appears the video was taken the same day as the shooting as the gun is similar to what was found on Devon and he was wearing the same shirt.

Sgt. Hubbell provided me with [REDACTED] Instagram account, [REDACTED] I also located his Facebook account, [REDACTED]. I submitted preservation requests through Facebook for both accounts and was provided with Case Number 3437108 for [REDACTED] Instagram account and Case Number 3437191 for [REDACTED] Facebook account.

I request probable cause exists to search both accounts for any additional evidence that may have been posted by [REDACTED]

The facts set forth within this affidavit are based upon information Your Affiant has gained from this investigation, Your Affiant's personal observations, Your Affiant's training and experience, and/or information related to Your Affiant by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a Search warrant, Your Affiant has not included each and every fact known to him concerning this investigation, but has set forth only the facts that are necessary to establish probable cause to believe that evidence of a crime has occurred.

Applicant: Bradley Whitehead / #05071
Detective **Bradley Whitehead / #05071**
Law enforcement Agency: El Paso County Sheriff's Office

Sworn and subscribed before me this 5th day of August 2019, at 2:22 A.M. / P.M. (P.M.)

Judge/Magistrate: [Signature]

DISTRICT COURT, COUNTY COLORADO

Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903

RE: Search Warrant of

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: [REDACTED] and Facebook account: [REDACTED]

El Paso County Sheriff's Office

Case Number: 2019-00011348

ATTACHMENT B

The following person(s), property or thing(s) will be searched for and if found seized:

1. User Neoprint, including profile contact information, mini feed, status update history, shares, notes, old and new wall postings, friend listing with friend's Facebook identifiers, groups listing with Facebook group identifiers, future and past events, video listings with file names and applications.
2. User Photoprint including all photographs, any and all user contact information, including name, birth date, contact e-mail address, physical address, city, state, zip code, telephone numbers, Internet Protocol (IP) logs, group Contact Information and private messages.
3. Any and all information, to include, but not limited to, basic subscriber information (BSI), Private messages, IP Logs, any and all Photos or Videos uploaded to their profile, address book, Friends' Lists, and E-mails (in and outbound) for the following Instagram account [REDACTED] and Facebook account [REDACTED]
4. Instagram and Facebook messenger messages archived/deleted and active, About me, Address, Alternate name, Chat, Date of Birth, Emails, Friend Requests, Messages, Notes, Pending Friend Requests, Photos, Post by You, Screen Names, Searches, Work and Videos from Sunday, July 28, 2019 through Monday, August 5, 2019.

NO OTHER ITEMS ARE SOUGHT FOR SEIZURE

Supplement 20190805 1420 Whitehead, Brad 05071

2019-00011348 Search warrant application:

On Monday, August 5, 2019, I, Detective Bradley Whitehead, #05071, of the El Paso County Sheriff's Office Investigations Division, responded to the El Paso County Courthouse, located at 270 South Tejon Street, Colorado Springs, CO 80903, to apply for a search warrant.

At about 2:20 pm, I met with the Honorable Judge Ann Rotolo with the 4th Judicial District, and presented her with a warrant for the search of [REDACTED] [REDACTED] Instagram and Facebook accounts. I also presented her with a blanket sealing request for the search warrant.

At about 2:22 pm, Judge Rotolo signed the search warrant. I responded to the clerk's office to file the search warrant. I did not have the blanket sealing order and had to return to my office to complete the order. I met with Judge Rotolo and presented her with the order that she signed at about 2:41pm. I returned to the Clerk's Office and the search warrant was assigned Case Number 19-1822. I attached a copy of the signed search warrant with the blanket sealing request and order.

I have nothing further a this time.

Case Status: SAO

EP SO
12/02/19

Evidence Form

El Paso County Sheriff Property Invoice



Case Number: 2019-00011348

Submitting Deputy: **Murphy, Teresa 07001 / 96033**

Barcode	Item #	Item Type	Description
 1146694	2	CD/DVD(s)	Serial #:

Mandatory Info: **Evidence**

INSTAGRAM VIDEO OF AJ HOLDING A GLOCK WITH DEVON BAILEY

Collected by: Murphy, Teresa 07001 / 96033
Recovery Address: 27 E. VERMIJO
Homicide #:

Evidence entered: 08/05/2019
Current Location: Evidence Facility Intake Lockers

EPSCO
12/02/19

Supplement 20190804 0900 Murphy, Teresa 07001

On 8/4/19, at approximately 0900 hours, I, Deputy Teresa Murphy, #07001, was made aware of an instagram post made by [REDACTED], [REDACTED].

The instagram account belonging to [REDACTED]" The concerning video shows [REDACTED] holding what appears to be a Glock hand gun. The video had been posted on 8/4/19, in the morning.

On 8/5/19, while watching the morning news, I saw a story about an officer involved shooting and a photo was shown of a male named Devon Bailey. I immediately recognized the photograph as the person in the instagram video with [REDACTED] posted on 8/4/19.

At 0715 hours, I responded to [REDACTED] to see if [REDACTED] was going to show up for school and to ensure he if he did, he was not armed. He did not come to school. I then called El Paso County Sheriff's Office Investigations Sgt. Hubbell and advised him of the information.

I then responded to the Office of the Sheriff and met with Sgt. Hubbell. I showed him the video, as well as emailed him the video and [REDACTED] information.

A copy of the instagram video was burned to a CD and placed into evidence.

I have no further information.

CASE STATUS: SAO

EPSCO
12/02/19

RECEIVED

<p>DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903</p>	<p>AUG 05 2019 CLERK'S OFFICE ▲ COURT USE ONLY ▲</p>
<p>RE: Search Warrant of Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: [REDACTED] and Facebook account: [REDACTED]</p>	<p>Case/File Number: 19-1822</p>
<p>El Paso County Sheriff's Office Case Number: 2019-00011348</p>	<p>Division: Criminal Ctrm:</p>
<p>SEARCH WARRANT</p>	

Whereas Detective **Bradley Whitehead / #05071** has made an Application and Affidavit to the Court for the issuance of a Search Warrant, and;

Whereas the application is in proper form and probable cause is found for the issuance of a Search Warrant to search the person(s) and/or premises specified in the application.

THEREFORE, the applicant, and any other peace officer into whose hands this Search Warrant shall come, is hereby ordered, with the necessary and proper assistance, to enter and search within the next fourteen (14) days the person, premises, location and any appurtenances thereto, description of which is:

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: [REDACTED] and Facebook account: [REDACTED]

NON-DISCLOSURE ORDER under 18 U.S.C. 2705(b)

It is further ordered that Facebook not notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the account holder an opportunity to destroy evidence, notify confederates, flee or continue her flight from prosecution.

The following person(s), property or thing(s) will be searched for and if found seized:

See Attachment 'B' which is hereby incorporated in reference _____
 as probable cause has been found to believe that it:

- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Is stolen or embezzled, or

- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or
- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, or
- That would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

Furthermore, a copy of this warrant is to be left with the person whose premises or person is searched along with a list of any and all items seized at the time of its execution. If said person cannot be located or identified, a copy of the Search Warrant and the list of property seized shall be left at the place from which the property was taken.

Further, a return shall be promptly made to this Court upon the execution of this Search Warrant along with an inventory of any property taken. The property seized shall be held in some safe place until the Court shall further order.

So ORDERED this 5 day of August, 2019 at 2:22 A.M./P.M. 

BY THE COURT:

Judge/Magistrate: 

EPSSO
12/02/19

DISTRICT COURT, COUNTY COLORADO

Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903

RE: Search Warrant of

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: [REDACTED] and Facebook account: [REDACTED]

El Paso County Sheriff's Office

Case Number: 2019-00011348

ATTACHMENT B

The following person(s), property or thing(s) will be searched for and if found seized:

1. User Neoprint, including profile contact information, mini feed, status update history, shares, notes, old and new wall postings, friend listing with friend's Facebook identifiers, groups listing with Facebook group identifiers, future and past events, video listings with file names and applications.
2. User Photoprint including all photographs, any and all user contact information, including name, birth date, contact e-mail address, physical address, city, state, zip code, telephone numbers, Internet Protocol (IP) logs, group Contact Information and private messages.
3. Any and all information, to include, but not limited to, basic subscriber information (BSI), Private messages, IP Logs, any and all Photos or Videos uploaded to their profile, address book, Friends' Lists, and E-mails (in and outbound) for the following Instagram account [REDACTED] and Facebook account [REDACTED]
4. Instagram and Facebook messenger messages archived/deleted and active, About me, Address, Alternate name, Chat, Date of Birth, Emails, Friend Requests, Messages, Notes, Pending Friend Requests, Photos, Post by You, Screen Names, Searches, Work and Videos from Sunday, July 28, 2019 through Monday, August 5, 2019.

NO OTHER ITEMS ARE SOUGHT FOR SEIZURE

Supplement 20190805 1515 Whitehead, Brad 05071

2019-00011348 Search warrant submitted to Facebook:

On Monday, August 5, 2019, at about 3:15 pm, I, Detective Bradley Whitehead, #05071, of the El Paso County Sheriff's Office Investigation's Division, submitted Attachment B of the search warrant to Facebook. I was advised my request was submitted successfully and was provided with Case #3439099. I have attached Attachment B to this supplement.

I have nothing further at this time.

Case Status: SAO

EP SO
12/02/19

Evidence Invoice

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Price, Jon 02034**

Barcode	Item #	Item Type	Description
 1146722	4	CD/DVD(s)	VERBATIM Serial #: 1

Mandatory Info: **Evidence** PHOTOS OF SUSPECT @ HOSPITAL

Evidence entered: 08/06/2019

Current Location: Evidence Facility Intake Lockers

Collected by: Price, Jon 02034
Recovery Address: 1400 E BOULDER
Homicide #:

 1146723	5	CD/DVD(s)	VERBATIM Serial #: 1
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Mandatory Info: **Evidence** PHOTOS OF INVOLVED OFFICERS

Evidence entered: 08/06/2019

Current Location: Evidence Facility Intake Lockers

Collected by: White, Tremain 06097
Recovery Address: 705 S NEVADA
Homicide #:

EP SO
12/02/19

Facebook Search warrant

District Court, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903	RECEIVED AUG 07 2019 CLERK'S OFFICE
People of the State of Colorado vs. Defendant: Unknown	▲ COURT USE ONLY ▲
<u>Deputy District Attorney:</u> Reginald Short Address: 105 E. Vermijo, Colo. Spgs., CO 80903 Phone Number: 719-520-6176 Attorney Registration #: 35656 District Attorney: Daniel H. May, #11379	Case #: Division #: 19-1846 Courtroom #:
COURT ORDER	

THE COURT, having been advised of the premises, hereby enters an ORDER that the Search Warrant Affidavit and Application for Search Warrant, to include the Affidavit and all attachments, be sealed until the completion of the investigation in this case, upon further order by the Court.

DONE THIS 17th DAY OF August, 2019, at the hour of 1:30 PM.


JUDGE

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">AUG 07 2019</p> <p style="text-align: center;">CLERK'S OFFICE</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
People of the State of Colorado vs. Defendant: Unknown	
Deputy District Attorney: Reginald Short Attorney Registration #: 35656 Add.: 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 719-520-6176 District Attorney: Daniel H. May, #11379	Case #: Division #: Courtroom #: 19-1846
REQUEST FOR SEALING OF SEARCH/ARREST WARRANT	

The People respectfully request this Court enter an Order, sealing the Search Warrant and Application, to include the Affidavit and all attachments and, as grounds, therefore state the following:

1. The Criminal Case Report supporting this Search Warrant was initiated by the El Paso County Sheriff's Office, 2019-00011348, El Paso County, Colorado.
2. If the information supporting the Search Warrant Affidavit was to be released, it could jeopardize the ongoing case investigation.
3. The People request the sealing of this document until the completion or termination of the investigation, upon order of the court.

WHEREFORE, the People of the State of Colorado respectfully request the Court enter an ORDER, sealing the Search Warrant and Application for the Search Warrant, to include the Affidavits and all attachments.

8/7/19
Date

By: NR
Reginald Short #35656
Deputy District Attorney

DISTRICT COURT, EL PASO COUNTY COLORADO
Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903

RECEIVED

AUG 07 2019

CLERK'S OFFICE ▲

RE: Search Warrant of
Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to
notify account holder due to active homicide investigation

Case/File Number:

19-1846

Agency Name: El Paso County Sheriff's Office Agency Number: 19-11348

Division: Criminal Ctrm:

SEARCH WARRANT

Whereas Detective **Katherin Huston / 12021** has made an Application and Affidavit to the Court for the issuance of a Search Warrant, and;

Whereas the application is in proper form and probable cause is found for the issuance of a Search Warrant to search the person(s) and or premises specified in the application.

THEREFORE, the applicant, and any other peace officer into whose hands this Search Warrant shall come, is hereby ordered, with the necessary and proper assistance, to enter and search within the next fourteen (14) days the person, premises, location and any appurtenances thereto, description of which is:

Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to notify account holder due to active homicide investigation

NON-DISCLOSURE ORDER under 18 U.S.C. 2705(b)

It is further ordered that Facebook not notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the account holder an opportunity to destroy evidence, notify confederates, flee or continue his flight from prosecution.

The following person(s), property or thing(s) will be searched for and if found seized:

See Attachment 'B' which is hereby incorporated in reference

as probable cause has been found to believe that it:

- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Is stolen or embezzled, or
- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or

- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, or
- That would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

Furthermore, a copy of this warrant is to be left with the person whose premises or person is searched along with a list of any and all items seized at the time of its execution. If said person cannot be located or identified, a copy of the Search Warrant and the list of property seized shall be left at the place from which the property was taken.

Further, a return shall be promptly made to this Court upon the execution of this Search Warrant along with an inventory of any property taken. The property seized shall be held in some safe place until the Court shall further order.

So ORDERED this 7th day of August, 2019 at 1:36 A.M./P.M. P.M.

BY THE COURT:

Judge/Magistrate: _____

EP 90
12/02/19

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		
RE: Search Warrant of Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to notify account holder due to active homicide investigation 		▲ COURT USE ONLY ▲
Agency Name: El Paso County Sheriff's Office Agency Number: 19-11348		Case/File Number:
		Division: Criminal Ctrm:
APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT		

The undersigned, a peace officer as defined in 16-2.5-101 Colorado Revised Statutes, as amended, being first duly sworn on oath moves the Court to issue a Warrant to search those person(s) and/or premises known as:

Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to notify account holder due to active homicide investigation



The undersigned states that there exists probable cause to believe that the following person, property or thing(s) to be searched for, and if found seized, will be found on the aforementioned person(s) and/or premises and are described as follows:

See Attachment "B" which is hereby incorporated in reference

The grounds for the seizure of said person(s), property or thing(s) are that probable cause exists to believe that it:

- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Is stolen or embezzled, or
- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or
- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, or

That would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding. (Mark "X" according to fact);

The facts submitted in support of this application are set forth in the accompanying attachment designated as Attachment A which is attached hereto and made a part hereof.

Applicant: *Katherin Huston*
Detective **Katherin Huston / 12021**

Law enforcement Agency: El Paso County Sheriff's Office

Sworn and subscribed before me this 7th day of August, 2019 at 1:30 A.M. (P.M.)

Judge/Magistrate: *[Signature]*

EPSCO
12/02/19

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		
RE: Search Warrant of Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to notify account holder due to active homicide investigation 		▲ COURT USE ONLY ▲
Agency Name: El Paso County Sheriff's Office Agency Number: 19-11348		Case/File Number:
		Division: Criminal Ctrm:
ATTACHMENT A		

In support of a request for the issuance of a Search Warrant to search the location as described as

Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to notify account holder due to active homicide investigation



Your Affiant, Detective **Katherin Huston / 12021**, a Deputy Sheriff for the El Paso County Sheriff's Office, currently assigned to the Investigations Division, state under oath that I have personal knowledge of the following facts:

The facts set forth within this affidavit are based upon information Your Affiant has gained from this investigation, Your Affiant's personal observations, Your Affiant's training and experience, and/or information related to Your Affiant by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a Search warrant, Your Affiant has not included each and every fact known to her concerning this investigation, but has set forth only the facts that are necessary to establish probable cause to believe that evidence of a crime has occurred.

Your affiant, hereafter referred to as "I", is Detective Katherin Huston, a regularly employed Deputy Sheriff for the County of El Paso, State of Colorado and is currently assigned to the Investigations Division of the El Paso County Sheriff's Office. The following events occurred in El Paso County, Colorado.

On August 3, 2019 at approximately 6:58 PM, an officer involved shooting occurred in the 2100 block of Preuss Road, Colorado Springs, Colorado 80910, El Paso County with officers from the Colorado Springs Police Department (CSPD) and Devon Bailey DOB 8/18/1999.

Additional investigation completed by Deputy Brian Scott #18083 and me revealed that on August 3, 2019 two videos of the shooting scene were posted Facebook page [REDACTED] which has a screen name of [REDACTED]. In the video a woman is heard asking if anyone saw what happened because it was her son involved. She is directed to another female who provides her with her account of what she saw. This video was shared from this page by Facebook profile

[REDACTED] which has a screen name of [REDACTED]. A query of [REDACTED] in DMV records revealed [REDACTED]. The driver's license photograph matched photos posted on [REDACTED].

Elizabeth Powell [REDACTED] was identified by CSPD as a witness to the officer involved shooting. A search of Law Enforcement Mobile, the report entry system used by El Paso County Sheriff's Office (EPSO), which is set up to share information between CSPD and EPSO shows Elizabeth's address to be [REDACTED]. A brief statement was made by Elizabeth which appears to be contradictory to what is being posted on social media. On the officer's body camera footage a female is heard yelling at the officers about why they shot Devon. The officer responds that he had a gun. She then says, "I know he did..." However, Elizabeth posted on Colorado Springs Crime Watch she posted, "...at no time did he reach for a weapon whatsoever..I was a bystander.." This post was screenshotted and posted by [REDACTED] on her Facebook page.

Elizabeth posted that her neighbor had a video recording of the shooting.

On August 5, 2019, I completed preservation requests to Facebook for accounts [REDACTED] and [REDACTED]. Facebook and other social media platforms are often used to share pictures, videos, and other communications of officer involved shootings and homicide investigations. I believe searching the aforementioned Facebook accounts from August 3, 2019 through August 5, 2019 will yield additional digital evidence which will assist in the further investigation of the officer involved shooting.

Applicant: [Signature]
Detective **Katherin Huston / 12021**
Law enforcement Agency: El Paso County Sheriff's Office

Sworn and subscribed before me this 7th day of August 2019, at 1:30 A.M. (P.M.)

Judge/Magistrate: [Signature]

DISTRICT COURT, COUNTY COLORADO

Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903

RE: Search Warrant of

Facebook, Inc., 1601 Willow Road, Menlo Park, CA 94025, Facebook is not to notify account holder due to active homicide investigation



Agency Name: **El Paso County Sheriff's Office**

Agency Number: 19-11348

ATTACHMENT B

The following person(s), property or thing(s) will be searched for and if found seized:

1. -- User Neoprint, including profile contact information, mini feed, status update history, shares, notes, old and new wall postings, friend listing with friend's Facebook identifiers, groups listing with Facebook group identifiers, future and past events, video listings with file names and applications.

2. ---- User Photoprint including all photographs, all user contact information, including name, birth date, contact e-mail address, physical address, city, state, zip code, telephone numbers, Internet Protocol (IP) logs, group Contact Information and private messages.

3. -----Any and all information, to include, but not limited to, basic subscriber information (BSI), Private messages, IP Logs, any and all Photos or Videos uploaded to their profile, address book, Friends' Lists, and emails (in and out bound) for the following Facebook Account(s):



4. Facebook messenger messages archived/deleted and active including stored video messages, Video Chats, About Me, Address, Account Status History, Active Sessions, Alternate name, Chat, Date of Birth, Deleted Friends, Emails, Friend Requests, IP Addresses, Last Location, Logins, Logouts, Messages, Name, Name Changes, Notes, Pending Friend Requests, Phone Numbers, Photos, Photos Metadata, Posts by You, Removed Friends, Screen Names, Searches, Work and Videos from August 3, 2019 until August 5, 2019.

Facebook is not to notify account holder(s) due to active homicide investigation.



NO OTHER ITEMS ARE SOUGHT FOR SEIZURE

Supplement 20190807 1330 Huston, Katherin 12021

On August 7, 2019 at approximately 1:30 PM, I, Detective Katherin Huston #12021 of the El Paso County Sheriff's Office (EPSO) Investigations Division appeared in the chambers of the Honorable Judge Larry Martin for the purpose of reviewing and signing a search warrant for this case. I presented Judge Martin with a search warrant for Facebook regarding Facebook accounts

[REDACTED] Judge Martin reviewed the warrant and signed it after administering an oath swearing me to the factual basis presented. Judge Martin also signed an order to seal the warrant.

The warrant was processed and filed with courthouse reference case number 19-1846. The warrant and the court order to seal were both submitted to Facebook via their online portal. The Facebook portal provided case number 3451050 to reference the request.

Nothing further.

Case status: SAO

Supplement 20190803 1945 Brklich, Nick 05007

Case Number: 19-11348

Date Reported: Saturday August 3, 2019

Case Title: Officer Involved Shooting

Detective Nickolas Brklich # 050071

This is a supplement to Case # 19-11348 Supp 1 Monday August 5, 2019

On Saturday August 3, 2019, at approximately 7:45 pm, I, Detective N. Brklich was notified, by Detective Sergeant Kurt Smith, of an Officer Involved Shooting (OIS), involving officer's from the Colorado Springs, Police Department (CSPD). Sgt. Smith directed me to proceed to the scene, located in the 2100 block of Preuss Rd, Colorado Springs, CO 80910, in the incorporated area of El Paso County, State of Colorado.

Upon arrival at approximately 8:28 pm, I made contact with Detective Sergeant Rosario Hubbell and shortly thereafter, I met with Detective Jason Darbyshire. While on scene, we were briefed as to the initial call leading up to the shooting. We were also shown a quick overview of the scene itself. It was reported CSPD officers were responding to a call for service of a personal armed robbery at approximately 6:44 pm. At approximately 6:57 pm, the officers made contact with two males walking in the roadway who fit the reported description of the robbery suspects. At approximately 6:58 pm, a shots fired call is broadcasted.

During the briefing it was discovered CSPD officer's had identified one apartment with security cameras facing the scene of the shooting. This apartment was identified as [REDACTED], apartment [REDACTED]. Contact was made with the resident, Ms. [REDACTED] DOB: [REDACTED] Ms. [REDACTED] was willing to allow us to burn the video to a thumb drive but did not know how to do it herself. We were told the video does not overwrite itself and would still be available on Monday August 5, 2019. The decision was made to conduct a forensic download of the system on Monday.

Detective J. Darbyshire did make a short recording utilizing a cell phone prior to us leaving the apartment.

Upon arrival of the Metro Crime Lab Crime Scene Technicians (CST), the crime scene was processed for record and evidence processing.

The scene was cleared at approximately 2:10 am, Sunday August 4, 2019.

Case Status: SAO

Supplement 20190806 1030 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 6, 2019, at about 10:30 a.m., I, Detective Montville was assigned this case for further follow-up and investigation; by Detective Sergeant Rosario Hubbell.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190805 0900 Brklich, Nick 05007

Case Number: 19-11348
Date Reported: Saturday August 3, 2019
Case Title: Officer Involved Shooting
Detective Nickolas Brklich # 050071

This is a supplement to Case # 19-11348 Supp 2 Wednesday August 7, 2019

On Monday August 5, 2019, at approximately 9:00 am, I, Detective N. Brklich attended the autopsy of Mr. Devon Bailey, DOB: 8/18/1999. The autopsy was performed by Dr. Daniel Lingamfelter, under the Coroner Case # 19-00707. Also in attendance was CSPD Detective Brent Jacobson, Metro Crime Lab CSI Christian Liewer and Amanda Kimball, District Attorney Investigator Ken Larson and Elizabeth Robinson, and Deputy District Attorney Reggy Short.

During the course of the autopsy, Dr. Lingamfelter identified a total of four defects to the deceased's body. One defect was located on the right elbow, which was described as a grazing wound that penetrated the skin and then exited. Three additional defects were located on the lower left back of the deceased.

A total of three projectiles were subsequently found and recovered. One projectile was recovered from the mid chest area, the second projectile was recovered from the lower left chest area while the third projectile was recovered from the left diaphragm area. Dr. Lingamfelter stated he observed multiple defects to the left lung, a defect to the heart and a defect to the diaphragm of the deceased.

Dr. Lingamfelter stated the cause of death would be ruled as multiple gunshot wounds and the manner of death as a homicide. I departed the autopsy room at approximately 11:25 am.

All photographs and additional pieces of evidence was collected by the Metro Crime Lab CSI's.

A detailed summary of the autopsy will be provided within the Coroner's final report.

Case Status: SAO

Supplement 20190806 0946 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 6, 2019, at about 09:46 a.m., I, Detective Montville received an email from Nora Walker with American Medical Response. Attached to the email was a copy of the patient care report generated by AMR in reference to this case.

A copy of AMR's report is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

Video from Gonzales residence and photo of gun

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Darbyshire, Jason 11010**

Barcode	Item #	Item Type	Description
 1146747	8	CD/DVD(s)	VERBATIM Serial #: 1.00

Mandatory Info: **Evidence**

SURVEILLANCE VIDEO FOOTAGE FROM MARGARET GONZALES

Evidence entered: 08/07/2019

Collected by: Darbyshire, Jason 11010

Current Location: Evidence Facility Intake Lockers

Recovery Address: [REDACTED]

Homicide #:

EPSCO
12/02/19

Supplement 20190803 2015 Darbyshire, Jason 11010

On August 3, 2019 at approximately 8:15 pm, I, Detective Jason Darbyshire (#11010), was asked to respond to the area of 2100 Preuss Road in the City of Colorado Springs to assist with the investigation of a shooting involving Officers from the Colorado Springs Police Department (CSPD). Upon arrival, I learned the following information:

At approximately 6:45 pm, CSPD Officers Gonzales, Evenson, and Van't Land responded to the area of 2100 Preuss for a report of an armed robbery (CSPD Case # 19-28176). the robbery was reported to have happened at the Rosewood Apartments which are located just south of Preuss.

The reporting party of the robbery, Anthony Love (██████████) provided a description of the two males who robbed him and an alias for one of the males of 'Spaz.' Anthony knew Spaz and informed officers he was armed with a handgun. Upon arriving in the area, officers located two males matching the description of the robbers provided by Anthony.

Upon contacting the two males, later identified as Devon 'Spaz' Bailey (DOB: 08/18/99), and Lawrence Stoker (██████████) officers stopped them and attempted to perform a cursory pat search (Terry) for weapons. When officers approached both males to search them, Devon began to run away while reaching in the area of his waistband.

Officers Van't Land and Evenson fired multiple times striking Devon and causing him to fall in the street. Both officers began offering life saving aid and continued to do so until responding medical units arrived on scene and transported Devon to a local hospital where he later died as a result of his injuries. CSPD officers aired "On Scene," at 6:57 pm and "Shots Fired," at 6:58 pm.

Upon arriving in the area, I contacted Margaret Gonzalez at (██████████) Apartment (██████████). Prior to my arrival, Margaret notified officers on scene she had surveillance footage that captured the incident. I was unable to download the footage by filmed it on my office issued phone (Item # 8), and made arrangements to retrieve the physical footage at a later time.

I assisted the Metro Crime Lab with the location and collection of relevant evidence to include a Glock 9mm pistol bearing serial number (██████████), which contained a loaded magazine and one live round in the chamber of the weapon. this item was collected from the shorts Devon was wearing which were removed for safety while officers were rendering aid. I later performed a search of the pistol through NCIC via EPSO Dispatch and located no records associated to the gun.

While on scene I also spoke to members of Devon's family to include his (██████████) Greg Bailey (██████████) I advised them of the investigative process going forward and provided relevant contact information.

Prior to departing the scene, I requested the Colorado Springs Fire Department (CSFD) respond and assist with washing blood off of the street where Devon fell. CSFD responded and washed the area prior to law enforcement departing the scene.

Case Status: SAO

Supplement 20190806 1415 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 6, 2019, at about 2:15 p.m., I, Detective Montville was conducting follow-up on this case. On this date, I emailed Shawn Schilling with the Colorado Springs Fire Department. I requested any and all records generated by the CSFD on August 3, 2019, at about 6:58 p.m., in the 2100 block of Preuss Road. I identified the patient as Devon Bailey DOB: 8/18/99.

A copy of the letter I prepared and sent to Schilling is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

EPSSO
12/02/19

Supplement 20190807 Boarman, Glenn 02031

I, Detective Glenn Boarman, a duly sworn Deputy Sheriff, of and for the County of El Paso, State of Colorado, and who is presently employed with the El Paso County Sheriff's Office. I was assigned as a Task Force Office (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

On 8/07/19, a search of NCIC/CCIC records for a Glock, model 19, 9mm handgun with serial number [REDACTED] revealed it was reported stolen to the Colorado Springs Police Department (CSPD) on 1/28/19 under case number 2019-0003501. I read the CSPD report. The report contained the following information. The reporting party was Cory Claussen, [REDACTED]. The handgun was stolen from the glove compartment of Claussen's vehicle. Claussen suspected someone at [REDACTED] stole his handgun.

I called Claussen, introduced myself and told him I was investigating the theft of his handgun. I told him I wanted to interview about the [REDACTED]. I ask Claussen if he was home. He said he was at work and would be home around 1700 hours.

I requested a trace of the handgun through the ATF National Tracing Center. I later received a Firearms Trace Summary for the handgun. The summary revealed Corey Brent Claussen, [REDACTED]

At about 1705 hours, I arrived at Claussen's address, [REDACTED], unit [REDACTED]. I knocked on the door and no one answered. I went to [REDACTED], unit [REDACTED] knocked on the door and no one answered. I did not see any surveillance cameras at the address. I went to [REDACTED] knocked on the door and no one answered. I did not see any surveillance cameras at the address. I checked the houses in the surrounding area and did not see any surveillance cameras.

At about 1725 hours, I knocked on the Claussen's door and he answered. I introduced myself and Claussen invited me in his house. Claussen showed me the receipt for the handgun. I photographed the receipt and included the photograph with this report.

The following information came from Claussen's statements and questions he answered in reference the theft. Claussen parked his truck on [REDACTED] near the corner with [REDACTED]. Claussen put his handgun the glove compartment and took a child in the house. About 5 to 10 minutes later, Claussen when to his vehicle to retrieve items. Claussen made about three trips between his vehicle and house. Claussen noticed the glove compartment was open and his handgun was missing the last time he went to his vehicle. Claussen cell phone and a tablet were still in the vehicle. Claussen heard a vehicle door close north of where his vehicle was parked. A white male with long hair walked from the area of the noise to [REDACTED]. Claussen thought the male got out of a van (Colorado license plate 314-CQC). Claussen knocked on the door of [REDACTED]. He told the person who answered the door his handgun was just stolen out of his vehicle. The person who answered the door let Claussen enter the house. There were six to seven people in the house. He asked if anyone saw any suspicious activity. The people stated they did not see anything. A male and female were acting nervous. They left the room twice, talked for a few minutes in another room and returned. Claussen thought it was suspicious a male asked the generation of the handgun. Claussen could not provide a detailed description of the people in the house. Claussen described the people associated to the address as white males and females in their early 20's. Claussen did not know the names of any of the people associated to the address.

At about 1750 hours, I noticed a vehicle arrived at [REDACTED]. I went to the address, knocked on the door and Ben Broadbent, [REDACTED] answered. I told him I was investigating the theft a handgun from his neighbors vehicle on 1/27/19. Broadbent said he was unaware of the theft. I told him Claussen came to the address that night and talked to people about the theft. Broadbent said he was not home when Claussen came over. Broadbent said he did three "full" evictions around that time. Broadbent said he had to get rid of the "riff raff" after he found out they used methamphetamine. Broadbent denied he had any knowledge of the theft.

I asked Broadbent if any of his roommates were home. He said his girlfriend was there. I asked if I could talk to her. Sage Baker, [REDACTED] came outside. I told her what I was investigating. She said she did not remember Claussen coming to the address. Baker said they have a lot of friends that come and go from the address. Baker denied she had any knowledge of the theft.

I heard Broadbent talking to a male inside of the house about the investigation. The male was identified as Daniel McArdle, [REDACTED]. McArdle told me he talked to Claussen the night of the theft and told Claussen he did not see anything suspicious. McArdle denied he had any knowledge of the theft. I asked them which of the former tenants they thought may have stole the handgun. Broadbent said Tony Walker. Baker said she did not think Walker would do that type of crime. I asked them to call me if they had any further information.

On 8/08/19, a check of DMV records revealed [REDACTED]

Case Status- SAO

EPSSO
12/02/19

El Paso County Sheriff
Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Brklich, Nickolas 05007**

Barcode	Item #	Item Type	Description
 1146791	13	CD/DVD(s)	VERBATIM Serial #:

Mandatory Info: **Evidence** PHONE CALL W/ GREG BAILEY

Collected by: Brklich, Nickolas 05007
Recovery Address: 27 E. VERMIJO AVE
Homicide #:

Evidence entered: 08/08/2019
Current Location: Evidence Facility Intake Lockers

EPSCO
12/02/19

Supplement 20190805 1623 Smith, Kurt 06017

Case Number: 19-11348
Date Reported: Saturday August 3, 2019
Case Title: Officer Involved Shooting
Detective Nickolas Brklich # 050071

This is a supplement to Case # 19-11348 Supp 3 Thursday August 8, 2019

On Monday August 5, 2019, at approximately 4:23 pm, Detective Sergeant K. Smith requested I make contact with the [REDACTED] of the deceased, Mr. Greg Bailey, and notify them the name and photo of his [REDACTED] was going to be released to the media. I attempted to contact Mr. Bailey at [REDACTED]-[REDACTED]-[REDACTED]. The call was answered by a recorded message. I left a message identifying myself and requested a return call.

At approximately 4:43 pm, I received a return call from Mr. Bailey. I informed him as to the nature of the contact and that his [REDACTED] name and photo would be officially released to the media. Mr. Bailey asked why since his name and photo has already been released. I explained that was a release from family or friends, however, law enforcement is required to make an official release. Mr. Bailey had additional questions about obtaining a copy of the report. I answered those questions and the phone call was ended.

A recording of the phone call was later burned to CD and placed into the EPSO evidence facility.

Case Status: SAO

EPSO
12/02/19

Narrative 2 PDF

2019-00011348 Supplement to Original Narrative

08/07/2019

Detective Jason Darbyshire (#11010)

On August 4, 2019 I, Detective Jason Darbyshire (#11010), received and reviewed the Body Worn Camera (BWC) footage related to this incident from the involved CSPD Officers. I watched the videos multiple times. These viewings happened prior to any interviews of the involved officers.

On August 7, 2019 I conducted a comprehensive review of the BWC footage. I conducted this review with information relayed to me from interviews of the involved officers, Lawrence Stoker, and the relevant facts known about this case. Neither Stoker nor the involved officers had the benefit of reviewing this footage prior to their preliminary statements made immediately following the incident.

It has been previously documented by me, that CSPD officers were responding to reports of an armed robbery in which Davon "Spaz" Bailey was named as an armed suspect (Ref. CSPD Case #19-28176). Sergeant Van't Land, along with Officers Gonzales, and Evenson arrive on scene within seconds of each other, and contact two male suspects who match the descriptions provided by the reporting party of the robbery.

Sergeant Van't Land can be heard in the BWC footage of all officers articulating the reason for the stop. He asks Davon and Lawrence "Can I talk to you a sec?" upon contact and describes the reason he would like to speak with them as having reports of someone with a gun in the area.

The following images and observations are made from the vantage point of Sergeant Van't Land's BWC during this contact:



Individuals (Bailey and Stoker), matching the description of the robbery suspects can be seen entering the roadway as Sergeant Van't Land enters the area.

EP SO
12/02/19



Stoker immediately raises his arms in the air despite no commands to do so and no weapons being displayed by arriving officers.



While describing the reason for the contact, Sergeant Van't Land asks Bailey, whose hand is in his pocket, and Stoker to put their hands up.



EP SO
12/02/19



Bailey initially complies, but is asked a second time to put his hands up as he continues to make furtive movements toward his waist area and pockets. Bailey and Stoker are advised they are going to be pat searched for a gun.



Upon hearing this information, Stoker looks at Bailey.



As officers approach Bailey, he reaches for his waistband as he sprints away.



As Bailey is turning to run, his right hand remains out of sight of the camera and Sergeant Van't Land draws his weapon.



Both of Bailey's hands remain out of view as he continues to run.

EP SO
12/02/19



EP SO
12/02/19



EP SO
12/02/19



He is told to put his hands up 3 times prior to any shots being heard in the footage.



An object can be seen protruding from between his legs as officers arrive at his location in the street after he has been shot.





Sergeant Van't Land acknowledges the item stating "He's got a fucking gun," and "He's got a gun in his pants." They are unable to remove the shorts Bailey is wearing and they are cut away by Sergeant Van't Land. As the shorts are discarded to render aid, a metallic sounding object can be heard striking the concrete.



The following images and observations are made from the vantage point of Officer Evenson's BWC during this contact:



As Officer Evenson arrives on scene, Officer Gonzales and Sergeant Van't Land can be seen contacting Bailey and Stoker who match the description of the robbery suspects. As Officer Evenson is approaching the two males, Bailey turns and sprints away.

EPSON
12/02/19



As Evenson closes in on Bailey, Sergeant Van't Land can be seen in the camera footage drawing his weapon.



As Bailey runs away, he can be seen on camera appearing to grab something between his legs.



Both of Bailey's hands remain out of view in the camera footage as he continues to run away. Officer Evenson draws his duty weapon.



You can hear "Put your hands up!" on the camera footage prior to the sound of shots being fired.



As Officer Evenson arrives at Bailey in the street, an object can be seen on camera protruding from between his legs.

EP SO
12102119



Evenson states "He's got something between his legs."

Sergeant Van't Land says "He's got a fucking gun," to which Evenson can be heard replying "Yeah."

Sergeant Van't Land states "He's got a gun in his pants."

Officer Evenson acknowledges "I can't get to it," at which point the decision is made to cut his shorts away.

The following images and observations are made from the vantage point of Officer Gonzales' BWC during this contact:



As Officer Gonzales approaches, Sergeant Van't Land can be seen addressing Bailey and Stoker. Bailey's left hand can be seen in the BWC footage near his pocket.

EP 90
12/02/19

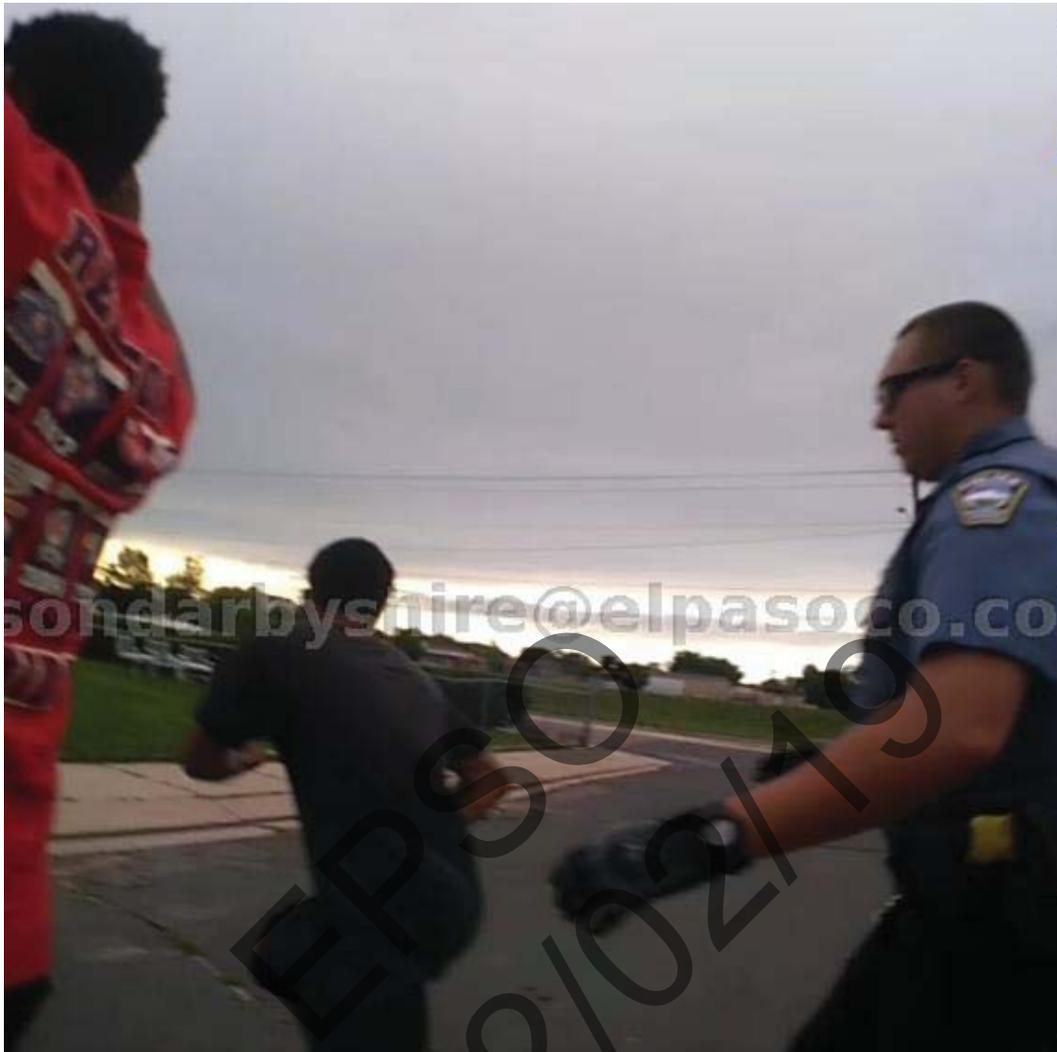


Bailey and Stoker can be seen raising their hands upon being instructed to do so by Sergeant Van't Land.

EPSSO
12/02/19



Stoker can be seen in the camera footage looking at Bailey upon the pair being notified they are going to be searched for a gun.



As Gonzales approaches the pair, Bailey turns to run. His right hand is in the area of his waistband on the camera footage as he runs away.



Bailey's right hand remains out of view of the BWC as he sprints away from officers on scene.



Gonzales detains Stoker as the others pursue Bailey.

The preceding images from the vantage point of all three BWC's during this contact can be used contextually to compare Stoker's statements to Detective Tremaine White about the shooting:

Stoker repeatedly referred to Davon as 'Spaz,' during his interview. Sergeant Van't Land can be heard in the footage asking Davon if he goes by Spaz. (stoker also calls Davon 'Gliz'). He relays Davon has had the gun for about a month and has been carrying it in his pocket with no holster.



Photo of gun with no holster, as it was collected on scene.

Stoker estimates he has seen Davon with the gun previously about "6 or 7 times."

Davon has been carrying the gun with him after he has been getting repeatedly beat up for "Child molest charges." According to Stoker, as police arrived in the area Davon told him "I have the gun on me bro."

Stoker didn't initially believe the police were there to contact he and Davon. He says as soon as the police brought up searching them for weapons, Davon took off running. He describes Davon prior to this as nervous and details his hand placement.

Stoker says he knew the people contacting them were the police because of their uniforms and cars. He states "You could tell the cop (Van't Land) knew something was going on." At one point Stoker says Davon hit the gun with his hand and it made an audible sound stating the "Cop heard it too." While Stoker initially admits he may have run as well, he later states "He shouldn't have ran. He should have told them (about the gun) and says Davon could have handled the situation better.

The entire incident from start to finish occurs within less than a minute.

Case Status: SAO

EP SO
12/02/19

Supplement Darbyshire, Jason 11010

This supplement contains a large amount of data which has been attached as a PDF document.

Supplement 20190805 Lowe, Jim 04074

Supplemental Narrative, Case #19-11348, Detective James Lowe #04074, 08/08/2019

On Monday, August 5, 2019, I, Detective James Lowe #04074, of the El Paso County Sheriff's Office (EPSO) Investigations Division, spoke with [REDACTED] [REDACTED] [REDACTED] [REDACTED] the mother of [REDACTED] [REDACTED] [REDACTED] [REDACTED] to set up an interview at Safe Passage, 423 S. Cascade Avenue.

[REDACTED] agreed to bring [REDACTED] to Safe Passage, on Tuesday August 6, 2019 at 8:00 am. I provided [REDACTED] with all the contact information for myself and Safe Passage.

Case Status: Same as Original

Supplement 20190807 1512 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

This is a taped supplement for Case #19-11348. Case title is Assist Outside Agency.

On August 7, 2019 at about 3:12 pm, I, Detective Montville, received an email from Alcohol, Tobacco and Firearms Task Force Officer Glenn Boarman. Attached to the email were the results of the E-trace Detective Boarman had conducted on a Glock 19 nine-millimeter firearm, bearing serial: # [REDACTED].

The purchaser was identified as Corey Brent Claussen with an associated address of [REDACTED] [REDACTED] [REDACTED] in [REDACTED] [REDACTED] [REDACTED]. Claussen's date of birth was identified in the E-trace as [REDACTED] [REDACTED] [REDACTED]. The date of purchase was February 3, 2014.

The dealer information associated with the E-trace was identified as Sportsman's Warehouse #138 located at 555 North Chelton Road, Colorado Springs, Colorado 80909.

Nothing follows.

Case Status: Active.

(Typed from digital narrative/NT)

Supplement 20190807 1240 Montville, Lisa 01060

This is a taped supplement for Case #19-11348. Case title is Assist Outside Agency.

On August 7, 2019, at about 12:40 pm, I, Detective Montville, received a telephone call from Alcohol, Tobacco and Firearms Task Force Officer Glenn Boarman. Detective Boarman told me that the Glock 19 nine-millimeter pistol bearing Serial # [REDACTED] had been reported stolen. Detective Boarman stated he verified the pistol was stolen via NCIC. An associated Colorado Springs Police Department case number of 19-3501 was then located in the Colorado Springs Police Department's records management system.

I viewed the report and I learned that the pistol was reported stolen on January 27, 2019 between 9:00 pm and 10:00 pm. The pistol was stolen from [REDACTED] located in Colorado Springs, Colorado. The reporting party and victim had been identified as Corey Claussen [REDACTED] Claussen had stated in the report that his pistol was stolen from an unlocked vehicle parked near his home. Claussen's residence was identified as [REDACTED] Unit # [REDACTED]

A copy of the case report is included with this supplement.

Nothing follows.

Case Status: Active.

(Typed from digital narrative/NT)

EP SO
12/02/19

El Paso County Sheriff
Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Bauman, Michael 14003**

Barcode	Item #	Item Type	Description
 1146769	10	CD/DVD(s)	SMARTBUY Serial #: 1

Mandatory Info: **Evidence**

CD CONTAINING CELLEBRITE OF LG WAIVER PHONE

Evidence entered: 08/07/2019
Current Location: Investigations

Collected by: Bauman, Michael 14003
Recovery Address: OTS
Homicide #:

EPSCO
12/02/19

Supplement 20190806 Bauman, Michael 14003

Case Number: 19-11348 Date: August 7, 2019

1

On August 6, 2019, I, Detective Michael Bauman #14003, of the El Paso County Sheriff's Office Investigations Division was assigned the following device by Detective Lowe:

Black LG LM-X410TK K30 Cell phone IMEI: [REDACTED]

At the time of the examination, I observed cracks on the front screen of the phone and dents on the rear cover. I photographed the device and placed copies of the photos into the case file. I also manually obtained video of Snapchat videos accessible through the device and place them into the case file.

I connected the device to a Cellebrite 4PC System and conducted a logical extraction of the data contained therein. This extraction completed successfully. I created a Cellebrite report of the data obtained. Please see the Cellebrite report for details.

I copied the report to optical media, which I placed into evidence under item #10.

I have nothing further at this time.

Case Status: SAO

EP SO
12/02/19



El Paso County Sheriff's Office



CELLULAR TELEPHONE SEARCH WAIVER

I, [REDACTED], after having been informed of my Constitutional right not to have a search made of the Cellular Telephone described below without a search warrant and of my right to refuse to consent to search, hereby authorize Deputies Low and/or Designee of the El Paso County Sheriff's Office, to conduct a complete search and to download and seize any and all information to include but not limited to; complete call history, phone directory, text messages (SMS and MMS), digital pictures, videos, internet history, and any other data accessible by said device, that may be found on the cellular telephone, and/of attached memory card, described as:

LGK30 [REDACTED] used by [REDACTED]

This includes having the media and data contained within such items, analyzed by authorized personnel who have the specialized training necessary to conduct such an examination.

I am giving this written permission to the above named Deputies voluntarily and without threats or promises of any kind.

Signature: [REDACTED] Date: 8/6/19

Witness: [Signature]

Photocopy as valid as original

Civil Process Unit
210 South Tejon St. • Colorado Springs, CO 80903
719-520-7144



Office of the Sheriff
27 East Vermijo Ave. • Colorado Springs, CO 80903
719-520-7100
www.epcsheriffsoffice.com

Criminal Justice Center
2739 E. Las Vegas St. • Colorado Springs, CO 80906
719-390-2106

El Paso County Sheriff
Property Invoice



Case Number: 2019-00011348

Submitting Deputy: Lowe, James 04074

Barcode	Item #	Item Type	Description
 1146730	7	CD/DVD(s)	Serial #: 1.00
Mandatory Info: Evidence		CD ROM WITH [REDACTED] SAFE PASSAGE INTERVIEW (2) PAGES DRAWING AND NOTES	Evidence entered: 08/06/2019 Current Location: Evidence Facility Intake Lockers
Collected by: Lowe, James 04074 Recovery Address: 423 S. CASCADE AVE Homicide #:			

EPSCO
12/02/19

Supplement 20190806 1615 Lowe, Jim 04074

Supplemental Narrative, Case #19-11348, Detective James Lowe #04074, 08/08/2019

On Tuesday, August 6, 2019, I, Detective James Lowe #04074, of the El Paso County Sheriff's Office (EPSO) Investigations Division, learned at the interview of [REDACTED] [REDACTED] at Safe Passage, that she made a video of the scene of the shooting with her cell phone.

I asked [REDACTED] how she recorded this video and she told me through her social media account in SnapChat. I then spoke with [REDACTED] her mother and asked her if she would be willing to allow [REDACTED] phone to be searched. [REDACTED] agreed to allow the phone to be searched. She reviewed and signed a voluntary search waiver allowing [REDACTED] phone to be searched. [REDACTED] said she would allow the search to occur as well.

[REDACTED] removed the password from her phone and I took the phone to Detective Michael Bauman for the search. The search was performed by Detective Bauman. He then gave the phone back to me to return it to [REDACTED]

At approximately 4:15 PM, I responded to 3010 East Bijou Street and met [REDACTED] in the parking lot and returned the phone to her.

The signed waiver was placed into evidence under this case number. A copy of the waiver was attached to this report.

Case Status: Same as Original

Supplement 20190808 1111 Brklich, Nick 05007

Case Number: 19-11348

Date Reported: Saturday August 3, 2019

Case Title: Officer Involved Shooting

Detective Nickolas Brklich # 050071

This is a supplement to Case # 19-11348 Supp 4 Thursday August 8, 2019

On Thursday August 8, 2019, at approximately 11:11 am, I, Detective N. Brklich and Detective Jennifer Arndt, arrived at [REDACTED] [REDACTED] located in the unincorporated area of El Paso County, State of Colorado, attempting to contact Mr. [REDACTED] and his parents.

Upon arrival, I approached the front door to the residence while Detective Arndt remained at the garage door. Immediately upon ringing the doorbell I could hear people running inside the house. I glanced back at the picture window behind me and observed the window blinds pull away from the window and then close. I then heard an unknown person say something about not talking. After waiting approximately 20 seconds I knocked on the door and announced "[REDACTED] this is the sheriff's office, can I talk to you?" There was no answer. I waited approximately 15 more seconds and knocked again. This time I announced "[REDACTED] this is Detective Brklich, can I talk to you for a minute?" Again, there was no answer. I then walked away from the front door telling Detective Arndt they were not going to answer the door. We departed the area at approximately 11:15 am.

At approximately 11:17 am, EPSO Dispatch provided several possible phone numbers for the residence. Detective Arndt was able to contact an unknown female at [REDACTED] [REDACTED] [REDACTED]. The female identified herself as Ms. [REDACTED] [REDACTED] [REDACTED] mother. Detective Arndt attempted to explain why we were calling and would like to talk to her son. Ms. [REDACTED] immediately began yelling about being at her house, banging on the door and scaring her kids. Before Detective Arndt could respond an unknown male came on the phone stating he was [REDACTED] father and began yelling the same things. He also requested we meet them at the McDonalds located in Falcon, CO. We agreed to meet them there.

Upon arrival to the McDonalds, at approximately 11:29 am, I backed my vehicle into a parking space in the furthest row from the store. This would be the northeast corner of the lot. At approximately 11:31 am, an unknown male and female came around the corner of the van parked next to me. I immediately observed the female holding a cellphone and appeared to be recording. Detective Arndt and I attempted to introduce ourselves to the couple. Both parties immediately began yelling at us, not allowing us to explain why we were attempting to make contact at their residence.

After refusing to shake my hand or introduce himself the male party stated he would not shake hands as he has no respect for my profession. During this interaction, I believe Mr. [REDACTED] asked who was knocking on the door. I stated it was me knocking. Ms. [REDACTED] began accusing me of banging on their glass and banging on their door, scaring their little children. She also asked me if I heard their little children. I stated I did. She also stated it was all recorded. Mr. [REDACTED] was also asking who was at their house. I stated myself and Detective Arndt were the only two at the residence. It appeared Mr. [REDACTED] believed there were more deputies than just two. I eventually was able to explain a video of their son, [REDACTED] had been posted to snapchat or Instagram of him holding and pointing a gun toward the camera. He then panned up and showed Devon Bailey also in the vehicle. I explained we just wanted to find out when

this video was taken. Ms. [REDACTED] immediately began yelling about being in the vehicle when this happened and stated the gun was fake. She also asked if we were trying to put her son on this. I explained we just wanted to know when the video was made. Ms. [REDACTED] continued to yell at us using profane language the entire time and referring to both Detective Arndt and I as “niggers”. She used this term continuously throughout the contact. Ms. [REDACTED] also told me we could get on the internet and find out when this video was taken. She refused to state when it was made or posted.

Throughout this entire contact Mr. [REDACTED] was also continually yelling and cursing at us while his wife continued to record. Detective Arndt and I made the decision to end the contact and return to my vehicle. Mr. [REDACTED] and Ms. [REDACTED] remained in front of my vehicle for a brief minute with Ms. [REDACTED] recording Mr. [REDACTED] at such an angle as to capture my vehicle in the background. Mr. [REDACTED] eventually moved away from the front of my vehicle allowing me to make a hard right turn to avoid any type of contact with them. Detective Arndt and I departed the parking lot at approximately 11:36 am.

Case Status: SAO

EP SO
12/02/19



El Paso County Sheriff's Office



Search Waiver

DEPUTY: LOWE, JAMES IBM: 04074 CASE#: _____
(print name) (if applicable)

I, [redacted], date of birth [redacted],
(name of person authorizing search) (mm/dd/yy)

after having been informed of my Constitutional Rights not to have a search made of the

premises vehicle (describe), [redacted]
COBRA DVR System

hereinafter mentioned without a Search Warrant and of my right to refuse to consent to

search, hereby authorize: EPSO Detectives or Designee
{names of person(s) performing the search}

to conduct a complete search of the NS premises, _____ vehicle, and
(initials) (initials)

any attachments and/or improvements thereon, located

at: [redacted] / COBRA DVR System

These Deputies/Officers are authorized by me to take from my MSD premises,
_____ vehicle, any letters, papers, materials or other
(initials) (initials)

property which they may desire. This written permission is being given by me to the
above named Deputies/Officers voluntarily without threats and/or promises of any kind.

Signed: [redacted] Date: 8/5/19 Time: 1218

Witness: [signature] 04074

Witness: _____

COPY AS VALID AS ORIGINAL

REVISED 01/16/15

Civil Process Unit
210 South Tejon St. • Colorado Springs, CO 80903
719-520-7144



Office of the Sheriff
27 East Vermijo Ave. • Colorado Springs, CO 80903
719-520-7100
www.epcsheriffsoffice.com

Criminal Justice Center
2739 E. Las Vegas St. • Colorado Springs, CO 80906
719-390-2106

El Paso County Sheriff
Property Invoice



Case Number: 2019-00011348

Submitting Deputy: Lowe, James 04074

Barcode	Item #	Item Type	Description
 1146695	3	Search Warrant/Waiver	Serial #: 1.00
Mandatory Info: Evidence		SEARCH WAIVER FOR COBRA DVR SIGNED BY [REDACTED]	
Collected by: Lowe, James 04074	Evidence entered: 08/05/2019		
Recovery Address: [REDACTED]	Current Location: Tape Box		
Homicide #: C-1			

EPSCO
12/02/19

Supplement 20190805 1200 Lowe, Jim 04074

Supplemental Narrative, Case #19-11348, Detective James Lowe #04074, 08/8/2019

On Monday, August 5, 2019, at approximately 12:00 PM, I, Detective James Lowe #04074, along with Detective Michael Bauman of the El Paso County Sheriff's Office (EPSO) Investigations Division, responded to the area of 2100 block of Preuss Road to conduct follow up on this case.

I was informed prior to responding to this area by Detective Jason Darbyshire that the resident [REDACTED] at [REDACTED] [REDACTED] # [REDACTED] had surveillance footage pertaining to this incident. I was informed this footage was captured and contained on a personal home surveillance system and Digital Video Recorder (DVR).

Detective Bauman and I drove through the neighborhood prior to stopping at [REDACTED] [REDACTED] [REDACTED]. At the northeast corner of Preuss Road and Boggs Place I observed that the sign identifying Adams Park had been vandalized with blue paint. The blue markings appeared to be handprints and "CIP". Multiple internet Google search results showed that the color blue was associated to the criminal street gang group called the "Crips" and "CIP" marked in blue likely meant Crip In Peace.

Upon my arrival in the area I observed a black male standing in the street in the area of the shooting and temporary community memorial consisting of flowers, candles, and chalk markings on the street. This male remained in the middle of the street staring at both Detective Bauman and I with his arms crossed across the front of his body. I made eye contact with him and waived. I verbally greeted him and he did not respond and only continued to stare at me with his arms crossed. I did my best to be aware of his location without causing a confrontation. I observed him use his phone to possibly photograph Detective Bauman and I and then make a phone call. I observed him get into an early green or light blue 2000s Infinity Sedan and leave the area.

I arrived at apartment # [REDACTED] and contacted [REDACTED]. He said he and his wife live at the apartment and he installed a video surveillance system approximately one year prior due to increased criminal activity around his apartment building. [REDACTED] said there was footage that showed a male fall down on Preuss Road associated to the shooting. I did not view the video surveillance. [REDACTED] agreed to sign a voluntary search waiver allowing the El Paso County Sheriff's Office to take and search the DVR. He said he would help in any way he could. He disconnected the DVR and gave it to Detective Bauman. The waiver was placed into evidence and a copy was attached to this supplement.

When I left [REDACTED] apartment I observed the male return to the area in his Infinity sedan. He again stood in the area of the shooting and stared at Detective Bauman and I.

Detective Bauman and I then responded to [REDACTED] [REDACTED] # [REDACTED]. I knocked and did not contact anyone. I left a business card in the door.

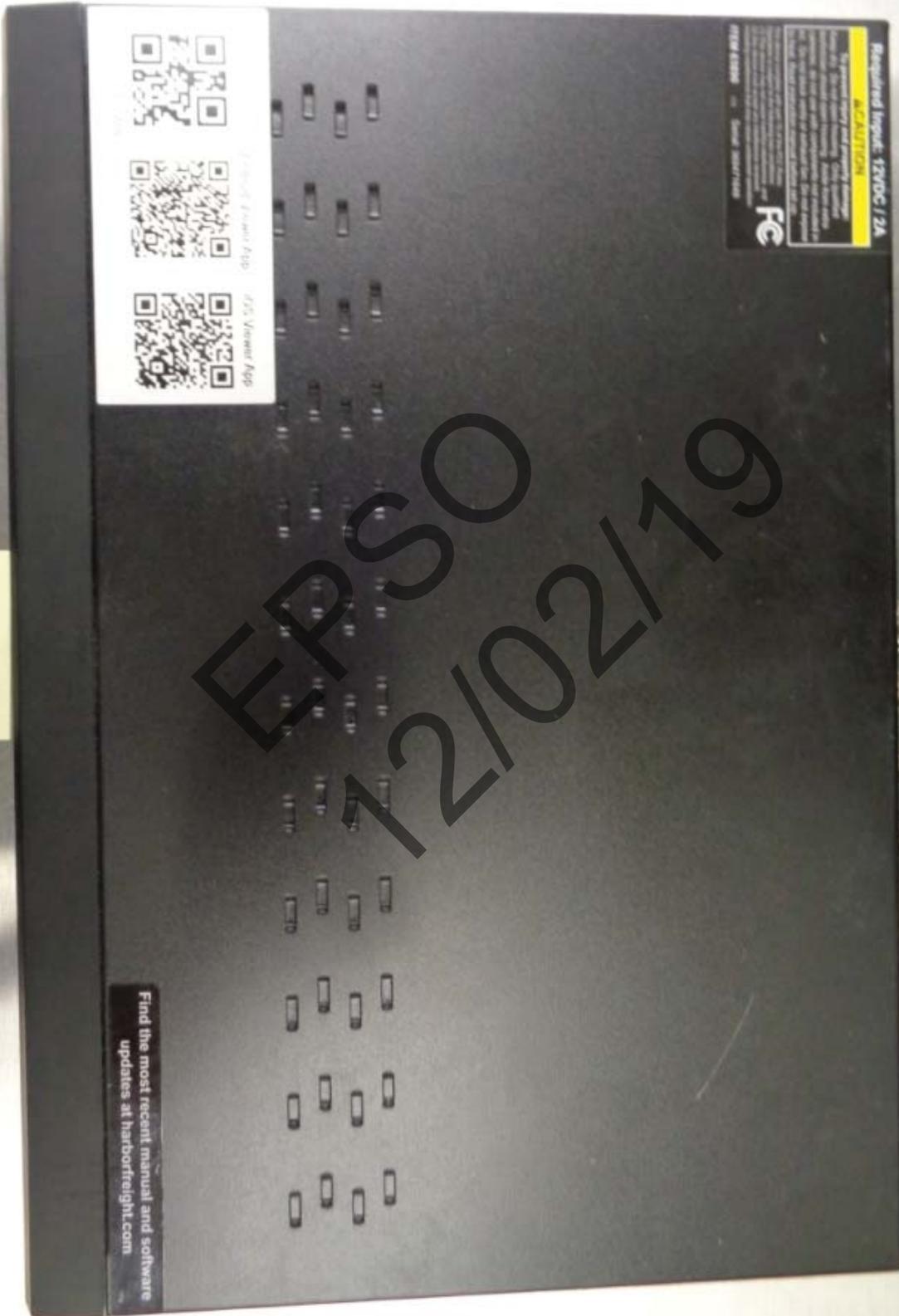
I did not see the male again after leaving apartment # [REDACTED].

Detective Bauman and I then responded to [REDACTED] [REDACTED] # [REDACTED] and contacted [REDACTED] Ms. [REDACTED] was a possible witness to the shooting in this case. I asked her if she would be willing to come to the Sheriff's Office to be interviewed. She said she was "working with the family" and had been instructed by an attorney to not to talk to anyone. I informed her she was not being accused of anything and I believed what she observed was important. I told her I would talk with her with the attorney present if she liked. She said she would contact the attorney and call me back. She provided me with her contact phone number [REDACTED] and her email [REDACTED]. I gave her my business card and she would contact me soon.

Detective Bauman and I left the area. As we were driving westbound on Fountain Boulevard approaching northbound Wahsatch Avenue we were passed by a large Ford SUV followed by a small sedan. The occupants of these vehicles looked at our vehicles and began yelling expletives at Detective Bauman and I. I clearly heard them yell "fucking pigs". This area is close to the Colorado Springs Police Operations Center at 705 South Nevada Avenue. I heard later a group of protesters had been demonstrating at the building around that time.

Case Status: Same as Original

19-11348



EPSON
12/02/19

bottom





#9 Invoice

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Bauman, Michael 14003**

Barcode	Item #	Item Type	Description
 1146763	9	Hard Drive(s)	SEAGATE BARRACUDA 7200.11 Serial #: [REDACTED] SILV 30
Mandatory Info: Evidence		HDD CONTAINING E01 AND DVR CLIP FROM WAIVER DVR	
Collected by: Bauman, Michael 14003		Evidence entered: 08/07/2019	
Recovery Address: OTS		Current Location: Investigations	
Homicide #:			

EPSCO
12/02/19

Supplement 20190805 Bauman, Michael 14003

Case Number: 19-11348 Date: August 7, 2019

1

On August 5, 2019, I, Detective Michael Bauman #14003, of the El Paso County Sheriff's Office Investigations Division went to [REDACTED] Colorado Springs, Colorado to obtain video surveillance footage from a DVR system.

At the location, Detective Lowe obtained a search waiver for the DVR system. Please see Detective Lowe's report for details. I took possession of the system. It was identified as a Cobra Model 63890 DVR system.

Upon returning to the digital forensics office, I photographed the device and removed its 1 TB Toshiba DT 01ACA100, serial number: [REDACTED], hard drive. I used FTK Imager software to create a forensic image of the contents of the drive. The DVR was then reassembled and returned to its owner.

The following day, I used DVR Examiner Software to process the E01 file of the hard drive. Upon completion, I was able to isolate a video clip, DVR_Examiner_Preview_Clip_2759_08-06-2019 170154, for the time in question. I provided this clip to Detective Montville for in depth review. I then placed the E01 image and the video clip onto a hard drive, which I placed into evidence under item number 9.

I have nothing further at this time.

Case Status: SAO

Supplement 20190807 1038 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 7, 2019, at about 10:38 a.m., I, Detective Montville received an email from Shawn Schilling with the Colorado Springs Fire Department. Attached to the email were the patient care reports generated by the Colorado Springs Fire Department for Bailey. A copy of the reports are attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190807 1445 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

This is a taped supplement for Case #19-11348. Case title is Assist Outside Agency.

On August 7, 2019, at about 2:45 pm, I, Detective Montville, was conducting follow-up on this case. On this date, I had asked for assistance from Detective Jason Darbyshire. I had Detective Darbyshire respond to the Colorado Springs Metro Crime Lab, located at 705 South Nevada Avenue, in Colorado Springs, Colorado to verify the serial number from the Glock pistol recovered from Bailey's person.

Detective Darbyshire went to the Metro Crime Lab and verified that the serial number on the Glock 19 nine-millimeter pistol as [REDACTED] and not [REDACTED] as it had been documented in the original El Paso County Sheriff's Office call screen on August 3, 2019.

Nothing follows.

Case Status: Active.

(Typed from digital narrative/NT)

Evidence Voucher

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Montville, Lisa 01060**

Barcode	Item #	Item Type	Description
 1146790	12	Memory Stick(s)/Card(s)	Serial #: ONE JUMPDRIVE CONTAINING DIGITAL PHOTOGRAPHS OF SCENE AND AUTOPSY COLLECTED BY THE METRO CRIME LAB
Mandatory Info: Evidence			Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers
Collected by: Montville, Lisa 01060			
Recovery Address: [REDACTED]			
Homicide #:			

EPSCO
12/02/19

Supplement 20190807 1300 Montville, Lisa 01060

This is a taped supplement for Case Number 19-11348, Assist Outside Agency.

On August 7, 2019, at about 1:00 p.m., I, Detective Montville, received a hard drive from the Colorado Springs Metro Crime Lab. On the hard drive were digital photographs of the shooting scene, located on or near 2100 Preuss Road, in Colorado Springs, Colorado. Digital photographs of Bailey's autopsy were also on the hard drive.

I copied all of the digital photographs onto a jump drive and entered the jump drive into the El Paso County Sheriff's Office Evidence Facility under Item Number 12. A copy of the evidence voucher is attached to this supplement.

Nothing follows.

Case Status: Active.

(typed from digital narrative/KR)

EP SO
12/02/19

El Paso County Sheriff
Property Invoice



Case Number: 2019-00011348

Submitting Deputy: Arndt, Jennifer 06095

Barcode	Item #	Item Type	Description
 1146815	14	Clothing	Serial #: 1
Mandatory Info: Evidence		UNIFORM PANTS FROM OFFICER ALAN VATLAND	
Collected by: White, Tremaine 06097		Evidence entered: 08/08/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			
 1146820	15	Ammunition	Serial #: 1
Mandatory Info: Safekeeping		1 WEAPON MAGAZINE WITH 17 ROUNDS OF AMMUNITION	
Collected by: White, Tremaine 06097		Evidence entered: 08/08/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			
 1146822	16	Knife/Sword/Blade	POCKET KNIFE Serial #: 1
Mandatory Info: Evidence		BLACK POCKET KNIFE BELONGING TO OFFICER ALAN VATLAND	
Collected by: White, Tremaine 06097		Evidence entered: 08/08/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			
 1146824	17	Ammunition	Serial #: 1
Mandatory Info: Safekeeping		1 WEAPON MAGAZINE WITH 17 ROUNDS OF AMMUNITION	
Collected by: White, Tremaine 06097		Evidence entered: 08/08/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			
 1146825	18	Ammunition	Serial #:
Mandatory Info: Safekeeping		12 ROUNDS OF AMMUNITION	
Collected by: White, Tremaine 06097		Evidence entered: 08/08/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			
 1146827	19	Weapon Magazine(s)	Serial #: 1
Mandatory Info: Safekeeping		WEAPON MAGAZINE BELONGING TO OFFICER ALAN VATLAND	

El Paso County Sheriff
Property Invoice



Case Number: 2019-00011348

Submitting Deputy: Arndt, Jennifer 06095

Barcode	Item #	Item Type	Description
<p>Collected by: White, Tremaine 06097 Recovery Address: 705 S NEVADA AVE Homicide #:</p>			
<p>Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers</p>			
	20	Firearm	SMITH AND WESSON SPRINGFIELD Caliber: 9mm Serial #: [REDACTED] BLACK 1
Mandatory Info: Safekeeping		1 FIREARM WITH TACTLIGHT BELONGING TO OFFICER ALAN VATLAND	
<p>Collected by: White, Tremaine 06097 Recovery Address: 705 S NEVADA AVE Homicide #:</p>			
<p>Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers</p>			
	21	Weapon Magazine(s)	Serial #: 1
Mandatory Info: Safekeeping		EMPTY WEAPON MAG BELONGING TO OFFICER BLAKE EVENSON	
<p>Collected by: McCormack, Courtney 13150 Recovery Address: 705 S NEVADA AVE Homicide #:</p>			
<p>Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers</p>			
	22	Ammunition	Serial #: 1
Mandatory Info: Safekeeping		1 WEAPON MAGAZINE WITH 17 ROUNDS OF AMMO FROM OFFICER BLAKE EVERSON	
<p>Collected by: McCormack, Courtney 13150 Recovery Address: 705 S NEVADA AVE Homicide #:</p>			
<p>Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers</p>			
	23	Ammunition	Serial #: 1
Mandatory Info: Safekeeping		1 WEAPON MAGAZINE WITH 17 ROUNDS OF AMMO BELONGING TO BLAKE EVENSON	
<p>Collected by: McCormack, Courtney 13150 Recovery Address: 705 S NEVADA AVE Homicide #:</p>			
<p>Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers</p>			
	24	Ammunition	Serial #: 1
Mandatory Info: Safekeeping		16 ROUNDS OF AMMUNITION BELONGING OT OFFICER BLAKE EVERSON	
<p>Collected by: McCormack, Courtney 13150 Recovery Address: 705 S NEVADA AVE Homicide #:</p>			
<p>Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers</p>			
	25	Firearm	SMITH AND WESSON SPRINGFIELD Caliber: 9mm Serial #: [REDACTED] BLACK 1

El Paso County Sheriff
Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Arndt, Jennifer 06095**

Barcode	Item #	Item Type	Description
Mandatory Info: Safekeeping		DUTY FIREARM WITH TACTLIGHT BELONGING TO OFFICER BLAKE EVENSON	Evidence entered: 08/08/2019 Current Location: Evidence Facility Intake Lockers
Collected by: McCormack, Courtney 13150			
Recovery Address: 705 S NEVADA AVE			
Homicide #:			

EP SO
12/02/19

On Thursday, August 8, 2019 at approximately 10:40 am, I, Detective Jennifer Arndt of the El Paso County Sheriff's Office (EPSO) Investigations Division, assisted Detective Nick Brklich with attempting to contact [REDACTED] [REDACTED] [REDACTED] at his residence located at [REDACTED] [REDACTED] [REDACTED] located in El Paso County, State of Colorado.

Detective Brklich advised me he was contacting [REDACTED] because he received a video in which [REDACTED] was holding a gun with Devon Bailey sitting next to him in a vehicle wearing the same shirt he was wearing the day of occurrence for this case.

Detective Brklich and I arrived at the residence at approximately 11:09 am. The house is a two story single family home with a two car attached garage. Detective Brklich proceed to the front door as I stood by the garage door close to the front door. Detective Brklich rang the doobell and I was able to hear what appeared be an adult male voice and a young child's voice. I then observed an unknown person peak through a set of blinds from the front window that is directly next to the front door. I then heard no further noise coming from inside the house. Detective Brklich waited approximately a minute before he knocked on the door; however, when no one answered the door Detective Brklich again knocked on the door, he identified himself as Detective Brklich with the EL Paso County Sheriff's Office and asked to speak to [REDACTED] [REDACTED]. When there was no response, Detective Brklich and I exited the residence.

I contacted the El Paso County Dispatch and asked if they could find a telephone number for the residence and provided # [REDACTED] [REDACTED]. When I called the number a female answered the phone and I asked to speak with [REDACTED] [REDACTED]. When the female asked who I was, I identified myself as a Detective with the El Paso County Sheriff's Office and the female identified herself as [REDACTED] mother, [REDACTED] [REDACTED]. When I attempted to explain why I was contacting her, [REDACTED] began yelling about banging on her door and scaring her kids. I continued to attempt to explain to Chequilla the reason for my contact she continued to yell and then a male party got on the telephone and identified himself as [REDACTED] father and continued to yell in the phone; however, he agreed to meet us at the McDonalds located in Falcon.

Detective Brklich backed into a parking spot located at the back northeast portion of the McDonald's parking lot. After a short wait I observed a female walk towards our vehicle with her cell phone in hand, holding it straight out and appeared to be recording us. I exited the vehicle and attempted to introduce myself and shake her hand; however, she stated she does not shake police hands. A male party also approached us and when Deputy Brklich attempted to shake his hand he made a statement he does not respect law enforcement anymore and refused to shake his hand. Both the female and male party continued to yell at us and not allowing us to speak or explain or reason for contact. Both continued to yell about banging on the door and the glass, and asking if we were the only two that were at their house and making reference there that other law enforcement officers were there. While in the parking lot there was a female in a white SUV parked next to us in which both parties made statements that the female was also with us.

As Detective Brklich and I continued to explain our reason for contact we were repeatedly yelled and cursed at, not allowed to finish our sentences, continued to move around and waive their arms, repeatedly called us "niggers," as the female was recording us with her cell phone. Detective Brklich was able to explain the video and reason for contact, and the female party continued to be agitated and yelled the video was taken a long time ago when they were leaving Wal-Mart, the gun wasn't real, and she was in the vehicle. When Detective Brklich asked how long ago the video was made, the female yelled that we were the cops and we should have that information and refused to provide any further information.

Due to the continued high emotions the male and female party displayed, Detective Brklich and I made the decision to end the contact. We returned to the vehicle as the female continued to record us and the male party yelling as they stood in front of our vehicle. When the male party moved a little to one side, Detective Brklich was able to maneuver the vehicle around them and we left the area.

At approximately 12:10 pm, I was asked by Sgt. Kurt Smith to place the following items into evidence that were currently in a locked locker located at the El Paso County Evidence Facility.

Items located in locked locker #100 with business card from Detective Termaine White taped to the front of the locker door:

- Uniform Pants from CSPD Officer Alan Vatland placed into evidence under item #14
- 1 Weapon Magazine with 17 rounds of ammunition from CSPD Officer Alan Vatland placed into evidence for safekeeping under item #15
- Black Pocket knife belonging to CSPD Officer Alan Vatland placed into evidence under item #16
- 1 Weapon Magazine with 17 rounds of ammunition from CSPD Officer Alan Vatland placed into evidence for safekeeping under item #17
- 12 rounds of ammunition from CSPD Officer Alan Vatland placed into evidence for safekeeping under item #18
- 1 empty Weapon Magazine from CSPD Officer Alan Vatland placed into evidence for safekeeping under item #19
- 1 Firearm (Black Smith & Wesson Springfield 9mm, serial [REDACTED]) belonging to CSPD Officer Alan Vatland placed into evidence for safekeeping under item #20.

Items located in locked locker #102 with a business card from Detective Courtney McCormack:

- 1 empty Weapon Magazine from CSPD Officer Blake Evenson placed into evidence for safekeeping under item #21
- 1 Weapon Magazine with 17 rounds of ammunition from CSPD Officer Blake Evenson placed into evidence for safekeeping under item #22
- 1 Weapon Magazine with 17 rounds of ammunition from CSPD Officer Blake Evenson placed into evidence for safekeeping under item #23
- 16 rounds of ammunition from CSPD Officer Blake Evenson placed into evidence for safekeeping under item #24
- 1 Firearm (Black Smith & Wesson Springfield 9mm, serial [REDACTED]) belonging to CSPD Officer Blake Evenson placed into evidence for safekeeping under item #25

EPSSO
12/02/19

METRO CRIME LABORATORY

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7924

LABORATORY REPORT

Requesting Agency: Case No.: 19-00707
El Paso County Coroner
2741 E Las Vegas St
Colorado Springs, CO 80906

Lab Case Number: 19MCL01868

Unit: Latent Prints

Analyst: Amanda Kimball, 4867

Request Submitted By: Deputy Jerry Fraser

Request Date: Mon Aug 05, 2019

Subject: BAILEY, Devon

Report Date: Mon Aug 05, 2019

DOB: 08/18/1999

REQUESTED SERVICE - [Latent Print - Examination]

EVIDENCE ITEMS

Barcode (Item No.)	Item description
4867 A-01 (A-01)	RECORDED 10-PRINT IMPRESSIONS TAKEN AT AUTOPSY #19-00707.

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

INITIAL REVIEW

Barcode	Total Cards	Prints Reviewed	Prints Of Value (OV)	Date Started
4867 A-01	1	1	1	08/05/2019

ANALYSIS

Inked Fingerprint 01 observed on Item: 4867 A-01 recovered by Amanda Kimball (4867) from the right index finger recorded at autopsy #19-00707.

COMPARISON

Inked Fingerprint 01 observed on Item: 4867 A-01 was compared to the record prints of Devon BAILEY DOB: 08/18/1999 resulting in an identification to the right index finger.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT

Akimball, 4867

Assigned Analyst Amanda Kimball | 4867 Latent Print Analyst 08/05/2019 14:20



METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: **19MCL01868**

Agency Case No.: **1900707 (EPCC)**

Appendix A

Significance of the conclusions reached in latent print examination are as follows:

Identification: Sufficient quantity and quality of friction ridge detail was observed in agreement between a friction ridge impression and a record print.

Inconclusive: Sufficient quantity and quality of friction ridge detail was not observed in agreement or disagreement between a friction ridge impression and a record print.

Exclusion: Sufficient quantity and quality of friction ridge detail was observed in disagreement between a friction ridge impression and a record print.

EPSSO
12/02/19

Supplement 20190806 0654 Darbyshire, Jason 11010

On August 6, 2019 at approximately 6:54 am, I, Detective Jason Darbyshire (#11010), received a report from the El Paso County Coroner's Office verifying a positive identification of Devon Bailey (DOB: 08/18/99), as the decedent in this case.
A copy is attached to this report.
Case Status: SAO

Gonzalez Interview

INTERVIEW WITH OFC. RICHARD GONZALEZ

Q=Det. Jon Price

A=Ofc. Richard Gonzalez

A: ...sir.

Q: I think you sit there.

A: Okay. I've never used one of these rooms before so...

Q: I'm - I'm just gonna sit here too since all the cameras point this way.

A: Okay.

Q: (Get my) phone here. You all right, man?

A: Yeah.

Q: All right. What is your first name?

A: I'm Richard.

Q: Richard, okay. There's my card.

A: I'll give you my card too.

Q: You know it's (unintelligible).

A: Thank you.

Q: How long have you been with CSPD?

A: Um, started the academy two years ago.

Q: Two years ago.

A: So been on patrol for over a year now.

Q: Okay. And you were with TSA before that.

A: Mm-hm.

Q: Cool.

((Crosstalk))

Q: Nice to have a (unintelligible).

A: Yeah, you know, this was mainly what I wanted to do so (unintelligible) kinda things.

Q: Right. Are you assigned Gold hill or where?

A: I'm actually assigned in the Creek.

Q: Oh Creek. Okay, cool. And has that been your entire assignment or where else have you been?

A: Uh, I did, like, a short like five-month stint, four-month stint here in (Coolville).

Q: Uh-huh.

A: Um, and then I went right back to the Creek. But I've pretty much always been in the Creek.

Q: Okay, what shifts have you worked?

A: So besides, like, PTO I've always been on swings.

Q: Oh okay.

A: Yeah.

Q: And you're on swings right now I take it.

A: Mm-hm.

Q: Okay, cool. All right, well why don't you just start at the beginning kinda walk me through, uh, what happened this evening.

A: So Sergeant Vantland and, um, Officer Evenson and I were on the call at 2010 Carmel Drive that were along the apartments...

Q: Mm-hm.

A: ...for a kidnapping. We were all there working on that when we heard the, um, tones for a robbery come in. So we clear, we all get sent on that. Um, and the details on the screen were a personal robbery with a weapon. Um, and the victim was being followed by the suspects. Um, that's what it came in as. So we had a general area of John Adams Elementary School. As we're going there, there were other units that were already on it. Um, a couple of the units had met the victim at that eastbound boulevard address. I don't remember what it was off the top of my head.

Q: Yeah.

A: So Sergeant, Vantland and I were checkin' the area. Um, so we started checkin' the area, checkin' the area around the school, lookin' for the suspects, um, and then we started to drive just south of the school when we started to drive on Doniphan. So, um, as we were driving around - around the - around the area I can't remember when we got the update but, um, the officers on scene had informed us that there was a black male. And we had - the victim gave - I think the victim gave a description of, like, a tall black male like 6 foot-ish, um, with a goatee. Uh, and then another black male, thicker built. So we are driving on Doniphan coming to Preuss. Sergeant Vantland (disclosed) his car at Preuss when he se- and he turns onto Preuss from Doniphan when I see two people - two black males, um, one thinner one looked - looks like a thicker build.

Q: Uh-huh.

A: So we're thinkin', "All right, two black males in the same area, fitting some of the mentions of suspect descriptions." The, um, one of the black males was about 6' at least from what I could tell.

Q: Yeah.

A: He was probably about around 5'8-ish. So Sergeant Vantland made contact and as - as we're turning onto Preuss I can see - I see Blake is, um, driving westbound on Doniphan. So he's right behind us. So it's Sergeant Vantland, me and then Officer Evenson. So...

Q: Well is that Blake?

A: Yeah.

Q: Okay.

A: I - I might call him Blake so I'm sorry. Um...

Q: I don't know him so.

A: So, uh, Sergeant Vantland contacts him. Um, I'm right behind Sergeant Vantland. And when we get out we contact 'em, um, just to the south of - well I guess Preuss Road kinda wraps around there but, um, from that corner by the park - and it - I wish there was a...

Q: Do you wanna draw it?

A: Yeah. So this is the park.

Q: Uh-huh.

A: This is Doniphan down here. Um, is that how you spell it?

Q: Uh-huh.

A: And this is Preuss.

Q: Uh-huh. And it does that turn there and...

A: Yeah, this is all Preuss.

Q: 'Kay.

A: So there's a building right here that's like a fourplex and a couple other buildings over here.

Q: That's a fourplex right there?

A: Oh yeah.

Q: Lot of fourplexes on that side.

A: Okay, um, so we contacted those two people right about here.

Q: Uh-huh.

A: Um, Sergeant Vantland parks his car right here. I'm over here. And we're not in line but this is pretty much a general idea. And this is Blake right here. So Sergeant Vantland contacts the people. Um, I know him as the guy in the red shirt as Lawrence and then the - his cousin his name - given name is Devon but he doesn't know his last name.

Q: Uh-huh.

A: So if this is Lawrence, Devon is right here. Vantland is right here talking to 'em this way.

Q: Uh-huh.

A: In this direction. I approach from right here and then Blake is right behind me. And this is obviously not to scale.

Q: Right.

A: Uh, so from where we are, uh, Vantland talks to 'em. He's talkin' to 'em the entire time. I got a good 90-degree angle trying to see if I see anything on them. As we're approaching, uh, I get informed by the officers, um, who are talking to the victim that the guy with the goatee who ends up being this guy 'cause that's the only guy with the goatee is the one with the gun. So, um, I'm looking at this guy and they're - they both are pretty cooperative at least initially. Um, they stop, they were talkin'. I can see that this guy put something - a bottle of something in his pockets and he's wearing sweats and a baggy-ish shirt.

Q: Uh-huh.

A: So as I'm looking at him Sergeant Vantland tells him to take his hands out of his pockets because he still has his hand kind of in his pocket. Um, I'm looking at his waistband and the, like, his backside to see if there's anything. And I don't see anything, at least initially. Um, actually I - I never seen anything on - on his waistband or in his pocket 'cause the only thing that I see is that bottle that he's put in there. Um, so his friend or Lawrence, um, has an iPad and another and I found his (unintelligible), earlier but he, um, has an iPad in his right hand. So as Vantland contacts him he - he informs them that we're contacting them because they match the suspect description of the robbery involving, uh, with a weapon. So I take ownership of Lawrence. um, Blake is right behind me and I tell Blake, "Hey, Blake, I got him. Can you get him?" So we're gonna pat 'em down. I wanted Blake - I was gonna wait 'til Blake - for Blake to pat this guy down since he was the last one to have - supposedly have the weapon.

Q: Right.

A: As soon as Blake gets behind him I look - I don't remember seeing Blake putting even a hand on them but as he starts to go to reach to pat him down he takes off running.

Q: Uh-huh.

A: Um, Devon takes off running. Vantland and me and Blake all start running after this guy. I took about - I don't know - he spoke - this guy's running north. This is parking.

Q: Okay.

A: I took about five steps away from my guy 'til I realize no one's with my guy. So I turn around, come back, by the time I come back to him I hear the first couple of shots being fired or at least the first shot being fired. I grab this guy, tell him to get down and when I look over I see, um, Devon right here, um, Vantland right here and Blake right over here. And I see the distance between Devon and Vantland and Blake is approximately 20 feet. Um, I see Vantland and Blake with their guns drawn. I see Vantland, uh, fire at least one shot. I see Blake fire at least one shot. I bring, uh, Lawrence to the ground, place him in cuffs, I call out that there's shots fired. Uh, right then Vantland calls out saying that he needs medical, um, and then we start - well Vantland and Blake start working on this guy trying to get med kits to him, um, for the gunshot wounds. I never see where he was hit or if he was hit.

Q: Uh-huh.

A: Um, but I see him fall to the ground facing this way, um, when he falls.

Q: 'Kay.

A: So this whole time Lawrence is standing. He never moved. Uh, as - as soon as Devon ran Lawrence never moved. He never took one step. I told Lawrence to get to the ground, he went to the ground willingly, never re- resisted or anything. Um, place - placed him in cuffs, searched him for weapons, he didn't have anything, put him in the back of the car. I interviewed - well Mirandized, um, Lawrence at about 1907 hours.

Q: Uh-huh.

A: Anyway so I asked Lawrence why Doniphan would run - or Devon would run and Lawrence said, "Well, you know, he had that gun on him." And while talking with him he said that Devon carried the gun because he's going through court, he's got some case going on, um, and he uses the gun for protection because people hurt chi-locs. That's how he described it. So I took that as Devon was currently in - in the court system on the child sex assault case.

Q: Uh-huh.

A: And he walk - he carries a gun in case somebody else tried to hurt him.

Q: Okay.

A: Um, Lawrence later told me that he - he kinda described the gun as a small gun but he never tells me and I never ask where the gun was, what kind it was or how big it was.

Q: Cool. So when you guys approach in your vehicles are you coming off of Doniphan?

A: Mm-hm.

Q: Are you coming from (unintelligible)?

A: So, um, me and Vantland are coming from - from here.

Q: Uh-huh.

A: And I see Blake kind of...

Q: That way.

A: Yeah, the road curves. But I see Blake comin' from this way.

Q: Okay.

A: Um, so it was just kind of perfect timing. We all - all three of us stopped these guys right here.

Q: Mm-hm.

A: Over here. Um, and I didn't - we didn't have to wait for anybody it was just all three of us were there at that time.

Q: Okay. And, uh, are all three of you in Chargers or some have a Durango or?

A: Um, I have an older Charger.

Q: Uh-huh.

A: Um, Blake has a newer, uh, black and white and then Sergeant Vantland is in a Durango.

Q: Okay, so when you pull up you see these guys walkin'.

A: And they...

Q: Are...

A: And they're walking, uh, northbound.

Q: Okay. Does anybody turn on their overhead lights or sirens or anything at that point or just...

A: No, uh, nobody turns on their overhead lights or...

Q: Or activates any lights.

A: No, nobody turns on their lights.

Q: Okay.

A: Um...

Q: Um, sorry go ahead.

A: Oh I was gonna say but as soon as Vantland contacts them they both stop.

Q: Uh-huh.

A: And Sergeant Vantland tells 'em why we're in contact with 'em.

Q: Okay. And about what time is this when you're - when all this happened?

A: I would say about 1700.

Q: Okay.

A: Um, and if not 1700 it's very shortly before or after. It's a very short time from probably within a minute or two.

Q: Okay, so it's still bright daylight out.

A: Oh yeah.

Q: Okay, um, so did you hear what Sergeant Vantland said when he gets out of the car? What - what did he say to 'em?

A: Um, I actually am not listening to Sergeant Vantland. I'm paying attention to these guys looking at their waistband, trying to see if I can see the outline of a gun.

Q: Okay.

A: Um, I'm really intent - 'cause Lawrence has kinda tighter fitting clothes. Um, I didn't see anything immediately obvious on his waistband or his pockets.

Q: Mm-hm.

A: Um, but him - he was wearing baggy sweats and a baggy-ish shirt. So I couldn't get a good look at what was on his waistband. I could only see the right - his right side and, like, half of his back. Um, I couldn't really see - actually I couldn't see his right side - did I say right side before? I could see his left side and I couldn't really see his right side and I couldn't see the right side of his back.

Q: Okay. And, uh, what color are his - are Devon's sweats?

A: Uh, grey.

Q: And shirt?

A: Grey.

Q: 'Kay, and then Lawrence what...

A: Um, Lawrence was wearing a red shirt and black sweats...

Q: Okay, so Lawrence is the red shirt guy. Okay.

A: Yep.

Q: Okay. So have you had contact with these guys before or how did you figure out their names?

A: So after I, um, Mirandized Lawrence like a- pretty much - I'm going to go back. Um, after contacting Lawrence, uh, put him on the ground, patted him down for weapons, uh, because they're being suspects in a personal robbery, um, I detained Lawrence right away. Uh, I put Lawrence in the back of my car, moved my car out of the way because we wanted to get out. By that time there were, like, five other cars out here. I wanted to free up the road for, um, ambulances and other personnel to - to get to Devon.

Q: Uh-huh.

A: I didn't know their names at that time. I had no idea who they were expect for their - one of 'em gave a - the victim gave a street name for one of 'em as [REDACTED] - I think.

Q: Which one's [REDACTED]

A: I don't know.

Q: Okay.

A: I never asked. Um...

Q: So you found out their identities afterwards?

A: Yeah.

Q: When you rolled up on 'em you didn't know who they were?

A: Mm-mm.

Q: Okay.

A: No idea.

Q: All right, that was my question. Okay, um, did Vantland try to identify 'em at all or?

A: Um, so Vantland immediately said, "We're gonna - we wanna pat you down for weapons and make sure you don't have any weapons."

Q: Uh-huh.

A: I - I don't know if that's what the exact wording but, uh, that's what we wanted to do because there was a gun involved, right. And, um, Devon was - had his hand in his pockets. So as soon as we got into position to pat 'em down...

Q: Uh-huh.

A: Dev- or Devon took off.

Q: Okay. So there wasn't much of a conversation or interview it was, "Hey, you match a description. Can we pat you down?" It was pretty fast. Is that...

A: Yeah, I would say - I would say this whole interaction lasted about a minute.

Q: Okay.

A: Um, from the time that Devon ran to when the first shot was fired was probably five seconds if that. Um, I don't - I never saw what brought Vantland and Blake to draw their weapons. Um, 'cause I - I had already turned my back to return to Lawrence.

Q: Uh-huh.

A: Um, and when I had turned around they already had - there was at least one shot already fired. And, um, he was still running. So I never - I - I didn't see the - anything in his hands, I didn't see if he was reaching for anything.

Q: Uh-huh.

A: But I found out later from Lawrence that Devon did have a gun on him.

Q: Okay. So you - did you ever see Devon's gun?

A: No.

Q: Okay. Did you ever see him reach into his waistband or anything like that?

A: N- no.

Q: Or (unintelligible) I should say.

A: Hm-mm. Um, the only time that I didn't see his hands is when he put the bottle - I'm assuming it was liquor - um, into his pants.

Q: Okay.

A: And he kind kept his hand close to that pocket.

Q: Uh-huh.

A: Uh, and that would've been his left pocket. But...

Q: Is that like a little shooter or like a pint or...

A: It looked like a - like a half pint. Um, and it looked like it was - or there was liquid already out of it. Um, it was small enough that it could fit in a pocket but you can definitely see the outline of something in his pocket. And I assumed it was the bottle.

Q: 'Kay, um, so let's walk through in, um, pretty good detail. Um, Devon starts to run. You said you chased after him, you take three or four steps and you turn around. And then how long 'til the first shots fired?

A: I had - I - so I - I take two or three steps forward...

Q: Uh-huh.

A: ...turn around 'cause I realize nobody else is with my guy.

Q: Uh-huh.

A: And I return to the two or three steps back and by the time I put a hand on Lawrence I already heard the first shot fired.

Q: Okay. And then - then what happens?

A: Um, so I turned around and I see Vantland fire at least one shot. Uh, and then I see Blake fire at least one shot.

Q: Uh-huh.

A: And by that time they were right here.

Q: Okay.

A: So when I - when I turn around this is where I see them.

Q: Okay. And did they fire any shots after that?

A: After the guy - after Devon fell he didn't fire anymore shots.

Q: Okay.

A: Um, actually after the guy fell, um, Vantland was very quick about getting a med kit or some kind of, um, some kind of medical something to the guy who was shot.

Q: Okay.

A: Devon.

Q: And how long between Vantland and Blake's shots to the point that Devon falls? About right away or?

Woman: Yeah.

A: When I looked over Devon was just starting to run, um, west on Preuss.

Q: Uh-huh.

A: And he fell right here so I'm assuming he didn't get shot before then. And as soon as he fell I didn't hear any more shots fired.

Q: Okay. So if I understand you correctly and I'm not trying to put words in your mouth but he would've fallen within a couple steps of...

A: Yes, um, very easily within a couple steps.

Q: Okay, um, did you ever draw your weapon?

A: No.

Q: Do you ever fire your weapon?

A: No.

Q: Okay, um, and so, um, do they put, uh, Devon in handcuffs or?

A: I actually didn't see that. I was focused on Lawrence the entire time. I left Lawrence for a brief moment after patting him down to get my, um, med kit from my car and toss it over to Vantland. I wasn't sure, I wasn't sure how many times this guy was shot. Um, but from - it - it seemed like, you know, they would probably need more than just one med kit because they were really quick about, "Med kit - med kit - med kit."

Q: Uh-huh.

A: Um, immediately after this guy, uh, after Devon fell there was a chick and a woman - or sorry a woman and a - a dude over here and the woman kept on yelling, "He was only running and you shot him. He was running. You shot him." Um, I don't know if any officers talked to her but she was a white woman. Um, she was pretty adamant that we only shot him because he was running.

Q: Uh-huh.

A: But...

Q: What was she wearing?

A: I wanna say it was all black and blue shirt.

Q: And was she black, white, Hispanic?

A: She was a white, uh, white lady.

Q: How old?

A: I didn't get a good look at her but, ah, 30's. Yeah, she kept on saying that she was gonna talk to the cops about what she saw. Um, after I put Lawrence in the car I saw residences - or residents in all these complexes with their phones out. Um, a lot of people with their phones out recording us. Um, people down here recording us. I don't know who caught the entire incident, um, but for sure there were people...

Q: Got that?

A: Oh yeah. Oh yeah. Um, after I talked with Lawrence he said that he was at a friend's house and he pointed over here in this direction. I'm assuming that it was somewhere on Doniphan. He said he lived pretty close and he was there for about an hour, um, before we contacted him. He - and they were just walking back home...

Q: Uh-huh.

A: ...to, uh, Lawrence's house.

Q: So did Lawrence, uh, make any admissions about the robbery?

A: So I didn't try to talk to him about that. He - he admitted that he got into a fight with some guy named Day-Day. He described him as white male in his t- uh, 24, 25. But he said that it was only a fight, it wasn't anything more than that, nobody got robbed, nobody took anything of his. Um, and that's as much as he had to say about that.

Q: All right, is the victim a white guy or?

A: The victim of the robbery is a white male I think.

Q: Okay.

A: Um, if I remember reading the call screen correctly it was a white male.

Q: Okay.

A: I - I never contacted the victim. I never saw the victim. I didn't...

((Crosstalk))

Q: Right, 'cause you came over after the initial officers had already interviewed the victim and all that. You were just...?

A: Yeah.

Q: ...looking through the neighborhood for the suspects.

A: And all of us kind of arrived on scene around the same time. Probably within minutes.

Q: Mm-hm.

A: Um, so two officers were at the dispatched address meeting the victim.

Q: Uh-huh.

A: And then right away there was, um, me and Vantland and Blake in the area checking the area for the victim or for the suspects because, uh, the victim gave, uh, the way it sounded on the call screen is that it just happened.

Q: Uh-huh.

A: And that the suspects were still following the victim.

Q: Uh-huh. And how far away - I'm not familiar with that neighborhood. Where's the victim at in comparison to all this?

A: So Preuss kinda, like, wraps around.

Q: Uh-huh.

A: My - my direction is messed up. But Preuss wraps around.

Q: Uh-huh.

A: And it connects to Fountain right here.

Q: Mm-hm.

A: Uh, the dispatched address was, like, down over here somewhere up on Fountain.

Q: So were these two gentleman close enough to the address that they could've walked that far in the amount of time?

A: Yeah, uh, the victim actually gave an address, uh, of where it occurred, uh, by the park or the school.

Q: So that's where it happened but...

A: Well they - so this is what the victim said is it happened by the school.

Q: Uh-huh.

A: Um, Lawrence said that it happened at, uh, Devon's apartment complex somewhere nearby but he didn't know where and he didn't know the name. Um...

Q: The thing - the thing with Tay-Tay - you're talking about.

A: Yeah.

Q: Okay.

A: So he doesn't know if they're connected, um, but he said he didn't rob anybody. And, you know, John - John Adams Elementary is like right here which connects to the apartments right there.

Q: Oh okay. So they were close enough.

A: Yeah.

Q: Okay. So you put, uh, Lawrence in cuffs, um, do you see anything about the first aid portion of it or are you just putting him in your car at that point?

A: Uh, I didn't see anything as far as first aid being applied to Devon.

Q: Uh-huh.

A: Uh, I know they had at least two kits there to give the initial first aid to him.

Q: Uh-huh.

A: Um, and then right after that like right after shots were fired, um, there was backup that arrived pretty quickly and there were cars clogging up this entire road. And this is not a very wide road - barely wide enough for two cars. Um, so what we were trying to do is move all the cars that were blocking that roadway to get a clear entrance for AMR. And almost as soon as we did that, uh, AMR arrived. Um I would say after the initial shots fired maybe 2 minutes, uh, if - if that. AMR was pretty - well it was actually Fire but, uh, they were pretty quick about arriving there.

Q: Okay. Any other details you can think of that might be important?

A: Uh, nothing that's coming to mind. Um, though there is a scratch on Lawrence's right elbow which he said he got in, uh, from the fight. Um, and that's about it. Um, he said he didn't carry at all during the contact with them. Um, Lawrence has been pretty cooperative and actually during my, uh, during the time that he was there Lawrence actually saw the shooting. Um, he saw - or at least he was looking in the direction of where his [REDACTED] was running. Um, so he might have additional information about the shooting itself and why or when the officers drew their weapons.

Q: Okay. And, um, any further description on the Tay-Tay person?

A: No, um, and he's not even sure if they're related. Um...

Q: Did he give the time frame when the fight...

A: He said about an hour prior.

Q: Oh that's right you said that.

A: And that would've been - so we contacted them about nine - 1900. So it was at 1800-ish. Um, so and even when I was talkin' with Lawrence he was like, "That can't be - that can't even be related because it happened like an hour ago. We didn't take nothin'." So he was pretty adamant that he didn't think that this other guy would've reported a robbery because that happened, the fight happened early like way earlier.

Q: Uh-huh.

A: Um, during that entire time that he - Lawrence was at a friend's house, um, [REDACTED] uh, somewhere off - off of Doniphan.

Q: Okay. Well let me, uh, go out and make sure nobody else had any questions and...

A: Yes sir.

Q: Do you need anything?

A: I'm okay.

Q: All right, I'll be right back. All righty, I think that's it. So you have my card. Um, it'll be natural for you to think about this obviously and, um, should you think of any details shoot me an email.

A: Yes sir.

Q: You have any questions for me?

A: Um...

Q: Any other stuff from me as far as the investigation goes? Uh, check in with your sergeant or whoever your commander is here.

A: Okay.

Q: ...is here for something that they want you to do next. So...

A: Yes sir.

Q: Cool. Nice to meet you.

A: You as well, sir.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

Supplement 20190809 Price, Jon 02034

On August 9, 2019, I, Detective Jon Price #02034, received the transcript of my interview of Officer Richard Gonzalez. I reviewed the transcript with the audio recording to ensure it is an accurate transcription. See attached.

NFI / SAO

Supplement 20190809 1510 Price, Jon 02034

On August 9, 2019, at approximately 3:10 pm, I, Detective Jon Price #02034, was contacted by Detective Sergeant Rocky Hubbell. He directed me to assist in this investigation by attempting to contact the residents of the [REDACTED] apartment of [REDACTED]. These persons may have witnessed and or recorded the incident.

At approximately 3:37 pm, Sgt. Hubbell, Detective Lowe and myself attempted to make contact at the apartment which is apartment # [REDACTED]. There was no response to the door, and I left my business card requesting contact.

At approximately 5:30 pm, I received a phone call from [REDACTED]. She stated she and [REDACTED] were in their apartment at the time of the shooting. They were unaware the police were in the area or that any incident was occurring until they heard the gunshots. Mrs. [REDACTED] stated "I think someone has been shot!"

She and [REDACTED] went outside, at which time the shooting was already over. Both Mrs. [REDACTED] and Mrs. [REDACTED] videoed the remaining portion of the incident on their cell phones.

Mrs. [REDACTED] stated they were interviewed by CSPD Officer Doehenne shortly after the shooting. He acquired a copy of their video recordings. Mrs. [REDACTED] offered to email the videos to me, but was unable to do so due to the size of the files. She agreed to meet early next week so that I can obtain a copy.

Nothing Further

SAO

Supplement 20190803 1930 Hubbell, Rosario 07050

Sergeant Rosario S. Hubbell EID 07050

Supplement to case 2019-00011348

AOA

On Saturday, August 03, 2019, I, Detective Sergeant Rosario S. Hubbell of the El Paso County Sheriff's Investigations Division Major Crimes Unit, conducted follow up on case 2019-00011348.

Initial Brief

I was contacted at approximately 7:30 pm, by Sergeant K. Dabb of the Colorado Springs Police Department and informed they just had an officer involved shooting. I learned the Colorado Springs Police Department responded to a Call For Service (CFS) in the area of 2400 East Fountain Blvd, for a robbery. The Reporting Party (RP) and victim of this call provided descriptions of the suspects and said one of the suspects was armed with a gun.

CPSD officer's located two individuals matching the description provided by the RP. Officers made contact with the suspects in the area of 2100 Preuss Rd. While attempting to conduct a pat search for weapons one of the suspects ran from the officers and the

suspect was shot. Two officers fired their duty weapons, Sergeant Allen Van't Land and Officer Blake Evenson. The suspect's name was not provided at that time but was deceased at Memorial Hospital. The second suspect was identified as Lawrence Stoker [REDACTED] [REDACTED] Mr. Stoker was uninjured and transported to the Police Operations Center to be interviewed. None of the involved officers were injured.

Initial Scene

Upon arrival I was informed the deceased suspect's mother, identified as Jacqueline Johnson [REDACTED] [REDACTED] was on scene and a crowd was gathering. The crowd was upset and appeared to be feeding off of Ms. Johnson's grief and frustration about not getting information of her son's condition. I then contacted Ms. Johnson, introduced myself and asked if she would be able to get a ride to the hospital. Ms. Johnson told me that she could and I then requested she respond to Memorial Central and speak with Sheriff's office Detectives when she arrived.

Ms. Johnson departed for the Hospital and the crowd remained on scene continued to voice their anger over the shooting. I learned the CPSD had a crowd control team on their way to the scene to ensure the perimeter remained secured. Due to the crowd I told the Detectives under my supervision that we would not be conducting a neighborhood canvass at this time.

Assignments

After my initial brief I remained on scene in a supervisory capacity and conducted no further investigative efforts. The following assignments were then made.

Detective Darbyshire - Scene and Lead

Detective Brklich - Scene

Detective White - POC and witness interviews

Detective McCormack - POC

Detective Price - witness interviews

The investigation continues.

Nothing Further.

Case status - Same as original.

Evenson Interview Transcript

EP SO
12/02/19

INTERVIEW WITH CSPD OFC. BLAKE EVENSON

Q=Det. James Lowe

Q1=Man

A=CSPD Ofc. Blake Evenson

Q1: Hey.

A: I think it's in your phone.

Q1: Like I say, does this look okay?

Q: I'll be right back, dude.

A: You want me to sit anywhere specific?

Q: Oh yeah. You can sit over here.

A: Right here?

Q: Yeah.

Q1: I'm gonna pull my wallet from my pocket. I'm in here, uncomfortable.

A: Just don't forget it.

Q1: I already talked to the number one.

A: Oh you did?

Q1: Yeah.

A: Okay.

Q1: Other than that, I was gonna check into tomorrow. We had a lotta staff to interview.

A: Oh yeah.

Q1: These are never conveniently timed.

A: Yeah, I know.

Q1: I was gonna tell ya that the fan's a little loud, so...

A: Talk...

Q1: ...talk loud.

A: Enough to cover that?

Q1: Yeah.

A: Yeah.

Q1: You brought any caffeine with you?

A: Yep.

Q1: As - as instructed.

Q: All right. I'm (Jim) Lowe as we - as I briefly met ya out there and...

A: Mm-hm.

Q: ...um, we're gonna kinda go over this in a couple different stages, um, just kinda like ID'ing you, talkin' about your normal equipment, um, duties, stuff like that, and then we'll start movin' to, um, you know, we'll talk about your work. We'll - we'll talk about that day, okay?

A: Okay.

Q: Um, I'll ask you some direct questions in the beginning and then I kinda want you sh- you to go through that day and everything you remember, the details...

A: Okay.

Q: ...um. and then I will - if you see me ja- jottin' stuff down, just - I'm gonna follow up with you later, okay?

A: Okay.

Q: So I'll try my best not to interrupt you or - or ask any questions, okay? So gimme your full name please.

A: It's Blake...

EPISO
12/02/19

Q: Mm-hm.

A: ...(William) Evenson.

Q: And how do you spell your last name?

A: E-V-E-N-S-O-N.

Q: Okay. And what is your employee ID number?

A: 4634.

Q: Okay. And how long have you worked with the Colorado Springs Police Department?

A: Going on seven years now.

Q: Okay. Um, take me through the assignments that you had in the seven years, kinda where you worked, stuff like that.

A: Uh, mostly worked patrol. Um, I trained in Sand Creek, uh, stayed there for, uh, another year and then went up to Stetson Hills for two years before coming back to the Creek and continuing to work there until, um, today. Um, I - I've done a TDY assignment for investigations for 30 days, but that's the extent of, outside of patrol, that I've done.

Q: Okay. Do you have any extra duties, um, outside of just patrol?

A: Um, crowd control.

Q: Crowd control? Okay. How long have you done that?

A: Since 2015.

Q: Okay.

A: Yep.

Q: And what - what kinda training is that?

A: Uh, we do, uh, well it started out with getting certified up in Denver, uh, with their department, going through, um, the old, uh, stop-and-drag kinda routine, um, with the shield and the sticks and everything.

Q: Mm-hm.

A: And then we had, um, training from somebody, um, that originally was an officer in, uh, London who was on their team there. He came to train us and we learned a - a couple new, uh, techniques and formations and everything from there. We've been using that for the past two years.

Q: Okay.

A: So other than that, I think that was a four-day training that we did and then he had a refresher just, uh, this past year, which I wasn't able to attend this year, but...

Q: Okay. And, um, did you say how long you've been on that team?

A: Since 2015.

Q: Okay.

A: The whole team, yeah.

Q: Okay. All right. Um, and so - and where are you currently assigned?

A: Sand Creek.

Q: Okay. And how long have you been in Sand Creek?

A: Uh, came back from Stetson in probably 2016...

Q: Okay.

A: ...so I've been there since then.

Q: Okay. And what is your current shift? What are you workin'?

A: Swings...

Q: Okay.

A: ...2:00 pm to midnight.

Q: And what days off do you have?

A: Wednesday, Thursday, Friday.

Q: Okay, okay. And so, um, what do you typically wear when you're on duty? Take me through your uniform kinda head to toe.

A: Um, you have, uh, 5.11 boots, black boots, um, my standard blue cargo uniform pants. Um, I have a blue undershirt, uh, under - or on top of my black shirt that I wear underneath all that. On top of everything I have a separate Blauer vest, um, that holds - houses my, uh, ballistic vest inside. Um, I wear an earpiece all - all the time, but I never keep that open. My belt, I have, uh, handcuffs in front. I have my, uh, magazine pouch on my right side into my front kind of appendix area. Um, handgun's on the right side. Behind the handgun is another set of handcuffs. Flashlight is directly on my back and then my radio is on my left.

Q: Okay.

A: I - I have a baton, um, on my left side as well, which is right behind where my TASER is and then my actually my OC spray is in front of my firearm.

Q: Okay. And so, um, do - tell me - tell me about your vest and your shirt. Tell me about, you know, the, um, do - does - does anything on there clearly identify you as a police officer?

A: Yes. Um, the outer vest has my badge and my nametag attached, um, my years of service and then my, um, shirt underneath that has the patches on the side that say Colorado Springs Police.

Q: Okay. Do you carry an auxiliary firearm at all?

A: I don't.

Q: Okay. Um, and tell me how your, uh, firearm is normally loaded.

A: Um, usually there's 17 in a magazine, 1 in the chamber, and then 2 magazines of 17 with me.

Q: Okay. And what's the make and model of...

A: It's a Smith & Wesson M&P 2.0, 9 millimeter.

Q: Okay. Do you have any - do you have a taclight on there or anything else?

A: Yes, I do. It was supplied by the Department. I think the TLR light. I can't remember exactly what brand that is.

Q: Okay. All right. Um, so take me through Saturday. Um, did you - so you said you worked 2:00 pm to midnight?

A: Yes.

Q: Um, did you - what time do you wake up on Saturday?

A: [REDACTED]

Q: Mm-hm.

A: ...and slept to - 'til about 8:30 am and then woke up from there and, um, continued the day like that, [REDACTED] outside for a little bit and then came into work.

Q: Okay. Did you feel - feel well enough rested to be able to work?

A: Yeah, yeah. I went to bed early that night too, so waking up at 3:30 wasn't a big deal.

Q: Okay, okay. So take me through that - your duty day that day.

A: Um, came in. We had a standard lineup, um, went out on - on the street and started just taking calls for service. Um, we had a domestic disturbance that we went to not too far from the substation. Uh, we didn't have any charges on that so went to the next call, which was a kidnapping call. We were - we were tryin' to locate parents and the child that was supposed to be missing because we didn't have a whole lotta information on that call. And I was on that with Sergeant (Vantlan) as well and Officer (Gonzalez). When we were on that call for service, um, we heard Dispatch airing that there was a robbery in progress and we were actually just wrapping up that call at the time, so we left from that call to the robbery in progress.

Q: Okay. So tell me what you recall hearing, um, aired by Dispatch.

A: Um, at the time it was a robbery in progress, um, in the area of Doniphan and Fountain Boulevard. Um, it was an armed robbery and victim was supposed to be at Terrace Gardens, um, which is a facility for elderly, assisted-living, that kinda thing. Um, so they were dispatching units to go meet with the victim to see what they had and they were starting to set up other officers in the area to try to, uh, see if they can find suspects.

Q: Okay. Were you dispatched to contact the victim?

A: No, I was not. Another officer was. I w- I think I was one of the last officers actually to be dispatched to the robbery from that call for service, um, and it was probably five to ten minutes after that that I was in that area once it was initially starting to get aired.

Q: Okay. So you - you recall, um, Dispatch airing that a robbery's in progress. Where were you located when that call came in? Do you recall?

A: Uh, 2000 block of Carmel Drive.

Q: Okay. And, um, so did you start heading that way or did you just kind of - did you just wait for them to actually assign you to that call?

A: Uh, once it came in, um, the other two officers I was with, Sergeant (Vantlan) and (Gonzalez), um, they cleared that call and headed off that way. I typed in a quick note to the call I was on and cleared from there and then I started heading that way.

Q: Okay.

A: It wasn't until about three blocks later that they actually dispatched me to it, but I was already on my way there.

Q: Okay. So kinda take me - where we - where - where'd you go from Car- Carmel Drive?

A: Uh, Carmel Drive, I took, um, that to Chelton, um, and then from Chelton, uh, Drive, I went northbound to Fountain Boulevard.

Q: Okay.

A: Um, I was hitting a couple stoplights between the time and, um, while I was at the stoplight at Fountain and Chelton, um, they said that - they aired - Dispatch did - that one of the suspects goes by the name (Spaz). So I started doing a little bit of research in my car on any nicknames that came up with (Spaz) maybe since another officer might've been with the victim, might not have an access to a computer, so I was gonna try to help out and see what I could do with that.

Q: Okay.

A: A bunch of listings came up and I didn't have time to really look at all of 'em to identify if any of 'em matched the suspect, so, um, went westbound on Chelton Boulevard - or, uh, westbound on Fountain, sorry, and headed into the area of Doniphan Drive and Fountain Boulevard and passed by Terrace Gardens where officers were already out with the victim.

Q: Okay. So tell me what happened next.

A: Uh, the last known location of suspects were on the - in the area of Doniphan Drive and Fountain Boulevard, so I decided to head northbound on, uh, Doniphan Drive. One of the notes in the call screen said that they might still be in the area- and that the suspect was supposedly following the victim, um, to Terrace Gardens' area, so, uh, I went northbound on, uh, Doniphan Drive and noticed a marked, um, patrol SUV and a marked cruiser, um, doing kind of a turn in the street to go back onto Preuss Drive, I think it is.

Q: Mm-hm.

A: And, um, as they were turning that way, I actually got behind them and I heard Sergeant (Vantlan) calling out that there were two people in front of him who matched the description of the robbery suspects that were aired.

Q: Okay.

A: Got outta the vehicle. Um, Sergeant (Vantlan) was addressing the two individuals that I saw. Um, one was a black male wearing a black T-shirt, uh, had afro-like hair, uh, facial hair, a partial mustache and goatee that I saw. The other male was a black male, heavysset, wearing a red shirt. Uh, both of them w- looked pretty young, between 18 and 20 years old. Um, Sergeant (Vantlan) was addressing them. He was standing on - kind of along the west curb line, I guess. The two males were still in the street. Officer (Gonzalez) was in front of me getting outta his cruiser while I was getting outta mine. We approached from the south side and while Sergeant (Vantlan) was talkin' to the two individuals, who were fairly cooperative at the time, um, I started putting on my gloves and kind of going behind Officer (Gonzalez), who was standing on the south, to get behind the two individuals a little bit so that we weren't standing in front of each other's, like, line of fire or anything like that and that I could keep an eye on the two individuals and act accordingly if I needed to.

Q: Okay.

A: Um, both individuals put their hands up in the air while we were talking and everything seemed pretty calm like they were gonna comply with us. Um, Officer (Vantlan) advised them we're just gonna pat the two individuals down just to make sure they weren't armed and had any weapons on them. I went to go, um, grab the male who was wearing the, uh, black T-shirt. I was gonna grab his arms to pull 'em down behind him so I could put him in a control hold while I was patting him down. Before I could even make contact with his arms, he took off running northbound on Preuss basically in the middle of the road. Um, as he had turn to ran I noticed that he was startin' to grab at his waistband for a weapon and that's when I heard one shot go. I believe that was Sergeant (Vantlan). And I was in the process of drawing while he was still holding his waistband and running northbound and fired at least two rounds from what I remember.

Q: Okay.

A: Um, the individual went down onto the ground. That was the one in the black shirt. And Officer (Gonzalez), I remember seeing him with the individual with the red shirt that was still on scene. He was putting him in the car while I went to go tend to the individual on the ground. Um, immediately after, um, seeing him on the ground, I went around the north side of him, went to the ground, handcuffed him quick, and began patting him down for weapons. I immediately noticed something that was stuck between his legs stuck in his shorts and when I felt it, it, uh, felt like a handgun and that's when we confirmed it was a handgun he was reaching for. Um, we, um, we're starting to look for the wounds and everything on him too where he had been shot while Sergeant (Vantlan) helps cutting off his shorts because we couldn't get the firearm off of him at the time. Once we got the shorts off, um, I had another officer who was on scene, um, grab a med kit. We took one of the cloths that were in there that was readily available out of his kit, put pressure on the one wound I found that was on his upper left back, I think. Uh, put pressure on that until we could get his chest open because it looked like it - it might be a - a sucking chest wound or at his back on the back side, so...

Q: Mm-hm.

A: Uh, we were eventually able to get that on him. Sergeant (Vantlan) helped with that too. And, um, after finding no other wounds on the front side of him or even an exit wound, we rolled him over, checked for a pulse, didn't feel anything, so I started doing CPR. I was doing CPR and I believe it was Officer (Ventke), uh, who helped with the med kit, um, switched off with me to do CPR and then Medical soon arrived after that.

Q: Okay.

A: Um, from there I took off my gloves, left the - put the gloves, um, another officer collected those. Handcuffs were still on him. And Medical took over after that. Another officer was setting up containment.

Q: Okay. All right. Let me ask you some follow-up questions.

A: Sure.

Q: I didn't ask you about the vehicle that you were driving.

A: Sure.

Q: All right. Tell me about that.

A: Uh, vehicle I was driving was a marked patrol cruiser, a 2014 Dodge Charger, um, black and white. Um, I don't know what else you need. It had lights on it.

Q: Okay. So you said it's marked?

A: Yes.

Q: Does it say, like, police on the sides?

A: Yes. It says Colorado Springs Police...

Q: Okay.

A: ...and in white, um, surrounded by white. It's in black lettering, but the car is black as well, so it's got a white backdrop.

Q: Okay. Um, do you remember the unit number at all?

A: [REDACTED] It's my assigned cruiser.

Q: Um, so - and tell me again, um, as you arrived, so, uh, Sergeant (Vantlan) was already talkin' to the individuals?

A: Yes. He was the first cruiser in, so he was able to get out before we were...

Q: Okay.

A: ...um, and he approached the individuals on the west side, uh, where they were standing while Officer (Gonzalez) and I approached from the south.

Q: Okay. Did you see him get outta his vehicle or was he already out - out of his vehicle when you arrived?

A: He was already out when I got out, but I remember all our cruisers were moving at one point in time, so it might've taken me a little bit longer to get outta my cruiser than it did his.

Q: Okay. Can you kinda describe to me where the vehicles were parked and kinda where they were in that street...

A: Sure.

Q: ...um...

A: Um, we were parked pretty much between the middle and the left lanes of traffic on Preuss. Um, we - there wasn't really much room for any car to pass by us or anything and they were actually - it's a pretty narrow area right there too, so, um, they were parked almost in a straight line with each other goin' north, south, facing north.

Q: They being all of you were parked...

A: All of our cruisers, yeah.

Q: So Sergeant Vanzant- or (Van)-, um, (-lan) was first...

A: Mm-hm.

Q: ...right? And then who was next?

A: Officer (Gonzalez)'s cruiser.

Q: And then you were the third one?

A: Yes.

Q: Okay. And then it was just the three of you guys are there, right?

A: Yes.

Q: Okay. Um, so you got outta your vehicle. Did you hear any of their conversations they were having?

A: No. I couldn't really make out what they were saying. Um, the only part I remember, um, hearing is Sergeant (Vantlan) saying, "We're just gonna pat you down real quick," and that's when I started moving around to the other side...

Q: Okay.

A: ...'cause he was already speaking to them when I approached.

Q: Okay. Did you observe anything on either of the two individuals that were there that - that caused you any concern?

A: Not that I could see. I mean their shirts were covering their waistbands pretty good and I couldn't see any, uh, objects or anything like that from my - looking at 'em from behind.

Q: Okay. You kinda described their behaviors. They were - they, you know, were kind of following directions and they - they raised their hands.

A: Yes. They - they raised their hands and they were standing there calm, everything like that when w- when we approached 'em and, um, I didn't think really anything of it. I figured maybe they - they're gonna be cooperative with us, that kinda thing. And until he started moving, that's when everything changed.

Q: Okay. Did you notice any kind of behavior other than just cooperative behavior from them prior to that, you know, would be...

A: Not that I can say. I didn't really see them too well from where my cruiser was parked until I got out.

Q: 'Kay.

A: Um, and when I got out is when Sergeant (Vantlan) was talking to them, um, and they - they didn't seem like they were yelling at each other, anything like that that I could tell.

Q: 'Kay. And so, um, prior to you making contact to pat them down, um, Sergeant (Vantlan) was to their west.

A: Mm-hm.

Q: Right?

A: Yes.

Q: And then, um - uh, Officer (Gonzalez) was kinda to the south of the group?

A: Yes.

Q: And you were moving towards the east? Okay. Um, and then you kinda described it, uh - did you - did you have any idea - had you have seen these individuals before in - in the area?

A: I have - no.

Q: Did you ever interact with them before?

A: No.

Q: 'Kay. Um, did you hear any of them - any of their identifying information being talked about with any of the officers on-scene?

A: Um, wasn't till after part of the incident happened that I learned, um, the individual in the black was named um or (Devin), something along those lines.

Q: 'Kay.

A: Um, but no. Nothing as far as identifying themselves or anything like that. I wasn't there at that point (unintelligible).

Q: Okay. Um, and so I actually - I want - I want - I wanna talk to you real quick about what you heard or what you learned about, you know - about the whole incident prior to your arrival there. So you - you ended up - you said that there was a robbery in progress.

A: Yes.

Q: Right? Um, so did you hear - so kinda tell me the details again about what you heard, um, or what you learned even through the, um...

A: Call screen?

Q: Yeah.

A: Um, so what I learned was there was a victim of an aggravated armed robbery. Um, the suspect was hit and he said that guns were involved. I think he described the gun as being a Glock 23, something like that. Um, said that he had his wallet taken and that he might know who the suspects are. He identified one of them as - by the name of, uh, (Spaz) -- it's a nickname -- um, was a black male, 6' tall, um, afro-like hair, uh, mustache and I know that someone else aired that there also might be a goatee and that the other male was named (Lawrence) and was heavysset, both individuals wearing, uh, t-shirts and shorts but there was nothing given in the description as to what color they were as far as I - what I saw or heard. Um, and the victim had claimed that he did point out where the suspect might live.

Q: Okay.

A: That's all I remember from the call screen.

Q: That's good. 'Kay. Did, um - you said that there was a gun involved.

A: Yes.

Q: And then you said that the victim had been hit.

A: Yes.

Q: Um, so do you know what he was hit with?

A: No. I don't.

Q: 'Kay. Do you know how the victim became aware of the gun?

A: No.

Q: Okay. 'Kay. Um, did you know was it identified through your call screen through the radio which person, which suspect, um, the, uh - the identifica- from the descriptions that you gave, um, was supposed to have possessed that gun?

A: Not that I recall hearing.

Q: Okay. Um, and then you said, uh, when - then we'll kinda move forward back to when you're gettin' ready to, um, make contact with the individual in the black shirt. Um, and he began running north on Preuss?

A: Yes.

Q: So, uh, tell me - kinda give me the best detail you can with what you saw as he began running.

A: As he began running he did basically a real quick turn, started running north and then that's when I saw him. I couldn't see what his left hand was doin' but I know his right hand, when I looked at him was holding his waistband like this as if he was gonna present a weapon to me or somebody else. Um, as soon as he was doin' that I heard one shot go off while I was already in the motion of drawing. As I started drawing is when I fired two shots 'cause he was still holding his waistband as he was running.

Q: Mm-kay. What - what do you - tell me what you were feeling which led to you, uh, deciding to draw your weapon.

A: Thought he was gonna grab his gun and shoot us or shoot at somebody nearby or maybe even go car-jack a citizen. You know,

something like that. I - at that point in time to me he had a weapon and he was reaching for it.

Q: Okay. So now Preuss kind of, um, goes north for a little bit and then cuts off to the west. Right? Kinda skirting Adams Park there.

A: Yep.

Q: 'Kay. So from where you guys were, um, to that corner where it turns left where - where did you see him - his hand go to his waistband and you drew and then the fire - or, you know, a sh- first shot being fired? Do you - do you recall where that was?

A: Um, when I saw him grabbin' the waistband was almost immediately as I turned to go after him. Um, that's when I saw him grabbing and I was trying to run towards the east a little bit more as he was running straight so that I could get a better vantage point of what was around the corner or I'd get a better backdrop of what was going on. Um, I didn't see him move his hand from his waistband while I turned, looked and was pulling my weapon.

Q: 'Kay. And so were you kind of alongside him when you saw his waistband?

A: He was just in front of me a couple feet when I started realizing he was reaching for a waistband...

Q: Okay.

A: ...so he wasn't that far away from me when I first realized that.

Q: Okay. Did you actually see him holdin' his waistband or his hand was, you know - were you able to...

A: His hand was in his pants. That's what I saw. It was past the waistband part 'cause the waistband was over his wrist and he was reaching it.

Q: Okay.

A: That's what I saw.

Q: Okay. And then you heard a shot and then you - you were drawing at the same time.

A: Yes.

Q: And you said you think - how many ti- how many times you think you fired?

A: At least two. I remember pullin' the trigger twice but I can't guarantee I didn't pull a third time.

Q: Okay. So then take me from that point, um, kind of - 'cause you kinda talked about a response, stuff like that, but actually to where he came to rest and, um, the vi- you know, and where the...

A: S- so he came to rest, um, at the curve basically on Preuss where it starts turning west. Um, was more in the right lane of traffic I guess is what I can remember. Um, he was laying face first on the ground. That's how he fell and then he was manipulated by us when we were looking for wounds and when we turned him over for CPR.

Q: Okay. And you said you - you noticed, um - you know, you kinda could see, uh, the - the bulge of a gun kind of stickin' out of his shorts. Uh...

A: Yeah.

Q: Can you describe that a little better to me?

A: Um, when he laid on the ground his legs were still really close together and kind of like this, um, and from the back side I could see something hanging out down here, um, in, like, a - a cloth, um, holster is what it looked like to me and when I touched it, I grabbed I know I could feel the shape of a gun and that's when we were tryin' to get it off of him. We couldn't so we had to cut his shorts off.

Q: Can you think of anything else he didn't cover?

Q1: Di- did (Vantlan) - you said (Vantlan) fired first you believe?

A: That's - I thought I heard a round go first.

Q1: Did - did that influence your decision to fire or had you already reached back?

A: No. I was already reaching for my gun before I even heard the shot. Um, I was actually s- tryin' to step and draw at the same time and try to get a better vantage point of where I was goin' with that, um, 'cause I could still see his hand in his waistband. I didn't know if he was gonna turn around, shoot at us, just shoot back like this or try to stop on the other side of berm where the school was and shoot back at us where he was.

Q1: 'Kay. So...

Q: So - so why did you fire your weapon?

A: I believe he was a danger to myself, my fellow officers and the citizens that were around us. I was worried that there was a kid behind us that might be playin' basketball or somethin' like that that we missed and if he were to fire a round he might hit that kid or hit somewhere else in the apartment complex.

Q: Did you consider just letting him run off?

A: No.

Q: Why?

A: I knew he was involved in a aggravated robbery with a deadly weapon, uh, a firearm and he - I wasn't gonna just let him go, not in the - not with all the civilians around and stuff like that. That wasn't gonna happen so...

Q: 'Kay. Any doubt in your mind he was grabbing for his weapon when you fired?

A: No.

Q: 100% sure?

A: Yeah.

Q: 'Kay. Thank you.

Q1: All right. I'll see. Let's take a break.

A: Thank you.

Q: Just come out. All right. So you heard the two males described either over the radio or on your, um, es- call MDTs.

A: MDC.

Q: MDC.

A: Well yeah. Um, yeah. I had time to read through the MDC because I was the last unit there. I wasn't gonna arrive Code-3 response or anything like that and I was stopped at the light at Chelton and Fountain for a while so I looked up - like I said his nickname's (Spaz) and then I looked at the call screen to read things were entailed was on there.

Q: 'Kay. So tell me - give me some more details about the firearm. You know, like, what - what you - what you saw - you - well either heard over the radio or saw on the screen and...

A: Uh...

Q: ...and maybe, you know, who possessed that. Kinda just give me s- as many details as you can.

A: Um, I don't remember hearing who was supposed to have possessed the weapon for the robbery, um, but I remember reading that there was a Glock involved -- a Glock handgun -- (unintelligible) so I figured, okay well one of the assailants has a handgun. It occurred to me he could've been running, pulling it out in a bathroom, figured just based out of my knowledge of what a Glock is. Um, but yeah. I - I read that in there and, um - sorry. What was the second half of the question? It's you wanted to know...

Q: Did y- did you learn any information that would've told you which one of the individuals would have...

A: I didn't. I didn't. No.

Q: Okay. So were both of the individuals that were described, um, and either aired or - you know, aired that you became of aware of, were they listed as suspects - suspects in the robbery?

A: Yes. There were two suspects listed in the robbery.

Q: Okay. And so - and did the robbery occur at Doniphan and, um, Preuss?

A: Uh, Doniphan and Fountain Boulevard, which is just down the street.

Q: So they moved from that location to where, uh, they were contacted?

A: Yes.

Q: Okay. Did you believe these two individuals matched description?

A: Yes. Based on what I read on the call screen and heard, uh, Officer (McPharin) air one of the descriptions further. Yes.

Q: When - when you contact individuals that, uh, are suspected of an armed robbery with a firearm, um, you don't - you didn't have the information on who might have it...

A: Correct.

Q: ...so, um, were you concerned that they, uh - eh, or did you have any idea who could've been in possession of that firearm?

A: At that point in time either of them to me could've possessed a weapon or even both of them could've had a weapon.

Q: Mm-kay.

A: Um, at that point in time our safety was priority number one.

Q: Okay. Um, and so they were both wearing shirts and t-shirts. Right?

A: Yep.

Q: Shorts.

A: Shorts and t-shirts.

Q: Yeah. Yeah. Um, so where were you most concerned that they would've been, uh, containing that firearm?

A: Um, either along the hit side or in front like a appendix carry. That kinda thing. Um, based on what I do 'cause sometimes I carry when I'm wearing athletic shorts. That's what I do. I carry either right here or right here 'cause it's easiest when you don't have a belt on. That kinda thing. Um, that's what I was thinking when I was looking at them. You can carry behind you. I think that's harder but some people do that so could've been anywhere on the back or maybe even a pocket.

Q: And your observations of both of them on Preuss was from the back. Correct?

A: Yes.

Q: Did you check in areas that you were concerned they could've been carrying a firearm from - from where you - what you could observe?

A: What I could observe. Yes. I was looking at their back waist line, uh, on both of 'em. Like I said th- their shirts were out a little bit from their bodies so I couldn't - it wasn't like the shirt was stuck to their back to where I could see everything. Um, I couldn't determine whether they were s- carrying or not at the point.

Q: 'Kay. And I know I already asked you this but, um, when - when you arrived, um, could you h- could - could you recall or can you recall any of the conversation that, um, Sergeant (Vantlan) had with either of these individuals?

A: The only thing I could make out from when I was approaching was Officer or Sergeant (Vantlan), um, talking to the individuals saying, um, "Just be aware we're gonna pat you down real quick just to make sure you guys don't have any weapons." That's when I was intervening. Um, prior to that I don't remember hearing anything and I was paying more attention to their actions while Sarge was talking to them verbally.

Q: 'Kay. And did he use - did he use the word "weapons" do you recall?

A: I believe so. Or similar - yeah.

Q: And did they respond to him?

A: I think that they nodded. I don't know if they said yes or anything like that but, um, they put their hands up in the air as if they were willing to cooperate with us at that point.

Q: 'Kay. So, um, were you given specific direction to approach, uh, one of the two males, s- you know, specifically, like - what - like, how did you end up approaching...

A: Um...

Q: ...when you did.

A: Once Sergeant (Vantlan) said that, um, Officer (Gonzalez) and I were - I mean, Officer (Gonzalez) was to the left of me on the south and then that was more on the east. I was to the right of him. It just made sense that he was gonna go over to the individual on the left and I was gonna go to the one on the right and we've had plenty of contact like that before. We've d- we discussed who had who. Uh, and then immediately went in, was gonna, uh, put his arms behind him so I could pat him down.

Q: Was Officer (Gonzalez) also approaching the other individual at the same time that you were?

A: I believe so. Yes.

Q: Okay. So - and then if you can just take me through step by step with as much detail as you can, um, as you're approaching the - the male with the facial hair. You said - you described him as having a black t-sh- t-shirt. Correct?

A: Yes.

Q: 'Kay. Kind of tell me, you know, how - uh, talk to me about your approach, how close you got, uh, his behavior when you first noticed that change and then when you ran.

A: Um, from when I first approached when I was going to pat him down you mean?

Q: Yes.

A: Um, so his hands were up in the air like this like he was willing to cooperate but I did - as I approached him he, um, started to put his arms down a little bit. Um, I didn't know if that was from him being fatigued from holding 'em up or if he was gettin' ready to move. Um, I tried to keep both in perspective but as soon as he started putting 'em down more and he was turning that's when I realized he's not gonna cooperate, he's takin' off and after a few steps is when he started reaching into his pants below the waistband here and that's when everything else happened where I heard Sergeant (Vantlan) fire a round and I was drawin' the same time that he was puttin' his hands in his pants and I was movin' out.

Q: And, um, we did talk about it but y- why was he putting his hand in his pants?

A: Grab a weapon.

Q: Okay. And so, um, what - how - tell about the observations that you made that, um, made you believe that he was reaching in his pants to grab a weapon.

A: Based on my experience from dealin' with people with firearms or anything, um, the way that he was reaching in - he wasn't reaching in to fix his pants. He wasn't reaching in to do anything like that. He was reaching in for an object for a weapon. Um, it - it wouldn't be natural to do it any other - for any other reason from what I understood of what I was observing. Um, I don't - I don't know how answer it.

Q: You used - you used your right hand to demonstrate him reaching in.

A: Yes.

Q: Okay. Um, what was he doing with his left hand?

A: I couldn't see.

Q: Okay.

A: And since I was moving -- I was tryin' to move to the right -- um, I couldn't see this entire side of him and what it was doing. I couldn't see as if he was running moving his arm. That's what I - I didn't see that. Um, for all I know he could've been reaching in to his pants on that side too but I can't attest to that 'cause I didn't see that side.

Q: Okay. So you had a clear view of his right side?

A: Yes.

Q: Okay. Um, and his body was blocking his left arm for whatever it was doing from your observation?

A: Yes.

Q: Okay. Um, how far away from h- you was he when you fir- when you fired?

A: Maybe eight to 10 feet. Around that range if I remember.

Q: Okay.

A: Um, I remember when I had my sights on him he was that far away, um, but I think I did a - a - a stop on, a quick because I wanted to get my sights aligned and he could've made it a couple more feet than that when I pulled the trigger so...

Q: And where were you aiming on him?

A: At his back, the torso of his body.

Q: Um, so you said you shot two shots.

A: Yes. From what I remember doing yes.

Q: Okay. What, um - why'd you stop shooting?

A: He went down to the ground. And I didn't see any reason to fire at him more when it - the intent there was to stop the threat that point in time and then it was get him in cuffs, get a medical and pat him down for weapons as well. That was my concern at that point.

Q: 'Kay. Um, did you hear anything said by either yourself or anybody else, any of the o- other officers on the scene, um, once he began to run north on Preuss?

A: Uh, I recall one of the officers -- I can't tell if it was Sergeant (Vantlan) or (Gonzalez) -- yelling, "Stop," something along those lines. Um, I didn't give any verbal commands 'cause once I saw him startin' to do that my decision was he's got a gun, I'm firing.

Q: 'Kay.

A: So, um, I wasn't - I didn't take the time to react to say anything.

Q: Did you feel like you had a lotta time to make a decision in that instance?

A: No.

Q: Um...

A: No. It was pretty quick.

Q: Okay. So why'd you feel like you didn't have very much time to do something?

A: Um, if I - who knows if I would've given it a couple more seconds or even a second more if he would've been able to get a round off on his end. Um, I felt that I had to act and I had to act quickly in order to stop that from happening.

Q: 'Kay. We'll have you take one more break.

A: Sure.

Q: Okay. Um, I'm gonna step out real quick and then may ask you hang out here or step out as well.

A: Okay. (Unintelligible). Well thank you. All right.

Q: Thank you.

A: Thanks.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.
Signed _____

EPSSO
12/02/19

Evid Rcpt Evenson Transcript

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Lowe, James 04074**

Barcode	Item #	Item Type	Description
 1146729	6	CD/DVD(s)	Serial #: 1.00

Mandatory Info: **Evidence**

CSPD OFC. BLAKE EVENSON INTERVIEW

Evidence entered: 08/06/2019

Collected by: Lowe, James 04074
Recovery Address: 27 EAST VERMIJO AVE
Homicide #:

Current Location: Evidence Facility Intake Lockers

EPSCO
12/02/19

Supplement 20190805 1648 Lowe, Jim 04074

Supplemental Narrative, Case #19-11348, Detective James Lowe #04074, 8/12/2019

On Monday, August 5, 2019, I, Detective James Lowe #04074, of the El Paso County Sheriff's Office (EPSO) Investigations Division, conducted a recorded interview with Colorado Springs Police Department (CSPD) Officer Blake Evenson #4634 at the Office of The Sheriff located at 27 East Vermijo Avenue.

The interview with Ofc. Evenson began at approximately 4:48 PM. Ofc. Evenson was accompanied in the interview room by his Attorney John Newsome.

At 5:17 PM, we took a break and left the interview room.

At 5:32 PM, we returned to the interview room.

The transcript is attached to this report.

The interview concluded at approximately 5:43 PM.

I reviewed this transcription while listening to the interview and made small changes to ensure it accurately reflected the interview.

A copy of this interview was placed on to a CD ROM and placed into evidence under this case number.

Case Status: Same as Original

EPSO
12/02/19

El Paso County Sheriff
Property Invoice



Case Number: 2019-00011348

Submitting Deputy: Whitehead, Bradley 05071

Barcode	Item #	Item Type	Description
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	26	Drawing(s)/Diagram(s)	N/A N/A Serial #: n/a
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Mandatory Info: **Evidence** DIAGRAM BY [REDACTED]

Evidence entered: 08/08/2019
Current Location: Tape Box

Collected by: Whitehead, Bradley 05071
Recovery Address: 27 EAST VERMIJO AVENUE
Homicide #: K-1

	42	CD/DVD(s)	VERBATIM Serial #: 1.00
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Mandatory Info: **Evidence** DVD CONTAINING [REDACTED] INTERVIEW

Evidence entered: 08/12/2019
Current Location: Evidence Facility Intake Lockers

Collected by: Whitehead, Bradley 05071
Recovery Address: 27 EAST VERMIJO AVENUE
Homicide #:

	43	CD/DVD(s)	VERBATIM Serial #: 1.00
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Mandatory Info: **Evidence** CD CONTAINING AUDIO FROM PHONE CALLS.

Evidence entered: 08/12/2019
Current Location: Evidence Facility Intake Lockers

Collected by: Whitehead, Bradley 05071
Recovery Address: 27 EAST VERMIJO AVENUE
Homicide #:

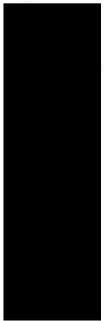
EL PASO 12/02/19



Imagery ©2019 Google, Map data ©2019 20 ft

LX - first site of De'von
ZX - Where his body was
De'von

Aug. 8, 2019



2019-00011348 ATC possible witnesses:

On Tuesday, August 6, 2019, at about 2:30 pm, I, Detective Bradley Whitehead, #05071, of the El Paso County Sheriff's Office Investigation's Division, was asked by Detective Sergeant Rosario Hubbell, #07050, to contact possible witnesses based off of social media posts.

At about 3:00 pm, I made contact with [REDACTED] [REDACTED] [REDACTED] [REDACTED] via telephone at [REDACTED]. She told me she was waiting to hear back from her attorney and said we could work something out after that. I asked her if she was just a witness and she said "I was right next to him when they shot him." [REDACTED] said after she got with her attorneys she would call me back. I saved this conversation as "[REDACTED] #1."

At about 3:10 pm, I made contact with [REDACTED] [REDACTED], via telephone at [REDACTED]. I told her based off of social media post she was a witness to the incident. She said she wasn't there for the incident, but was there after the fact and recorded people talking with the police. I asked her if she knew of anyone who recorded the incident and she identified [REDACTED]. I asked her if there was anything she saw while she was there she thought I needed to know and she said there wasn't. I saved this conversation as "[REDACTED]"

At about 3:27 pm, I attempted to make contact with [REDACTED] [REDACTED], via telephone at [REDACTED]. The number did not ring and after several moments there was a busy tone. I attempted several times with the same results.

At about 3:40 pm, I attempted to make contact with [REDACTED] [REDACTED], via telephone at [REDACTED], but I received the same results as I did with [REDACTED]. I also attempted several time with the same results.

At about 3:42 pm, I attempted to make contact with [REDACTED] [REDACTED], via telephone at [REDACTED], but there was no answer so I left him a message.

At about 3:43 pm, I attempted to make contact with [REDACTED] [REDACTED], via telephone at [REDACTED], but there was no answer so I left her a message.

At about about 3:45 pm, I attempted to make contact with [REDACTED] [REDACTED] [REDACTED], via telephone at [REDACTED], but there was no answer so I left her a message. At about 3:48 pm, [REDACTED] returned my message and said she had friends who where there and witnessed the incident. I asked her if she would forward my information to them and have them contact me. I was not able to save this conversation due to operator error with my digital recorder.

At about 4:00 pm, [REDACTED] returned my message. I told him I was calling in reference to some social media posts where he said Devon was at a barbeque. He said he didn't see what happened but his neighbor [REDACTED] [REDACTED] did. [REDACTED] said he knew more about the incident at the protest where the two brothers pulled their guns on people.

I told him I wasn't investigating that incident, but was more interested about the post where he said Devon didn't have a gun. He said he posted that because everyone in the neighborhood witnessed it and told him "the cops never found a gun when they were searching that boy's body." He went on to express what his opinion was after watching the video that was on the internet.

I asked him who told him the cops didn't find anything and he said the whole community witnessed it and said he didn't have any liberty to give me their names. He said there were multiple witnesses in that building who told him "that he got shot in the back." I told him he didn't have to give me any names, but if he could provide my information to them and have them call me. [REDACTED] did not have any eyewitness information to provide me and I saved this conversation as "[REDACTED]"

On Thursday, August 8, 2019, at about 10:31 am, [REDACTED] returned a message I left her earlier in the morning. I told her I was following up with her regarding her appointment with an attorney and the need to speak with her. I asked her if she witnessed and recorded the incident and she said she only witnessed it. She talked about another video that showed the moments after the officers fired, but she didn't have that video.

I told her it was important to speak with her as a witness and ensured her she wasn't in any trouble. She then told me she knew "100%" that he didn't have a gun. The conversation started breaking up and she told me her phone was dying and the the call ended. I saved this conversation as "[REDACTED]"

At about 3:41 pm, [REDACTED] [REDACTED], returned a voicemail I left her. I told her I was calling in reference to the officer involved shooting over the weekend and asked her if she was a witness to the incident. I asked her if she would be able to come down to the office and talk, but due to conflicting schedules I interviewed her over the phone. I asked her to verify her identify and she

provided me with her [REDACTED]. She said she lived as [REDACTED].

I asked her to tell me what she saw leading up to and during the shooting. She said she was outside of the apartment complex with her cat when she heard someone yell "put your hands up." She got up to look what was going on and she saw Devon running followed by two officers who yelled "put your hands up quite a few times." Then she heard gunshots and he fell to the ground.

[REDACTED] said she didn't know what happened before they were running towards the park. I asked her what she remembered seeing about Devon. She said he was wearing a t-shirt, shorts and shoes and "I believe his hands were kind of on the side." They shot him and he "reached around like towards his chest or waist section I'm assuming where the gunshots were." She said she heard him say "ow or oh" and then he fell to the ground.

I asked her about his hand being off to the side and she described it as "I'm assuming" he was trying to put his hands up and they were out to his sides. She said his hands were "out in the air." I asked her where they were in relation to her. She said she was facing the street and they were running from the south to the north and I asked her if they were running from her left to the right and she said yes. I asked her how far away she was from them and she estimated twenty feet.

I asked her if she heard Devon say anything and she said "ow or oh" assuming it was after he was hit by the gunfire. I asked her if she heard the cops say anything other than put your hands up and she said that was all she heard. [REDACTED] said they said it a few times. After she heard the cops yell the first time she saw them running followed by more commands of put your hands up.

I asked her if they said it several times before she heard the shots she said "yes." I asked her if Devon put his hands up and she said as he was running his hands were off to the side and said "yes-ish." I asked her to describe what that looked like and she said they were away from his body about shoulder height with nothing in his hands. I asked her if there was anything else she saw or heard she thought I needed to know and she didn't think there was.

I asked her how many shots she heard and she said "seven." She heard three shots, a brief pause and then four more shots. I asked her after Devon fell to the ground what happened. She said two cops approached him and said "I'm not super sure" but they grabbed his hands and looked like they were going to handcuff him or bandage him and "I'm not 100 % sure."

I asked her if she saw them apply first aid or heard what they were saying. She said she didn't hear what they were saying but they layed him or pushed him down to the ground and thought they were doing first aid and it appeared another officer began doing chest compressions. Her view was blocked shortly thereafter by a fire truck.

I asked her if she saw the video put out by the media and she said she did. I asked her where she was in relation to that camera and she said she was to the right of the doorway to the entrance of the building. I asked her if she was in the video or if it was someone else. She said the guy who walks out first was her [REDACTED] and the lady on the sidewalk was her [REDACTED]. She said she was in the video near the end wearing [REDACTED] and [REDACTED].

She identified her [REDACTED] as [REDACTED] and her [REDACTED] as [REDACTED]. I asked her if there was anyone else who was there and she said there weren't too many people out and she didn't know who else may have seen it. I asked her if she thought of anything later on to call me and she said she would. I asked her if she took any video of it and she said she didn't. I saved the conversation as "[REDACTED]."

I advised Sgt. Hubbell of my conversation with [REDACTED] and he said she needed to be interviewed in person. I called [REDACTED] back and asked her if she could respond to the Office of The Sheriff when she got off work and she said she could. I saved that conversation as "[REDACTED]."

At about 6:05 pm, [REDACTED] called me and said was at the office. I responded to the lobby and escorted her to Interview Room #4 in the Investigation's Division. At about 6:09 pm I met with her and advised her interview was voluntary and she could leave at any time.

I asked her if she could talk to me about what she saw and heard step by step. I asked her to be as detailed as she could and I would ask her questions afterwards. [REDACTED] provided me with the same statement as she did on the phone, but I was able to get a better description of how Devon was running. I did this by asking her to demonstrate where Devon's hands were when he was running.

After she was done with her statement I repeated it to her to confirm her statement. I asked her if she knew Devon and she said she didn't, but only knew that was his name after watching the news. [REDACTED] stood up and said "I believe" his hands were up to the side and demonstrated by holding her hands up at about shoulder height. I told her if she wasn't sure about something I didn't want her to guess or assume if she wasn't sure.

[REDACTED] said it all happened so fast and she wasn't sure if his hands were up to the side as she demonstrated. I asked her to talk about what she saw when she saw his hands at his sides. She again described them at shoulder height. I asked her how far away she was from them and she estimated twenty feet. I asked her what part of Devon's body she could see and she said his right shoulder and his back.

I asked her how many commands she heard the cops give Devon and she said about four or five. She heard the initial command, then she saw them, and then about three more commands. I asked her if she could hear the officers say anything and she said she didn't. She said they guided him to the ground, they grabbed his arms but wasn't sure what they were doing.

I printed off a map from Google and asked her to make an "X" where she was located, an "X" where she first saw Devon and then another "X" where Devon fell to the ground. I asked her to label the two "X's" as "1" and "2" and then write what each X represented at the bottom of the page. "X1" was where she first saw Devon and "X2" was where Devon fell to the ground. I asked her how far behind Devon the officers were and she estimated five to seven feet.

I took a short break to speak with Sgt. Hubbell and then returned to the interview moments later. I asked her if she saw the initial contact officers made with Devon and she said "no, I don't believe so." I asked her if she didn't believe so or if she didn't and she said she didn't. I asked her when she first became aware something was going on and she said it was when she heard the officers yell put your hands up. I asked her if their commands were pretty loud and she said "yeah."

I asked her who she saw first and she said Devon and "he was running away from the officers." I asked her if Devon's hands were up the entire time he was running from the officers and she said she couldn't answer that. I asked her about other possible witnesses and she said she wasn't aware of any. She saw a third officer arrive and appeared to start doing chest compressions. After that a fire truck came and blocked her view. I asked her if she saw anything in his hands and she said "no." I asked her if she noticed anything about his clothing she said she didn't.

She did say his other arm was to the side and appeared to hold his shorts up as his clothes seemed baggy. I asked her about Devon reaching to his side and she said "it didn't look like he was reaching for anything." She stood up and demonstrated with her left hand on her stomach and her right hand on her right hip.

I asked her if there was anything she thought of since our first conversation on the phone up until now she thought I needed to know and she said there wasn't. I asked her to sign and date the map she drew on and then ended the interview and escorted her out of the building.

I placed the following items into Evidence Locker # INV1:

- #26: Diagram by [REDACTED]
- #42: DVD containing [REDACTED] interview
- #43: CD containing audio from phone calls

I have nothing further at this time.

Case Status: SAO

Supplement 20190808 Boarman, Glenn 02031

I, Detective Glenn Boarman, a duly sworn Deputy Sheriff, of and for the County of El Paso, State of Colorado, and who is presently employed with the El Paso County Sheriff's Office. I was assigned as a Task Force Office (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

On 8/08/19, I called Ben Broadbent and asked for Tony Walker's phone number. He told me it was [REDACTED]. I search the phone number through [REDACTED]. The search revealed the phone number was associated to Antonio Joseph Walker, [REDACTED]. Walker pawned an item on 8/07/19 in Colorado Springs. The pawn ticket listed Walker's address as [REDACTED], apartment [REDACTED] Colorado Springs, Colorado.

On 8/12/19 at about at about 1120 hours, I went to [REDACTED], apartment [REDACTED] in an attempt to interview Walker. I knocked on the door. A lady responded through an open window. I identified myself and asked if Tony was home. She stated she was the only person that lived at the address and she did not know Tony.

I searched Walker's name through [REDACTED]. The search revealed the most recent address associated to Walker was [REDACTED], Colorado Springs, Colorado.

At about 1327 hours, I went to [REDACTED] and contacted a female. She stated Walker did not live there and she did not know him.

At about 1440 hours, I called Walker's phone number and left a voice message asking him to call me.

I searched Walker through the [REDACTED] record. The search revealed Walker was issued a citation on 7/08/19 and listed his address as [REDACTED], apartment [REDACTED] Colorado Springs, Colorado.

At about 1720 hours, I went to [REDACTED] and discovered there was not an apartment [REDACTED]

On 8/13/19, I searched the Colorado license plate (HRO-094) of the vehicle Walker was driving on 7/08/19 through [REDACTED]. The search revealed the plate was registered to [REDACTED]. Her address was [REDACTED], apartment [REDACTED] Colorado Springs, Colorado. Her phone number was [REDACTED].

At about 1002 hours, I talked to Corey Claussen. I asked about the male who acted suspicious when he went to [REDACTED]. He told me the male drove a gray BMW.

At about 1020 hours, I called Walker's phone number and left a voice message asking him to call me. At about 1105 hours, I called Kaiser's phone number and left a voice message asking her to call me.

At about 1140 hours, I drove past [REDACTED]. There was a gray BMW bearing Colorado license plate LFO-232 parked in the driveway. A check of DMV records revealed the license plate was registered to a gray 2000 BMW with VIN [REDACTED] 2195. The registered owner was [REDACTED].

Case Status: SAO

Typed by Detective Boarman on 8/13/19

EP SO
12/02/19

EL PASO  COUNTY

OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman
Mary Ritchie
Bryan E. Schmid

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGE

PRESERVATION NOTICE

IMMEDIATE COMPLIANCE REQUIRED

TO: BC Brad Shannon; Cmdr. Andy James;
CC: US Carey; Peter Lichtman; PSU Lt. Bernier
DATE: August 12, 2019
FROM: Diana May, El Paso County Attorney
RE: Investigation of CSPD Officer involved shooting August 3, 2019
De'Von Bailey, D.O.B. 8/18/99

The El Paso County Attorney's Office ("OCA") has received a Letter of Representation from Darold Killmer regarding his representation of the family of De'Von Bailey. The letter requests preservation and retention of all records relating to this investigation.

This letter does not mean that you are necessarily involved in the dispute. However, OCA and EPSO are now under a legal duty to preserve all evidence, whether printed or electronic to include, but not limited to, documents, e-mails, computer files, voice messages and any other covered records, that might be relevant to issues the Plaintiffs might raise in their lawsuit. The OCA and EPSO have a legal duty to preserve this evidence even if in the normal course of business those records could be destroyed under the current retention schedule or any other reason established with EPSO. **We must take affirmative measures to ensure that no potentially relevant documents are inadvertently altered, lost or destroyed.**

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

The materials, documents and information subject to this Preservation Notice ("Records") include **anything** containing information on the subject matters described below. Covered Records include paper materials and electronic or magnetically stored information, whether the information is stored on off-site servers (e.g., "the cloud"), on your computers or servers, or on personal computers, laptops, tablets or other electronic devices you use (e.g., smart phones, cell phones, personal digital assistants, etc.). Covered Records include any data or communication, including texts, voice messages and video or audio recordings. Covered Records include not only those in the possession of EPSO, but also Records in your personal or individual files or devices, whether located in your office or at home.

Covered Records include documents of all types, including letters, correspondence, memoranda (including undistributed memoranda to file), reports, meeting minutes, meeting agenda, drafts, notes, calendars, contact information, task lists, notes and any other documents. Covered Records include emails, attachments to emails and documents, and other files (e.g., Word, Excel, Power Point and Access files). A duplicate of a covered Record is a separate Record and must also be preserved.

You must preserve all relevant electronic documents, including emails you sent, received, or on which you were copied (even if you believe that identical copies may exist on the computers of other individuals); emails you "deleted," but which have not been permanently removed from your electronic mail box; and, emails that are stored on any backup tapes, hard drives, CDs or other storage media.

You are required to take the following steps immediately to protect and preserve any Records in your possession or under your control until further notice from Diana May or another Assistant County Attorney. Specifically, you must:

1. Suspend deletion, overwriting or any other destruction of electronic information relevant to this potential dispute that is under your control. This includes electronic information wherever it is stored – at your work station, on a laptop, or at home. It includes all forms of electronic communication (e.g. e-mail, word processing, calendars, voice messages, videos, photographs, information in your personal digital assistant device (PDA)). The information must be preserved in its original electronic form, so that all information contained within it, whether visible or not, is also available for inspection – i.e., it is not sufficient to make a hard copy of electronic communication. In addition, do not alter, reconfigure or relocate any information relevant to this dispute.
2. Preserve any new electronic information that is generated after you receive this notice that could be considered relevant to this dispute.
3. Preserve any hard copies of Records under your control.

Please preserve all Records in your possession or control concerning the following topics specific to the allegations made:

INVESTIGATIONS:

Case Reports(RMS) Evidence 911/dispatch call-screens

This includes but is not limited to your *original* file on this matter, include the file jacket, case reports, incident reports, work product, emails, discs, DVDs, photographs, surveillance video, etc.

EPSSO
12/02/19

Supplement 20190812 1539 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 12, 2019, at about 3:39 p.m., I, Detective Montville received an email from El Paso County Sheriff's Office Investigations Division Commander Andy James. Attached to the email was a copy of a preservation notice from El Paso County Attorney Diana May; in reference to this case.

A copy of the preservation notice is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

EPSCO
12/02/19



El Paso County Sheriff's Office



Detective Lisa Montville
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, Colorado 80903
EPSO Case Number 20 19-00011348

Colorado Bureau of Investigation
79 North Silicon Drive
Pueblo West, Colorado 81007

August 12, 2019

Dear Sir/Madam:

On August 3, 2019, at about 6:45 p.m., CSPD Officers Gonzales, Evenson, and Van't Land responded to the area of 2100 Preuss for a report of an armed robbery (CSPD Case # 19-28176). The robbery was reported to have happened at the Rosewood Apartments which are located just south of Preuss.

The reporting party of the robbery, Anthony Love [REDACTED] provided a description of the two males who robbed him and an alias for one of the males of 'Spaz.' Anthony knew Spaz and informed officers he was armed with a handgun. Upon arriving in the area, officers located two males matching the description of the robbers provided by Anthony.

Upon contacting the two males, later identified as Devon 'Spaz' Bailey (DOB: 08/18/99), and Lawrence Stoker (DOB: 06/17/00), officers stopped them and attempted to perform a cursory pat search (Terry) for weapons. When officers approached both males to search them, Devon began to run away while reaching in the area of his waistband.

Officers Van't Land and Evenson fired multiple times striking Devon and causing him to fall in the street. Both officers began offering life saving aid and continued to do so until responding medical units arrived on scene and transported Devon to a local hospital where he later died as a result of his injuries. CSPD officers aired "On Scene," at 6:57 pm and "Shots Fired," at 6:58 pm.

Civil Process Unit
210 South Tejon St. • Colorado Springs, CO 80903
719-520-7144



Office of the Sheriff
27 East Vermijo Ave. • Colorado Springs, CO 80903
719-520-7100
www.epcsheriffsoffice.com

Criminal Justice Center
2739 E. Las Vegas St. • Colorado Springs, CO 80906
719-390-2106



El Paso County Sheriff's Office



Detective Jason Darbyshire assisted the Metro Crime Lab with the location and collection of relevant evidence to include a Glock 9mm pistol bearing serial number [REDACTED] which contained a loaded magazine and one live round in the chamber of the weapon. This item was collected from the shorts Devon was wearing; which were removed for safety while officers were rendering aid.

An autopsy was conducted by the El Paso County Coroner's Office. Preliminary rulings indicate the cause of Bailey's death is most likely multiple gunshot wounds and the manner of death is most likely a homicide. During the autopsy a gunshot residue kit was collected from Bailey's person. The GSR kit is identified as EPSO item number 32.

Scientific Testing:

I am requesting the gunshot residue kit be processed by CBI.

Please contact me with any questions.

Lisa Montville
Detective, El Paso County Sheriff's Office
Major Crimes Unit
27 East Vermijo Avenue
Colorado Springs, CO 80903
719-520-7227

EPSO
12/02/19

Civil Process Unit
210 South Tejon St. • Colorado Springs, CO 80903
719-520-7144



Office of the Sheriff
27 East Vermijo Ave. • Colorado Springs, CO 80903
719-520-7100
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719-390-2106

COLORADO BUREAU OF INVESTIGATION
REQUEST FOR LABORATORY EXAMINATION

CBI LAB CASE # _____
 PAGE 1 OF 1

SUSPECT	<u>Devon</u>	<u>Malik</u>	<u>Bailey</u>	RAC/ B	SEX/ M	DOB/ 08/18/99	SID/ CQ3635084
	FIRST	MIDDLE	LAST				
SUSPECT	_____	_____	_____	RAC/	SEX/	DOB/	SID/
	FIRST	MIDDLE	LAST				
SUSPECT	_____	_____	_____	RAC/	SEX/	DOB/	SID/
	FIRST	MIDDLE	LAST				
VICTIM	_____	_____	_____	RAC/	SEX/	DOB/	SID/
	FIRST	MIDDLE	LAST				
VICTIM	_____	_____	_____	RAC/	SEX/	DOB/	SID/
	FIRST	MIDDLE	LAST				

OFFENSE (E.G. HOMICIDE) AOA-Colorado Springs Police Department NCIC OFFENSE CODE 9004 DATE OF OFFENSE 8/3/2019

El Paso County Sheriff's Office *CASE# 2019-00011348

REQUESTING AGENCY 4th Judicial District
 JUDICIAL DISTRICT AND COURT DATE, IF AVAILABLE _____

*IMPORTANT: EVIDENCE MUST BE LIMITED TO ONE AGENCY CASE
CHECK ALL THAT APPLY: NEW CASE FOR CBI?
 ADDITIONAL EVIDENCE?
 RESUBMITTED EVIDENCE?
 CBI ASSISTED CRIME SCENE?

CBI ITEM	OUTER PACKAGING	AGENCY ITEM	DESCRIPTION	gun(s)/sharp(s) are safe Initial to confirm
		32	Gunshot Residue Kit	<input type="checkbox"/>
				<input type="checkbox"/>

CBI Forensic Sciences personnel MUST be notified if this evidence has been previously analyzed

USE CONTINUATION FORM FOR ADDITIONAL ITEMS

By submitting evidence for testing, you agree to our posted Notice to Customer that can be found at the CBI website

Investigating Officer Lisa Montville PLEASE PRINT Phone # 719-520-7227
 E-Mail lisamontville@elpasoco.com Send Report to Email _____
 Fax/Email _____

Additional Contact _____ PLEASE PRINT Phone # _____
 E-Mail _____

CHAIN OF CUSTODY: (Pending inventory by CBI staff)

Date/Time	Signature	FedEx/UPS/Cert
1		
2		
3		
4		

DENVER 6000 West 54th Avenue Arvada, CO 80002
 GRAND JUNCTION 2797 Justice Drive Grand Junction, CO 81506
 PUEBLO 79 North Silicon Drive Pueblo, CO 81007

- CBI USE**
- CRS
 - DNA
 - SER
 - HRF
 - CHE
 - TRA
 - GSR
 - FIR
 - NIB
 - FTP
 - FIN
 - FDB
 - TOX

RFLE Document # 6713

Issue Date: 6/15/2
 Issued by _____

Supplement 20190812 1230 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 12, 2019, at about 12:30 p.m., I, Detective Montville was conducting follow-up on this case. I prepared a laboratory submission to the Colorado Bureau of Investigation for the gunshot residue kit collected from Bailey at autopsy. This item was previously identified as El Paso County Sheriff's Office item number 32.

The cover letter I prepared along with the laboratory examination form was submitted to the El Paso County Sheriff's Office Evidence staff for processing.

A copy of the aforementioned documents are attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

EPSCO
12/02/19

El Paso County Sheriff
Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **White, Tremaine 06097**

Barcode	Item #	Item Type	Description
 1146772	11	Flash/Thumb/USB Drive(s)	Serial #: SILVER/BLACK 0
Mandatory Info: Evidence		CSPD INTERVIEW W/LAWRENCE & ANOTHER INTERVIEW WITH DETECTIVE PRICE	
Collected by: White, Tremaine 06097		Evidence entered: 08/07/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

EPSCO
12/02/19

On August 3, 2019, I Detective Tremaien White conducted a witness interview with Lawrence Stoker at the CSPD POC. This interview was transcribed by NetTranscripts. This interview was recorded using audio and video, which was later placed into evidence. Please see the evidence item for any additional information not conatined or properly translated in this transcript.

INTERVIEW WITH LAWRENCE STOKER

Q=CSPD Detective

Q1=Det. T. White

A=Lawrence Stoker

Q: Hey, Lawrence. This is, uh, Detective White. He is with the, uh, the sheriff's office.

A: (Unintelligible) good how are you?

Q1: Trey White. Nice to meet you.

A: Nice to meet you, too.

Q: They are helping us out with the shooting aspects. So, um, what I'd like to do is just have you guys sit down and have a conversation and it may be a little more fine-detailed about the shooting.

A: All right.

Q: If you're okay with that.

A: Okay.

Q1: You good with that, man?

Q: And, uh...

Q1: Okay. All right.

Q: We're, uh, we're following up on some of the, you know, the persons and places that you talked about earlier. So just bear with us. Um, I'll step back in when - when you all are finished.

A: Okay.

Q: Thanks, Lawrence.

Q1: (Unintelligible) feel that need anything?

A: (Unintelligible.)

Q1: (Unintelligible.)

A: No.

Q1: All right, cool man. I got - just call me Trey, man.

A: Okay.

Q1: Um, so my role in this is simply - what I'm simply doing is, um, I'm handling this shooting and some details around that. But just forgive me. I know you've been here for a little bit. If it gets a little bit repetitive, you know what I'm saying...

A: Yeah.

Q1: I just wasn't here for the first part of that interview.

A: I feel you.

Q1: So I might ask you some of the same questions (unintelligible) so just bear with me. What I'm really looking to focus on, um, is just to go over everything with his, uh, go over everything with as many details as you can remember. I'm not here to accuse you of anything like that. All right? I'm just gonna find out mainly about the shooting, some of the things that kind of precipitated, given including your relationship with, uh, what - what is his name?

A: De'von.

Q1: De'von, okay. Let me just, uh, get your name and date of birth.

A: Uh, Lawrence Stoker. Uh, [REDACTED]. L-A-W-R-E-N-C-E.

Q1: Common spelling for Lawrence? L-A-W-R-E-N-C-E?

A: Yeah.

Q1: Okay what's your middle name?

A: Middle name?

Q1: Middle initial, yeah.

A: A.

Q1: The last name's Stoker?

A: Yes.

Q1: S-T-E-O-K-E-R?

A: Yeah.

Q1: All right. What's a good telephone number for you?

A: Uh, [REDACTED]

Q1: [REDACTED], what's a good address for you?

A: Uh, [REDACTED]

Q1: Who do you live with there?

A: Uh, my [REDACTED]

Q1: How long have you lived there for?

A: I don't know, [REDACTED]

Q1: Your whole life?

A: Yeah.

Q1: How old are you?

A: [REDACTED]

Q1: Your whole life, right? Uh, so how old is your kid?

A: I'm having one.

Q1: Congrats. Boy or girl?

A: Girl.

Q1: Congrats. Congrats. You're in trouble there.

A: That's what I've been hearing.

Q1: Right? Right? All right. Um, so all I wanna do - like I said, I'm new to this, right, as far as the details of what happened tonight. So I was hoping that you can kinda take me through, um, your whole day from when you just connected with everybody, so if you don't mind just running that down for me.

A: So from when I woke up to when everything was going on?

Q1: Uh, yeah like whenever you first connected with everybody.

A: Okay. So my girlfriend had went to about - Walmart about I think 4:00 or 5 o'clock. And I left right after that. And I went to De'veon's house.

Q1: Who's your girlfriend?

A: [REDACTED]

Q1: Okay. Okay gotcha.

A: That's my baby mama.

Q1: Okay.

A: And, um, I went down there and there was a couple people there. There was originally this white boy, Little An, his girlfriend, [REDACTED] and me. And this guy named [REDACTED]

Q1: So we've got Davon?

A: Yes.

Q1: Little An?

A: Yeah.

Q1: What's his real name? You know?

A: [REDACTED]

Q1: [REDACTED] What's the last name?

A: Uh, [REDACTED]

Q1: And who else?

A: This white boy. I don't know him.

Q1: Okay.

A: Uh, De'veon, his [REDACTED] and [REDACTED]

Q1: Okay cool. All right.

A: And, um, we were there and we were just chillin' for a little bit and [REDACTED] is d- really drunk.

Q1: Okay.

A: And, um, De'von goes inside for a little bit and he gets a talkin' to her. And like but she's like saying "back up," you know?

Q1: Okay.

A: And he's like getting too - too aggressive. You feel me?

Q1: With ([REDACTED])

A: Yeah.

Q1: With who?

A: Uh, h- his [REDACTED] his [REDACTED]

Q1: Oh, him and his [REDACTED]

A: Yeah.

Q1: Okay.

A: Um, De'von's [REDACTED] [REDACTED] the guy that got shot.

Q1: Gotcha.

A: He's got two (unintelligible).

Q1: Okay.

A: And, um, so I got in the middle and I was like, "Bro she said back up, this is (unintelligible). You know?" And he pushed me so I pushed him back. And he swung. So I ended up fightin' him and...

Q1: Scrap it out real quick?

A: Mm-hm. Then I went over to my friend ([REDACTED])'s house, ([REDACTED]) (unintelligible) 'cause his brother came over trippin' asking what happened. So we went over there. ([REDACTED]) ended up being there.

Q1: Who all went over there?

A: Um, me and (Spaz). I mean me and (Gliz) went over there. I don't know why I keep saying (Spaz). (Gliz) went over there, De'von, and so we (unintelligible).

Q1: So is (Gliz) De'von?

A: Yeah.

Q1: That's his street name?

A: Yeah it's his...

Q1: Okay.

A: ...street name. And, um...

Q1: Where'd you guys go to?

A: (Anthony)'s.

Q1: Okay.

A: And when we got (unintelligible) like ([REDACTED]) is like our mom and that's ([REDACTED])'s ([REDACTED]) Uh, she was making both us chocolate. ([REDACTED])'s like real drunk so he don't wanna hear like the good like of what really happened...

Q1: Right.

A: He just wants to keep saying fuck you and blah blah blah. So that goes on for about 20, 30 minutes. Then finally we get it to a point where we can agree about something and then move on. So he left and then we started walking to my house, right? And right when we got on the next street, we seen three police officers. And we just said oh. We thought they was gonna go straight passed us.

Q1: Who's - and who is we?

A: Me and, uh, De'von.

Q1: Okay.

A: And, um, but they ended up stoppin'. And like one of 'em got out and then like eight others got out and started c- uh, saying, "Is your name, um, De'von?" And he said, "Yeah." And he was like, "What's your name?" And I said, "Lawrence." And I said, "What's the reasoning you're pulling us over?" And he was like, "A robbery." And, um, d- De'von had that gun on him so he is kind of like freakin' out a little bit.

Q1: Let me - le- I wanna backtrack for a- okay?

A: Okay.

Q1: Take me back to the part where - how long have you known De'von?

A: My whole li- that's my [REDACTED]

Q1: That's your [REDACTED]

A: Mm-hm.

Q1: Okay. All right. Who, um, he in the streets? He banging like that?

A: Not anymore...

Q1: Not anymore?

A: Like when we were in high school maybe ya know?

Q1: Right. Okay.

A: (Unintelligible.)

Q1: And then he, uh, so tell me about this gun, how long he's had it, what's the story around that?

A: I know he got it 'cause he started getting like jumped because, um, he's going through another charge and it's like a child molest type of a charge...

Q1: Oh, that kinda...

A: And...

Q1: ...shit, okay.

A: And, um, I don't know who is the girl that he jumped or who her family is. But I - I mean I said jumped, whatever he did to her...

Q1: Right.

A: ...whatever, but he's been getting jumped like consistently, consistently...

Q1: Has he?

A: Consistently.

Q1: Just by anybody?

A: Yeah.

Q1: Anybody who knew about it?

A: Yeah. And, um, he just has that gun for that protection. He don't always carry it...

Q1: Right.

A: But just today he did.

Q1: Where did - when do you know that he got that gun?

A: I don't know when he got that gun.

Q1: If you had to guess, when was the first time you think you saw him with it?

A: Like about a month ago.

Q1: This is August, August 3rd.

A: Oh I mean July, at the beginning of July, like the first or second, like...

Q1: When...

A: ...when he first got out of jail.

Q1: Where'd he get it from?

A: I don't know that part.

Q1: You sure?

A: Mm-mm.

Q1: Okay. Um, how many time - when was the first time you saw, it's on the first of July?

A: Mm-hm 'cause that's when he got out.

Q1: Did he show it to you?

A: He said, "I got one." I was like...

Q1: How many times...

A: ...cool.

Q1: ...did you see him - how many times did you see him with that gun? Guesstimate.

A: Six, seven times.

Q1: Six, seven times?

A: Yeah.

Q1: Where was he buzzin' it? Where was he carryin' it at?

A: Just in his pocket.

Q1: His pocket?

A: Mm-hm.

Q1: Loaded? Unloaded?

A: I'm pretty sure it was loaded. But - yeah I'm pretty sure it was loaded.

Q1: Did he ever shoot it?

A: No.

Q1: No?

A: Not around me at least, no.

Q1: Did he ever go out and practice or anything like that? Okay.

A: (Unintelligible) don't have a car.

Q1: Ain't got no car? So he - he footin' it everywhere?

A: Mm-hm.

Q1: But he was carrying it on him pretty much every time?

A: As of - whenever I seen him...

Q1: Whenever...

A: Yes.

Q1: ...you seen him?

A: Yeah.

Q1: How was he carrying? A holster?

A: Just in his pocket.

Q1: So no - no actu- like my gun I got a holster and it...

A: Yeah nothing.

Q1: ...with it - no - no clip on, no nothing?

A: No.

Q1: Just straight up in his pocket?

A: Mm-hm.

Q1: Is he right-handed or left-handed?

A: I don't know.

Q1: You don't even know?

A: (Unintelligible) um, I just know he has it in his pocket.

Q1: (Unintelligible) okay. So, uh, so has he ever talked about - you said that he got a little nervous...

A: Mm-hm.

Q1: ...when the cops came up.

A: Mm-hm.

Q1: When the cops came up before they made contact with you guys, did he say anything about I got the gun? Anything?

A: Yeah he did tell me that. He said...

Q1: What'd he say?

A: ..."I got the gun, I have the gun on me, bro." And I was like - I looked at - like I wasn't looking at him, but I was like I don't know what to tell you. I really don't.

Q1: Right - right. And this is before they even made contact with you?

A: Mm-hm.

Q1: Did y'all think they're coming for us?

A: Mm-mm, not at all.

Q1: He just said, "I got the gun on me?"

A: Yeah 'cause they ended up like stoppin' like that and he was like, "I got the gun on me, bro." I was like, "I don't know what to tell you, bro."

Q1: What'd he say?

A: He didn't say nothing, he just started standing still. And then they came over, questioned us, and like right when they said like they were about to check us, like he just took off.

Q1: That's what - I wanna - I wanna go through this piece by piece as best...

A: All right.

Q1: ...you can, okay?

A: Okay.

Q1: As best as you can remember.

A: Okay.

Q1: All right so he tells you that...

A: Mm-hm.

Q1: You're like "I don't know what to tell you." Did he say anything else?

A: Mm-mm.

Q1: Where are his hands at when that happened?

A: They're right here.

((Crosstalk))

Q1: ...pocket...

A: (Unintelligible.)

Q1: ...out of his pocket?

A: Out of his pockets.

Q1: Was he nervous?

A: Oh yeah.

Q1: Was he? Did he tell you he gonna run? Did he say anything about that?

A: No just knowin' him, though, was gonna run.

Q1: He was gonna run?

A: Yeah.

Q1: So the cops flip around, they come to you.

A: Mm-hm.

Q1: How far apart are they from you?

A: Now they were only like - they're a little farther than you are now.

Q1: Are they - are they in...

A: (Unintelligible.)

Q1: They in uniform...

A: Oh yeah.

Q1: Cop car?

A: Yeah, yeah, mm-hm.

Q1: They make announcements to you? Hey you...

A: Yeah they did.

Q1: Did you know they were the police I guess is what I'm...

A: Yeah.

Q1: ...getting to. Okay.

A: Yeah.

Q1: What'd they say to you? To the best of your memory?

A: Well the - the cop came up. He was like, um, he said, um, he turned to him, De'von, to him first.

Q1: Uh-huh.

A: And he said, uh, yeah. And then he asked me my name. I said, "Lawrence Stoker."

Q1: Okay.

A: He was like - I was like, "Can I ask you why we're being, you know, the reasoning?" And he said, "Robbery." And when the robbery thing came up, me and De'von kinda looked at each other. He ai- he ain't rob no one.

Q1: Right.

A: But like De'von was like kinda like moving...

Q1: And - and do me favor. Y- if you don't mind, 'cause I can't get - why don't you stand up and show me what he was doing.

A: Like...

Q1: So let's say I'm the cop. How far away is he from - how - how far were the cops (unintelligible) and Davon?

A: Probably like right there.

Q1: Are you guys standing next to each other?

A: Yeah.

Q1: So when he says - when he starts talking to you, tell me how De'von's moving.

A: De'von is like kinda being jittery like fixin' himself, going like this, going like this and like - when he goes like this, you can hear the gun like move around and type shit, you know?

Q1: Right.

A: And, um, I think that's - 'cause you can tell the cop knew something was going on 'cause he was like...

Q1: Cop say anything to him?

A: Uh-uh...

Q1: Okay.

A: But he lookin' at him like he did...

Q1: Right.

A: (Unintelligible) something was going on. So then after he said he was gonna search him, the cop kinda went like this and then De'von just...

Q1: The cop went...

A: (Unintelligible.)

Q1: ...like what?

A: Like kinda was gonna like - pat you down type shit?

Q1: Right.

A: And De'von just took off.

Q1: Took off runnin'?

A: Mm-hm.

Q1: Okay. And then what happens after that?

A: He got shot.

Q1: So take me through what - did you see any of that?

A: Yeah I saw the whole thing.

Q1: Take - so take me through piece by piece...

A: Okay.

Q1: So he reaches to grab him?

A: Yeah he reaches to grab him and De'von takes off.

Q1: And from your, um, did he say anything like hey stand still?

A: Uh-uh.

Q1: But you said he made a noise? He hit the gun?

A: Yeah he hit the gun.

Q1: And you heard it?

A: Yeah.

Q1: You think the cop heard it?

A: Yeah 'cause that's when he started like looking like are you sure, like...

Q1: And then the cop, what'd he look like? Like white, black, Hispanic...

A: White...

Q1: Short? Tall?

A: ...short, your height.

Q1: Okay.

A: Um, blond hair, um, if I seen him I could like...

Q1: So you knew when you heard that click the cop probably...

A: Yeah.

Q1: ...heard it as well?

A: Mm-hm.

Q1: And so what happened after that?

A: De'ven takes off.

Q1: Just takes off. The cop tell him to stop? Anything like that?

A: I'm not gonna lie. At that point in time, it was like really fast and De'ven took off and all I heard was the shots. I didn't hear stop. I didn't hear...

Q1: Right - right....

A: ...(unintelligible), no nothing like that. But they could have, you know?

Q1: Right. Okay.

A: But I didn't hear it.

Q1: So when he takes off and starts running...

A: Mm-hm.

Q1: Does the cop immediately start chasing him?

A: Yeah.

Q1: And you're watching this?

A: Yes.

Q1: Are you in handcuffs at this time? What happened?

A: Uh-uh. Um, I'm like - okay so De'von takes off. I'm looking like this. And the other cop puts me on the ground but I'm still like can see all of it going on.

Q1: Right.

A: And after De'von got sh- I don't know like - it was just more than one cop that shot at him.

Q1: Okay.

A: And, um, he kinda like got to the end of the street and like kinda fell, started holding himself somewhere...

Q1: Mm-hm.

A: That's what I saw.

Q1: So take me through when the chase starts. You can see the chase?

A: Mm-hm.

Q1: They're running after each other?

A: Mm-hm.

Q1: How far apart do you think, to the best of your guess, that they're - was the cop close to catching him?

A: He could have.

Q1: He could've caught him.

A: He could've definitely, yeah.

Q1: So do you remember guns coming out? Do you remember De'von - what do you remember De'von doing? Do you remember anything?

A: De'von did not go like - say he was running, you know, and he wasn't like trying to do none of that...

Q1: Right.

A: He was just running, like with his arms like this and everything.

Q1: Right.

A: Literally he fell like on his arm kind of, but was on the ground holding his side.

Q1: Did you see the cops pull up a gun? What'd you see?

A: Oh yeah. I saw (unintelligible) 'cause of - there was like nine or eight of 'em there. And like four of 'em, the first guy that was talking to us was in front of all of 'em. But like four of 'em started shooting.

Q1: And I wasn't there, so I don't know how many cops were there.

A: Like all my neighbors - like 'cause we live in that, uh, neighborhood...

Q1: Okay.

A: All my neighbors and stuff that are around there took videos.

Q1: Well, uh, before we go to that 'cause I don't wanna jump ahead...

A: I feel you.

Q1: I wanna jump to the part where they start running...

A: Yeah.

Q1: When he's running behind De'veon, did De'veon have a jump on him? Is he ahead of him?

A: Oh yeah De'veon's ahead of him by...

Q1: How far? Reaching distance?

A: U- they about reaching distance.

Q1: How close would you s- how far would you say, based on me and you...

((Crosstalk))

A: ...okay De'veon had about like this much on him...

Q1: Okay.

A: You know?

Q1: How is he running? This?

A: Yeah.

Q1: This?

A: This, like this.

Q1: Okay.

A: And, um, when he falls, he gets - he kinda falls awkward on his arm, you know?

Q1: Right. Did you- did you see the cop pull out the gun and start shootin'?

A: Yeah.

Q1: So what did that look like?

A: Which part? Like...

Q1: Where the cop - you said the cop shot?

A: Yeah.

Q1: Did you see - can you take me through what looked like, what that moment looked like?

A: Okay so when De'veon took off, the cop shot like - shot one or two times and then the other one shot and you can see all this like dust comin' off the ground...

Q1: Mm-hm.

A: And when De'veon's on the ground, like right when he hit the gun, they shot like two, three more times but then it stopped. And I was just - I started crying, you know?

Q1: Right.

A: That's - that's what I can remember.

Q1: Okay.

A: But I do remember the shots being fired, um, him falling, like stuff like that. Like...

Q1: Okay.

A: I just - I don't know. I - I - I feel like I'm saying it all but like maybe I'm not, you know?

Q1: Well I mean it's - it's - it's a - it's a super intense moment. So, you know what I'm saying, a- as things happen, as things come back to you, you may remember 'em with a little bit more time. Um, my only goal is to get as many facts and details about the shooting as it happened.

A: (Unintelligible.)

Q1: Do you think that you saw the whole thing? Some of it?

A: (Unintelligible.)

Q1: You saw the whole thing. Okay. So you knew that - so you had already known that he was nervous about the cops catching him with the gun because you - he stopped and said something to you prior to the cops approaching you. And is it correct that when the cops approached you guys, that you said he was making these movements like straightenin' himself out?

A: Yeah just like brushin' himself down and goin' like this.

Q1: And you said there was - there was a moment when he - like did he rub up against it?

A: Yeah he kinda rubbed up against it.

Q1: And it made a noise?

A: Yeah it was like - it wasn't like - I know you couldn't tell it was a gun, but like just from how he was acting, like you can know it (unintelligible).

Q1: Right.

A: ...was a gun, yes.

Q1: Do you think the cop caught all that...

A: Yeah.

Q1: ...because that...

A: Definitely.

Q1: And then he just - he reaches for him?

A: He don't really reach for 'em. He tells him like, "I'm gonna check you now."

Q1: So - so - because you didn't mention that the first time, what did he say to him that you can remember to the best of your- to the best of your knowledge?

A: He says like "I'm gonna check you. I'm going to check you guys out." And he kind of reaches over to him and De'von takes off. That's what he.

Q1: Gotcha. He takes off. Do you remember the cops pullin' out the gun? Do you remember them saying hey stop?

A: I don't remember 'em saying hey stop, no nothing like that, I just remember 'em pulling the guns and shooting. But they could've said...

Q1: Right.

A: ...something. You know?

Q1: Was - did it happen pretty fast?

A: Yeah it happened pretty fast.

Q1: The cops like how fast would you say?

A: I could tell you like the run - the run only lasts five seconds.

Q1: So it was real quick?

A: Yeah real quick.

Q1: Okay. So did you have a clear look at everything?

A: Yes. Like I could show you the exact spot he got shot, all that.

Q1: Okay. So I guess my only question to you is -- thank you for sharing that, man - I know it's pretty late and I know you're probably pretty tired, pretty emotional with everything that's gone on -- um, has he ever made any comments before about having to shoot somebody, not wanting to get caught with a gun?

A: No the only thing, bro, is like was really on like and I'm not - I'm really g- like was just kid, you know?

Q1: Mm-hm.

A: He wasn't worried about none of that like stupid shit. He was like - he was really on it. Like he just got a new job. He just r- ah he was gonna go to trial for that, that one thing I told you earlier...

Q1: Right, right, right, With the - with the young lady.

A: I - I kid you not, he's never, ever been like oh I'm gonna kill this dude or...

Q1: Right.

A: ...or anything like that.

Q1: He just was carryin' a gun on him? 'Cause he was tired of getting jumped?

A: Tired of gettin' jumped.

Q1: Okay. Um, after the shooting takes places, what do you see? What do the officers do after that?

A: They rushed to their cars, got some med kits I think.

Q1: Mm-hm.

A: And called the ambulance and was helpin' him with something. But I don't know I was kinda like cryin' real bad.

Q1: Right.

A: And like they, um, the one dude that - the one cop - the only cop I know that didn't shoot was the guy that was helpin' - I mean not was helpin' me, was putting me in the car. He is the one that put me on the ground, put me in handcuffs, and all that. And he put me in the back of the car and then they hurried up and put the yellow tape around. And people started recording and people started yelling at the cop. And, um, the cop was like, "Well I'll get someone to talk to you in a little bit."

Q1: Mm-hm.

A: And I was just seeing all the other people around like actin' certain type of way.

Q1: People started coming out?

A: Mm-hm.

Q1: (Unintelligible) talkin' about the neighborhood people? Okay. Um, prior to, um, De'von...

A: Mm-hm.

Q1: Prior to the shooting and him saying "hey I got this gun on me," however he said it to you, um, did he say anything else? And often times when these incidents happen, I have to ask people a very elementary question.

A: Okay. All right.

Q1: Which is did you know they were cops?

A: Yeah.

Q1: Yes?

A: Yeah.

Q1: And did they make it - I'm assuming that when they were talking to you, you knew they were talking to you for a purpose? Like they were - they were explaining, like they were - they were...

A: Yeah.

Q1: ...contacting you?

A: Yes.

Q1: Okay. And, when they reached out to grab him and he told him he was gonna be - told him he was gonna pat him down or check him, however you put it...

A: Mm-hm.

Q1: And then he reached out to grab him. He took off. And then...

A: (Unintelligible.)

Q1: ...within a couple seconds, you said the shootin' happened. So after the shootin' happens, they help him out with the medical stuff, providing aid, checkin' on him, um, the same cops that were involved the shooting.

A: Yeah.

Q1: Okay.

A: But the ones that were like just showin' up. There were a lot that actually showed up.

Q1: Okay.

A: Like a lot of 'em.

Q1: Okay. Um, how you feeling right now?

A: Shitty.

Q1: Yeah?

A: But and like kind of scared, you know?

Q1: Right. What are your thoughts on, uh, on, uh, De'von's actions?

A: Can I be chill? Um...

Q1: Yeah be chill with me.

A: What I can s- what I would say about it how we handled it I would've did the same thing if I'm on trail and I have that gun and I was (unintelligible). Like they wanted put a name (unintelligible) me, I would've ran, too. But the shooting, I thought he had to pull

out that gun or like - like actually like making a threat...

Q1: Right, right.

A: ...in order to get shot, I didn't know it was like...

Q1: (Unintelligible.)

A: If you run, you get shot. I was like...

Q1: Well. I don't know anything about the shootin', right...

A: Yes.

Q1: So I can't even speak on that portion. The most information I'm gonna get is gonna be from you.

A: I figure.

Q1: I guess let me specify my question. His actions, when the cops - from the time that you guys saw the cops to the time that he took off runnin'.

A: He shou- I know he shouldn't have ran.

Q1: Right.

A: I feel like he could've told them. But then I feel like he didn't want to get in trouble for his, um, for even having that gun...

Q1: Right, right.

A: Because I don't - I don't know if like he's on like certain things with his probation officer where he can't have certain things...

Q1: Right.

A: Or if they would've caught him with that, he would've went back to jail...

Q1: Right.

A: And he's just gonna have his baby, you know?

Q1: Right. I know it's your guy, but I need you to be chill with me. Could he have handled that situation a different way? Yes or no?

A: Yes.

Q1: Right. When they first approached him? Okay. Um, I'm gonna run out here. You need some water (unintelligible) that? I just wanna make sure that I covered the bases with you.

A: Yeah.

Q1: And then I'll try to give you a - a heads up on what's gonna happen next, okay? You got any questions for me? I don't know a ton, but I'll try to answer...

A: Um...

Q1: ...every question I can.

A: Can - and my like for the robbery thing, since like...

Q1: (Unintelligible) about the robbery. Let me - let me go in and check and let me find out what's going on with it. That's - I wasn't even present for that first part of the interview. I came in a little bit later.

A: Okay.

Q1: So let me check. Let me see what they have going on. And then I'll get right back to you, okay?

A: Okay (unintelligible).

Q1: You need any water (unintelligible)?

A: No.

Q1: I appreciate it, man.

A: Thank you. (Unintelligible.)

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.
Signed _____

Supplement 20190803 1940 Smith, Kurt 06017

Case: 19-11348

Title: AOA

Date: 08/3/2019

This is a supplement to case number 19-11348.

On August 3, 2019, at approximately 1940 hours, I, Sergeant Kurt Smith, received a phone call from Sergeant Rosario Hubbell and advised there was an Officer Involved Shooting in the area of 2100 Preuss Road. I was initially responsible to make notifications to detectives.

Detective Brklich and Darbyshire was assigned to the scene.

Detective Price was assigned to the Hospital.

Detective White and McCormack were assigned to the Police Operations Center.

I was informed there were no witnesses to be interviewed at the time. Sergeant Hubbell requested I respond to Memorial Hospital due to the family of Devon Bailey being present there.

Upon arrival I contacted Detective Price in consult room 2. I was told the deceased male was Devon Bailey. Within 5 minutes Rachel Broden of the coroner's office arrived to take possession of Mr. Bailey.

I was advised the family of Mr. Bailey was in the hospital lobby and wanted information.

Five Colorado Springs Police Officers and I went to the lobby. I was directed to a male whom I was told was Mr. Bailey's [REDACTED]. I asked the male if he was Mr. Bailey's [REDACTED] and he stated he was. I identified myself and informed him Mr. Bailey was deceased.

The male, identified as Greg Bailey, became emotional and walked away. A female who was standing next to him, who stated she was Mr. Bailey's [REDACTED] began crying and collapsed to the floor.

When Greg returned to my location I attempted to speak to him again. He asked me where his son was and I advised him the coroner already took his son. Greg and the other family members became increasingly emotional and aggressive. Greg pointed to multiple CSPD officers and asked if they killed his son. Each time he asked I told him those officers are not here.

I asked the female if she needed a chaplain or victim advocate. An unknown male overheard me and said that I do not believe in God since I would kill a boy so they did not want one of my chaplains.

Eventually one male got each family member to exit the lobby. The security staff and CSPD Officers closed the lobby and the hospital went on lockdown.

While the doors were closing family members taunted the CSPD officers. They challenged the officers to a fight and would aggressively walk towards them.

After the facility was secure I departed.

Detective Price and I responded to the POC. Detective Price interviewed CSPD Officer Gonzales at the POC. The interview was conducted there due to unrest at the scene and concerns of violence against CSPD Officers.

The Colorado Springs Metro Crime Lab was unable to respond to the POC. I walked Detective White and McCormack through the collection process. Refer to their supplements for further information.

During the processing Officer Evenson gave a safety statement. He advised there were two suspects and one fired a shot. He stated he fired two shots and had gloves on during the shooting. He stated he took the gloves off and left them on the scene.

Sergeant Vandlant provided a safety statement. He stated he fired 3 shots and there were two suspects.

After both officers were processed, I responded to the address on Preuss Rd. I took over for Sergeant Hubbell. When the Metro Crime Lab was done processing the scene, I requested the fire department clean the roadway. All EPSO detectives cleared the scene at that point.

Nothing further at this time

Status: SAO

IN THE COUNTY COURT IN AND FOR THE COUNTY OF
EL PASO AND STATE OF COLORADO

CRIMINAL PROCEEDINGS NO. EPSO Case # 2019-00011348
CLERK OFFICE CASE NO. 19-1822

Report of Execution of Search Warrant

On the 5th day of August, 2019, a search warrant was issued by the County Court for El Paso County and State of Colorado directing that a search may be made of the following described premise, location, or person:

Facebook Inc, 1601 Willow Road, Menlo Park, CA 94025. Facebook is not to notify the account holder/s due to an active investigation related to a homicide, for the following Instagram account: [REDACTED] and Facebook account: [REDACTED]

and on the 5th day of August, 2019, the undersigned, as one of the persons authorized to conduct such a search and seizure submitted the search warrant to Facebook Inc.

On the 13th day of August, 2019, the undersigned, was notified via email the records were available. Records for both accounts were downloaded and entered into evidence.

Done this 13th day of August, 2019

 05071

Detective Bradley Whitehead, #05071
El Paso County Sheriff's Office
Investigations Division
27 East Vermijo Street
Colorado Springs, Co 80903

Supplement 20190813 1024 Whitehead, Brad 05071

2019-00011348 [REDACTED] Facebook and Instagram accounts:

On Tuesday, August 13, 2019, at about 10:24 am, I, Detective Bradley Whitehead, #05071, of the El Paso County Sheriff's Office Investigation's Division, received an email from records@records.facebook.com <mailto:records@records.facebook.com>; regarding the search warrant I submitted.

I followed the attached link to access the requested information. I downloaded the attachments for [REDACTED] Facebook and Instagram accounts to a DVD and placed it into Evidence Locker #INV1 as Item #54. As of the time of this writing I have not yet reviewed the documents. I attached a copy of the report of execution to this supplement.

I have nothing further at this time.

Case Status: SAO

Supplement 20190814 0930 Whitehead, Brad 05071

2019-00011348 [REDACTED] social media review:

On Wednesday, August 14, 2019, at about 9:30 am, I, Detective Bradley Whitehead, #05071, of the El Paso County Sheriff's Office Investigation's Division, conducted follow-up in reference to this case. I began searching through the records I received from Facebook for Mr. [REDACTED] social media accounts.

I began looking through his Instagram account [REDACTED] specifically for a video where Mr. Bailey was in a vehicle with Mr. [REDACTED] and he was holding a gun and pointing it at the camera.

I located that video identified as [REDACTED] in his Instagram account. I searched for that video in the Instagram business records and found the following information:

Page 87:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I located that video identified as [REDACTED] in his Facebook account. I searched for that video in the Facebook business records and found the following information:

[REDACTED]

Description

[REDACTED]

Mr. [REDACTED] posted the video to Instagram on Sunday, August 4, 2019, at 10:41 am, and he posted the video on Facebook at 12:47 pm. I was not able to ascertain when the video was actually made from Mr. [REDACTED] social media records. I am still searching through the records in an attempt to see if there is any other evidence pertaining to the case.

I have nothing further at this time.

Case Status: SAO

Interview with [REDACTED] [REDACTED] Transcription

INTERVIEW WITH [REDACTED] [REDACTED]

Q=Jason Darbyshire

A=[REDACTED] [REDACTED]

A: Uh, no.

Q: It's just, uh, quick administrative things. Everything's recorded in here.

A: Okay.

Q: That's not to, like, trick ya. It's just 'cause I don't have a good memory so it makes it easier for me to not have to (unintelligible)...

A: Okay.

Q: ...try to write down everything you say and then I can actually talk to you like a human being.

A: Right.

Q: Um, so, originally, I was the primary investigator assigned to this case.

A: Okay.

Q: I'm kind of like a - a co (unintelligible) person now, um, but I was out the night that everything happened, at the...

A: You were out there?

Q: ...scene. I spoke with, uh, Mr. (Bailey), his [REDACTED]

A: Yeah.

Q: ...um, you know, a couple of times that evening, pretty much, with a lot of the neighbors, uh, the video that they put on the Gazette, like, the...

A: Yeah, the only person...

Q: ...video the neighbors...

A: ...that I spoke to is a Colorado Springs police officer.

Q: Probably early on, like, that was probably before...

A: It was...

Q: ...I got there.

A: ...right after...

Q: Yeah.

A: ...it happened, yeah. And then they just pushed us back, you know...

Q: So...

A: ...what I mean?

Q: ...just a couple quick, like, uh, basic geographical things, I guess. Um, what - what is your actual address, like, in relation to where...

A: [REDACTED]

Q: Okay.

A: ...apartment [REDACTED]

Q: And that - about how long have you lived over there?

A: We just moved in [REDACTED].

Q: Okay. You like it...

A: Yeah, so we're...

Q: ...okay?

A: ...we're, like, really new to the neighborhood.

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Q: Sure.

A: Yeah, I love it. I mean, it - besides what happened...

Q: Sure.

A: ...y- you know?

Q: Sure, (unintelligible).

A: My kids were in the park...

Q: Oh, got ya.

A: ...and that's why we were down there...

Q: Right.

A: ...'cause we - we saw the first squad come in and I was like, "Oh, time to go get the kids, you know, just in case anything pops off or whatever." And before we could even make it all the way down there, that happened.

Q: Okay.

A: And then - I couldn't - my - when you see us in the surveillance video, like, m- we - we were walking into the park, goin' to look for our kids. I told my husband - 'cause I kind of scanned it and I didn't see 'em, so I told my husband, I said, "Go look for them - go look for them," you know what I mean? And then that's when I made my way back.

Q: Sure. So what I'd like to do is kind of just - which - that's pretty good - um, but talk to you just kind of like, y- you know, right before that and right after...

A: Right.

Q: ...and what...

A: Mm-hm.

Q: ...you were doing, where you were in relation to your building and all that kind of...

A: Right...

Q: ...stuff.

A: ...right. Yeah, we were havin' [REDACTED] for my - for my [REDACTED] and - so we were outside barbequing and the kids got a little bored waitin' for cake and pinata and all that, you know...

Q: Sure.

A: ...so they decided that they wanted to go to the park. Um, a friend of mine, uh, had brought her kids over [REDACTED]. Her children had just exited the park and came down the sidewalk right before this happened. So as the kids were coming down, walking back down to my house, I was walking up to go look for my kids.

Q: Okay. And so kind of while you're out there havin' [REDACTED], you know, doin' all that stuff, um, you said that you saw, like, the first car kind of pull in?

A: Uh-huh.

Q: Where were you...

A: And then another car pulled in too.

Q: Okay. And so that kind of got your...

A: Yeah.

Q: Okay.

A: I mean, any time i- i- in this day and age, you know, if you see police comin' into the neighborhood and, you know, and my kids are down there in that direction, you know what I'm saying, like...

Q: Sure.

A: ...like, obviously, it's - it's a worry.

Q: Okay. Um, so if you don't mind, what I'd like to do is just pull up kind of like a map of the area...

A: Yeah.

Q: ...and just kind of have you, like, kind of point where you were when you first saw the...

A: Where I was standing?

Q: ...the cars and that...

A: Yeah.

Q: ...and then we'll just kind of go over - it should just pop up here. So there's all this - this is like an overhead view...

A: Mm-hm.

Q: ...right? So this [REDACTED] this is your building here?

A: Yeah, I live right here.

Q: Okay. So about where were you standing, do you guess?

A: When the officers pulled in?

Q: Yeah.

A: Uh, we were in our yard right here.

Q: Okay.

A: So...

Q: So you saw them go which direction?

A: They went up.

Q: Okay. So they passed, kind of, your field of view.

A: Yes.

Q: Okay. Um, so what I'm gonna do is set this up and you can still sit over there or you can stand right here. Don't matter either way to me...

A: Okay.

Q: ...whatever's easier for you. Uh, but I'm gonna have you just, like - we can m- mark on this...

A: Okay.

Q: ...uh, like, with a little pen here. Uh, blue - do you have a f- favorite color or a preference?

A: Uh, purple.

Q: Okay, cool. So, uh, you can just use the mouse. If you'll just, kind of, put, like, a dot or an X about where you were...

A: Where I was?

Q: ...standing. Yeah.

A: Oops - uh, did it go?

Q: Would you say, like, right there?

A: Yeah, hold on.

Q: I'm gonna have to, like, draw a circle or somethin'. Hold the button down. There you go. There you go. Good.

A: There we go.

Q: Okay. So - you can sit back down.

A: Okay.

Q: So you're standin' here and you see them go by.

A: Yep.

Q: Do you immediately walk up that direction?

A: Yeah, we immediately walked up -- me, my, uh, my friend ([REDACTED]) her husband and my husband -- we immediately walked up to the sidewalk. She saw her kids come - start comin' down. They'd just walked out of the park right here...

Q: Okay.

A: ...and they got, you know - th- they - they were about, maybe, right here when I started walking up the sidewalk.

Q: Okay. So as you come out here to the sidewalk, correct?

A: Uh-huh.

Q: I don't wanna say anything - and don't feel bad about correcting me 'cause I wanna have accurate information.

A: No, you're good - you're good.

Q: So you come out to the sidewalk.

A: Mm-hm.

Q: When you look this direction, what do you see at that moment?

A: Um, that they stopped the two boys up here.

Q: Okay. Can you make a different colored mark about where you think they were at?

A: Um, they...

Q: Well, let me see if I can change your color here. We'll make them red, just to be different. And it doesn't have to be - just approximate, what you think you saw.

A: I wanna say they were, maybe, about right here.

Q: Okay. So they have the - both of the males there.

A: Yeah.

Q: Wh- what - could you hear them talking at all, could you hear what...

A: You know...

Q: ...they were saying?

A: ...to be honest, it was, like, an ordinary thing like, "Oh, they just got some kids stopped" you know...

Q: Okay.

A: ...what I mean? So I wasn't really paying attention as far as, you know, what they were doing. 'Cause, at this point, I wasn't - let's see. I wasn't on the side of them yet, you know what I'm saying? I was a little bit back here yet. And the next thing I know - 'cause I was kind of, like, scanning the playground too, lookin' for my kids. And then I heard the gravel because, like, that's when (Devon) pivoted and started to run away. And as soon as he started to run away, the police officer, um, just unholstered and he took aim and he fired seven shots.

Q: 'Kay. And where was the police officer when he fired those shots?

A: I wanna say he was about right here.

Q: He just stayed where he was?

A: Uh - uh, yeah. Even if he did take a - 'cause it happened really - really quick...

Q: Mm-hm.

A: ...you know what I'm saying? But h- he really didn't try to give - he didn't try to give chase or anything, you know what I'm saying? And he was directly behind (Devon) when he fired. And - and I don't know how many times...

Q: Yeah.

A: ...y- you know, it hit (Devon) but h- (Devon) still kind of ran quite a few more steps, until he - I think, maybe, his body finally figured out that he was shot and then he collapsed.

Q: Okay.

A: So - 'cause the security camera footage, you know, people are like, "Oh, he got shot just right there in the - in scene - in the - in the footage." He was shot before he came into view.

Q: 'Kay. So at that point in time where you say you saw the officer...

A: I - I can't...

Q: ...unholster...

A: Yeah, I'm sorry.

Q: ...and shoot and all that, did you hear him say anything to (Devon)?

A: You know, 'cause it - like I said, it happened really - really fast and he might've said stuff but I didn't - I don't really remember that, you know what I mean? My eyes were fixed on the police officer and I was counting the shots. And, like, you know - and - and, to be honest, I was in shock after I seen what happened because I couldn't fathom that he actually shot him. I was like, "No, he just - he - he must've used beanbags or somethin' on him," you know what I mean? And then I stopped and I turned around to my husband and I said, "Did you just see that?" And h- my husband said, "Yeah, they shot him."

Q: So let's do this. Let's make a yellow mark where you believe the police officer was at the time where he unholstered his weapon and fired at (Devon).

A: I'm gonna say, like, right here.

Q: 'Kay. Was he the only officer you saw...

A: No...

Q: ...on scene?

A: ...there was another officer. Um...

Q: What was he doin'?

A: Um, he was about, I'm gonna say, right here.

Q: And what was he doin' when the first one was shooting?

A: Um, you know what? My eyes were so fixed on the other officer that I didn't even pay attention to him.

Q: 'Kay. And same thing...

A: Because all...

Q: ...did you...

A: ...all I was looking at was the smoke and the shots coming out of his gun, you know what I'm saying? And I was wa- I had - and I had my eyes on (Devon) the entire time and his arms were just - as he was running, both of his arms were like this. So I could see his hands at all times, you know what I'm saying?

Q: So, uh, did you hear the other officer give any commands or say anything?

A: You know, even if he did, I'm - I'm - I probably just don't even remember.

Q: 'Kay. So let's make, uh, this back to purple. And so by the point in time where this is happening, kind of draw your route and stop where you were when they started shooting. So if you can, like...

A: When they started shooting?

Q: ...draw a line in the purple, you just hold the button down. And then wherever you standin' in here when they were shooting, just stop drawin' the line. Does that make sense?

A: Yeah.

Q: Okay. So about - eh. 'Kay, somewhere in...

A: Yeah.

Q: So what I'm gonna do - or I'll have you do. Just put, like, a line goin' this way so we know what you stopped right there. 'Cause I'm gonna have you continue your path later on but I wanna know that that's the first - there we go, perfect.

A: Okay.

Q: So that - we'll say that's the first mark where you stopped.

A: Yeah.

Q: Okay. So, um, they shoot. You say you see (Devon)'s hands...

A: Mm-hm.

Q: ...all that. What happens next, immediately followin' that?

A: Um, then then they - the - both the officers walked up to him and they still had their weapons drawn. Um, when I stopped right here - 'cause my husband was about right here behind me...

Q: 'Kay.

A: And so I waited for my husband - he still had his plate of food in in his hand from the barbeque...

Q: Okay.

A: ...and - so I waited for my husband to catch up to me...

Q: So we'll make your husband a blue dot.

A: Yeah.

Q: Do you wanna make a mark where he was...

A: Yeah.

Q: ...when you saw that?

A: Oh, I'm sorry.

Q: That's okay. It doesn't have to be...

A: Perfect?

Q: ...particularly perfect either. Okay.

A: Well, I'm a tattoo artist so...

Q: I got ya.

A: ...I - I'm pretty perfectly - got a perfectionist thing going on. Um, but, yeah, I stopped and I waited for him to catch up to me and then I was like, "Oh, my God," you know, like, "We need to go find the kids," because he let off all them shots right up into the park where my kids were. And so then we started - we kept walking and as I was walking up, I could see them trying to take (Devon)'s clothes off and see where he was hit. Um, I still didn't see, at any time, them secure a weapon or I didn't see a weapon on the ground, anything like that. And so me and my husband kept walking up. And I'm not sure if it was when I was walking up 'cause I was upset, you know what I mean? And I was tellin' 'em, I said, "Why did you shoot him? You didn't have to shoot him." And then, um, me and husband walked up into here...

Q: 'Kay. So let's have you - we'll just say this is both of you but we'll have you do it continuin' with purple...

A: Okay.

Q: ...a- and then at the point where you're sayin' that you told then, "Why did you shoot him?" Where did you end up at from your path?

A: Um, well, like I said, I don't know if I said it on my way...

Q: Well, that's fine.

A: ...up or my way...

Q: Okay.

A: ...back but you can see me...

Q: Got ya.

A: ...in the security camera footage...

Q: Yeah.

A: ...yellin' at 'em, you know what I mean? So we went...

Q: Just - so your best guess where you were about when...

A: Up this way...

Q: 'Kay.

A: ...and then - should I draw - 'cause my husband, he continued into the park...

Q: Okay, that's - you don't have to - we won't mess it up too much so...

A: Okay. And then, um, and then I came back...

Q: Followin' the same - uh, follow...

A: Following the same path...

Q: ...(unintelligible)?

A: ...back, yeah.

Q: Okay.

A: And then, like, it - like, as I was on my way back, I know that I was, like - I - I said, wh- uh, what is it? I said, uh, "You didn't have to shoot him." And the cop looked at me and he said, "He had a gun." And I said, "But he didn't pull it out." And then, um, I looked at the cop and I said, "You're gonna go down for this." And then the o- his friend that was laying on the ground right here, next to the squad car...

Q: Mm-hm.

A: ...as I walked down, I - and I was irate. I was like, "They shot him in the back - they shot him in the back." And then, as I walked down, I asked his friend laying on the ground, I said, "Did he have a gun?" And his friend said, "Yes but I didn't see - but he didn't pull it out." You know what I mean? And - and - and I, at that point, I was just like, "This is just wrong. This is just completely wrong." But my husband continued to look in the park for my kids.

Q: So, eventually, your husband was able to get your kids safely...

A: No, actually...

Q: ...or not?...

A: ...my kids exited out of the park over here...

Q: Oh, okay.

A: ...came down Boggs and then up Doniphan and back home.

Q: And back home. But they...

A: Yeah.

Q: ...were safe, they were...

A: They were safe, yes...

Q: Okay.

A: ...but my husband was frantic 'cause he...

Q: Well, sure. Yeah.

A: ...couldn't find them, you know?

Q: Understandably so. Um...

A: So...

Q: ...okay. So you come back down, you have this exchange with the gentleman layin' on the ground here.

A: Yeah.

Q: Where do you go from there?

A: I came all the way back to my house 'cause I still had my husband's plate of food in - in my hand. And I set the plate down and I came back up here and I walked back up and then another, uh, CS - CSPD officer grabbed me and took my statement over here.

Q: Okay. And then, after that, what did you do...

A: Um, I went back down here.

Q: Okay. Okay.

A: ...to my house. And then, at that point, they had cops out down here, um, and then people were starting to gather. And then they pushed it - later on, um, uh, you guys pushed it all the way back to the end of the street...

Q: Sure.

A: ...you know what I mean?

Q: So prior to this incident, had you met (Devon) before?

A: No, never...

Q: Had you...

A: ...never.

Q: ...met anyone in his family?

A: No.

Q: What about...

A: Like I said, we're new to the neighborhood and we're new to Colorado Springs. We've only been here for about a year and a half.

Q: What about the other gentleman, (Lawrence)?

A: Oh, no - no. Yeah, I didn't know him...

Q: But...

A: ...at all.

Q: ...had you seen them walkin' through the neighborhood previously or...

A: Even if...

Q: ...something?

A: ...I did before, I wouldn't have noticed 'cause there's tons of kids that are always walkin' through the neighborhood.

Q: Okay. So just to be - so I'm clear, what about this particular incident, while you're down here havin' [REDACTED] ...

A: Mm-hm.

Q: ...precipitated you saying, "I'd better get out here"?

A: Because the police...

Q: Like wh- okay, 'cause of...

A: ...were rollin' onto the block.

Q: ...the police presence rollin' in and...

A: Yeah.

Q: ...and that.

A: And - and you never know, you know...

Q: Sure.

A: ...what I mean?

Q: Oh, yeah, I agree.

A: You can't be too safe or...

Q: Right.

A: ...you know?

Q: Well, especially when it comes to your children...

A: Right.

Q, ...'cause they're...

A: Exactly.

Q: So does this, you believe, accurately reflect -- this particular drawing -- your recollection of the event? So...

A: Yes.

Q: ...what I'm gonna do is save this one...

A: Okay.

Q: ...and then, uh, we'll go over the next part. Oh boy, I gotta get where I can see. My old ass eyesight ain't - helpin' me out here.

A: Yeah and, like I said, I mean, I was a little hesitant, um, to even come down. I mean...

Q: Do you spell your name with a ■?

A: Yes.

Q: Okay.

A: But I was just - I mean, all this is just so crazy, you know what I mean?

Q: 'Kay.

A: And then I thought about it some more and I'm like, "Well, you know, I've had the Colorado Springs Police Department twist up one of my statements before one time," you know what I'm sayin'? And I'm, like - I'm lookin' at this statement, like, I didn't even say that.

Q: Well, talk to me briefly about that incident.

A: Um, me and my husband got into it last year.

Q: Okay.

A: So, uh, we were extremely intoxicated...

Q: Sure.

A: ...and it was a huge misunderstanding...

Q: You're both 21 right?

A: Huh?

Q: You're both 21?

A: Who, me?

Q: You and your husband. Yeah, you're both over 21.

A: Oh, yeah - yeah...

Q: Yeah.

A: ...of course.

Q: It's not a crime.

A: I thought...

Q: You...

A: ...you said I'm 21. I was...

Q: No, I mean...

A: ...gonna be like, "Well, thank you."

Q: Yeah. Well, that's what I mean though. It's not a crime to be...

A: No.

Q: ...intoxicated.

A: We got into a - to a domestic altercation and, um, they put things in there that I didn't say and that kind of incriminated - i- incriminated my husband a little bit more. So - 'cause my husband ended up gettin' arrested.

Q: So - but do you say that it was a - that it's a fair statement that even prior to this incident that you probably were not trusting of the Colorado Springs...

A: No, it's not...

Q: ...Police Department or...

A: ...really that. It's just that, you know, i- like, any - any time that there might be police presence, I just wanna make sure my kids are safe. Like...

Q: Sure.

A: ...I - I've never really been the type of person to have any type of, like - like, um, hatred or anything like that towards the police, you know what I'm saying? Like, I have family members that are police officers...

Q: Sure.

A: ...but, you know, like, it - you just wanna keep your kids safe...

Q: But...

A: ...you know what I'm saying?

Q: ...well, I mean...

A: It...

Q: ...it's a - it's important, number 1...

A: But yeah, the - the whole statement thing...

Q: ...that your children are safe.

A: ...I was just like, "Eh." But all that stuff is done and over with, you know, wh- whatnot. You know, it was mine and my husband's fault that we even got into that...

Q: Sure but...

A: ...dispute in the first place so...

Q: ...stuff happens, especially when people get...

A: It does, yeah.

Q: ...intoxicated but, like I said, that's...

A: But I just...

Q: ...not a crime.

A: ...wanna make sure, especially since you guys are the ones in- investigating the Colorado Springs Police Department, that you guys get the correct statement, you know what I'm saying?

Q: Sure. Well...

A: I mean, just in case - 'cause for me, I'm looking a- at what the police department released to the media and already that was a lie.

Q: Uh, what do you mean, specifically? Like, can you...

A: Well, the first thing...

Q: uhhh.

A: ...that they released to the media was that he reached for a gun, one shot was fired and he was hit, at least, one time. There was nothing about h- I mean, number 1, I didn't see him reach for a gun. Number 2, there was nothing about him fleeing. Number 3, there was way more than one shot fired.

Q: Yeah. And so, like, I actually think that their initial statement said, "At least one." That's pretty generic, like - and usually in...

A: Yeah, I understand that...

Q: ...any kind of thing...

A: ...but it didn't even say anything about him fleeing. Now, all of a sudden...

Q: Yeah.

A: ...security camera footage is out and now they're saying, "Oh, well, he fled." Well, what happened to the part where he reached for the gun?

Q: Right.

A: You know what I mean? All that seems really fishy to me.

Q: Sure. Well and so, just to be clear, like, that's - that's the purpose of meeting with people like you...

A: Right.

Q: ...because, I mean, I- like I said, I'm not the primary investigator but a portion of my job and our job...

A: See, I just wanna...

Q: ...collectively...

A: ...make sure that the truth comes out because in m- in my mind and from what I saw, he was scared. He was young and he ran, you know...

Q: Right.

A: ...what I'm saying? Other than that, I didn't see him reach for a gun, I didn't see any type of weapon. And I - I didn't even see them secure any type of weapon after that, you know what I mean? And so...

Q: Sure.

A: ...something's not addin' up.

Q: Sure. All right, um, so if you'll just sit tight for one moment, uh, I'm just gonna double check some notes here and make sure that we cover everything we need to, okay?

A: Okay.

Q: Um, you're not in custody or anything so if you feel like you wanna walk out of here, you're welcome to do it. Just let me know.

A: Okay.

Q: so I can get you to the right spot, okay?

A: All right. Thank you.

Q: Okay. Do you remember about what time it was, approximately?

A: Um...

Q: I mean, even as easy as was it still light out, was it dark...

A: It was still light out.

Q: Okay. Like...

A: I know we were running late...

Q: ...bright sunshine, dusk...

A: ...with my [REDACTED] barbeque.

Q: Okay.

A: Um, it was late afternoon.

Q: Okay.

A: ...um, I just don't, uh, remember exactly what time.

Q: Do you remember if it was, like, super cloudy and stormy, was the sunshine out, was it kind of like in between?

A: I think it was kind of like in between.

Q: Okay. Uh...

A: 'Cause it was supposed to rain that day but it didn't, thank God, so it didn't rain us out.

Q: Right.

A: Um, but, yeah, I wanna say anywhere between, like, 5:00 and 7:00...

Q: Okay.

A: ...somethin' like that.

Q: Do you wear, like, glasses at all, prescribed?

A: No.

Q: Contacts or...

A: No, I have...

Q: ...anything like that?

A: ...20/20 vision.

Q: Okay. Um, so pretty decent light, you have good vision...

A: Mm-hm.

Q: ...um...

A: Oh, I had a great line of sight...

Q: Sure.

A: ...uh, to the point where, I mean, I'm - I'm completely traumatized.

Q: So - wh- which I don't doubt. Like, I mean, this is a...

A: Yeah.

Q: ...it's a hard thing, I think, for everyone involved.

A: Yeah. It's horrible and...

Q: For the community...

A: ...you know, I feel really bad for the family.

Q: ...for the police, for (Devon)'s family, for everyone. I mean, I think it's just a bad, uh...

A: I think it was just...

Q: uhhh.

A: ...a bad judgement call...

Q: Um, so...

A: ...to be honest.

Q: ...one of my responsibilities as a person that investigates these types of incidents and, specifically, that has been in a primary role in this investigation...

A: Mm-hm.

Q: ...uh, is to gather every bit of evidence and review it, obviously, but specifically, um, you know, one of the very first things that happened was the body cam footage from the officers on scene - um, there was actually three officers...

A: Right.

Q: ...there - um, was...

A: I believe the one - the other one, either he was, like, behind them or still in the car or...

Q: Yeah.

A: ...something.

Q: So, like...

A: Yeah.

Q: ...but all that gets, basically, like, locked down and then I review it or s- you know, whoever...

A: Right.

Q: ...but, in this case, me, uh, and looks at all of it. So in some of your drawing, you're talkin' about walkin' up here and that...

A: Mm-hm.

Q: ...uh, and, actually, when you - you come up about this area where you're on the surveillance camera, somewhere in here, not precise...

A: Uh-huh.

Q: ...uh, but you actually have an exchange with the officers as they're, uh, you know, kind of attended to (Devon) there on the ground. Um, y- you make some statements about it wasn't necessary to shoot him. Uh, he - one of the officers tells you, um, that he had a gun on him...

A: Uh-huh.

Q: ...and you respond, "I know he had a gun..."

A: No.

Q: ...but you didn't need to shoot him."

A: I didn't - I didn't know he had a gun.

Q: Okay. That's what you say in the video. I mean, I've watched it...

A: Oh, is it?

Q: ...the video, a thousand times. So...

A: Oh, well, you know what? Then I probably spoke to his friend on the ground first...

Q: Okay.

A: ...because I asked his friend - like I said, I was in shock, you know what I mean? But I asked his friend on the ground, I said, "Did he have a gun?" And he's like, "Yes but he never pulled it out."

Q: Sure.

A: That's the only reason that I know - that I knew that he had a gun but, like I said, I still never saw one.

Q: And so my job is also to take everyone's statement...

A: Yeah.

Q: ...into account and take it for face value. I don't...

A: Yeah. So maybe, I mean, maybe I did ask his friend before I got up there...

Q: So to my knowledge...

A: ...you know what I mean?

Q: ...you did not have an exchange with his friend prior to...

A: Oh, I did.

Q: Well, what I'm saying is there's an officer right there with his friend that has a camera facing right to that...

A: Right.

Q: ...sidewalk. So there's no exchange on video...

A: Mm-hm.

Q: ...of you speakin' to his friend - I'm not sayin' it didn't happen but...

A: Right - right.

Q: ...it doesn't show up...

A: But...

Q: ...on there.

A: ...see, my point is, is even if he did, he never ever even reached for it. You know what I'm saying? It was wrong for them to shoot him like that.

Q: Sure. Well, my question was, I guess...

A: Like, they could've...

Q: ...is that...

A: ...tased him, they could've ran after him but they didn't. They just shot him.

Q: So, uh - which I think you answered pretty well...

A: Yeah.

Q: ...but, like, uh, if you made a statement, "I know he had a gun," or somethin' to that effect, did you have any prior knowledge that (Devon)...

A: I mean...

Q: ...had a gun...

A: No...

Q: ...on him?

A: ...no - no, I didn't.

Q: Okay.

A: But even if I did, I'm, like - i- maybe I said, "I know but you didn't have to - but he never pulled it out..."

Q: Okay.

A: ...you know what I'm saying? I mean, uh...

Q: So it was just a general statement...

A: Yeah.

Q: ...it wasn't like you hang out with (Devon) and you saw him with a gun...

A: No, I don't even...

Q: ...prior to that.

A: ...know him. I don't...

Q: Okay.

A: ...know his family or anything.

Q: And so...

A: But, I...

Q: ...prior to...

A: ...I mean, obviously, like, in my mind, I think, you know, maybe he did run because he had a gun, you know what I'm saying, and he was scared of goin' to jail. You know what I mean? I mean, I don't know. However, you know, him shooting him like that, like, there was a lot more less lethal ways for him to detain him...

Q: Sure.

A: ...in other words.

Q: And so prior to - like, you're down here with [REDACTED] ...

A: Mm-hm.

Q: ...and the police come around the corner and you say, "Okay, I'd better go get my kids. Here come the cops rollin' in the neighborhood..."

A: Yeah.

Q: ...whatever." Um, when you come around here and you see them with (Devon) and (Lawrence)...

A: Mm-hm.

Q: ...um, in the street, did you have any information prior to that about why they were contacting (Devon) and (Lawrence)...

A: No.

Q: ...what their conversation was that they were having...

A: Mm...

Q: ...up there...

A: ...no.

Q: ...who was saying what...

A: No.

Q: ...as far as anybody, even the police. Could you hear the police tellin' them anything about...

A: I wasn't really paying attention because I was just like, "Oh, it's another day. They've just got some kids stopped in the street..."

Q: Sure.

A: ...you know what I mean? So I was more worried about gettin' my kids.

Q: But, before that, you didn't know the police were going to come for any reason...

A: No.

Q: ...or that - like, why they were coming.

A: No - no - no. My friend, [REDACTED] I don't know if you guys have interviewed her yet, but she gave a statement as well. Um, she - her husband saw the squad car first and they jumped up and they were like, "Cops." They're like, "Let's go get the kids," 'cause their kids were down in the park too.

Q: Sure.

A: And so...

Q: Okay. Um, is there anything so far that we haven't discussed, uh, as it relates to this case that you believe...

A: Um...

Q: ...I should know that I haven't asked you about?

A: No. I mean, as far as, like, as I was coming back, I didn't even know that there was a lady sitting on the fence, uh, right behind me. I - I was hoping that she had gotten the actual time that the officer shot on camera. I don't think she did, I think she started recording immediately after. Um, but I looked at her and I asked her - 'cause she was filming and I asked her, I said, "Did you get all that?" And she looked at me and she said, "Yeah." So I thought maybe she had it but I - I - like I actually saw a portion of the video later on and it just sh- it starts right after so...

Q: So, I mean, I - a- again, don't wanna put words in your mouth...

A: Mm-hm.

Q: ...but would you say, uh, that it's safe to say that, much like my myself, that you believe the best thing that can happen is that, um, the correct outcome and the truth, based on facts and evidence and everything, is what is the end result of this case, whether that be good for the officers, bad for the officers, whatever the case may be?

A: Um, yeah. I mean, if there's something that I missed, you know what I'm saying, then, I mean, obviously, that needs to come out too. Y- you know, I - I can only tell you what I saw...

Q: Right, yeah.

A: ...and based on what I saw, like, it's heartbreaking for me, you know what I mean...

Q: Sure.

A: ...personally. And for me, I just wanna tell the truth about what I saw because I would want somebody to do that for my kid too...

Q: Yeah, absolutely.

A: ...if they saw that, you know what I'm saying?

Q: I agree with you. And, I mean, it's - it's going to take, uh, an effort like this, like speaking to people like you, to people...

A: Right.

Q: ...you know, the...

A: And, like I said, I wasn't the only one out there either.

Q: Oh, no, I know. Yeah...

A: Yeah.

Q: ...we've been talkin' to everybody so...

A: You know, and - and, I- like, all of us, you know, when we're talking to each other and - and I'm out here, "Well, did you see anything? Well, did you see anything?" You know what I mean? And it's, pretty much, a consensus...

Q: Yeah. But...

A: ...you know?

Q: ...what is that consensus, I guess, just out of curiosity?

A: That they shot him when he was running away...

Q: Right.

A: ...you know what I mean?

Q: Sure. Um, okay, I think that that covers everything but let me just double check and make sure that I've kind of dotted the Is and crossed the Ts. Um, you know, I know in a situation like this...

A: Yeah, like, even when...

Q: ...where...

A: ...even when, like, I seen the security camera footage, there was just, like, little things that I was like, "Man, I don't even remember that..."

Q: Right.

A: ...you know what I'm saying? And it just kind of made me realize how much in shock I was in...

Q: Yeah. Well, I mean...

A: ...y- you know?

Q: ...and I - I could tell you, not even just from...

A: And i- it - it just happened s- so fast too, you know?

Q: Right. And not even just from this type of case but doin' every kind of investigation...

A: Mm-hm.

Q: ...a lot of times, it's weird, uh, that people will be like, "No, I swear, you know, I - I saw..."

A: Yeah.

Q: ...this," or, "I heard that..."

A: So it's, like, now you've got me questioning...

Q: ...and, uh...

A: ...whether or not I - well, whether or not...

Q: Well, don't do that. Listen...

A: ...I asked him...

Q: ...it's like you said. If you...

A: ...first or not. But, see, like, I remember going up...

Q: Okay.

A: ...and then - and - and I believe, like, the third officer and everything is already - like - 'cause they left him on the ground by himself.

Q: Well, like I said, I wasn't there...

A: Yeah.

Q: ...and also, um, I - I take - I have no reason to distrust you. So if that's...

A: Yeah.

Q: ...what you say you saw, then...

A: I mean, I...

Q: ...I'm not gonna...

A: ...assume, like - like, I assume, like I - like I said, if I said, "I know but he didn't pull it out," I probably just assumed that he probably did have a gun. Otherwise, uh, you know, uh, you know, like I said, I don't know why the police were stopping them in the first place.

Q: Sure.

A: However, like I said, he didn't pull it out and he didn't reach for one...

Q: Right.

A: ...you know what I mean? So even if they knew he had a gun...

Q: And so you...

A: ...he never had any intent of using it on the - on the police or anything.

Q: Right. And your...

A: So...

Q: ...specific recollection is that as you saw, who we now know is (Devon)...

A: Mm-hm.

Q: ...running away, that...

A: Yeah.

Q: ...his hands were...

A: Oh, his hands were full speed like this...

Q: Okay.

A: ...you know what I'm saying? Like, he never reached for his waistband, he - I - I don't even - I don't remember him pulling his

pants up or anything like that. Like, literally, I could see his hands, at all times, going like this.

Q: And your recollection is also that seven shots were fired.

A: Oh, I counted those.

Q: Okay.

A: Like, I - the i- the image of (Devon) running away and the smoke coming out of the end of the police officer's gun - and the only thing in my mind was like, "Count the shots. How many shots was that?" And it was one, two, three, four, five, six, seven. You know what I mean?

Q: And so I asked you about the police but to be fair, also, while you're walking that path and you start seein' this kind of transpire...

A: Mm-hm.

Q: ...uh, you said you didn't really pay - well, you didn't say pay attention. You didn't - you don't remember hearin' the police say anything, like, if they were yellin' or anything, tellin' him to do anything...

A: Like I said, if they did - m- maybe they might've said somethin', like, real quick...

Q: Right.

A: ...but (Devon) didn't have that much - they didn't even give him that much time, you know what I mean? They immediately, as he started running away, unholstered and started shooting.

Q: Um, and so do you recall (Devon) saying anything? Did you hear him say anything as...

A: No, he just ran.

Q: ...he was running away? What about...

A: He just ran.

Q: ...(Lawrence)? Do you recall hearin' him say anything?

A: Now as I walked up, as I continued to walk up, I heard (Lawrence) say, um, "Man, they just Mike Tyson-ed him." And I was like, "Well, I don't really know what that means," y- you know what I mean? Like - uh, but I turned back around and I - I I- I looked at my husband and I said, "Did you see that?" And he's like, "Yeah, they shot him." Because, in my mind, I was still trying to make sense of it because I just couldn't believe that they shot him, you know what I mean?

Q: Sure.

A: Like, I - I was trying to - my brain was trying to figure out what just happened because I - like, I - like I said, I was just like, "Did they shoot him with beanbags or something?" Because, in my mind, I - I couldn't fathom why they would've shot him.

Q: Um, and what about the officer that was back here. Do you remember hearin' him say anything or makin' - did he say anything to you?

A: Um, I don't remember. Th- the one thing I do remember about him is I remember him - seeing grab - him grab a red First Aid kit from the car. 'Cause, other than that, I was so upset...

Q: Sure.

A: ...you know what I mean? And I was yelling at the - the one police officer that was there that - the one that I saw shot - that shot him, you know what I mean? So, I mean, as far as that, like I said, th- y- you know, I realize how much in shock I actually was in...

Q: Sure.

A: ...you know what I mean? 'Cause I'd never seen anything like that before in my life.

Q: Yeah. Well, it's not a normal, everyday thing when people...

A: No, not at all.

Q: ...(unintelligible) encounter...

A: Well, my husband's from...

Q: ...you know...

A: ...Atlanta. He's - he's a little bit more use to it than I am, you know what I mean? So...

Q: Um...

A: I mean, I've been having, like, an extremely...

Q: So...

A: ...difficult time trying to get those images out of my head...

Q: Sure. It's a difficult thing. Uh, you know, what I can tell you - and you don't have to believe this, you don't know me, so that's okay. Uh, it is very important for me in this investigation that the truth is what ultimately comes out and the way...

A: Right.

Q: ...that that comes out is by every - talkin' to people like you, physical evidence, uh, you know, doing all the things that are necessary, comparing all those things...

A: Right.

Q: ...and saying, "These are the things that happened, these are the things that led to this, these are the things that happened afterwards," and so on and so forth. And so a portion of that is, you know, taking into account, uh, you know, that (Devon) is not here to be able to speak...

A: Right.

Q: ...his portion of it and so I have to use those other things like people's statements like yours...

A: Right.

Q: ...like the evidence and those things to be able to say, you know, "How does this all...

A: Right.

Q: ...mesh up with what - what happened at this incident?" Which, unfortunately, no matter how all that shakes out, is tragic, you know? It's...

A: It really is.

Q: ...a sad thing. So...

A: You know, and I have three little girls. So, y- you know - and - and my kids are always in the neighborhood playing or - you know, and I kept on thinking, I'm like, "What if that was, like, my husband and my friend's husband that was walking in the street or going to the park lookin' for the girls and they mistook them for suspects or something," you know what I mean? Like, there's things like that that go through my mind and - and I - I just couldn't even imagine losin' a kid...

Q: Sure.

A: ...you know?

Q: So we talked earlier - and this is kind of jumpin' all over the place but back at the very beginning, which didn't have to do with this directly...

A: Mm-hm.

Q: ...is that, you know, this is recorded.

A: Right.

Q: So I know you mentioned durin' our interview that, previously, you felt like your statements were not accurately portrayed, so that's another reason why we didn't just wanna get a statement from you at your house because...

A: Right - right.

Q: ...we wanna be able to say, "Not only did we talk to these folks that live in this neighborhood, the people that saw it..."

A: Right. And on-

Q: ...but..."

A: ...and once you explained that to me, you know, I was like, "Okay, well, I - I - I definitely trust that a little more." 'Cause you gotta understand, over the last week, reporters have been cutting and editing and making my, you know, statements to say however they want it...

Q: Sure.

A: ...to say, you know...

Q: Well, that's what their job is, you know, to...

A: ...and I'm just, like, tired of it, you know what I mean?

Q: Right.

A: Like - like, you know, these people don't know because they weren't there.

Q: Right. Well, I mean, you are a grown person...

A: Mm-hm.

Q: ...so you are free to tell your story to whoever you want...

A: Right.

Q: ...you know what I mean? It's not a - a thing, it's out there. Um, I would say, you know, you're also, by the flipside of that coin, if you feel like the media isn't representing what you're saying accurately, you're welcome to tell them, you know, to kick rocks too and not speak...

A: Oh, I have been...

Q: ...to them so...

A: ...a- all week.

Q: Uh, but, you know, like I said, those are your decisions. As an adult, you're allowed to do them.

A: Yeah.

Q: Um, so let me just double check and make sure that I kind of covered all the bases and then, hopefully, we'll get ya with your husband and get ya out of here, okay?

A: Okay.

Q: All right. Thanks.

Q: So the only other thing I wanna clarify with you is you talked about the folks that are sitting on the fence, filming...

A: Yeah.

Q: ...but you don't think sh- you said, I think, she - didn't...

A: I thought, maybe, that...

Q: ...start filming till - but where about were they in this?

A: Oh, she was sitting up against this fence, on this sidewalk right here. And when I walked past her, I didn't even know she was there. It wasn't until I turned back around and I seen her sitting there and she was recording. And I asked her, I was like, "Did you get all that?" And she was like, "Yeah." But, uh - uh, from now, now we know that she didn't actually - I don't think she got the actual...

Q: Do you...

A: ...shot.

Q: ...know what her name is?

A: Um, no.

Q: Do you know what apartment she lives in in that building?

A: Yeah, she lives in the [REDACTED] - the - [REDACTED] ...

Q: Mm-hm.

A: ...and the apartment [REDACTED] [REDACTED].

Q: So, like...

A: 'Cause it's a fourplex...

Q: So the right, like, [REDACTED]?

A: Like, over here, yeah.

Q: Okay.

A: Like, if you're lookin' at it...

Q: And she's, like...

A: ...at her front door.

Q: ...a grownup, a kid...

A: Uh, no, she's a - she's an older Hispanic woman.

Q: Okay. Does she have a specific vehicle or anything that she's associated to?

A: Um, a [REDACTED].

Q: Okay. Anything...

A: Yeah, her son has a [REDACTED] ...

Q: Okay.

A: ...um, but hers is, like, a [REDACTED]

Q: But you're sayin' that, like, you have spoken to her after this incident...

A: Yeah.

EPISO
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Q: ...and learned that she did not have video or that...

A: Well...

Q: ...she does?

A: ...she does have video but I don't think she got the point where the officer was shooting...

Q: Oh, okay.

A: ...you know what I'm saying? Like, she started - I think sh- I think she started recording immediately after...

Q: Okay.

A: ...you know what I mean? Because it happened.

Q: Are there any questions you have for me?

A: Um, no.

Q: Okay.

A: No, not really.

Q: Well...

A: I mean, you guys did talk to the woman that was standing on her porch right here too.

Q: Mm-hm.

A: Okay, good.

Q: Yeah. So...

A: Um...

Q: ...I really appreciate you comin' down. I know it's an inconvenience but...

A: No, I mean, I - I...

Q: ...like I said, it's important to...

A: ...you know, to be honest with you, I just - I do want the truth to come out, you know what I'm saying? And all these things that people are saying, it's just - it's been a really emotional week.

Q: I'm sure. That's for sure.

A: It really - really has, you know?

Q: Yeah.

A: And then, you know - and then people are like, "Oh, well, you're biased," and this and that and I'm like, "No, I saw what I saw." Like, I don't even know this kid...

Q: Sure.

A: ...you know what I'm saying? And it's not that I have anything against the police or anything like that, it's just - I can't even believe what I witnessed...

Q: Right.

A: ...at all. Like, you know, you hear about things like this happening all the time and then to actually see it in front of your face is a

whole different story...

Q: Right.

A: ...you know?

Q: So, just to be clear, at the point where you're saying that they fired the shots - which I know we, uh, drew your thing on the other diagram - but...

A: Mm-hm.

Q: ...about where were you in relation to them?

A: I'm gonna say, like, over in here.

Q: So you're there and they were - where was the officer that was shooting when this all...

A: Over here.

Q: Okay.

A: But I was - I was just a little bit back from them, you know what I mean? Like, just - and close enough I could definitely see everything...

Q: Sure.

A: ...you know, from - from this angle...

Q: Sure.

A: ...you know?

Q: All righty. Well, I think your husband's just about done too so we'll get you guys back together and...

A: Okay.

Q: ...get ya right out here...

A: Well, I hope the meter didn't run out already.

Q: Um, if it did, just let me know. We can, sometimes, be able to (unintelligible).

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

El Paso County Sheriff
Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Stone, Scott 13056**

Barcode	Item #	Item Type	Description
 1147192	65	CD/DVD(s)	Serial #: 1
Mandatory Info: Evidence		DVD WITH INTERVIEW OF [REDACTED] AND TRANSCRIPTION	
Collected by: Stone, Scott 13056		Evidence entered: 08/14/2019	
Recovery Address: 27 EAST VERMIJO		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

EPSCO
12/02/19

Supplement 20190814 Stone, Scott 13056

On Wednesday, August 14th, 2019, I, Detective Scott Stone #13056, of the El Paso County Sheriff's Office (EPSO) Investigations Division, conducted follow up to case 19-11348, at the Office of the Sheriff located at 27 East Vermijo Avenue.

Sgt. Rosario Hubbell requested assistance with transcriptions of the interviews that took place on 08/9/2019 between [REDACTED] and Detective Darbyshire.

This transcription was sent to NetTranscripts. It was returned to me via email. The transcription was reviewed for accuracy. A copy is attached to this case report and a copy was also given to Detective Darbyshire.

A copy of the video from the interview was placed on to a DVD and placed into evidence by me.

Case Status: Same as original

EPSO
12/02/19

Evidence Voucher

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Montville, Lisa 01060**

Barcode	Item #	Item Type	Description
 1147178	64	CD/DVD(s)	Serial #: ONE DVD-R CONTAINING AN INTERVIEW WITH SGT. VAN'T LAND AND MONTVILLE

Mandatory Info: **Evidence**

Collected by: Montville, Lisa 01060
Recovery Address: 27 EAST VERMIJO
Homicide #:

Evidence entered: 08/14/2019
Current Location: Evidence Facility Intake Lockers

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Supplement 20190814 1535 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 14, 2019, at about 3:35 p.m., I, Detective Montville was conducting follow-up on this case. On this date, I conducted a recorded interview with Colorado Springs Police Department Sergeant Alan Van't Land at the Office of the Sheriff. The Office of the Sheriff is located at 27 East Vermijo Avenue, in Colorado Springs, Colorado. Van't Land's attorney, John Newsome, was also present during the interview.

I later placed a copy of the recording into the El Paso County Sheriff's Office Evidence Facility under item number 64. A copy of the evidence voucher is attached to this supplement.

The interview I conducted was transcribed by the El Paso County Sheriff's Office contracted transcription company. I reviewed the transcription and made a few spelling corrections. A copy of the transcription is attached to this supplement.

INTERVIEW WITH SGT. ALAN VAN'T LAND

Q=Det. Lisa Montville

A=Sgt. Alan Van't Land

A1=John Newsome

Man: It's not on. How 'bout now? Can you hear me? Is that good? Sound tech, can you hear me? Good?

Man: Yeah.

Q: A couple of chairs. But you sit wherever you'd like to. Just gonna make sure everybody else is ready to go and I'll be right back.

A1: All right.

A: (Unintelligible) the cameras they don't work here but.

A1: Well if they want - if they want you to draw on the board, it's easier if you're sitting here.

A: Yeah, that makes a lot - yeah.

A1: Okay. Then everyone can see the board.

A: (Unintelligible) my chair.

A1: Yeah, like, I know where I'm going.

A: I guess it's good that I don't know where I'm going.

A1: Right.

A: That's a positive.

Q: I wanna make sure that both of you have my business card.

A1: Yes.

Q: With my full name, my email, uh, my telephone number.

A: Okay.

Q: And if at any - have any questions or you need anything, please give me a call. I just would like to start off with some basic information. If you could give me your full name and your employee ID number, please.

A: Sure. Alan Robert Van't Land. Alan is A-L-A-N. Uh, the last name is V as in Victor, A-N apostrophe T, space, capital L-A-N-D. And my ID number's 3526.

A1: Just speak in...

A: Okay.

Q: And my I have work phone number for you please?

A: I don't know my desk number off, uh, hand but the substation is 444-7270. Okay, I may have it on my card. I don't have any cards.

Q: That's okay. What substation are you assigned to?

A: Sand Creek.

Q: Sand Creek, okay.

A: Okay.

Q: I'd like to start of just with a snapshot or a timeline of your career. Uh, when you started with the Colorado Springs Police Department, um, and your assignments up until today.

A: Sure. So I joined in January of 2008, um, and then after doing my training in Gold Hill, I got assigned to Sand Creek right away. I worked San Creek power shift for four years...

Q: Okay.

A: ...on patrol. And, um, then - that was up to the end of 2012. Right around Christmas of 2012, I got selected as a crimes against children detective. I worked up there for just shy of four years and I went over to be a financial crimes detective. I worked as a financial crimes detective until - that would have been up until late November 2016. I'm in financial crimes detective from then until April of 2018.

Q: Okay.

A: So a year-and-a-half. At which time I got promoted to sergeant and went back to Sand Creek for shift two. I got sent to swing shift. So it was Sand Creek, 1400 hours start time. And I've been there since April 2018.

Q: Okay. And is that a 10-hour shift.

A: Yes.

Q: That you're on now? Okay. Do you have any ancillary duties, uh, like field training officer or mounted unit? Anything like that?

A: No. I mean, I have my sergeant duties, like, I'm the equipment sergeant for the division. Um, I'm the training sergeant for the shift, like, making sure people get assigned for their training. Um, I'm on a risk and liability committee, but we only just started that up, so. But no additional - not like crowd control or SWAT team or any - any outside my normal patrol division duties.

Q: Okay. Do you remember what time you got up on August 3rd? On Saturday, August 3rd?

A: Maybe, like, 7:00 or 8:00 am.

Q: Okay. How long did you sleep before you got up about that time?

A: Um, probably at least eight hours. Maybe nine.

Q: Okay.

A: ...a little bit. Work the late morning instead of the whole morning.

Q: Okay. What did you do before you went to work on Saturday?

A: I finished up a [REDACTED]. A bunch of cutting brick and fitting them, pounding, and sanding.

Q: Okay. And do you go from your residence to Sand Creek? Is that how - how you get to work?

A: Yeah.

Q: Okay.

A: Yeah, I took a POV to Sand Creek. Got there about 1:30 and then about 30 minutes of admin duties before suiting up, running lineup. Uh, I didn't run lineup that day but I was in lineup. And then I initially sat at the duty desk. Sgt. (Smith) was on the street. Um, and that was probably until about 4:00 pm? Maybe 4:30 pm.

Q: Okay.

A: Um, at which time I went to the street 'cause the 5:00 pm sergeant, (Santoro), came in and he was gonna sit at the desk.

Q: Okay. What were you wearing that day? You said you suited up. Can you explain to me what you were, kind of from head to toe?

A: Right. So I was wearing a - a standard Colorado Springs Police Department uniform. Um, short sleeve, French blue shirt, uh, has police patches on each shoulder. The Colorado Springs Police Department patches on each shoulder. Uh, it has the three chevrons for the sergeant on each shoulder. Uh, has my gold sergeant's badge here and my name plate here. Uh, body worn camera, more-or-less center of the chest. Standard navy blue trousers, duty belt, black boots.

Q: How was your duty belt set up from right to left?

A: I go from basically, like, a 12:00 position going clockwise around. First thing is handcuffs and then the next thing is my, uh, OC pepper spray and then my duty handgun, a second pair of handcuffs on the back, uh, which I wasn't wearing that day because I, uh, smashed my finger with a hammer...

Q: Oh, gotcha.

A: Um, laying the patio, and it was difficult to snap the buttons. But normally that's what I do. Uh, flashlight - duty flashlight, radio taser, uh, on this side and then two magazines.

Q: Okay. What kind of duty weapon do you carry?

A: It's a Smith and Wesson MMP 9mm. It's the 2.0 version - just upgraded to 2 sometime last year - summertime last year.

Q: Okay. How do you load your duty weapon?

A: It, uh, so to make sure that I have all, uh, rounds possible, to lock and the slide to the rear, uh open chamber, open magazine while I put one round in. Uh, release the slides that goes forward on a full chamber and take a full magazine of 17 and load it. That way there's 17 in the magazine plus one in the chamber.

Q: Okay. How are your other magazines loaded? You said you had two more, correct?

A: Those are loaded full at 17.

Q: At 17. Do you have a - a back-up weapon anywhere on your person?

A: I do. I carry an Ox gun on the [REDACTED]. It's a Smith and Wesson MMP 9-mil subcompact. So it's the same width and grip of the the 9-mil. Same trigger, uh, accep- accepts the same magazines. Uh, but it is a shorter barrel, shorter handle.

Q: How is that gun loaded?

A: Uh, the same method. One round in the chamber and then a full magazine of 12 or 11...

Q: Okay.

A: ...in it. Um.

Q: And you said that you were - you were working, uh, desk duty 'til approximately 5:00 pm until you were relieved?

A: Yeah, and I'm not sure exactly the time on that. I know at some point I showed myself clear with dispatch and my s- my unit history for the day will show. And then I actually - even though I was clear, I still did about 20 more minutes of admin duties in the substation.

Q: Okay.

A: 'Cause Sgt. Smith had called me saying that she was just - almost overwhelmed on the street with one supervisor on the street and how much she had to go to. And then things - so I said, "I'll clear and come out." But I still had some stuff going on so I called her back and said, "I'm showing clear. So that way if dispatch needs another sergeant they can send me. My car's loaded and ready to go." Um, "But I got a few things I'm gonna try and clear up here in the substation."

Q: Okay.

A: I think equipment sergeant kind of duties.

Q: Okay.

A: Restocking paperwork and stuff like that.

Q: Okay. So do you have a - a call sign as a sergeant. Like our sergeants are Sam-5 or Sam-6. Do you have a...

A: Ours are always Paul. I am 3-Paul-9. I have been since I, uh, since I became a sergeant in 2018.

Q: Okay. And even though you were cleared the substation and you were ready to hit the streets, did you have a marked unit that you drive when you go out to do street duties?

A: Yes. That day I took vehicle [REDACTED]. It's a Dodge Durango, white with black markings of the police on the side.

Q: Okay. And did that vehicle have emergency equipment like takedown light? Spotlight?

A: Yes.

Q: Um.

A: Spotlight, overhead red and blue and takedown lights. Um, I don't know if - well, there's certainly lights in the back window. There - yeah. I might be confusing that with another vehicle. Definitely had, like, the overhead lights and - and spotlight.

Q: Okay, with, uh, is it "police" that's in the black lettering on the side?

A: Correct.

Q: Okay, is it on both sides?

A: Yes.

Q: Okay.

A: It's predominately white with "police" in black lettering on the sides along with stripes or something, so.

Q: Okay. What happens next after you get done with your - your equipment duties and you're clear?

A: So I initially went out on the street, and, uh, went over just to check our report writing system 'cause part of my duties are reviewing and approving reports.

Q: Mm-hm.

A: Um, so I drove, first over - right across the street to the Nazarene Bible College, still on Academy Park Loop. Um actually there was another officer there. Um, Officer (Buckner) and his recruit - or his rookie officer - were there doing paperwork so I talked with them for about five, ten minutes just about the traffic accident they were on, um, and a job that he's putting in for. Then I cleared - well, I was still cleared but I left there right as, um, a priority one report of kidnapping was coming was in. Um, that was down on Carmel Drive. Went down there - it was ultimately a situation of a mom with a - it was a miscommunication between mom and babysitter. Babysitter had a medical emergency and babysitter took one-year-old to the hospital and ultimately we lost contact with mom, but she called us back later and everything was okay.

Q: Okay.

A: We were on that, probably at least 45 minutes - maybe an hour. And right as we saw that update, um, which would have been about 6:40 'cause mom had - I remember mom had actually called back in and our call screen had updated but dispatch didn't catch that mom had called back in and baby was safe and everything and we were still trying to run down records and figure out a way to get ahold of mom 'cause she wasn't answering her phone. So we - I remember seeing that at about 6:40 because it was about 6:30 that she called back in. So I was, kinda of, like, "Come on, dispatcher."

Q: Right.

A: Wasting time out her if you had - we had known that. Um, so we saw that and then immediately right then the tones came in for, um, uh, a robbery that had just occurred. So the other units and I on that call cleared, um, (Blake Evenson) was on that call with me and, uh, (Richard Gonzalez).

Q: And what do you mean when you say that the tones came in? Wh- what does that mean?

A: So certain priority calls, uh, dispatch will send a series of tones first so they can alert everyone to listen to the radio.

Q: Okay.

A: Like a beep, beep, beep. Um, and then they proceeded to say, "Any units to clear for a personal robbery with a weapon that just occurred," more or less would be the gist of what they were saying. Um, so we cleared. While I was pulling up the information, they dispatched two other units first. Officer Mc- (Katie McFerron) and I think the second one dispatched was Officer (Derrick Benke). Uh, but then as Officer (Gonzalez), (Blake) and I cleared, uh, as well, we either asked to be put on it or because so many people were asking and saw me cleared, dispatch may have just put me on it, um, as I was trying to key up to get them to put me on it.

Q: Okay. What radio channel are you listening to and what channel is the dispatch coming over?

A: It's on the Sand one.

Q: Sand one? Okay.

A: Uh, and that's the only one I - I listen to. I have an in-car radio but I - I don't try and monitor two divisions at the same time.

Q: So...

A: I'm not adept at it.

Q: That would be hard.

A: Yeah.

Q: That would be very hard. And what does dispatch say in reference to the - the robbery call?

A: Um, I remember looking at the call screen while they were dispatching it while I was responding to the area. Basically it was coming in in the 2400 block of Fountain Boulevard, which I recognized as being about mid-block between Union and Circle on Fountain. Uh, personal robbery with a weapon had just occurred. Um, the victim was there. The, uh, suspects - it was two pieces of information given about the suspects. One was that they had gone backed towards, uh, John Adams Park, possibly. And one was that the victim thought the suspects were following him. And at some point, someone clarified that the victim was actually at, um, the 2400 block of East Fountain. There's some sort of healthcare business right there. It's at the corner of Fountain and Hutchinson and dispatch had come back saying, "Yeah, he'll be" - "the victim would be standing out front." Um, I had gone - I was not far off 'cause I was on Carmel Drive right about where it intersects with Hancock Expressway.

Q: Okay.

A: So I went to Hancock and then on the ramp up to Circle and just northbound on circle, uh, where it goes under the MLK to Fountain. And so right as I was, uh, at the intersection of Circle and Fountain, I saw two units cross westbound in front of me. Uh, those I'm fairly certain just by, like, who had called out and everything were (McFerron) and (Benke). And so they actually got to the victim 30, 40 seconds before me. And, um, I remember airing that they didn't both need to be out talking to the victim. That (McFerron) could - as the primary officer could talk to the victim and t- told (Benke) to get back in his car and follow me and we were gonna check the area for the suspects. Um, I told him that but I didn't actually wait for him because I saw another car coming in behind him. Um, I'm not sure who it was - I assume it was either (Evenson) or Gon- (Gonzalez). Perhaps both of them were behind

me. I'm not sure. Uh, but another unit followed me. We went north on Hutchinson. Um, and then cut across the north side of the parking lot of Adams Elementary and checking the Adams Park for the suspect description. They had...

Q: How did you get the suspect description?

A: Right. Sorry. So there was a piece there. While we were responding - I wanna say I was going northbound on Circle - when they were finally updating some suspect description.

Q: Okay.

A: And the first suspect was listed - there was no clothing description for either of them. The first suspect was a black male - I don't remember the exact age but it was something, like, post-high school. So, like, 19-21-ish. Um, tall and skinny with an afro. And I think they said his nickname w- was Spaz.

Q: Okay.

A: I - it didn't say nickname it just said name and then quotes which is usually for a nickname. But S-P-A-Z...

Q: Okay.

A: ...was on there and it listed that he was the one with the gun. And it specifically said, "Glock 23." I remember thinking, "Well, that's pretty specific." The victim probably saw the gun to be saying it's a Glock 23 instead of just a handgun. And then the second suspect was listed as a black male, I think about the same age. Um, definitely remember him being described as heavier set than the first one, um, and shorter. Uh, so that's what I had for suspect descriptions. Two black males both, kinda, post-high school age. One tall and - or and skinnier, one shorter and heavier. The tall and skinny one had an afro.

Q: Did you read it off of the mobile data computer or were they airing the - the...

A: Both.

Q: Both, okay.

A: They aired it and then I was also reading it as a - as it came in.

Q: Okay.

A: And so as - whoever it was behind me and I kinda made a clockwise loop around Adams Elementary, um, I remember telling Officer (McFerron) that what I first wanted was an up- updated description of the suspects in case what had been relayed to dispatch was either incorrect or, um, more likely insufficient. I was really expecting, like some clothing description and stuff. Um, came down - I think it's McCooke - McCooke - whatever is on the west side of Adams Elementary going straight south - that's what I went down, through the four-way stop. Oh, no, it's not McCooke it's - I think it's Boggs. Um, but there's a four-way stop at the southwest corner of Adams Park, um, Boggs and, Preuss. And actually went south, um, further on Boggs and then turned east on Doniphan. Doniphan kinda makes this - starts north from Fountain and hooks west. Then the update had initially said though, like, they were - wh- when I was responding to the area said they were, like, walking back on Doniphan towards the park. And then had said, well, "They're going to the victim." You know, given that (McFerron) was out with the victim and wasn't describing seeing the suspects in the area I assumed they might be back towards the park - which is why I kinda circled the park area. Hadn't seen - I'd seen, probably, 10, 15 people or more out and about in that area but no one matching that description yet.

Q: How far away approximately is where the victim is to, uh, Preuss and south of Adams Park there - if you had to estimate that?

A: Four hundred yards, maybe.

Q: So fairly close?

A: Yeah.

Q: So it was...

A: Somewhere between, like, a quarter and a half mile.

Q: Okay.

A: Um, yeah. So I went east on Doniphan and then right where Doniphan hooks from going east to - to turning south down to Fountain, it connects with Preuss. 'Cause Preuss from there has a very short northbound period and then makes a very sharp, 90°

turn at Adams Park and runs west back to the four-way stop at Boggs.

Q: Okay.

A: Um, as I got to Doniphan and Preuss, I looked north on Preuss and I saw - in the street, um, there was some cars parked along the west side of the street and they were inside the street of those cars, uh, two black males. One tall and skinny, one shorter and heavier. Um, from that distance I couldn't really quite assess age but it was certainly, like, at least high school up through 30s. Um, as I got closer, um, and as they turned around, uh, then I recognized that the age also fit. Um, and the taller and skinnier one had an afro.

Q: Were they on foot or...

A: Yes.

Q: Okay.

A: So they were walking on foot. The taller, skinnier one was actually further west next to the cars that were parked on the curb. The heavier-set one was wearing a red shirt. I'm fairly sure it was a little more towards the middle of the street.

Q: Okay. And do you know which direction they were traveling or which way it appeared they were traveling?

A: They were walking northbound.

Q: Northbound.

A: Towards the park.

Q: Okay.

A: So they didn't see me as I came up behind them initially.

Q: Okay.

A: Um, but as I got closer, I assume they heard the sound of the car 'cause they turned around. Um, my concern at that point was that they might start running on foot. But I also didn't want to drive up really close to them either, uh, because of the report that one of them - the tall - the taller one with the afro had a gun. So I parked my car an angled it just a little bit in the middle of the street. Um, and, all right - skip timeline really quick - later on I saw someone had actually moved it quite a bit further north to the east curb out of the way, I think to allow fire through.

Q: Okay.

A: Um, so whenever they processed the scene in C2309 - almost all the way up to that 90° curb, that's not where I stopped it.

Q: Okay.

A: Um, I stopped it probably, like three houses, four houses south of that 90° bend. It was, like, a yellow truck there on the west side - somewhere about there or a little bit south of that yellow truck is where I stopped by tru- um, uh, SUV. A little canted, I got out and they both turned around and immediately, like, the guy in the red, uh, the heavier set one started, um, turned, walked a bit towards me and the other one - the taller, skinnier one stepped around behind him. Um, so, like - and definitely screened my view of him. Uh, which I was very concerned about at that point because if he - the report is that's the guy with the gun and if he draws it, I'm not gonna be able to see that. Uh, and I felt like he was deliberately screening me from that person or he was deliberately getting where I couldn't see what he was doing - either to get away or to draw a weapon or something. So I actually came further to the west over towards the west curb while approaching the two of them so I could keep both of them in view. Um, and I just started talking to them. Initially they were saying, "Hey, what's going on?" Um, and I - fairly certain I introduced myself 'cause that's usually what I do just to kind of explain a little bit. Meanwhile I'm - I didn't ever turn my eyes but I could see on the periphery that other vehicles - other patrol vehicles had been right behind me stopped, and were gettin' out, were also moving up, kind of on the southeast side. So the two of them were in the middle of the street. The tall, skinny one just north of the red one - uh, the one in the red shirt. The other officers are kind of to the southeast and I'm kind of southwest.

Q: Okay. How far away do you think you are from the first suspect that you describe as the tall and skinny one? When you - when you stopped to talk to them, how far away do you think you are?

A: When I initially stopped my car, they were probably 40, 50 feet away.

Q: Okay.

A: As I got out and they started screening, I walked around and then approached and I was probably, like, me to the corner of the room.

Q: Okay.

A: Ultimately, I'm close enough that it was kind of a conversational distance but not close enough - I wanted some reaction time in case he pulled a weapon. Uh, and that way I could keep a little more eyes on both of them 'cause the two of them were probably standing six feet apart.

Q: From each other?

A: From each other.

Q: Okay.

A: Um, and I'm probably more, like 10, 12 feet away from them. And I explained to them that there had been a report of - I think I told them an assault because that typically sounds less concerning than a robbery, um, and then people aren't as worried about what we're out there for and everything. And that they match the descriptions, um, and that I needed to talk to them. Something like - I was trying to get out something along those lines of just my typical introductory, like, "Hey, I'm out here contacting you because you match the description," of - "of a crime that just occurred." Um, and I know I didn't tell 'em a robbery. Um, at that point, uh, the tall, skinny one had something in his hands about so big. Kind of a - had a clear glass part with a brown something inside it so I knew it wasn't a gun. It either looked like - like, a vape pen or, like, a small alcohol bottle. And he goes to put it in his left pocket. And I'm, like, "Keep your hands out of your pockets. Keep your hands up." And he did - he, like, let it slip in his pocket. But he brought his hands up. The other guy did too. And by this time I had my hand - my right hand resting on my weapon. Um, and rather than address everything further, I said, um, it - I'm just - I decided, like, I'm not gonna just, uh, mince words or play around with the fact that there was a concern of a gun. I just - we were gonna address that, get it upfront and deal with the officer safety stuff first before we get into anything else. Since I had their hands already up - and by up, the tall skinny one who's - what probably 60, 70% of my focus was on as the report of him having a gun, um, he brought them up, like, here. Not, like, all the way up in the air. Um, the other officers are probably, 8, 10 feet behind them to the southwest.

Q: Is he still facing you? The first suspect?

A: Yeah, the first two - they're both - both of them are facing me.

Q: Okay.

A: Kind of to the southwest and the officers are behind them. And they can - I'm either turned and looked or - I mean, the recognized there were officers behind them. And I said, um, there's a report that there was a weapon involved. I'm gonna have these officers come pat you down and just check for weapons. Uh, I assume I told them something along the lines of, like, "Don't move," 'cause that's what I would usually say. Um, somewhere right around that time, Officer (McFerron) aired on the radio, um -- and I don't think the suspects heard it 'cause I'm pretty sure all of us have earpieces there -- "The one with the goatee is the one with the gun." Victim's saying the one with the goatee is the one with the gun, which matched what we already had of tall, skinny, black male ha- is the one with the gun - with the afro. Well, the one that's tall and skinny is the only one the two that has the afro he's the only one of the two that's got a goatee. Um, it's - probably came down, like, a couple inches. Um, and when I told the officers that - or when I said that the officers were gonna come pat them down, the officer started to step in from the back and the one with the gray shirt - um, I think it was the gray shirt - the tall, skinny one at least, um, turned and looked down and sideways and I couldn't tell if he was looking at his buddy in the red or if he was just kind of, like, thinking through his options but I was just about to say something along the lines of, like, "Look, don't do anything rash," or "Don't do anything stupid," or, you know what I mean?

Q: Mm-hm.

A: And he bolts. Takes off running, uh, sprinting northbound on the street. North and a little bit west, like, towards the northwest corner. Um, when he did that, I knew there were enough other officers to deal with him that I was - being the closest one took off as well with him. Um, were right behind him, uh, I could - there was another officer that was to my right, um, that I assumed was (Evenson), uh, but did not know that at the time, uh, who was about even with me. And, uh, the tall skinny - skinnier male that took off running was probably 10, 15 yards in front of us. Um, and so this all started, probably about three houses south of that corner. Like, three houses on the west side of the curb 'cause the east side probably extends a little bit more. Um, right after he started running - within the first, like, second or two, he's made it maybe a house and a half and we're started to run. Um, I'm sure my weapon's drawn at that point. I don't consciously remember drawing it. Um, his - as he's running, his hands go to his waist. Um, I can't see his hands. I can just see the back of him. Um, but I can tell by the angle of his arms, that they are here at his waist. They're not, like, running to the side like someone would be running. They're not, like, reaching down here. They're not pulling pants up to the side. Um, all things that I've seen out of different people that I've run after. Uh, they are definitely, like, here at his waist and

there's movement going you.

Q: And you're describing both of his hands?

A: Yeah.

Q: The suspect's hands are...

A: They are both...

Q: ...where you cannot see them?

A: Correct.

Q: Okay. Um, at his waist. And at that point, um, there was probably a second or two of that. I don't remember specifically any commands I gave at that point but my - my training and I know from all my other use of forces when I'm chasing people, I give commands, like, "Police." "Get your hands up." "Stop." So I'm very confident I gave some sort of command like that. I just don't remember exactly. Um, there was no compliance. His hands were there for, I would estimate at least the distance of across the front yard of, like, one house. Like, up the sidewalk of that, um, another good two or three seconds of him running like that. And at that point, my thought is, uh, "He's definitely matching our description for the suspect," um, "for an aggravated robbery suspect." Um, and the cop with the victim has even confirmed - 'cause she had aired the same information that had come through from dispatch. No updates but no change on that information either. And then also the added detail of the, um, the - the goatee. Um, and then the fact that when I said that we were going to pat him down for weapons, that's what caused him to bolt not me just initially just pulling up. All those pieces put together, I knew he had the gun. Uh, I was a 100% sure of it. And when he went there, my thought is, "He's going for the gun," because we're keeping pace with him on the run and my thought was if he can't outrun, he's gonna try and turn and fight us. Um, my training and experience says that action's faster than reaction. That if I turn and wait - like, if I wait for him to turn and wait to see the gun when he turns, that he's going to be faster and get a shot off before I will. Um, at that point, I felt very sure that he was going to be drawing a gun and turning and shooting either me or my partner, the other cops behind us if he misses, his buddy who's also behind us. Um, any of the other number of people - there were enough - it was a nice weather evening that night. There was a lot of people out at the park. Um, and so at that point, I decided I was going to have to shoot him rather than wait for him to draw the gun and get off the first shot that could hit me or someone else.

Q: Okay.

A: Um, I remember firing a couple times over the space of a couple seconds. It seemed like the first rounds weren't having impact. Um, I don't know if they hadn't hit him or if it just - it was just taking a second or two for him having - uh, for them to actually affect him. Uh, but he got from the corner - from that - from where Preuss makes that sharp left - he was at about the southwest corner of it where the sidewalk itself makes that sharp corner - the inside corner. He made it from - he started stumbling about there. Um, and made it to the middle of the road. But all that, like, the number of shots I fired and everything was all just in a matter of, like, a couple seconds. And once he started stumbling and went down in the road, then I stopped firing - you know what I mean - to assess whether he was still reaching or was actually going down or whatever. He fell down on, like, his left side of his leg - left hip. This arm was out - I could see the other - I couldn't see the other one 'cause his back was still to me. But I could see that it wasn't moving - wasn't still trying to reach around his waistband. So Officer (Evenson) and I approached but we were still keeping guns on him but at that point - because he wasn't still going for a gun or anything, um, didn't fire anything further.

Q: How many times do you think you fired?

A: I think three.

Q: Okay. And what was your point of aim when you were firing?

A: Um, the middle of his back.

Q: Okay.

A: Center mass for what was presented to me.

Q: Okay.

A: Um, and then once we got to him, we took ahold of his - his hands and put him chest-down. Officer (Evenson) cuffed him and then we started searching him for a gun and I could see the gun actually. It was in either, like, a really deep pocket or some sort of fold inside. He was wearing black shorts but we could see the gun outlined in the shorts between his legs.

Q: Right.

A: I think it was holstered. I'm not sure. Um, but - so I didn't actually see the gun but you could see the outline of the gun in the stretchy material of the shorts down between his legs. And we tried to get it out, thinking it was, like, actually caught up inside the shorts. But then it was pretty clear that it was inside some sort of material. Um, need to get the gun away from him so the scene was safe so we could get medical in there to treat him, um, 'cause it was obvious that he had been hit. He was bleeding in his torso. Um, I went to actually, just pull the shorts off real quick because we couldn't find the pocket or whatever. They were ti- actually tied on pretty tight, um, with, like, a drawstring. And, um, so I had, like, a little black folding knife in my right pocket and I just pulled that out and actually cut away the top of the shorts all the way down, I think. Not only one leg but then actually we cut out the other as well so we could get the gun away. At that point, officer (Benke) ran up with one medical kit, um, and started opening it. I stood up just to check on the other suspect who I saw was, by this point, handcuffed lying prone in the street with no officer around him. Officer (Gonzalez) was running up to me with a second med kit and I told him to take care of the other suspect. So he tossed me his medical kit so that I knew he was with the suspect and then, um, I took a chest seal out of the first kit or - out of which - I think out of Officer (Gonzalez)'s kit. Meanwhile Officer (Evenson) and Benke had gotten his shirt up and found a bullet hole - or a bullet entry about middle of the back, a couple inches left of the spine, perhaps. And I got a chest seal on a that and then we rolled him over to look for any other, um, entry or exit wounds as I started tearing open the second seal. And I got a second seal open but we didn't find any other holes to put it on. By that point he was, um, the - the suspect was becoming unresponsive very quickly. I don't know that he said anything at all while we were there. When we were initially cuffing him, you could hear that he had some sort of, like, sounded like a chucking - sucking chest wound, like, spurting blood. Um, I assume that's when I ended up with some blood on my upper thigh - on my pants. Um, but he didn't - he didn't say anything and his eyes were - were closing. Um, so I directed the of- uh, someone else came up at that point and checked for a pulse and was - I don't know if they didn't - either didn't find one or was weak or whatever but based on the fact that he was going unresponsive, I told Officer (Evenson) to start CPR on him. By that point, yes, I'm involved in a shooting, however, um, I'm the supervisor on the scene still. And we've got a lot of units coming in, uh, a sergeant was on her way but until she got there, you know, it was still my job to direct a lot of what was going on. So additional units come in from the west. You know, keep the scene open so we can get medical in and out, but start putting up tape around everything but the street. Start talking to witnesses over on the east side of the road. Um, there was a female while we were putting on the - the chest seals and stuff like that, there was a female on the east side of the road, screaming at us that we didn't need to shoot him - that he was just running away. Um, Officer (Evenson) told her that the suspect had a gun - I wanna say her answer was something along the lines of, "That didn't matter. He was just trying to run away. He wasn't trying to shoot you." Um, I wasn't gonna debate it with her. I just told her - I didn't want her to leave 'cause she was witness. So I just said, "It sounds like you were a witness to this." Um, "We're gonna wanna have people talk to you and tell, you know, tell us or tell police what you saw. Please don't go anywhere." She said she - she was adamant that she definitely wanted to talk to someone about what she saw. Um, and then from there over the next - we got medical in for him and over the next probably 10 minutes or so, uh, it was just a matter of directing different officers where to put up crime scene tape. They were initially putting up kind of small but I knew the rounds had all, um, whatever hadn't hit him had potentially gone north into the field at the park so I was having them go very wide with the tape, very far with the tape. Um, directing people to interview witnesses - Officer (McFerron) had actually come to the scene, um, had left the victim to come help out. Told her to go back to the victim - to the robbery victim.

Q: Mm-hm.

A: Uh.

Q: What happened to the suspects gun? Did - did you cut it out of his pants or what happened?

A: No, once we cut the - the shorts off, we just moved it aside.

Q: Okay.

A: Shorts and gun and all - and left it there. Um, and then, um.

Q: Did you see the gun once it was pulled away - away from him?

A: No.

Q: Okay.

A: We never, like, unwrapped it from the shorts or anything else like that. So, uh, I could not tell you, like, what kind and color it was. I don't know if it was the Glock 23 that the victim described seeing. Um...

Q: But this outline you said looked like...

A: Oh, yeah, that...

Q: ...a pistol you say, or...

A: It looked to me, yeah.

Q: Okay.

A: It looked like a handgun.

Q: Okay.

A: It looked about the size of my duty gun - maybe slightly smaller but not, like a - a compact...

Q: Okay.

A: ...gun. Um, hard to tell in the shorts but given the shape at the end it looked like it was in a holster.

Q: Okay.

A: Um, but, um, but yeah, we just cut it away and then we left it and then ultimately we had another officer, um, just stand guard over that scene while they were still trying to put up tape around the entire scene. Um.

Q: And I know you said that you and Officer (Evenson) - am I saying that correctly? Officer (Evenson)?

A: Yeah. I think so.

Q: Okay. Is he to your right or your left when the suspect takes off and is running northbound towards the park - how far away is the officer from you?

A: He's to my right, I'd say, like 5 to 12 feet. I mean, I - I'm not sure exactly.

Q: Okay.

A: Close enough that I can, like, see him in my periphery but I couldn't tell you - I mean, he - he was as close as three feet. Could be - I would be surprised if he was more than 20 feet off to my right.

Q: Do you remember if he fired his - his weapon?

A: He did.

Q: Okay.

A: Um, just because I remember hearing more gunshots going off at the same time than just mine.

Q: Okay. Did you hear how many times he fired?

A: No.

Q: Okay.

A: Um, it was in the same, um, very short amount of time that I fired shots, within, like, I would say all of the shots were within, like two seconds. Um, both his and mine - all in the same sequence. We almost - I feel like I shot first but his started, like, a fraction of a second after mine and we both stopped at, like, the same time.

Q: Okay. Had you ever had contact with Spaz - with the suspect who was Spaz - did you know him from Sand Creek? Ever had contact with him before?

A: No. And actually there, like, initially when I was first talking to him before he put - went to put something in his pocket and I said, "Get your hands up. Okay, these officers are gonna check you for weapons," and why, um, I had initially asked their names, just to see if one of them would say Spaz. I thought he told me his name was (De'Vonte).

Q: Okay. And what two officers are going to do the pat down? What are their names? And if you don't know, that's okay.

A: That was - that was very peripheral. My impression was (Gonzalez) was the one that was coming up behind the suspect with the afro - the tall, skinny one.

Q: Okay.

A: Uh, by that point, like - especially with the confirmation from (McFerron) over the radio that the one with the goatee. Now, like, maybe 80% of my focus is on him and - and less so the second one because there's - I know, peripherally, there's more officers close to him. He's the one I'm thinking most likely is going to either run or possibly pull a gun - at least going to be uncooperative. Um, so I'm fairly sure that it was Officer (Gonzalez) coming up behind him to, um, to do the pat down and I don't know. I could have been (Evenson), it could have been (Benke). I'm pretty sure it was only the four of us out there.

Q: 'Kay.

A: Me, (Gonzalez), (Evenson), and (Benke).

Q: Okay. Is there anything I ha- haven't asked you about this shooting that you think is important that I should know?

A: I think we've got, like, all the pieces in sequence. I just...

Q: Okay.

A: ...the...

Q: Let's take a break real quick.

A: Okay.

Q: Let's take a break, um, use the restroom, get a drink of water. Um, then we can come back and revisit that question in minute if that's okay. Feel free to go back up to reception or.

A: Okay.

Q: I know I had asked you and you had told me that you had the body worn camera out in the center of your chest. Do you know if that got activated, uh, during this incident?

A: I am pretty certain it did.

Q: Okay.

A: So I am sure I activated en route, probably about the time I was northbound on Circle. Or maybe even before. Any - any higher-pressure call like that, I am making a habit of just turning it on well in advance. Like, as soon as it comes in so that way....

Q: Okay.

A: ...I'm not trying to have to remember it as I'm getting out of the car or not.

Q: And how does that camera get turned on?

A: Uh, so it can come on a number of ways. It can turn on by lights and siren activation although that's not reliable. Um, it can turn on by running. Uh, it can turn on by control by a watch. I turned it on with my watch.

Q: Your watch, okay. The second suspect that was on scene, do you know that suspect's name?

Man: I - I apologize guys. Can I speak to you for one second?

Q: Yeah, sure.

Man: (Unintelligible) ask a question. My apologies, guys.

A1: For an interview room, that fan's pretty hot.

A: I know.

A1: I got knocks on the door before where they're just popping in later. You gotta have speak in, uh, 'cause the fan's running (unintelligible).

A: Yeah.

Q: Sorry about that. The - the second suspect that was on scene, did you know that person or know that person's name?

A: No.

Q: Okay.

A: No, if I've interacted with either of them before, I don't remember it.

Q: Okay. When the first suspect took off, um, running, did you see any reaction or did that second suspect say anything that you remember?

A: I don't recall him saying or doing anything because he was - one, by - by that point most of my focus was on the tall, skinny guy because that's the guy with the gun, you know what I mean?

Q: Mm-hm.

A: All - all the information says that's the guy with the gun. Um, and I figured if we were gonna have some reaction out of anyone, it's probably gonna be out of him. When he started running, I just immediately went with him and left him - only because I knew there were other officers closer to him to deal with him.

Q: Okay.

A: You know what I mean? I wouldn't have, like, left a threat behind me unaddressed, uh, if there weren't other officers to deal with that.

Q: Okay. And when the call came in as a personal robbery or armed robbery, what is that to you? What does that mean?

A: Uh, it's a class three felony. It's a crime of violence crime. It's, um, I mean, element wise it means some sort of property or something of value got taken from someone by use of force or threatened use of force. The fact that it's armed means instead of just, like, a punch or, like, a threaten to punch, someone actually used a gun or threatened to use a gun. Um, I saw that medical had been staged for that - you - like, long before the shooting. So even though I - I don't think there was a description of the victim's injuries, that usually implies that there had been some sort of injury and that it just didn't get updated on our call screen that - that - the dispatch center had split off from medical because they need medical for some sort of injury to the victim. Um, but, yeah, that's what it is.

Q: Okay. On your initial approach to the two suspects when you exit your patrol vehicle and you get out to contact them, do you see anything that alerts you that they may have a weapon?

A: No, I didn't see anything, like, on them. Um, the - I - my impression was, like, both of them had shirts hanging over their waistband so I wouldn't have been able to see anything in the waistband. I don't remember the - the second suspect, red shirt, as well 'cause most of my focus was on the one with the gun. Um, he was wearing shorts and he was wearing some sort of t-shirt or loose top. So looking at him, it's like, okay, the only place he could have a gun - be carrying - there's no - there's no ankle holster, there's no under a jacket, there's no in a jacket pocket. The only way - the only place he could be carrying a - a gun is in his waist, front or back. Um, and I could not see that. There was nothing - there was no, like - the clothes weren't tight enough, basically, for me to - to see a gun or not see gun.

Q: Okay. Do you remember the suspect that took off running, what his body position was when he took off running? 'Cause you - you said he had his hand - he had - initially had his hands up like you had instructed him to do. When he takes off, do you remember what happens to his hands or his body position?

A: Um, so he had been facing west or southwest...

Q: Mm-hm.

A: ...towards me. And we were fairly square towards each other. And so he turns and he runs north, um, so his back is to me as we're - as we're running. Um, and within a couple seconds of running, his hands both go right to his waist. And - and were like that all the way up until, uh, we finished shooting and he started staggering.

Q: From your vantage point, was he moving his arms at all?

A: Yeah. They were - I mean, well, not his arms in the sense of, like, out here and here. Um, there was, like a whole lot of motion, here, like.

Q: Okay.

A: Um, my impression was he was grabbing for a gun. Like, trying to lift his shirt and grab for a gun. But he was definitely at his waist grabbing for something. Um, it was not a natural running position at all. Like, someone's that's, like, trying to put everything into running as fast as they can will actually put their arms to the side and that just looks very different.

Q: Okay. Once he - when he's running away, does he ever pull his hands out of the position you had shown me from the front? Does he ever pull a hand out here or here or anywhere...

A: No.

Q: ...in your vision that you could see?

A: Not until after we shot.

Q: Okay.

A: And then as he goes down he ends up, uh, like I said on his left side and kinda catching himself with his left hand.

Q: Okay. Is it safe to say that you were in fear of death or serious bodily injury to yourself, the other officers or the citizens that were out on the roadway?

A: Yes. It, uh, I knew - I was 99% sure that he had the gun - which is why I had the officers come up behind him and I said, "We're gonna have you pat down for a gun." And then he takes off running and now I'm a 100% sure that he has the gun. 'Cause he ran - not when I contacted him - he ran when I said, "These officer's gonna check you for a weapon."

Q: Okay.

A: So now a 100% sure that he has a gun. We're chasing him and instead of trying to run away, his hands are going to his waist, which tells me he's going to draw a gun. And I just know if I wait for him to draw the gun and turn, now at best, we're in, like a 50-50 chance. Maybe he hits me, maybe it misses. Maybe I hit him, maybe it misses. Um, but if he draws that gun, there's a very high chance that I'm gonna get shot, the officer next to me is gonna get shot, the officers behind me or the buddy on the street or someone else around is going to get shot.

Q: Okay.

A: And that's why I had to shoot him at that point because if I didn't he was going to draw that gun and shoot me or someone else. So, yes.

Q: Okay. Do either of you have any questions for me that I can answer right now?

A1: No. Can we put one...

A: No. But, yeah.

A1: Can we put one more thing on the record?

Q: Absolutely.

A: I did - I did want to, um, you know, I want to clarify. I did not give any commands to the officers actually from the time I got out of the car up - there's the implied command of, uh, these officers are gonna come up and pat you down.

Q: Mm-hm.

A: And after that I had no communication with the officers until the suspect is down and we are cuffing him and - and coordinating medical response and everything. So I - I mean, it all happened very quick. I had no time to tell Officer (Evenson) what to do or not what to do. Um, we both started shooting at the same time. Um, or I think his fraction after mine. So, I mean, to me that tells me that he's - he's reaching the same conclusion that I am, you know what I mean? I don't know what he saw or not but he's making that decision to shoot at the same time I am and that was not, um, me as a sergeant to another officer saying, "Do this."

Q: Okay. Good. Thank you for telling me that. I appreciate it.

A1: And then why - why not just let him run away?

A: Because he's an aggravated robbery suspect. Um, I mean, he committed a violent crime with a weapon. It's my job to arrest him, um, and make sure that he's not a further, uh, further risk of harm to the public. You know, he had just robbed someone on the street in broad daylight with a weapon. Um, and that's my job - is to make sure that someone is arrested for those kinds of actions and not - especially - and then when you add the piece as well about him having a gun and he runs away, it's, like, well, a- additionally, what are his risks at that point to everyone else in the park?

Q: Okay.

A: So I - that's why I didn't just stand there and, "Well, we'll just let him run," and - "and just deal with the second guy."

Q: Okay.

A1: Any - any doubt in your mind that he was going for the gun...

A: No.

A1: ...when he fired?

A: No.

Q: Okay. Thank you for telling me that. I appreciate it.

A1: That's it.

Q: Okay. We are all finished here.

A: Thank you.

Q: I'll walk you guys back out. You're welcome. Thank you for coming in.

Man: I think you (unintelligible) your phone.

Man: Okay, I'll be right back.

Man You want me to sit anywhere specific.

Man: Oh, yeah, you can sit over here.

Man: Mm-hm.

Man: Yeah. All right, do...

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

SP interview transcription

INTERVIEW WITH _____

Evid Rcpt CD, Drawing, and Notes from [REDACTED] Interview

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Lowe, James 04074**

Barcode	Item #	Item Type	Description
 1146730	7	CD/DVD(s)	Serial #: 1.00
Mandatory Info: Evidence		CD ROM WITH [REDACTED] SAFE PASSAGE INTERVIEW (2) PAGES DRAWING AND NOTES	Evidence entered: 08/06/2019 Current Location: Evidence Facility Intake Lockers
Collected by: Lowe, James 04074 Recovery Address: 423 S. CASCADE AVE Homicide #:			

EPSCO
12/02/19

Supplement 20190806 Lowe, Jim 04074

Supplemental Narrative, Case #19-11348, Detective James Lowe #04074, 08/13/2019

On Tuesday, August, 6, 2019, I, Detective James Lowe #04074 of the El Paso County Sheriff's Office (EPSO) Investigations Division was present during the interview of [REDACTED], who was 12 years old.

This interview was conducted at Safe Passage located at 423 S. Cascade Avenue, and was conducted by forensic interviewer Deb Paton.

Prior to the interview beginning Ms. Paton, Safe Passage Advocate Beth Kirk-Small, and I met with [REDACTED] in a meeting room while [REDACTED] waited in another part of the office.

We all introduced ourselves and explained the interview process to [REDACTED]. She said [REDACTED] did not have any issues that affected her ability to communicate with the interviewer. She said [REDACTED] was nervous but knew participating in the in the interview was the right thing to do.

The interview began at approximately 8:55 AM.

During a break in the interview [REDACTED] drew a picture showing the area she described while talking with Ms. Paton. A copy of this drawing was attached to this report and the original was placed into evidence under this case number.

The transcript from this interview was attached to this report.

The interview concluded at approximately 9:59 AM.

I reviewed this transcription while listening to the interview and made small changes to ensure it accurately reflected the interview.

A copy of this interview was placed on to a CD ROM and placed into evidence under this case number.

Case Status: Same as Original

EPSO
12/02/19



El Paso County Sheriff's Office



Detective Lisa Montville
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, Colorado 80903
EPSO Case Number 19-11348

Colorado Springs Metro Crime Laboratory
705 South Nevada Avenue
Colorado Springs, Colorado 80903

August 7, 2019

Dear Sir/Madam:

On August 3, 2019, at about 6:45 p.m., CSPD Officers Gonzales, Evenson, and Van't Land responded to the area of 2100 Preuss for a report of an armed robbery (CSPD Case # 19-28176). The robbery was reported to have happened at the Rosewood Apartments which are located just south of Preuss.

The reporting party of the robbery, Anthony Love [REDACTED] provided a description of the two males who robbed him and an alias for one of the males of 'Spaz.' Anthony knew Spaz and informed officers he was armed with a handgun. Upon arriving in the area, officers located two males matching the description of the robbers provided by Anthony.

Upon contacting the two males, later identified as Devon 'Spaz' Bailey (DOB: 08/18/99), and Lawrence Stoker [REDACTED], officers stopped them and attempted to perform a cursory pat search (Terry) for weapons. When officers approached both males to search them, Devon began to run away while reaching in the area of his waistband.

Officers Van't Land and Evenson fired multiple times striking Devon and causing him to fall in the street. Both officers began offering life saving aid and continued to do so until responding medical units arrived on scene and transported Devon to a local hospital where he later died as a result of his injuries. CSPD officers aired "On Scene," at 6:57 pm and "Shots Fired," at 6:58 pm.

Civil Process Unit
210 South Tejon St. • Colorado Springs, CO 80903
719-520-7144

The logo for the Office of the Sheriff, featuring a blue star with the words "Honest", "Loyal", and "United" inside it.

Office of the Sheriff
27 East Vermijo Ave. • Colorado Springs, CO 80903
719-520-7100
www.epcsheriffsoffice.com

Criminal Justice Center
2739 E. Las Vegas St. • Colorado Springs, CO 80906
719-390-2106



El Paso County Sheriff's Office



Detective Jason Darbyshire assisted the Metro Crime Lab with the location and collection of relevant evidence to include a Glock 9mm pistol bearing serial number [REDACTED] which contained a loaded magazine and one live round in the chamber of the weapon. This item was collected from the shorts Devon was wearing; which were removed for safety while officers were rendering aid.

Scientific Testing:

I am requesting the Glock 9mm pistol, bearing serial number: [REDACTED] (item number: 6839 S-05E) be swabbed for DNA, processed for fingerprints and test fired for functionality.

Please contact me with any questions.

Lisa Montville
Detective, El Paso County Sheriff's Office
Major Crimes Unit
27 East Vermijo Avenue
Colorado Springs, CO 80903
719-520-7227

EPSCO
12/02/19

Civil Process Unit
210 South Tejon St. • Colorado Springs, CO 80903
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719-390-2106

1911348

ACN: 1911348

Submitting Agency: El Paso County Sheriffs Office

Submitting Rep: Lisa Montville

Offenses

90Z - All Other Offenses

Evidence List

1 - a Glock 9mm pistol bearing serial number [REDACTED]

EPSCO
12/02/19

Supplement 20190807 1024 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 7, 2019, at about 10:24 a.m., I, Detective Montville was conducting follow-up on this case. I prepared a laboratory submission and cover letter to the Colorado Springs Metro Crime Lab, for a Glock 9mm pistol bearing serial number: [REDACTED]. The pistol was previously identified as lab item number 6839-S-05E.

I requested the pistol be swabbed for DNA, processed for fingerprints and test fired for functionality. The lab submission was transmitted electronically and the cover letter was emailed to Laboratory Supervisor Shelley Weber.

Copies of the cover letter and evidence list are attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190814 1609 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 14, 2019, at about 4:09 p.m., I, Detective Montville met with Colorado Springs Police Department Detective Brent Jacobsen at the Office of the Sheriff. The Office of the Sheriff is located at 27 East Vermijo Avenue, Colorado Springs, Colorado.

Detective Jacobsen provided me with digital copies of the following Colorado Springs Police Department case reports:

19-3501-Theft
19-28176-Robbery
19-28178-Assist Outside Agency

I provided the digital copies of the reports to the El Paso County Sheriff's Office Investigations Administrative Assistant for pagination into this case.

All original reports and evidence are held by the Colorado Springs Police Department.

Nothing Follows.

Case Status: ACT-INV

Transcription [REDACTED]

INTERVIEW WITH [REDACTED]

Q=Det. James Lowe

A=[REDACTED]

Q: All right. You wanna take a seat in that chair? And, uh, I'll try to get out of here - get you out of here as fast as we can. Um...

A: All right.

Q: But, obviously, as long as - I'll - I'll pull up a map of the area if we get to that point...

A: Okay.

Q: ...while we're talkin', okay? You're free to leave at any time.

A: All right.

Q: Okay? Um, let me go ahead real quick and get just your identifying information. Because I just briefly saw you when I came back to the scene that, uh, a few days ago.

A: All right.

Q: Um, but can I just get a good spelling on your first name?

A: A [REDACTED].

Q: A [REDACTED].

A: Yes Sir.

Q: And then your last name?

A: [REDACTED].

Q: 'Kay. What's your date of birth?

A: [REDACTED].

Q: And what is a good phone number for you?

A: [REDACTED].

Q: Mm-hm.

A: [REDACTED].

Q: [REDACTED]. And what's your current address?

A: It's [REDACTED].

Q: And then what's the Zip?

A: [REDACTED].

Q: [REDACTED]. All right. How long have you lived there?

A: Since [REDACTED].

Q: Okay. [REDACTED] this year.

A: Yeah.

Q: All right. So not - not too terribly long, huh?

A: No.

Q: Do you know a lot of people in the neighborhood?

A: It's really just my neighbors and some of my little kids', friends and stuff. But not too many adults.

Q: Okay. So just your immediate neighbors in [REDACTED]?

A: Yeah.

Q: What other ones?

A: My neighbors. And then we speak to the guy, the HOA guy. We talk to him. So I know him a little bit. But pretty much that's it.

Q: Okay. And you said you have kids?

A: Yes.

Q: So, uh, what are your kids' names?

A: [REDACTED]

Q: Two [REDACTED]?

A: Yes.

Q: Okay. And then...

A: Um, [REDACTED]

Q: 'Kay.

A: [REDACTED]

Q: Man, if you have to yell at all three of them at the same time it'd take you a while to get out of there. Um, what are their ages?

[REDACTED].

A: [REDACTED]

Q: [REDACTED]

A: [REDACTED]

Q: Okay.

A: [REDACTED]

Q: [REDACTED] okay. And then who else lives there at that address with you?

A: That's - that's my wife.

Q: And that's [REDACTED]

A: Yes.

Q: Okay. And has she lived there with you since, uh, [REDACTED] as well?

A: Yes.

Q: Um, do you have a - where is your - do you have an ID or a driver's license?

A: Yes.

Q: What - I don't need to see it. What state is it out of?

A: It's Georgia.

Q: Georgia. What is that GA?

A: Yeah.

Q: Abbreviation? Okay. You're good. Um, and then how long have you been at Fort Carson?

A: Been at Fort Carson since 2017, uh when did I, September.

Q: Okay. All right. So obviously you know why we're here talking today.

A: Yeah.

Q: Tell me - tell me about, um, kind of just take me through what you experienced, what you saw, um, on that day. Okay. And do you remember what day it was?

A: Yeah, Saturday?

Q: 'Kay. Saturday. Is that August 3?

A: August 3.

Q: Yup. So take me through as much detail as you can.

A: Okay. So we was havin', uh, my [REDACTED] [REDACTED] that day. And we was grillin'. And they had took off to the park with some of my, oh, my wife's friend's kids. So we was sittin' at the little table. We got like a patio table out there. And we seen one squad car go by. And we didn't really think of nothin' about it. And then right after the second one goes by so we was just like, "Okay, we need to go get the kids." As you know two squad cars goin' by somethin's goin' on. So my wife gets up first. And I get up after her. So she's a little further ahead of me. And my wife's friend was also there, too. So, um, we - we started walkin' up the sidewalk. And when we get up the sidewalk we could see the officers questioning one kid. He had like a red jersey on. They was questioning him. And they was like kind of searching his pockets and everything. And when we see the other one, De'Von, he, uh, he's - he's there with him, too. So we get a little further up the sidewalk and you just see De'Von kind of turn and take off runnin'. And when he took off running the taller officer, he pulled his weapon out and he shot multiple times.

Q: Mm-hm.

A: And then De'Von hits the ground. My wife turns back and looks at me 'cause I'm a little - a little behind. And she's like, "Did you just see that?" And I was like, "Yeah. Like they shot him." And I got a plate of food in my hands. So I handed it to my wife. I'm like, "Just stay here. I'm gonna go find the kids." When I walked on by the guy they already had detained he's - he's like talking to me. He's like, "They just shot my friend, you know. They - and is he all right? They just shot my friend." And my wife's like, "Well, what happened?" and everything. And then my wife's like hysterical at this point. She's yellin' at the cops. She's like, "You didn't have to shoot him, you know. He didn't" - the cop's like, "Oh, he had a - he had a gun." And by that time they're on him already. They handcuffed him. And when I'm walkin' by I could already see he's bleeding. And I'm going towards the park. And my wife's still yelling at them. They're just like, "Oh, you know." He's like, "He had a gun." And he's like, "No, I seen him running. He didn't have no gun."

Q: Now you said that?

A: No, my wife said that...

Q: Okay.

A: ...to him.

Q: Mm-hm.

A: And I started headin' towards the park. I get to the park finally and they start tapin' it off. And he's on the ground. He's already not lookin' too good. So there was another officer, the third officer goes back to his squad car. And they grab a red, um, med- medic kit bag. He tosses it to his partner. And they run up to him and they start cuttin' his clothes off. And, um, they just tryin' to see where he's hit. And by then I'm like already runnin' - I'm yellin' for my kids that I couldn't find. I guess they went through the back and back to the house. So I'm like panicking. And, um, I come back and they already got it taped off. So I had to go through the - the tape a little bit and get back to the house. By then they already loaded him up and they got the officers out of there. And it's just a whole - you know, they tryin' to secure the scene. The other officer shows up and they start tapin' off the perimeter. And they just securin' the scene from there. So after that, you know, the other officers started goin' around the neighborhood and knocking on the door. And they just askin' us, you know, what happened and what did we see, what we witnessed. And from there that's basically it. This - the

neighborhood just got kind of crazy after that. So...

Q: Okay. Did you - did you, uh, when the officers came around did you actually make a statement to another officer?

A: I did. And my wife did also.

Q: Okay. Um, okay. Do you know, did they tape record that, or do they just take notes? Do you know how that works?

A: They was takin' notes unless they got it on the body cam. But they didn't tell us they was tapin' or anything like that.

Q: Okay. All right. Um, and so you made a statement that you saw the cars kind of turnin' up into the neighborhood.

A: Yeah. They...

Q: Was that on Preuss Drive?

A: And they went up Doniphan. They turned on to our street on Preuss.

Q: Okay. And you said when one went up you really didn't think much of it.

A: Yeah. I just thought it maybe - maybe they just patrollin' the neighborhood. Right after another one pulled like right behind them. They didn't - you know, they didn't say like nothin' big at first. 'Cause they didn't have any sirens on or anything like that. So I thought the first one is just patrolling the neighborhood. And right after he passed another one came up and we just like, "Yeah, let's go find the kids."

Q: Okay. Okay. Did you have somethin' else to say? I don't wanna cut you off.

A: Oh, no.

Q: Okay. So, um, then you said, um, once you saw a second car you said, "Hey, it's probably a good idea to go get the kids"...

A: Yeah.

Q: ..."from the park." Which kids were at the park?

A: It was - [REDACTED] wasn't there. It was just [REDACTED] and [REDACTED]

Q: Okay. And they were with some friends as well?

A: Yes.

Q: Okay. And, um, do you remember where you were on the street when you, uh, started - when you first saw, um, you know, the individuals inter- the law - the cops inter- interacting with the two males?

A: Yeah. Um, my wife was closer to the bend, 'cause it bends over like this. I was maybe like 3 - 4 feet away from her. 'Cause I was a little further behind her.

Q: Okay.

A: 'Cause, uh...

Q: Closer to the bend?

A: Yeah. She was closer to the - to the bend. She wasn't quite at the bend but she was closer to it.

Q: And you mean that bend that goes east west at Adams Park?

A: Yeah. It - it goes like towards the - the school. And it kind of curves around like this. She wasn't right at the bend, but she was closer to the bend than me. And I was like right behind and not like breathing down her neck behind her. But I had to be like 4 - 5 feet away from her.

Q: Okay. How, um, how far away from, uh, the cops and the two - the two individuals do you, uh, would you say you were when you, um, you know, before De'Von ran?

A: My wife was probably right - right beside him. And I was probably a little ways behind him, too.

Q: Well, give me a feet, how many feet do you think?

A: About - I'd say it was four or 5 feet. I wasn't - I could see him like...

Q: You said 4 or 5 feet?

A: Yeah.

Q: So like as far as me to you right now.

A: Yeah. I - we was just right - we was right there.

Q: Okay.

A: And then...

Q: Now, were you on the sidewalk, or the street, or somewhere else?

A: We was on the sidewalk.

Q: Okay. So, um - okay. So at that - that section of Preuss that runs north and south, right?

A: Yes.

Q: So, uh, were you, uh, to the east of them, the west of them, or something else?

A: The side. So they're right here. The sidewalk's on this side of the...

Q: Mm-hm.

A: ...of the road. So what would that be? We, east - east of 'em? I guess.

Q: On the same side of the street as your house?

A: Yes. I was on the same side.

Q: Okay. So that should be east.

A: East.

Q: Um, so when you were comin' up there do you remember hearing them - hearing anybody saying anything?

A: I didn't hear anything. I don't know if they said anything before we came up there. 'Cause when we got up there they was already questioning him and searchin' him. And then when we walked up the sidewalk a little further that's when, you know, De'Von took - he turned and started taking off runnin'. So if they said anything before that I don't know. But he wasn't runnin' then. He was still in the middle of the street. And then, you know, we didn't - we just say okay. And they questionin' some kids maybe - and when he took off runnin', you know, that's when everything escalated.

Q: And you said questioning and searching them.

A: They - he...

Q: Help me understand that.

A: He was searchin' and they found a [REDACTED] - [REDACTED] in - in the guy with the red shirt's pocket. And they would just - they grabbed that and they saw and they just threw it on the ground. And I couldn't really know - I didn't hear anything they was talkin' about. I wasn't really payin' attention what they was talkin' about. But, um, they was just searchin' his pockets and everything like that. And then...

Q: Now, was that - that - the one with the you said with the red jersey.

A: Red - red jersey.

Q: Was he the one that you said was talkin' to you saying they shot my friend?

A: Yeah.

Q: Now, you said you saw them actually physically searching him.

A: Yeah.

Q: And they pulled somethin' out of his pocket.

A: Right. It was like a little bottle. Maybe like a little liquor shooter bottle, or somethin' like that.

Q: Okay, okay. All right. So continue on from there for me. So you see them. You couldn't hear exactly what they were saying. You just heard them questioning...

A: They questioned...

Q: ...him and then searching.

A: And they were just searching his pockets. And all they pulled out was the liquor bottle.

Q: Okay.

A: Or whatever bottle that was.

Q: Okay. Um, so then what happened right after that with as much do you- um, go ahead.

A: We just - like I said, like he was questioning 'em. We - we still walkin' up the sidewalk just to get to the park. And, like I said, De'Von, he turns around and he just darts towards the park. And they let the (shot follow).

Q: Okay.

A: And he hit the ground they went up to him. They handcuffed him. And then the other guy, I don't know if he's Hispanic or a medic. He went back to his - his squad car. He grabbed the - the kit. He threw it to his partner. They - they grabbed it. They start ripping his clothes off. They try to see where he was hit and everything like that. I mean, he's - obviously there was already blood on the ground.

Q: Mm-hm.

A: So I guess they all started headin' towards the park a little further up. 'Cause my wife's like, "Go get the kids, go get the kids." And after I get to the park, you know, they started tapin' the area off. I couldn't find the kids. I had to - I'm trying to find a back way. I don't know all the back ways like my kids do. And I couldn't get back to the house so I - I had started yelling at 'em like, "Can I get through?" you know. "Can I get" - and they was like, "Yeah, go ahead." And I get back to the house it's like they already loaded him up. And they got the officers out. And the other officer that shows up they just started like, you know, trying to control the area. And couple more was goin' house to house and knockin' on the door. Later on they got to our door. They was like, you know, "Can we get any statements from you? Did you see what happened?" And we gave our statements. We talked to some news crews. And that's about it. It was just - the neighborhood was just real rowdy after that tho.

Q: Okay. Okay. Was it - was it, um, normal to see, um, cop cars and cops in the neighborhood?

A: No. I barely just - since we - like I said, we haven't been living there long. But I really don't see them that much unless, you know, somebody calls them. I seen a couple people maybe a disturbance or anything like that. But...

Q: Mm-hm.

A: ...really don't see them that much.

Q: 'Kay. Um, did you - did you know the guy in the red jersey, do you know his name?

A: I know he was one of them. I...

Q: What's that?

A: ...I - I didn't know none of them.

Q: Okay.

A: Um...

Q: Well, you use - you used the word De'Von. You used his name De'Von.

A: Yeah 'cause we been - we talked to his family after this - since Saturday we've been talking to his family. And the activist. And now everybody's been in the neighborhood.

Q: Mm-hm.

A: But before that, no, I haven't seen him. Either one of 'em.

Q: You said you haven't seen either one of 'em. So you've never seen 'em in the neighbor walkin' around? Never seen 'em? Never talked to 'em?

A: No.

Q: Okay. Um, do you know any houses they may have been associated to?

A: No.

Q: Okay. Um, so you said that your wife's friend was walkin' up with you guys as well.

A: Yes.

Q: What's their name?

A: (██████) I don't know her last name. And I think her husband name (██████)

Q: (██████)

A: Yes.

Q: And they all went up with you? All - the whole group?

A: Well (██████) did. Um, (██████) he was behind me. He - he probably - I don't know how far behind he was. I know he was walkin' up but he was behind me. (██████) when the shots went off she was beside me but she ran back and was like, we need to, you know, I don't know what happened. 'Cause her kids before the shots went off came up the sidewalk and they was headin' back to my house. So she was tellin' 'em "get back to the house."

Q: So her kids came from your house north on Preuss and then when the shots rang out they went back to your house?

A: Well they was playin' at the park.

Q: Okay.

A: And they was al- when - before the shots came - went off they was already headin' back. So she was - they was headin' back. And when the shots went off, you know, her first instinct's, like, get back to the house. So she went back with the kids.

Q: Okay. D- and, um, so help me understand this and correct me if I'm wrong but it sounds like what you're tellin' me is (██████) was the furthest ahead?

A: Yeah.

Q: And then maybe (██████) was in between?

A: She was beside me. She was like...

Q: She right next to you?

A: Yeah.

Q: Okay. And then you believe ([REDACTED]) was somewhere else?

A: Yeah he was - yeah behind us somewhere.

Q: And at that same time when ([REDACTED])s behind you, you're next to ([REDACTED]) and ([REDACTED]) in front k- uh, ([REDACTED])s kids are comin' down from the park just on their own.

A: Yeah.

Q: Okay. Um, can you tell me what clothing you were wearing that day?

A: I was wearing a Falcon's jersey.

Q: And what color is that?

A: It's a red jersey. Red - it's red, white, and black. And I was wearin' black shorts. And I believe I was wearin' my white and black shoes.

Q: Okay. Do you know what ([REDACTED]) was wearin'?

A: What was she wearin' that day? I can't even...

Q: Do you have pictures from ([REDACTED]) on your phone?

A: I don't think I have any of her. I just got some of the kids.

Q: And what about ([REDACTED])

A: I can't remember what she was wearin' either.

Q: ([REDACTED])

A: I believe he was wearing, like, a black shirt. But I can't even remember if he was wearin' shorts or pants. I know he was wearin' a hat too.

Q: Okay. Black shirt and a hat. And, um, so, uh, you kinda s- made it sound like you were - you were real close to them...

A: Yeah.

Q: ...when this whole thing was kickin' off right?

A: Yeah.

Q: And, um, d- do you remember hearing, um, so you remember there being questioning?

A: Yeah.

Q: Do you remember hearing anything, um, after, uh, you said De'Von kinda looked and then took off right?

A: Yeah.

Q: So do you remember hearing anything once he started to run u- run up run north on Preuss?

A: I didn't hear nothin'. The last thing I heard from them was when my wife started yellin' at 'em. And he said he had a - he had a gun on him. And my wife was like, "No - no he didn't. He was runnin' away."

Q: Mm-hm.

A: And that's the last altercation I - that he was sayin' between me and my wife and - and them. But before he - before and after them

- before he started runnin' and everythin' I didn't - I didn't hear him say anything.

Q: Okay.

A: All I seen is he t- he turned around, he took off runnin', then the shots went off. And the Hispanic lookin' guy he went back to his car and got his bag. But besides that I didn't hear anything.

Q: Okay. Um, and then you said, uh, how close were you to the other gentleman in the red jersey that - that, um, said they shot my friend. How close were to him?

A: Um, I don't - I was pretty close. Because I'm not - he didn't start talkin' to me until I walked passed him.

Q: So up or down?

A: I was goin' up. I was goin' towards the park and he...

Q: So - Okay.

A: And he was already - he was handcuff when he was facin' me. He was on the round handcuffed and he just like, "They shot my friend. They shot my friend."

Q: Okay.

A: And then my wife is like, "I know." And he was like, "Is he all right?" But I guess, you know, he couldn't move and he was - he was facing towards the sidewalk. And...

Q: Facing your side of the street where your house is ...

A: He was facing, like, if I'm on the sidewalk over here they had him handcuffed and he was facin' that way.

Q: Like, his heads pointin' that way or it's just on his side facin' that?

A: His heads pointin' that way.

Q: Okay. Was he on his stomach, his side?

A: Stomach.

Q: 'Kay. And, um, so you're say- you said you started talkin' to him at - and when you were almost, like, straight across from him right?

A: Yeah.

Q: So if - if the park is up north and your house is south...

A: Yeah.

Q: ...right? Then you're almost directly east of - of that guy in the red jersey?

A: Yeah 'cause the sidewalk is - they right dead in the middle of the street. The sidewalk is right there.

Q: Okay. And so where was [REDACTED] at that time? When you - when you were talkin' to, uh, the guy in the red jersey?

A: She was - at that time when we was talkin' to him I had - I had basically caught up with her. 'Cause we...

Q: So she was right there with you...

A: Yeah.

Q: ...when he was talkin' to you?

A: Yeah she was with me when...

Q: So had the - had the shooting already happened then?

A: Yeah it h- it already happened.

Q: Okay. So how much further to the south were you when, um, the shooting occurred?

A: Like, I about five feet behind my wife.

Q: I know but how - so how far was she then?

A: She – oh man I wish I...

Q: Well I'll pull up a map.

A: Yeah can you pull up the map.

Q: Yeah so let me ask you a couple other questions and then - then we'll get to that. Okay. Um, do you have () or ()s contact phone numbers?

A: My wife does. I don't.

Q: Okay. And, um, do you remember - so you're real close to him.

A: Yeah.

Q: Right. Can you kinda describe to me how they were acting. You know, kinda what you thought was happening there. Um, you know, kind of their body positions and I'm talkin' about they being everybody. The cops, um, the, uh, the two gentleman that were being contacted. The - you know, all that.

A: It didn't see nothing out of th- out of the normal. I mean, it just seemed like they were just questionin'. I didn't know what they was questionin' about anything like that. I didn't find out til later, like, what - why they was in the neighborhood. It was supposed to be - supposedly a arm robbery. I didn't know nothin' about it. It didn't seem like nothin'. You know, I seen cops question guys before.

Q: Mm-hm.

A: It didn't get up tight until he turned around and ran. 'Cause you know, it didn't - it did seem like he was just, you know, I seen him goin' in his pockets but I didn't think nothin' of it, you know?

Q: You saw who go in their pockets?

A: The c- one of the police officers.

Q: Go in which - whose pockets?

A: In the - the guy with the red jersey.

Q: Okay. Okay.

A: But, you know, when we were walkin' I'm, like, mindin' my own business. I'm just tryin' to get to my kids, you know?

Q: Mm-hm.

A: And it - nothin' really seemed gettin' crazy until he took off runnin'. And that's when everything happened. So really I didn't think nothin' about it. I was just tryin' to get to my kids, you know, at the - at the time so.

Q: And so, um, you saw the two guys, uh, in the middle of the street and then the cops. Were they facing each other or, like, chest to chest?

A: Yeah they was facing each other.

Q: Were they standing up at that time?

A: Yeah he was standing up yeah.

Q: Okay. How were their bodies positioned? Like, um, the two guys in the street, you know, were their hands in their pockets? H- how - were they up? Were they - how were they?

A: I didn't see no, like, any kind of, like, he was, like, tryin' to give up or anything like that. They was just talkin'. And then...

Q: So his hand were down or were they in the middle?

A: His hands was, like, you know, you talkin' to somebody. And, like, we was gettin' ready to walk up there. And like I said, my wife's a little further ahead...

Q: Mm-hm.

A: ...and it just seemed, like, they was just questionin' them. Like, I didn't, you know, I didn't hear what they was sayin'. It was just...

Q: Mm-hm.

A: ...like they was just talkin' back and forth. And like I said, De'Von turns and takes off.

Q: Mm-hm.

A: That's when everything happened.

Q: Okay. And, uh, nobody was yellin'?

A: No.

Q: Okay. Um, okay. And then, uh, was your - when De'Von took off runnin' where was your attention focused?

A: We - I see - like I said, I seen him take off runnin' and when the taller - the taller cop he pulls his weapon out and all I hear is just - is the shots. And - and I see him fall to the ground. So, you know, it just happened so fast. It was just a quick motion. It was just run, the shot go off...

Q: Mm-hm.

A: ...and he just hits the ground, they go up to him, you know, they - they aimed at him and then they put him in handcuffs.

Q: Mm-hm.

A: So, you know, it was just all over the place. It - that I never really experienced nothing like that before.

Q: D- did you notice anything, uh, interesting about how he was running?

A: He was just, like - like, he was just takin' off. Like, you would run if you was, in a, racin' against somebody or...

Q: Okay.

A: ...you was joggin' down the street. He just started takin' off runnin'.

Q: Okay. Um, do you recall - did you see, um, the officers firing the guns? Did you actually see...

A: Yeah.

Q: ...the shots?

A: I didn't - it was - the two - I didn't - I only see on one. They say it was other - the other officer fired. I never seen him fire.

Q: 'Kay.

A: I seen the taller guy fire.

Q: Mm-hm.

A: And the other neighbors like, "No I seen the other one fire." And I - I can't say if he fired or not.

Q: So you said there was a taller one, another one...

A: And - and a...

Q: ...and then a mixed Hispanic or...

A: He was Hispanic.

Q: ...mixed one right?

A: He's the one that grabbed the bag out the car.

Q: Okay. Okay. And so the only one you saw was the one - the taller one.

A: The taller one.

Q: Okay. Um, okay. And then you went up and you got your kids and you came back down. You had to wait a little bit to go - and then you asked if you could go under the - the...

A: Yeah 'cause I couldn't - I - I didn't find 'em. I'm in the park yellin' and they - they went behind the - the apartments...

Q: Okay.

A: ...and went to the house. So I didn't know if I should cross or not 'cause I tried to go behind the house. I didn't know that way. I went through another neighborhood. I didn't know that way either. So I was, like, "Can I just cross over and get to my - see if my kids at the house?" 'Cause I didn't have my phone at the time either. And my wife's like, "Oh yeah they already at the house." And her friends like, "Yeah they already send 'em inside." So.

Q: Um, so did, uh, do you know if [REDACTED] captured any video on his phone of the incident?

A: None of us got video. The only video that came was there was another lady that was there co- a lady - my - my wife turned and said she turned back to him - I mean her - I was already at the park at the time. She said, "Did you catch that?" And she's like, "Yeah." And I know, like, the HOA guy he had cameras on. He was tellin' me he had cameras on his house. And he told me he caught it too.

Q: Okay. The HOA guy. Wh- where house - what apartment is he in?

A: Um, I'm probably gonna have to ask my wi- I know.

Q: Is he black, white, Hispanic?

A: He looks black. But he could be multi-race so.

Q: Okay.

A: But he looks black. But, um, he lives - if you - on the right side if you goin' up towards where the incident happened.

Q: Same side of the street as your house?

A: The same side street. He's in the [REDACTED] towards the school. Same - same road but just the [REDACTED]. I couldn't tell you his apartment number.

Q: Okay.

A: But I'm pretty sure my wife knows.

Q: Okay. I'm gonna pull that video up. And I'm actually gonna move this around to make it easier for you.

A: Okay.

Q: Um, because we have a mouse and actually we're gonna try and use some technology here. So bear with me. I'll try and give you a little quick class on it.

A: Okay.

Q: Um, so we can mark on - we can mark on this map that we have. And you're welcome to sit here if you'd like.

A: Um, all right.

Q: Um, all right. Does that area look familiar to you?

A: Yeah.

Q: Okay let me - I'll just show you a couple things. So in order to, um, kind of move this map around, uh, you know, um, and I had it zoomed in so it showed the numbers. Is that helpful to you?

A: Yes.

Q: Okay. So up here do you see this pen?

A: Yes.

Q: So we can hit this pen and then you come down here and pick colors and you can adjust the size. Whatever's easiest for you to help kinda explain kinda what's goin' on. And I'm gonna sit next to you so I'm not reaching over you like that.

A: Okay.

Q: Not tryin' to encroach on your space. So, um, you can just, you pick whatever color you want. So when this is highlighted you can no longer drag this, the map around.

A: Okay.

Q: Okay. When - 'cause when you click the button and drag the mouse it's gonna - it's gonna mark up the map.

A: Okay.

Q: Okay. So, um, it's kinda finicky sometimes. So, um, if you'll do me a favor, uh, pick a color for you and pick a color for the cops. Pick a color for the two individuals that you recall. Um, and we'll kind of mark it up. Just kind of show me - I'm interested where you were when you first noticed the cops i- you said, questioning and - and searching the individual. So if you want to pick a color, um, for you.

A: All right I'll pick blue for me.

Q: Okay.

A: So, uh, how you do the color right here?

Q: Yup.

A: All right. I'm gonna do purple for my wife. So.

Q: Do you know where your house is?

A: Yeah it's right here.

Q: Okay it's [REDACTED] all the way down the [REDACTED].

A: So yeah we - like I said, we was here. We start comin' up the sidewalk. Let's see. I do purple first. I say the cars are probably right - probably right here. So.

Q: You can draw a little line or draw a little box doesn't matter. It doesn't have to be all perfect. It's hard to draw with a mouse.

A: Yeah.

Q: So cars, uh, you mean, uh cop cars?

A: Cop cars.

Q: Okay.

A: So...

Q: Is that two cars or just one there that you're showin'?

A: It was - it's two of 'em.

Q: Okay.

A: It's two of 'em there. And the - the two guys I'll do red. They're - they're here - they're around here.

Q: You might need to make a little circle with that - I don't know. There you go. You can do an X even, if you want. All right, so two marks there. And so they were kinda standing east and west of each other?

A: They was - 'cause when I came out, they w- the guy - the one in the red jersey was here in front of the cop. D- De'Von was not too far away from him around...

Q: Okay.

A: ...there. My wife was probably around here.

Q: Can you put her as a blue X? Is that blue?

A: Blue, purple - I think it is blue.

Q: Okay. So you got her as a blue X just, uh, to the west - the northwest of [REDACTED]

A: Yeah. And me, I'll do green.

Q: You're gonna be a light green.

A: I'm right here. I'm like, right beside her.

Q: Okay.

A: Or not beside her, but right behind her.

Q: Okay.

A: And like I said [REDACTED] - [REDACTED] was beside me until the shots fired and she took her kids back to my house.

Q: Okay. And you don't know where [REDACTED] was?

A: A- I never looked. I - I knew he was - he was - he walked up with me, but he stopped and I started following my wife, but I don't know how far back he was from me.

Q: Okay.

A: And so, like I said, they was pushin' 'em and, um, De'Von, he - he takes off runnin'.

Q: So which one was De'Von there?

A: I'd say De'Von is right here.

Q: The one on the right-hand side?

A: Well - 'cause it - the - the other - the guy with the red jersey was more closer to the cops, so I'd say this is De'Von.

Q: Okay.

A: He was...

Q: The one on the left?

A: Yeah.

Q: Okay.

A: So he'll take - he'll take off - he starts takin' off runnin', and he gets about right here.

Q: Okay. You wanna change the color?

A: Yeah. Uh, yellow. This is probably - this is where he dropped at.

Q: Okay. So you're saying the yellow X is where...

A: Yeah.

Q: ...De'Von ended up?

A: That's where he ended up.

Q: After he ran from the left red X all the way...

A: Yeah, he...

Q: Okay.

A: Like I said, he didn't get too far and he dropped around this area.

Q: Okay.

A: And then, like I said, I take off to this ar- to this side into the park, lookin' for my kids. And my wife end up - she close up a little further. She's, like, right by the - the driveway of the HOA guy. 'Cause the HOA guy lives right here. And...

Q: In 2141?

A: Yeah. So like I said, they exchange words back and forth and like, she was, "Ah, you didn't have to shoot him. Why'd you shoot him?" And the cop's already - he was, like, on his knees already, and he's like, "He had a gun. He had..." And my wife was like, "No, I didn't see no gun." And then basically, they tape off this whole area.

Q: Okay.

A: And later on, when it got even worse, they taped it off so we was trapped in our driveway for a while.

Q: Okay.

A: But that's pretty much the whole layout.

Q: So, um, so you - you've been able to recall a couple instances where they talked, you know, where your wife had that back and forth conversation with the cop, saying, "You didn't have to shoot him."

A: Yeah.

Q: Stuff like that. And then also, uh, that you had a conversation - or at least the indiv- the other individual with De'Von, uh, in the red jersey was, um, on the ground with his head facing the...

A: Towards - towards me.

Q: Towards the sidewalk, and he said, "They just shot my friend."

A: Yeah, that...

Q: Okay.

A: And my - my wife said - I don't remember her sayin' it, but she told me she asked him, "Did you have - did your friend have a gun?" And she said he said, "Yeah, but he never pulled - he never pulled anything." And then it was just kinda - I don't know. I never heard that - I never remembered that conversation they...

Q: Okay.

A: ...had between each other, but it just kinda (unintelligible)...

Q: Your wife said that - [REDACTED] said that she asked the individual with the red jersey...

A: He...

Q: "Did your friend have a gun?"

A: Gun.

Q: He said, "Yes, but he never pulled it."

A: Yeah.

Q: Okay.

A: And - but it's kind of weird, because I still remember what De'Von - what he was wearin' - a black shirt with dark basketball pants and it just seemed like he had a gun, you know, and he's takin' it and he was runnin' pretty quick, and he hit the ground hard and nothin' fell out.

Q: Okay.

A: Even when they pulled his - you know, when they cut his clothes off, we still didn't see anything. But I'm not sayin' he did or he didn't, but you know...

Q: You're saying you did not see one.

A: I didn't see one, no.

Q: Okay - okay. All right, um, and you said to your understanding, there's another person who said - when you said, "Did you get that?" To them, they said, "Yeah."

A: Yeah. She liv- I think she lives in this building right here.

Q: [REDACTED]

A: Yeah. She was - it's a fence.

Q: Do you know if it's like, the bottom apartment, the top apartment, the left or right?

A: I couldn't te, I know her son lives with her, and he drives a [REDACTED]...

Q: Okay.

A: ...logo on the back.

Q: A [REDACTED].

A: I don't - I don't know if she drives a - she drives a [REDACTED].

Q: And you think it's in...

A: And I know - I know she lives in...

Q: [REDACTED].

A: ...

Q: Lives with son...

A: Yeah.

Q: ...and he drives a

A: And he has a - in the - in the , and she drives, I know she has like, a truck.

Q: Okay. And so, when you said, "Did you get it," what - what do you - what do you think she - and she said, "Yeah," what do you think she got?

A: Well, I didn't say it, my wife said, "Did you get that?" 'Cause when she asked that, I was already in the park. My wife - when I came back, my wife was like, "Yeah, it was..." She said it was another guy. He has the apartment. He says he saw - I can't tell if this is the apartment. And then she said - my wife said that she was behind a fence and she was recording the whole thing as far as the questionin' and everything.

Q: So you said there is someone you think that recorded even the shooting and all that stuff?

A: Yeah. She - she was on a - her and her daughter was on a cell phone, recordin' the whole thing.

Q: Wait, the woman with the truck?

A: Yeah.

Q: Or the truck?

A: Yeah.

Q: So she has a daughter as well?

A: She has a daughter as well. I don't think her daughter lives with her, but she had a daughter as well.

Q: Are they - are - is the - is the daughter and the son, are they both adults?

A: Y- yes.

Q: Okay. Why do you think they were filmin' that?

A: I guess - I don't know. I guess so many incidents and - with police and everything like that. But I, I have no idea why they was filming because...

Q: Okay.

A: ...unless - but I - I didn't even see him. When I ran past, I didn't see him. My wife - she said she didn't see him until she looked back and they was behind a fence. And like I said, the HOA guy, he lives in this one, and his camera points this way.

Q: Okay.

A: 'Cause he said he put cameras up 'cause they was breakin' into his cars a lot. And that's the only people I know that - I know that filmed it.

Q: Okay. All right.

A: Anybody else, I wouldn't know.

Q: Okay.

A: I know there was another - there was a elderly man. He was sittin' on his porch and there was another person sittin' on their porch (unintelligible), it happened over in this area.

Q: All right. Well let me take a real quick break. Um, I'm gonna save this real fast.

A: Okay.

Q: Did you wanna put any other marks on here or anything?

A: Um, no.

Q: Okay. I'll save it real fast. That's how you spell it, right?

A: Yes.

Q: Oh boy. Okay. Let me just make sure it saved. Oh, that, uh. All right, I'll be right back with you in a little bit, okay?

A: All right.

Q: All right. I just have one more. Did you think of anything else you want to tell me?

A: No.

Q: Okay. Um, so, uh, the only other thing is, I'm just wonderin', do you wear any kind of corrective lenses? How's your eyesight?

A: Yeah, I do. I - I wear glasses.

Q: Okay. So, um, do you wear contacts?

A: Just glasses.

Q: Just glasses? So were you wearing glasses that day?

A: Did I have my glasses on that day? I don't think I had it on at the time, no.

Q: Okay. What's your vision?

A: Uh, I couldn't even tell you, to be honest.

Q: Are you near-sighted? Far-sighted?

A: Um, what is it when you can't see far away? Near-sighted.

Q: So if you can see near, you're near-sighted...

A: Yeah.

Q: ...is my understanding. I might be wrong.

A: I think it's that - I think that if it's near- near-sighted, you can't see far, right? I think that's right.

Q: Maybe. So which one are - wh- what is the hardest for you to see? Far away?

A: Far away.

Q: Okay. Were you wearing sunglasses that day?

A: No.

Q: You wearin' a hat?

A: No.

Q: Okay. How was the lighting at that time?

A: It was still daylight outside.

Q: Do you think you could clearly see?

A: Yeah. I mean, I can drive and everything like that. It just - I wear 'em at night, really. Like, when I'm drivin' at night, but it - as far as like, seein' people and everything, I can see that.

Q: Okay. Does it - your li-, uh, on your license out of Georgia, does it - does it say you have to wear corrective lenses to drive?

A: It just says I wear glasses.

Q: Okay. Um, anything else you think t- that I need to know?

A: That's it. That's all I can think of.

Q: Okay. All right. Do you have any questions for me?

A: Um, n- no. I mean, um, did you need any contact information on the other people?

Q: Um, well - so hopefully, uh, Detective (Drobishar) is gettin' that from - from your wife. You - 'cause you don't have any of it, right?

A: I don't have it, no.

Q: Okay. Um, all right. And so far, the only people that you know that caught any kind of video of the situation was the HOA guy and then the mother and the daughter...

A: Yeah, and then that...

Q: ...with the trucks.

A: Yeah...

Q: The Hispanic guys.

A: Yes.

Q: All right. Well, okay. Well, that's it, um, if - unless you have anything else for me?

A: Uh, that's it.

Q: We'll get you outta here. Okay, so that doesn't go there. Excuse me. All right, we'll get you outta here. Thank you.

A: Mm-hm.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

Invoice

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Stone, Scott 13056**

Barcode	Item #	Item Type	Description
 1147193	66	CD/DVD(s)	Serial #: 1
Mandatory Info: Evidence		DVD WITH INTERVIEW OF [REDACTED] AND TRANSCRIPTIONS	
Collected by: Stone, Scott 13056		Evidence entered: 08/14/2019	
Recovery Address: 27 EAST VERMIJO		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

EPSCO
12/02/19

Supplement 20190814 Stone, Scott 13056

On Wednesday, August 14th, 2019, I, Detective Scott Stone #13056, of the El Paso County Sheriff's Office (EPSO) Investigations Division, conducted follow up to case 19-11348, at the Office of the Sheriff located at 27 East Vermijo Avenue.

Sgt. Rosario Hubbell requested assistance with transcriptions of the interviews that took place on 08/9/2019 between [REDACTED] and Detective Jim Lowe.

This transcription was sent to NetTranscripts. It was returned to me via email. The transcription was reviewed for accuracy. A copy is attached to this case report.

The video was placed on to a DVD and placed into evidence under this case number.

Case Status: Same as original

Supplement 20190803 2008 McCormack, Courtney 13150

Supplement to Case: 19-11348 (Detective Courtney McCormack, #13150)

Date: 08/3/2019

Incident: Officer Involved Shooting

On Saturday August 3, 2019, at approximately 8:08 pm, I, Detective Courtney McCormack of the El Paso County Sheriff's Office (EPSO), was notified by Detective Sergeant Kurt Smith that an officer involved shooting had occurred with Colorado Springs Police Department. Sergeant Smith requested I respond to the Police Operations center (POC) located at 705 South Nevada Ave to assist Detective Trey White.

At approximately 9:43 PM, Detective White began processing Officer Blake Evenson. Photographs of Officer Evenson and his duty-gear were taken. The photographs concluded at 9:45 PM.

At approximately 9:49 PM Officer Evenson's duty weapon, bearing serial number # [REDACTED] the magazine inside the weapon, and the two spare magazines on his duty belt were taken. All three magazines contained bullets. All items were taken by Detective white.

At approximately 9:51 PM a safety statement was taken from Officer Evenson. Officer Evenson stated there were two suspects involved in the initial incident, however only one suspect was involved in the shooting. Officer Evenson believed he fired two rounds during the incident. He stated no other items from his gear or a secondary weapon were used in the incident. He was wearing gloves during the incident and had washed his hands before being processed this evening.

At approximately 9:57 PM photographs were taken of Officer Evenson's duty weapon, magazines, and bullets. A count of Officer Evenson's bullets was conducted during this time. 1 bullet was removed from the chamber of Officer Evenson's duty weapon. 15 bullets were removed from the magazine that was inserted in the weapon at the time of the incident. The two spare magazines, that Officer Evenson had on his duty belt at the time of the incident had 17 bullets each.

This process was concluded at 10:01 PM. All items were placed into evidence to allow for further processing by the Crime Scene Investigation Unit. .

At approximately 10:09 PM Sergeant Alan Vantland began being processed by Detective White. Photographs of Sergeant Vantland and his duty-gear were taken. Photographs concluded at 10:12PM.

At approximately 10:13 PM a safety statement was taken from Sergeant Vantland. Sergeant Vantland stated two suspects were involved in the incident, however only one suspect was shot. Sergeant Vantland believed he fired three rounds during the incident. He stated the only other item from his gear involved was his knife. No secondary weapons were used in the incident. Sergeant Vantland was not wearing gloves during the incident. Sergeant Vantland stated had washed his hands afterwards due to blood being on him from delivering aid to the suspect.

At approximately 10:15 PM, Sergeant Vantland's belt and knife were removed to allow for items off the belt to be taken for processing. Sergeant Vantland was asked at this time to step into another room to change his pants due to blood being on them.

The pants were placed into evidence.

At approximately 10:22 PM, Sergeant Vantland's duty weapon, bearing serial number # [REDACTED] the magazine inside the weapon, the two spare magazines on his duty belt, and the knife were removed. All three magazines contained bullets.

At approximately 10:25PM, photographs were taken of Sergeant Vantland's duty weapon, magazines, bullets, and knife. A count of Sergeant Vantland's bullets was conducted during this time. 1 bullet was removed from the chamber of Sergeant Vantland's duty weapon. 11 bullets were removed from the magazine that was inserted in the weapon at the time of the incident. The two spare magazines, that Sergeant Vantland had on his duty belt at the time of the incident had 17 bullets each.

This process was concluded at 10:36 PM. All items were placed into evidence to allow for further processing by the Crime Scene Investigation Unit. .

I have nothing further at this time.

Case Status: Active-Investigations

EP SO
12/02/19

Evidence Voucher for item 67

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Montville, Lisa 01060**

Barcode	Item #	Item Type	Description
 1147214	67	Flash/Thumb/USB Drive(s) Serial #:	ONE LEXAR FLASH DRIVE CONTAINING THE COLORADO SPRINGS POLICE DEPARTMENT'S PRESS RELEASE REF THIS CASE Evidence entered: 08/15/2019 Current Location: Evidence Facility Intake Lockers

Mandatory Info: **Evidence**

Collected by: Montville, Lisa 01060
Recovery Address: 27 EAST VERMIJO
Homicide #:

EPSCO
12/02/19

Supplement 20190815 0900 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 15, 2019, at about 9:00 a.m., I, Detective Montville received a blue and white Lexar flash drive from Lieutenant Mitch Mihalko. The flash drive contained a copy of the Colorado Springs Police Department's press release regarding this incident.

I placed the flash drive into the El Paso County Sheriff's Office Evidence Facility under item number 67. A copy of the evidence voucher is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190815 1010 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 15, 2019, at about 10:10 a.m., I, Detective Montville was reviewing a supplement I prepared regarding Sgt. Van't Land's interview. The interview was conducted on August 5, 2019 and the supplement was prepared on August 14, 2019.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190815 Mihalko, Mitch 03026

CR 19-11348 / AOA-OIS

LT M. Mihalko 03026

8/15/2019

BWC not present

On Thursday, April 15, 2019, I, Lieutenant Mitchell R. Mihalko of the El Paso County Sheriff's Office (EPSO) Investigations Division conducted follow-up related to this investigation. I was located at the Office of the Sheriff (OTS) at 27 E. Vermijo Avenue, Colorado Springs, CO.

DETECTIVE STATEMENT:

At approximately 0830 hrs, I received a thumb drive from Chief Vince Niski of the Colorado Springs Police Department (CSPD) through EPSO Sheriff Bill Elder. The thumb drive contained a copy of the body worn camera video slated for public release by the CSPD. I viewed the content.

I subsequently provided the thumb drive to the lead detective, EPSO DET L. Montville. DET Montville was instructed to place the original thumb drive into evidence and make the content part of the case.

I have no further information at this time.

Case Status: SAO Typewritten by Mihalko on 081519 at 1015 hrs.

08-15-19 EPSO Discovery Release- Signed



EPSO Case # 19-11348
Docket #
Defendant(s): Bailey, De'Von
Victim(s): Van't Land, Alan

Section	Description	Pages	Media
01	Case Core	0001-0214	PDF
02	Evidence Reports	0001-0022	PDF
03	Lab Requests/Reports	0001-0009	PDF
04	Autopsy Report	None as of 08/15/19	
05	Victim Information	None as of 08/15/19	
06	Suspect Information	None as of 08/15/19	
07	Diagrams/Maps	0001-0003	PDF
08	Media Information	0001-0002	PDF
09	DA Reports	None as of 08/15/19	
10	Other Reports	0001-0559	PDF
11	Records	None as of 08/15/19	
12	Legal Papers	0001-0003	PDF
13	Miscellaneous	0001-0142	PDF
14	Arrest Warrants	None as of 08/15/19	
15	Search Warrants	0001-0022	PDF
16	Correspondence	0001	PDF
17	Toll/Phone Records	None as of 08/15/19	
18	Photocopied Evidence	0001	PDF
19	Search Waivers	0001-0002	PDF
20	Witnesses	None as of 08/15/19	
21	Vehicle Information	None as of 08/15/19	
22	Utility Records	None as of 08/15/19	
23	911/Radio Traffic	None as of 08/15/19	
24	Photo Lineups	None as of 08/15/19	
Digital Media			
Barcode	Description	Item #	Media
1146730	[REDACTED]	7	DVD
1147052	Audio Recorded Phone Calls	43	CD
1146729	Blake Evenson Interview	6	DVD
1146772	Lawrence Stoker Interview	11	CD
1146791	Greg Bailey Phone Call	13	CD
1147051	[REDACTED] Interview	42	DVD
1147178	Alan Van't Land Interview	64	DVD
1147192	[REDACTED] Interview	65	DVD
1147193	[REDACTED] Interview	66	DVD
1146790	Metro Crime Lab Photos- Scene-Autopsy	12	DVD
1146722	Suspect Photos at Hospital	4	CD
1146723	Involved Officers Photos	5	CD

Rev 2019.v.1 071119

Supplement 20190816 0955 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 16, 2019, at about 9:55 a.m., I, Detective Montville received an email from Investigations Commander Andy James. Attached to the email was a copy of the autopsy report for Bailey.

The autopsy report was prepared by Dr. Daniel Lingamfelter with the El Paso County Coroner's Office. Dr. Lingamfelter stated the cause of Bailey's death was multiple gunshot wounds and the manner of death was a homicide.

A copy of the report is attached to this supplement.

Nothing Follows.

Case Status: ACT-Investigations

Supplement 20190816 Darbyshire, Jason 11010

On August 16, 2019 while conducting a review of my reports, I, Detective Jason Darbyshire (#11010), noticed in a supplement dated August 7, 2019 I misspelled Devon Bailey's name as Davon. The correct spelling is Devon. The misspelling of his name was merely a clerical error on my part.

Case Status: SAO

EPSCO
12/02/19



John S. Camper
Director

COLORADO BUREAU OF INVESTIGATION FORENSIC SERVICES DIVISION



Janet M. Girten
Deputy Director

Laboratory Report

Lab Case #:	P19-3146	Agency Case #:	2019-00011348
Reporting Section:	Trace	Investigating Agency:	El Paso County Sheriff's Office 27 E. Vermijo Colorado Springs, CO 80903
Date of Submission:	August 13, 2019	Investigated by:	Lisa Montville
Date of Report:	August 15, 2019	Submitted to CBI by:	Christina Cervantez
Date of Offense:	August 3, 2019	Delivery Method:	Hand to Hand Transfer

Involved Subjects

Suspect: Devon Malik Bailey **DOB:** 08/18/1999 **SID:** CO3635084

CBI Item #:	Agency Item #:	Description of Evidence:
Item 1	32	Gunshot Residue Kit

Results/Opinions and Interpretations:

Analysis by Scanning Electron Microscope with Energy Dispersive Spectrometer (SEM/EDS) of Item 1, taken from Devon Bailey, did not detect the presence of particles characteristic of gunshot residue. No conclusions can be made as to whether or not this individual discharged a firearm, was in the vicinity of a firearm discharge, or came in contact with an item with gunshot residue on it.

Dana L Greely
Forensic Scientist
CBI Denver - Laboratory
6000 W. 54th Avenue
Arvada, CO 80002
Phone: (303)463-7000
Fax: (303)463-7001

Supplement 20190815 1655 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 15, 2019, at about 4:55 p.m., I, Detective Montville received an email from Lynda Brinkerhoff-Keller with the Colorado Bureau of Investigation. Attached to the email were the results and conclusions of the gunshot residue kit I had previously submitted to CBI.

The report was prepared by Dana Greely, a Forensic Scientist, with CBI. The report stated no presence of particles characteristic of gunshot residue were located. The report also stated no conclusions can be made as to whether or not this individual discharged a firearm, was in the vicinity of a firearm, or came in contact with an item with gunshot residue on it.

A copy of the report is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

EP SO
12/02/19

**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

Agency Case No.: **19-11348 [EPSO]**

CSI - Autopsy Documentation

Autopsy No.	Date	Coroner/Medical Examiner	Decedent	Digital Images (DIMS)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] REC'D

AT AUTOPSY (19-00707) ON 8/5/19.

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

[REDACTED]

[REDACTED]

[REDACTED]

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT

EP 90
12/02/19

Christian Liewer

Assigned Analyst
Christian Liewer | 6839
CSI

08/21/2019 10:33

Supplement 20190815 1457 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On August 15, 2019, at about 2:57 p.m., this case was electronically filed with Investigator Elizabeth Robinson of the Fourth Judicial District Attorney's Office.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190803 1956 White, Trey 06097

On August 3, 2019, I, Detective Tremain White, conducted follow-up investigation reference EPSO Case 19-11348.

I was contacted via telephone at around 7:56 pm by Detective Sgt. Smith in reference to this investigation. Sgt. Smith directed me to respond to the Colorado Springs Police Department Police Operations Center (POC).

Sgt. Smith informed me there was an officer-involved shooting involving officers of the Colorado Springs Police Department and I was to respond and obtain additional information, observe the processing of officers, and determine an interview date for the officers involved in the shooting.

At approximately 9:22 pm, I arrived on scene at the Police Operations Center. Upon my arrival, I met with Colorado Springs Police Department Lt. Frabbielle, # 2629, in reference to this investigation. Lt. Frabbielle briefed me on this investigation.

Lt. Frabbielle stated this investigation involved two cases. He identified the first case as CSPD Robbery Case # 19-28176. He identified the second corresponding case number that was involved as the officer-involved shooting, CSPD Case # 19-28178. He identified the officers involved in the officer-involved shooting as Officer Evenson and Officer Vantland.

Shortly thereafter, Sgt. Smith arrived on scene. Sgt. Smith advised me that the crime lab would be responding to the crime scene of the officer-involved shooting. He informed me that I would be processing the officers, which consisted of taking photographs of the officers, the involved weapons, magazines containing ammunition, and any other items of evidentiary value related to the officer-involved shooting.

At the direction and guidance of Sgt. Smith, I processed Officer Evenson first. This process consisted of taking photographs of Officer Evenson from several different angles, taking photographs of his duty weapon involved, and the magazine and ammunition that were in the weapon. In addition, all magazines that were on Officer Evenson's person were collected. I conducted a count of all Officer Evenson's ammunition to ensure they were collected properly. During my processing of Officer Evenson, I did not see any blood or stains on his uniform. Members of CSPD staff were present for this interview, as well as Sgt. Smith.

Once completed with processing Officer Evenson, I completed the processing of Officer Vantland. This processing of equipment and evidence was identical to the process stated above of Officer Evenson. I photographed Officer Vantland, his involved duty weapon, and any and all magazines and ammunition on his person involved in this incident. While processing Officer Vantland, I observed there was a small droplet of blood on his duty pantleg. These duty pants were collected and secured in an evidence bag. Officer Vantland was provided additional clothing.

All evidence collected was done so under the supervision of CSPD staff and Sgt. Smith. Detective Norman also assisted with the documentation of the collection of evidence. At the direction of Sgt. Smith, I was ordered to secure the evidence immediately in the El Paso County Sheriff's Office Evidence Facility in separate lockers for each officer. This task was completed.

Digital photographs of Officer Evenson and Officer Vantland were later downloaded and placed onto a compact disk and placed into Evidence.

I have nothing further at this time.

Supplement 20190813 Boarman, Glenn 02031

I, Detective Glenn Boarman, a duly sworn Deputy Sheriff, of and for the County of El Paso, State of Colorado, and who is presently employed with the El Paso County Sheriff's Office. I was assigned as a Task Force Office (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

On 8/13/19, I emailed Colorado Springs Police Department (CSPD) Analytical Supervisor Molly Miles. I told her I was investigating the theft of a firearm on 1/27/19 at about 2100 hours from a vehicle parked in front of [REDACTED] [REDACTED] [REDACTED]. I asked her to see if there were similar crimes reported in the that area on the evening of 1/27/19 to 0600 hours on 1/28/19.

On 8/14/19, Supervisor Miles sent an email to me that listed CSPD report 19-3498 with a similar MO (modus operandi).

I reviewed the CSPD case report and learned the following information. On 01/28/2019 at approximately 0753 hours, CSPD CSO Mielke was dispatched to a theft from vehicle. CSO Mielke contacted Alexander Fruci via phone. Fruci provided the following information. 01/27/2019 at about 1900 hours, Fruci parked his 1997 Isuzu Rodeo at the intersection of Glen Eyrie Circle and North 30th Street. Fruci locked the vehicle's doors and went to a friend's house. At about 2130 hours, Fruci returned to the vehicle and observed trash which did not belong to him in the vehicle. The glove box and center console were ransacked. Fruci discovered his U.S. Passport was missing. An iPad several tools and other items were undisturbed. Fruci did not see any suspicious people or vehicles in the area during the time span of the incident. There was no known video surveillance in the area.

At about 1435 hours, I called Fruci, introduced myself and told him what I was investigating. I asked him if his passport was recovered and he told me no. I asked him if he had any additional information in reference the theft and he told me no.

Case Status: SAO

Typed by Detective Boarman on 8/14/19

EP SO
12/02/19

METRO CRIME LABORATORY

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7924

LABORATORY REPORT

Requesting Agency: Case No: 1911348
El Paso County Sheriffs Office
27 E Vermijo Av
Colorado Springs, CO 80903

Lab Case Number: 19MCL01868

Unit: Firearms

Request Submitted By: Det. Lisa Montville, 1060

Analyst: Stefanie Happ, 3488

Request Date: Mon Aug 19, 2019

Report Date: Mon Sep 09, 2019 15:15

Offense: All Other Offenses

Suspect: BAILEY, DEVON

DOB: 08/18/1999

REQUESTED SERVICE - Investigation [Firearms - All Services]

The below listed Firearm Services were completed in response to the submitted Laboratory Request:

EVIDENCE ITEMS

Barcode (Item No.)	Item description
6839 S-05E (S-05E)	Glock, model 19, 9x19mm pistol bearing the serial number [REDACTED] 1.
6839 S-05E-1 (S-05E-1)	One empty, "Glock", "9mm" magazine and two coin envelopes reportedly containing ammunition associated with Item S-05E.

RESULTS and CONCLUSIONS

The mechanical functioning examination of the Glock pistol, identified above as Item S-05E, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired utilizing the magazine contained in Item S-05E-1. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 S-05E TF.

A representative test fired cartridge case from the Glock pistol was entered into BrassTrax/NIBIN. You will be notified if any associations are found.

EVIDENCE DISPOSITION

All Evidence Disposition: Return to Submitting Agency

END OF REPORT



Assigned Analyst
Stefanie Happ | 3488
Firearms Examiner

09/09/2019 14:02



Bureau of Alcohol, Tobacco, Firearms and Explosives
National Integrated Ballistic Information Network



NIBIN LEAD NOTIFICATION

[Redacted]

[Redacted]

12/02/19

THIS IS A NOTIFICATION OF A PRESUMPTIVE INVESTIGATIVE LEAD FROM NIBIN ENTRY.

Evidence may be confirmed by microscopic comparison when requested. Please submit a request for laboratory examination to your laboratory requesting NIBIN lead confirmation.

Jessica Helton
Correlation Review Specialist

9-9-2019
Date

AP
Peer Reviewer

[Signature]
ATF Firearm Examiner

09/09/2019
Date

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Comments:

EPSSO
12/02/19



9/9/2019
Jessica Helton

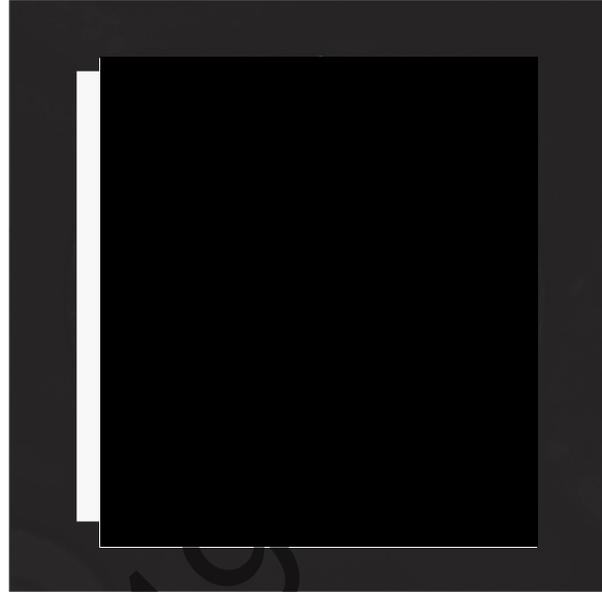
JBH AP

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Sensitive but unclassified

Case Details

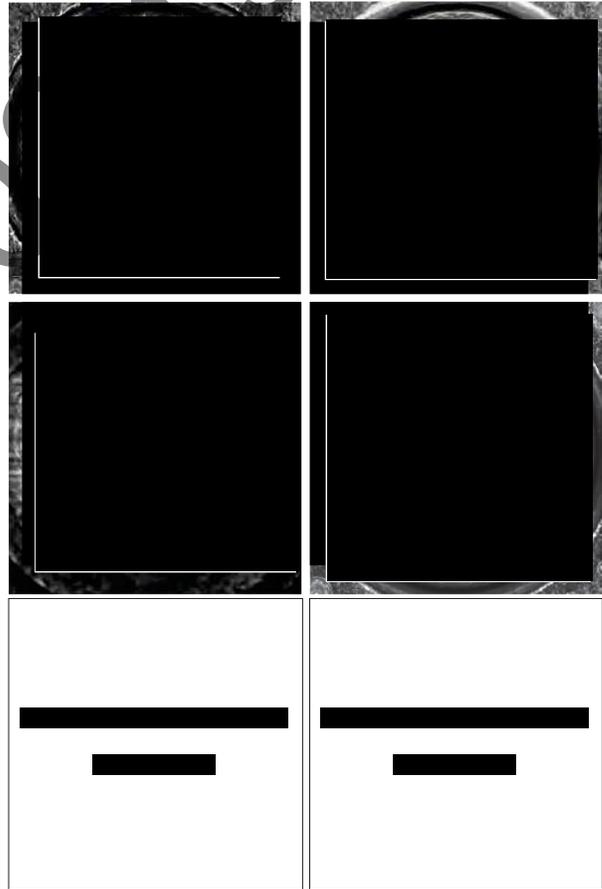
Case Number:

[REDACTED]



Cartridge Case Exhibit Details

[REDACTED]



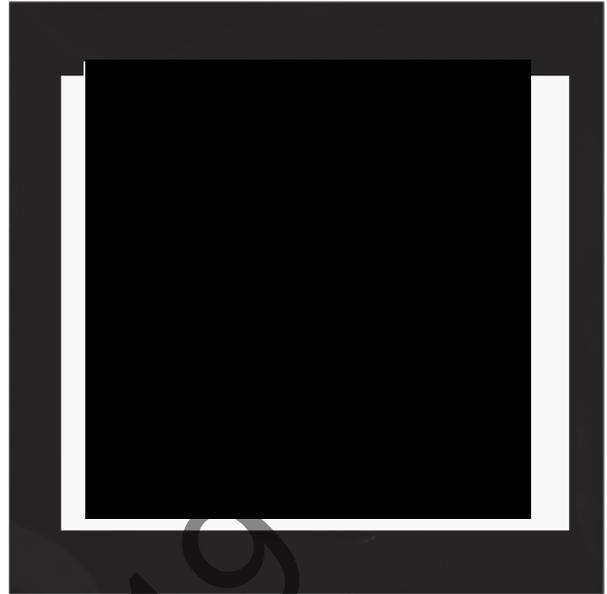
9/9/2019
Jessica Helton

JBH AP

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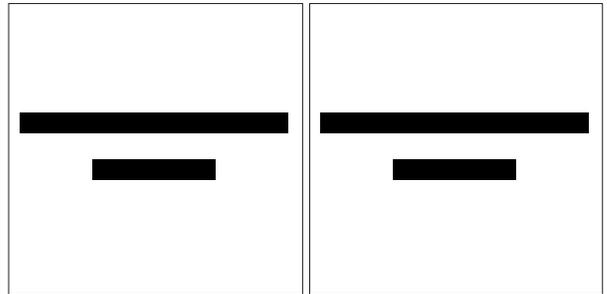
Case Details

[REDACTED]



Cartridge Case Exhibit Details

[REDACTED]



9/9/2019
Jessica Helton

JBH AP

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1911348

ACN: 1911348

Submitting Agency: El Paso County Sheriffs Office

Submitting Rep: Lisa Montville

Offenses

520 - Weapon Law Violations

Evidence List

1 - One test fired cartridge casing identified as EPSO item number 3488 S-05E TF for comparison to one spent cartridge casing collected under CSPD case number 19-26391; described as a nickel primer, nickel case 9mm Luger, SIG, Exhibit number E1.1

EPSO
12/02/19

Supplement 20190910 1320 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 10, 2019, at about 1:20 p.m., I, Detective Montville was conducting follow-up on this case. On this date, I prepared and submitted a request to the Metro Crime Laboratory via the LIMS portal. I requested the test fired cartridge casing, identified as item 3488 S-05E TF, be microscopically compared to the spent cartridge casing matched in NIBIN under Colorado Springs Police Department case number 19-26391.

A copy of the evidence submission is attached to this case.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190909 1541 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 9, 2019, at about 3:41 p.m., I, Detective Montville reviewed Colorado Springs Police Department case number 19-26391. This case was linked to El Paso County Sheriff's Office case number 19-11348 via NIBIN.

A copy of the CSPD case report is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190909 1419 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 9, 2019, at about 2:19 p.m., I, Detective Montville reviewed Colorado Springs Police Department case number 18-43461. This case documented an alleged domestic violence incident between [REDACTED] and [REDACTED]. A copy of the case report is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV



Bureau of Alcohol, Tobacco, Firearms and Explosives
National Integrated Ballistic Information Network



NIBIN LEAD NOTIFICATION

[REDACTED]

[REDACTED]

12/02/19

THIS IS A NOTIFICATION OF A PRESUMPTIVE INVESTIGATIVE LEAD FROM NIBIN ENTRY.

Evidence may be confirmed by microscopic comparison when requested. Please submit a request for laboratory examination to your laboratory requesting NIBIN lead confirmation.

Jessica Helton
Correlation Review Specialist

9-9-2019
Date

AP
Peer Reviewer

[Signature]
ATF Firearm Examiner

09/09/2019
Date

First Exhibit

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Second Exhibit

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Hit Details

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

EPSSO
12/02/19



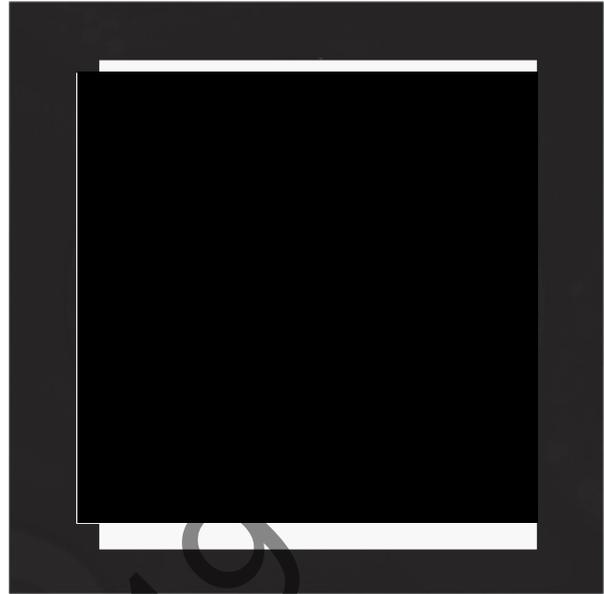
9/9/2019
Jessica Helton

JBH AP

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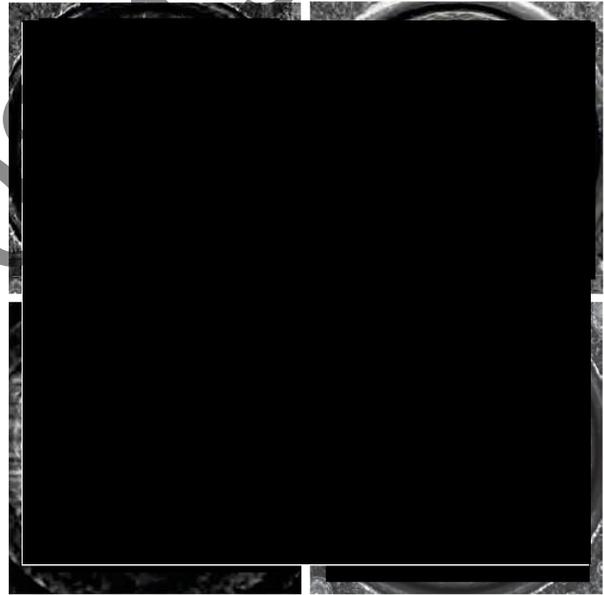
Case Details

[Redacted Case Details]



Cartridge Case Exhibit Details

[Redacted Cartridge Case Exhibit Details]



Ejector - 6 o'clock Side Light Not available	Ejector - 3 o'clock Side Light Not available
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9/9/2019
Jessica Helton

JBH AP

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Exhibit

[REDACTED]

Firearm Details

[REDACTED]

[REDACTED]

[REDACTED]

EPSSO
12/02/19



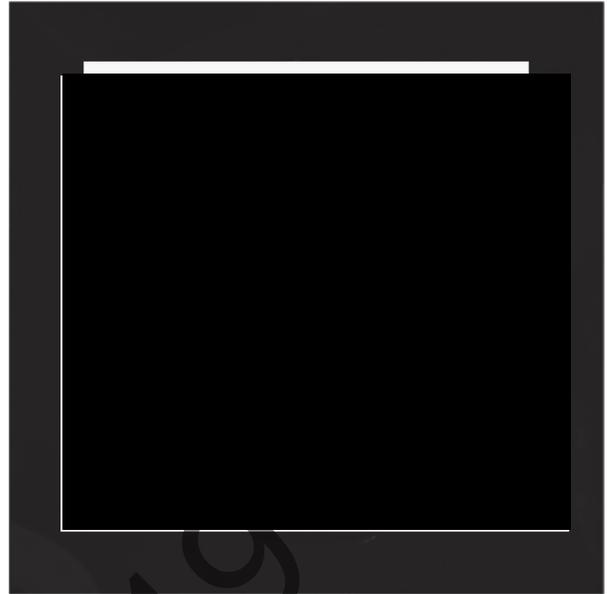
9/9/2019
Jessica Helton

JBT/AP

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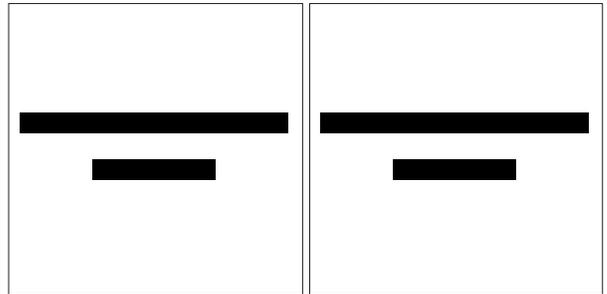
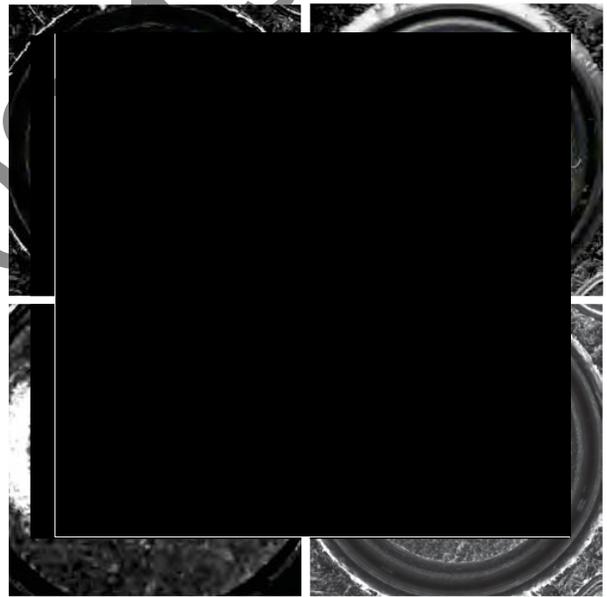
Case Details

[REDACTED]



Cartridge Case Exhibit Details

[REDACTED]



9/9/2019
Jessica Helton

JBH AP

For official use only
Sensitive but unclassified

Supplement 20190909 1508 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 9, 2019, at about 3:08 p.m., I, Detective Montville received an email from Firearms Analyst Stefanie Happ. Attached to the email were the results and conclusions of the National Integrated Ballistic Information Network (NIBIN) submission for this case.

The report stated there was a possible investigative lead between El Paso County Sheriff's Office case number 19-11348 and Colorado Springs Police Department case number 19-26391. A copy of the NIBIN report is attached to this supplement.

Nothing Follows.

Case Status:

Supplement 20190904 1033 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 4, 2019, at about 10:33 a.m., I, Detective Montville was conducting follow-up on this case.

On August 29, 2019, at about 4:10 p.m., Detective Scott Stone met with Colorado Springs Police Department Detective Brent Jacobson at my request. Detective Jacobson provided Detective Stone reorganized electronic copies of Colorado Springs Police Department case numbers 19-28176 and 19-28178. Included in CSPD case number 19-28178 was a video analysis of the body worn camera authored by Forensic Video Solutions.

The reorganized CSPD cases were released electronically to the District Attorney's Office via the Investigations Administrative Assistant. The cases were released as an addendum to the original case filing.

Nothing Follows.

Case Status: ACT-INV

EL PASO
12/02/19

METRO CRIME LABORATORY705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7924**LABORATORY REPORT****Requesting Agency:** Case No: 19-11348
El Paso County Sheriffs Office
27 E Vermijo Av
Colorado Springs, CO 80903**Lab Case Number:** 19MCL01868**Unit:** Crime Scene Investigations**Request Submitted By:** Det. Jason Darbyshire**Crime Scene Inv.:** Brooke Havko, 4269**Request Date:** Sat Aug 03, 2019**Report Date:** Mon Sep 16, 2019 12:40**Offense:** All Other Offenses**Subject:** BAILEY, De'Von**DOB:** 08/18/1999**REQUESTED SERVICE - Process** [Crime Scene - Response]**CSI RESPONSE DOCUMENTATION****CSI - Scene Processing**

Scene Processing Location	3D Scans	UAV	Images (DIMS)
2100 Preuss Road Colorado Springs CO	[X]	[]	[X]

Evidence item(s) related to Scene processing of 2100 Preuss Road, Colorado Springs CO

- 6839 S-01 (S-01) {**OTHER - NOT LISTED**} 1 PAIR OF SILVER-COLORED SMITH & WESSON HANDCUFFS (IBM 4634), S/N: 137763. ID'D USING PLACARD 1. REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.
- 6839 S-02 (S-02) {**KNIFE**} 1 RED MILWAUKEE BRAND FASTBACK BOX CUTTER, 48-22-1903 (SAFE) W/ ATTACH. ONG LETTER OPENER, POSS. BLDSTND. ID'D USING PLAC 1. REC'D FROM E-W PREUSS RD ON 8/4/19.
- 6839 S-03 (S-03) {**CLOTHING**} 1 BLK FRUIT OF THE LOOM T-SHIRT, SIZE M, CUT BY MEDICAL, POSS. BLOODSTAINED, W/ DEFECTS. ID'D USING PLACARD 2. REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.
- 6839 S-04 (S-04) {**SHOES**} 1 BLU/WHI VANS BRAND SIZE 8 R SHOE, POSS. BLOODSTAINED. ID'D USING PLACARD 3. REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/2019.
- 6839 S-05 (S-05) {**CLOTHING**} 1 PAIR OF BLK NIKE SHORTS, SIZE XL, CUT BY MEDICAL, POSS. BLOODSTAINED, ID'D USING PLACARD 4, REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.
- 6839 S-05A (S-05A) {**ALCOHOL**} 1 50 ML CLEAR PLASTIC TUACA BRAND BOTTLE, W/ UNKNOWN BROWN LIQUID, W/ POSS. BLOODSTAINS. REC'D FROM LEFT POCKET OF ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.
- 6839 S-05B (S-05B) {**KEYS**} 1 BLK DODGE BRAND KEY FOB, W/ POSS. BLOODSTAINS. REC'D FROM LEFT POCKET OF ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.
- 6839 S-05C (S-05C) {**OTHER - NOT LISTED**} 1 BROKEN BLUE BIC BRAND LIGHTER, POSS. BLOODSTAINED. REC'D FROM LEFT POCKET OF ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.
- 6839 S-05D (S-05D) {**MONEY - US CURRENCY (APPROVAL)**} 1 TORN DOLLAR BILL, POSS. BLOODSTAINS, REC'D FROM LEFT POCKET OF ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.
- 6839 S-05E (S-05E) {**FIREARM - HANDGUN (APPROVAL)**} BLK GLOCK BRAND 19 9 MM HANDGUN, S/N: [REDACTED]. REC'D FROM ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.
- 6839 S-05E-1 (S-05E-1) {**FIREARM - MAG**} BLK GLOCK BRAND 9 MM MAG CONT. APPROX. 12 CART., & 1 LIVE ROUND REC'D FROM CHAMBER W/ HS. WIN 9MM LUGER, OF ITEM S-05E (GLOCK 9MM HANDGUN) REC'D ON 8/4/19.

METRO CRIME LABORATORY

REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]

CSI - Scene Processing

Scene Processing Location	3D Scans	UAV	Images (DIMS)
2100 Preuss Road Colorado Springs CO	[X]	[]	[X]
6839 S-06 (S-06)	{OTHER - NOT LISTED} CEL + X RAPID BRAND UNOPENED GAUZE PAD, W/ POSS. BLOODSTAINS, ID'D USING PLACARD 5. REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/2019.		
6839 S-07 (S-07)	{OTHER - NOT LISTED} 1 WHITE GAUZE PAD W/ POSS. BLOODSTAINS, ID'D USING PLACARD 6, REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.		
6839 S-08 (S-08)	{OTHER - NOT LISTED} 1 GREEN PLASTIC PIECE OF MEDICAL EQUIPMENT. ID'D USING PLACARD 7. REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.		
6839 S-09 (S-09)	{MISC} VARIOUS MED EQUIP.: GAUZE, PACKAGING, GLOVES, & PLASTIC PACKING MATERIAL. POSS. BLDSTND. ID'D USING PLAC 8. REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.		
6839 S-10 (S-10)	{MISC} MEDICAL PACKAGING, BLK GLOVE, AND BLUE PLASTIC PIECE, ID'D USING PLACARD 9, POSS. BLOODSTAINED, REC'D FROM E-W PORTION OF PREUSS RD ON 8/4/19.		
6839 S-11 (S-11)	{FIREARM - SHELL CASING (HG FIRED)} 8 SILVER COLORED CARTRIDGE CASINGS; 5 W/ HS: WCC +P+ 18. 3 W/ HS: WCC +P+ 16. ID'D USING PLACARDS 10-17. REC'D FROM N-S PORTION OF PREUSS RD ON 8/4/19.		
6839 S-12 (S-12)	{POSS BLOOD SAMPLE} POSS. BLOOD SAMPLES COLLECTED FROM E-W PORTION OF PREUSS RD, REC'D ON 8/4/19.		
6839 S-13 (S-13)	{OTHER - NOT LISTED} 1 PAIR OF BLK FIRM GRIP BRAND GLOVES, W/ POSS. BLOODSTAINS. COLLECTED BY CSPD K9 OFFICER COMSTOCK, REC'D FROM TRUNK OF CRUISER 2125 BY CSI HAVKO ON 8/4/19.		

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

LOCATION:

2100 Preuss Road

NOTIFICATION:

On August 3, 2019 at approximately 2117 hours, I, Crime Scene Investigator (CSI) Brooke Havko/4269, was contacted by Sergeant Rosario Hubbell/07050 with the El Paso County Sheriff's Office (EPSO) Investigations Division. Sergeant Hubbell requested assistance from the Metro Crime Lab in processing a scene located near 2100 Preuss Road for an officer involved shooting incident involving two Colorado Springs Police Department (CSPD) officers. The scene was located outside and the decedent had been transported to the hospital. Sergeant Hubbell informed me that EPSO detectives would process the two officers involved and requested I respond to process the scene as there were concerns with the wind. I requested CSI Christian Liewer/6839 respond to assist for training purposes.

RESPONSE:

At approximately 2244 hours, CSI Liewer and I gathered all of the necessary equipment and departed the POC en route to the area of 2100 Preuss Road arriving at approximately 2251 hours. The weather was clear and warm with a light breeze and a temperature of approximately 76 degrees Fahrenheit.

METRO CRIME LABORATORY

REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

BRIEFING AND WALKTHROUGH:

Upon our arrival, CSI Liewer and I met with EPSO Detective Jason Darbyshire/11010 who was the lead scene detective, EPSO Detective Nick Brklich/05007, Sergeant Hubbell, and CSPD Violent Crimes Detective Jerry Schiffelbein/3343 inside the (EPSO) Mobile Command Post. Detective Darbyshire provided a briefing of the events as he knew them through the investigation. A 911 call was received at approximately 1844 hours regard robbery with a weapon. The reporting party/victim, who was identified as **Anthony Love DOB: [REDACTED]**, indicated he knew the suspects. CSPD Patrol Officers responded to the area and contacted two males ma description of the suspects identified as **De'Von Bailey DOB: 8/18/99** and **Lawrence Stoker [REDACTED]**. During the contact with officers, Mr. Bailey sustained gunshot wounds and was transported to the hospital where he was pronounced deceased. Detective Darbyshire stated there were possibly three projectiles in the decedent and per the round counts completed by EPSO detectives during the officer processing, possibly eight shots had been fired. The two CSPD officers involved in the shooting incident were identified as **Sergeant Alan Vantland/3526** and **Officer Blake Evenson/4634**.

Detective Darbyshire, CSI Liewer, and I then completed a walkthrough of the scene. Detective Brklich and Detective Schiffelbein were also present for the walkthrough. Preuss Road makes a 90 degree turn with the portion intersecting Doniphan Drive running north and south and the portion intersecting Boggs Place running east and west. The scene was located near the 90 degree turn with evidence located on both portions of Preuss Road. Clothing items and medical intervention equipment were observed in the roadway near the turn on the east-west portion of Preuss Road and cartridge casings were located near the turn on the north-south portion of Preuss Road. The area was residential with a large field identified as part of Adams Elementary located north of the scene. Detective Darbyshire stated the officers had approached the suspects from the south and shots were fired to the north, toward Adams Park. The area was fairly dark with the primary light source coming from the Mobile Command Post and a street light. There was a heavy civilian presence observed in the surrounding residences behind the crime scene tape.

Upon completing the walkthrough at approximately 2309 hours, CSI Liewer and I moved the Metro Crime Lab crime scene truck to be positioned on the opposite side of the Mobile Command Post in order to provided additional lighting from both sides. Refer to Appendix Figure 1.

SCENE DOCUMENTATION AND PROCESSING:

Exterior:

At approximately 2332 hours, I began documenting the scene by taking overall photographs of the area beginning at the intersection of Preuss Road and Doniphan Drive located south of the scene. Due to the lighting conditions, low light/long exposure photography was utilized for the overall area photographs.

Placard Placement:

At approximately 0015 hours on August 4, 2019, I placed placards to further indicate the items of evidence to be documented and/or collected. Numeric Placards 1 through 17 were used to identify the following items of evidence:

- **Placard 1:** a pair of handcuffs and a folding knife/box cutter located on the east/west portion of Preuss Road.

METRO CRIME LABORATORY

REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

- **Placard 2:** a black t-shirt located on the east/west portion of Preuss Road.
- **Placard 3:** a right tennis shoe located on the east/west portion of Preuss Road.
- **Placard 4:** black jersey shorts located on the east/west portion of Preuss Road.
- **Placard 5:** unopened gauze pad located on the east/west portion of Preuss Road.
- **Placard 6:** a white gauze pad with possible bloodstains located on the east/west portion of Preuss Road.
- **Placard 7:** a green plastic piece of medical intervention equipment located on the east/west portion of Preuss Road.
- **Placard 8:** medical intervention equipment (gauze, packaging, gloves) located on the east/west portion of Preuss Road.
- **Placard 9:** medical intervention equipment (medical packaging, glove) located on the east/west portion of Preuss Road.
- **Placard 10:** silver colored cartridge casing with head stamp: WCC +P+ 18 located on the north/south portion of Preuss Road.
- **Placard 11:** a silver colored cartridge casing with head stamp: WCC +P+ 16 located on the north/south portion of Preuss Road.
- **Placard 12:** silver colored cartridge casing with head stamp: WCC +P+ 16 located on the north/south portion of Preuss Road.
- **Placard 13:** silver colored cartridge casing with head stamp: WCC +P+ 18 located on the north/south portion of Preuss Road.
- **Placard 14:** silver colored cartridge casing with head stamp: WCC +P+ 18 located on the north/south portion of Preuss Road.
- **Placard 15:** silver colored cartridge casing with head stamp: WCC +P+ 16 located on the north/south portion of Preuss Road.
- **Placard 16:** silver colored cartridge casing with head stamp: WCC +P+ 18 located on the north/south portion of Preuss Road.
- **Placard 17:** silver colored cartridge casing with head stamp: WCC +P+ 18 located on the north/south portion of Preuss Road.

Additional photographs were taken of each placard in place next to its corresponding item of evidence. Refer to Appendix Figure 2 for photographs documenting the location of these evidence items.

While placing placards, I was informed that a pair gloves with possible bloodstains worn by Officer Evenson during the incident had been collected by K-9 Officer Robert Comstock/4631 and placed in CSPD K-9 Cruiser 2125 parked along the south curb line of the east/west portion of Preuss Road. The gloves were retrieved from Cruiser 2125 by Officer Comstock and collected as evidence by the Metro Crime Lab.

FARO Documentation:

At approximately 0042, the scene was further documented using the FARO 3D laser scanner. A total of four scans were taken beginning south of the cartridge casings identified using Placards 10 through 17 and moving north around the turn, finishing west of the evidence identified using Placards 1 through 9. The FARO scans were completed at approximately 0133 hours. Refer to Appendix Figures 3 and 4 for a top-down and perspective view of the scene created using the FARO 3D scans and FARO Zone 3D software program.

Evidence Collection:

19MCL01868.0002_20190803_ReqID_019261

Page 4 of 11

Report CSI v.2016.09.15

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METRO CRIME LABORATORY

REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

CSI Liewer and I then collected the items of evidence identified using Placards 1 through 17. It should be noted that CSI Liewer, Detective Darbyshire, Detective Brklich, and Detective Schifflbein were present when I collected the black jersey shorts identified using Placard 4 as I had been informed that a gun was observed in the shorts by responding patrol officers. The shorts appeared to have been cut off and a black handgun identified as a Glock 19 9mm handgun bearing serial number [REDACTED] was recovered from what was later determined to be the right pocket. The handgun was cleared by Detective Brklich and observed to contain one live round in the chamber and approximately 12 live rounds in the magazine. The handgun was photographed on scene to document the condition in which it was recovered as well as with the magazine and chamber round removed. Refer to Appendix Figure 5 for photographs documenting the shorts and handgun.

Detective Darbyshire determined that the field located north of the scene may be checked at a later time during daylight hours for any possible projectiles as there was minimal lighting in the area. The grassy area immediately north of Preuss Road near the scene was briefly checked for any obvious disturbances that may have been caused by projectiles.

Refer to the beginning of this report for a complete list of the evidence collected (S-01 through S-13).

Post-search photographs were completed at approximately 0155 hours.

SCENE CLEARED:

CSI Liewer and I cleared the scene at approximately 0204 hours and responded back to the POC arriving at approximately 0215 hours.

The evidence was transported to the Metro Crime Lab where it was later inventoried, packaged and sealed, and transferred to the custody of the EPSO Evidence Technician. The digital photographs and FARO scans taken during the scene processing were acquired into the Colorado Springs Police Department's Digital Imaging Management System (DIMS) under Set #1, Set #6, and Set #7.

EVIDENCE INVENTORY:

On August 5, 2019, during evidence inventory, CSI Liewer took additional photographs of several items of evidence with possible bloodstains as well as the contents of the left pocket of the black jersey shorts (Item #S-05); refer to Appendix Figure 5. These photographs were acquired into the Colorado Springs Police Department's Digital Imaging Management System (DIMS) under Set #3.

On August 7, 2019, I received a phone call from EPSO Detective Lisa Montville/01060 who requested additional photographs of the handgun. Item #S-05E (Glock handgun) and #S-05E-1 (magazine and chamber round). These items had already been packaged and sealed. Detective Darbyshire responded to the POC and was present with CSI Liewer and I when the items were unsealed and photographed. These photographs were acquired into the Colorado Springs Police Department's Digital Imaging Management System (DIMS) under Set #4.

There is no additional information regarding this investigation at this time.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: **19MCL01868**

Agency Case No.: **19-11348 [EPSO]**



COLORADO SPRINGS METRO CRIME LAB

705 SOUTH NEVADA AVENUE
COLORADO SPRINGS, CO 80903
PHONE: 719-444-7750
FAX: 719-444-7924



Requesting Agency:	El Paso County Sheriff's Office (EPSO)
Agency Case Number:	19-11348
MCL Number:	19MCL01868
Offense:	Homicide
Location:	2100 Preuss Road
Date:	8/3/19-8/4/19
Figures Completed By:	CSI Brooke Havko/4269

Appendix - Figure 1:



**Not to scale



Google satellite image of the area near 2100 Preuss Road.

**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

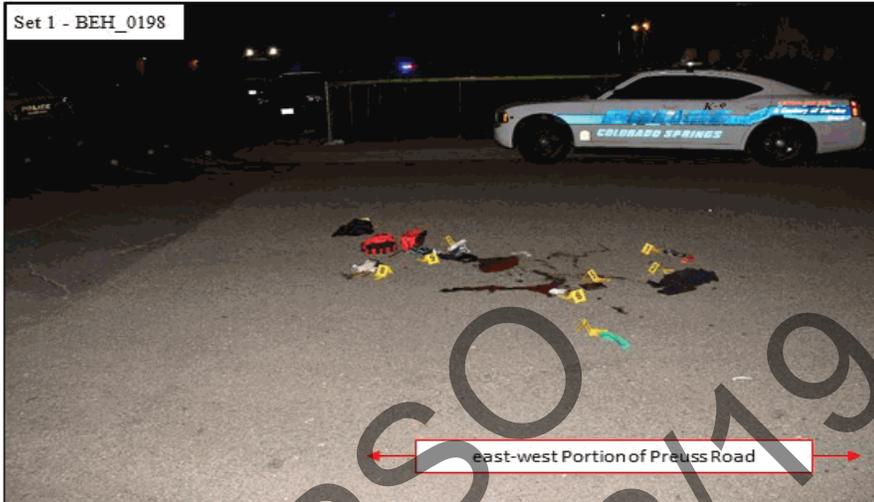
Agency Case No.: **19-11348 [EPSO]**



**COLORADO SPRINGS
METRO CRIME LAB**
705 SOUTH NEVADA AVENUE
COLORADO SPRINGS, CO 80903
PHONE: 719-444-7750
FAX: 719-444-7924



Appendix - Figure 2: Numeric Placards



Photographs 1 - 2: Overall photographs showing Placards 1 through 9 on the east-west portion of Preuss Road (clothing and medical equipment) and Placards 10 through 17 on the north-south portion of Preuss Road (cartridge casings).

METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]



COLORADO SPRINGS
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COLORADO SPRINGS, CO 80903
PHONE: 719-444-7750
FAX: 719-444-7924



Appendix - Figure 3: Top Down View

**Not to scale

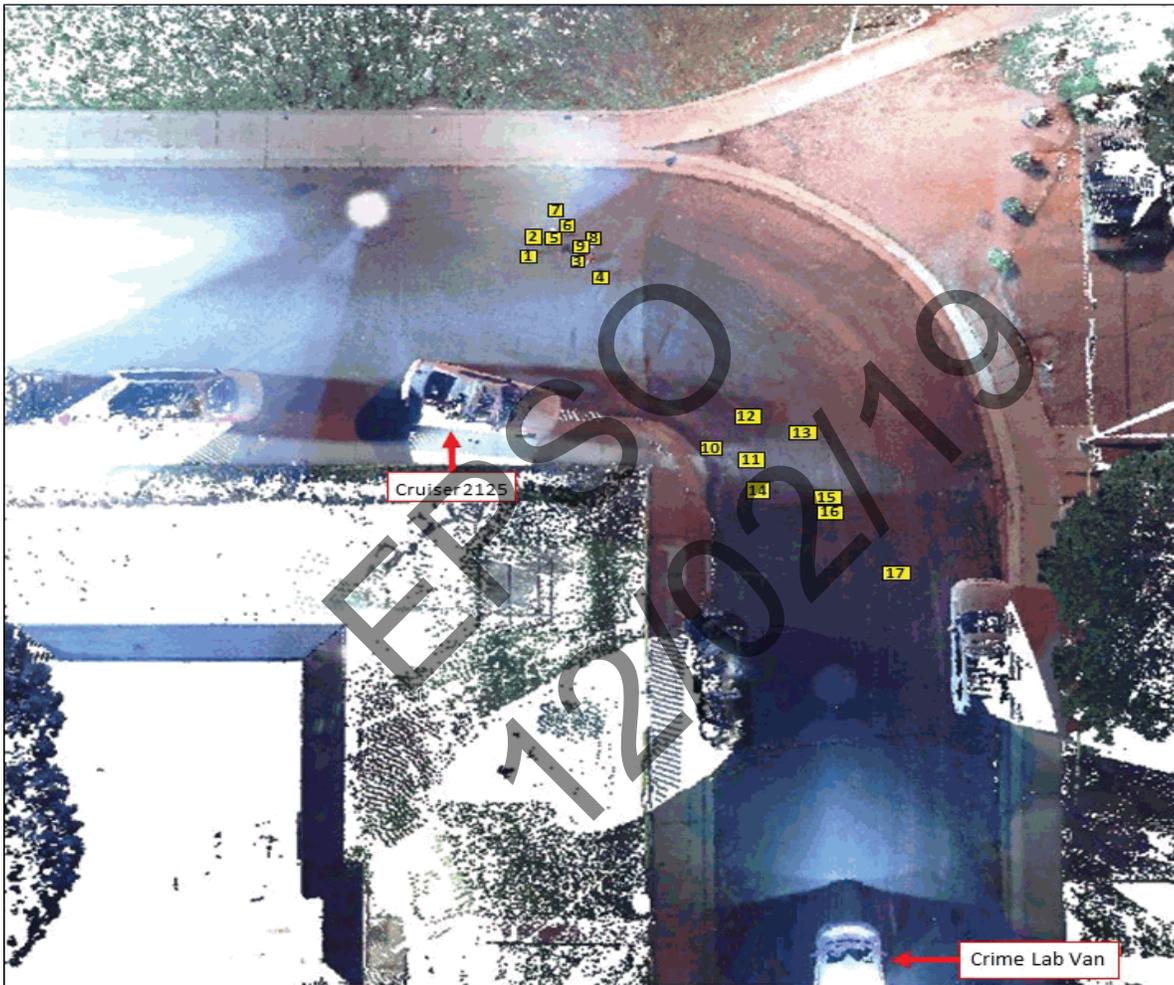


Image created using FARO Zone 3D: Top-down view showing the 90 degree turn on Preuss Road with Placards 1 through 9 located on the east-west portion and Placards 10 through 17 located on the north-south portion. Placard placement is approximate and not to scale.

METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]



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Appendix - Figure 4: Perspective View from NE Corner



**Not to scale



Image created using FARO Zone 3D. Perspective view from the northeast corner of the 90 degree turn on Preuss Road with Placards 1 through 9 located on the east-west portion and Placards 10 through 17 located on the north-south portion. Placard placement is approximate and not to scale.

METRO CRIME LABORATORY

REPORT CONTINUATION

Lab Case No.: 19MCL01868

Agency Case No.: 19-11348 [EPSO]



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FAX: 719-444-7924



Appendix - Figure 5:



Photograph 3: Close-up photograph of the black jersey shorts identified using Placard 4 containing the Glock handgun.



Photograph 4: Close-up photograph of the Glock 19 9mm handgun with associated magazine and chamber round.



Photograph 5: Overall photograph of the back of the black jersey shorts identified using Placard 4.



Photograph 6: Close-up photograph showing the contents of the left pocket of the black jersey shorts.

**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

Agency Case No.: **19-11348 [EPSO]**

END OF REPORT

EPSO
12/02/19



Assigned Analyst
Brooke Havko | 4269
CSI

09/16/2019 08:31

19MCL01868.0002_20190803_ReqID_019261

Page 11 of 11

Report CSI v.2016.09.15

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El Paso County Sheriff
Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Arndt, Jennifer 06095**

Barcode	Item #	Item Type	Description
	69	CD/DVD(s)	Serial #: 1
Mandatory Info: Evidence		CD WITH PICTURES TAKEN BY [REDACTED]	
Collected by: Arndt, Jennifer 06095		Evidence entered: 09/16/2019	
Recovery Address: 705 S NEVADA AVE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

	70	Drawing(s)/Diagram(s)	Serial #: 1
Mandatory Info: Evidence		MAP AND DRAWING FROM [REDACTED] INTERVIEW	
Collected by: Arndt, Jennifer 06095		Evidence entered: 09/16/2019	
Recovery Address: 27 E VERMIJO		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

	71	CD/DVD(s)	Serial #: 1
Mandatory Info: Evidence		INTERVIEW WITH [REDACTED]	
Collected by: Arndt, Jennifer 06095		Evidence entered: 09/16/2019	
Recovery Address: 27 E VERMIJO		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

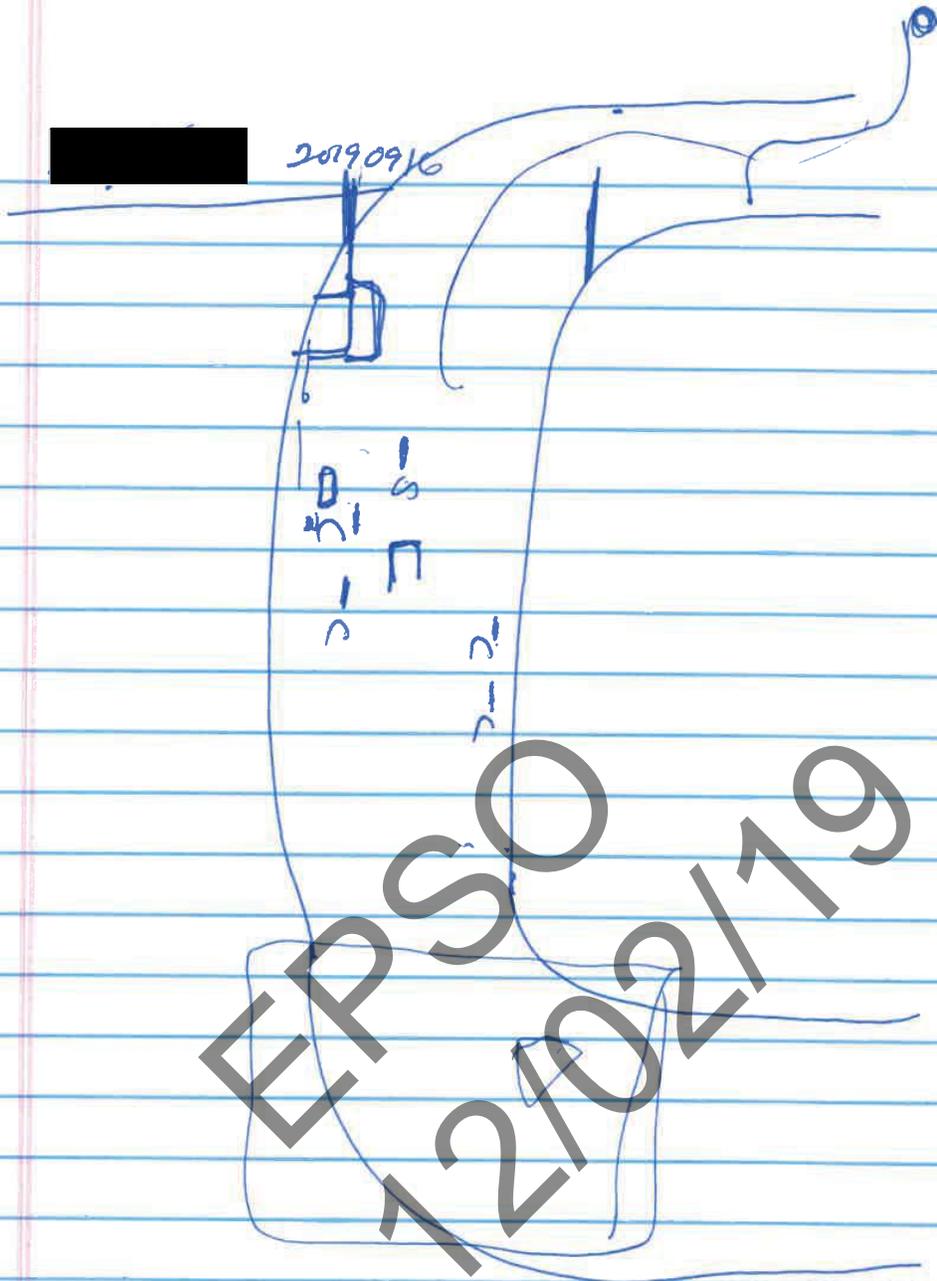
EP SO 12/02/19











On Monday, September 16, 2019, I, Detective Jennifer Arndt of the El Paso County Sheriff's Office (EPSO) Investigations Division, assisted Detective Lisa Montville with follow up in this case.

At approximately 2:57 pm, I interviewed [REDACTED] [REDACTED] [REDACTED] at the Office of the Sheriff located at 27 E. Vermijo Colorado Springs, CO in interview room #4. The interview room where the interview was conducted is equipped with audio and video recording. The interview was later placed onto a CD and entered into evidence under item #71.

The audio recording of the interview was submitted to NetTranscripts for transcription.

During the interview, [REDACTED] advised she took pictures of the scene after the shooting and sent them to my email. The photos she sent were placed on a CD and entered into evidence under item #69 and attached to this report. A photo [REDACTED] showed me of law enforcement vehicles taken during the day light was not sent to me; however, she stated the vehicle had been moved from their original locations.

In addition, during the interview [REDACTED] draw on a piece of paper the area the shooting occurred and where she was standing. I then obtained a printed google map of the area which [REDACTED] drew on to assist in better understanding the area. The drawing and map where placed into evidence under item #70 and attached to this report.

At this time I have nothing further.

Case Status: SAO

EPSO
12/02/19

Ev. Invoice Item 72

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Thompson, Andrew 02060**

Barcode	Item #	Item Type	Description
 1148707	72	CD/DVD(s)	Serial #:
Mandatory Info: Evidence		CD WITH RECORDING OF TELEPHONE INTERVIEW WITH [REDACTED]	
Collected by: Thompson, Andrew 02060		Evidence entered: 09/17/2019	
Recovery Address: 27 E. VERMIJO AVENUE		Current Location: Evidence Facility Intake Lockers	
Homicide #:			

EPSCO
12/02/19

CASE: 19-11348/ Assist Outside Agency

DATE: September 11, 2019

Detective: Andrew Thompson

On Wednesday, September 11, 2019, at approximately 5:20 PM, I, Detective Andrew Thompson #02060, with the El Paso County Sheriff's Office, Investigations Division, began a telephone interview with [REDACTED] [REDACTED] at telephone number [REDACTED]. The interview was recorded with the use of a digital audio recorder. The recording was later saved to CD and entered into evidence as item #72. The following summary of the interview is not a word for word transcript.

I began the interview by confirming Mr. [REDACTED] name and date of birth.

I told Mr. [REDACTED] that I needed to talk to him in reference to the shooting involving Devon Bailey. I asked Mr. [REDACTED] if he was in the area when the shooting occurred (on August 3, 2019). He replied, "Yeah, I was in the park."

I asked Mr. [REDACTED] what he observed. Mr. [REDACTED] said, "I was just hanging out in the park. And then across from the park, I kind of seen two police vehicle kind of roll up. An SUV and a car. And then they kind of just rolled down to the park. It's across the street. And then I see them stop. You know? And I'm thinking nothing of it really. And then I'm kind of just handing out for a minute. I got my dogs. Playing with my dogs. And then, I kind of look over, because I can see the lights are on from the police. And then, I'm looking over, and I can see it's two police officers, and they've got, it's a black male standing there. And there's also a bunch of kids standing around, really close by. Like, I'm talking like super close by. And all of a sudden, it looked like, from what I could tell, it looked like the guy turned around to go run, but it didn't look like he was withdrawing a weapon or anything like that, as far as I could tell. Looked like he turned around to run, and the officer whipped out his pistol and shot the guy. It sounded like to me, four to six shots went off. And pretty much those little kids were right next to it, which was crazy."

Mr. [REDACTED] continued, "And then I kind of froze up, because I wasn't sure if one of those kids had got some, had gotten hit in the cross fire or something. Just kind of scared the shit out of me. And then I seen all five of the kids run off. So then I was like, OK, you know, all the kids are fine. And then just kind of hung out in the park for a while to try to see what was going on. And uh, pretty much that was it. I got approached by the police officer and talked to him."

I asked if Mr. [REDACTED] knew which officer contacted him. He said no. I asked if he remembered their conversation. Mr. [REDACTED] said, "Pretty much exactly along the same lines as what I talked to you about. You know, he asked me, 'Did you see what happened over there.' I was like, yeah, you know what I mean? Looked like, you know, they were trying to stop this guy, or whatever. Um, looked like they were talking to him for a second. Then it looked like he turned around to run. And the officer withdrew his gun, and shot him."

I asked Mr. [REDACTED] to estimate how far away he was when he observed the shooting. After thinking, Mr. [REDACTED] said, "I'd say about 600 feet. 700 feet. 800 tops."

I clarified with Mr. [REDACTED] that he was describing a distance of over two football fields. He replied, "Nah, I wouldn't say a football field. I'd say like half a football field away."

I told Mr. [REDACTED] that 50 yards was equivalent to 150 feet, which was significantly different to 600-800 feet. When I asked if he was certain that it was 'less than a football field', Mr. [REDACTED] said, "Yeah, for sure."

I pointed out that Mr. [REDACTED] only described "one black male" that the police were in contact with. I asked if he noticed if the police were in contact with any other people. He said, "I did not. Later on, after I kind of hung around, and kind of was looking around, to see what the hell was going on, it looked like they had another black male like on the ground - further back from them or whatever. When I came up to approach, because they had other officers there by the time I came. You know what I mean? I kind of walked down there after it all happened. Kind of, just to see what was going on. Other officers were coming up. And uh, they had another black male, um, seemed like they had him being arrested or whatever. But it was one black male who was shot, and whoever was laying in the street. Obviously he was ok. He wasn't shot. That's pretty much what I seen there."

I asked Mr. [REDACTED] if he heard the officers say or yell any commands while they were in contact with the suspect. Mr. [REDACTED] said he did not hear any statements or commands from the officers before he heard the gunshots.

I asked Mr. [REDACTED] what direction the kids ran in the aftermath of the shooting. He said, "Towards me. Towards the school. There's a little park next to the school. You know, like a little field thing. And then, uh, they went running towards the school, away from the police officers and the shooting, and the whole situation."

I asked Mr. [REDACTED] if he was with anyone at the time of the shooting. Mr. [REDACTED] stated he was with a 16 year old family friend, named [REDACTED] who did not visually witness the encounter, and only heard the gunshots. Mr. [REDACTED] would not provide further information about [REDACTED]

I asked if Mr. [REDACTED] observed the officers provide any medical care to the person who was shot. Mr. [REDACTED] described a brief period where he was not watching the scene. At one moment, when he did look back in that direction, Mr. [REDACTED] observed what appeared to be officers providing care to the suspect.

I asked Mr. [REDACTED] if he noticed anything in particular about the suspect, before he was shot by the officers. He stated that the only thing that stood out, was when the suspect turned to run from the officers.

I asked if Mr. [REDACTED] was aware of the suspect or any other parties before the arrival of the police. He said no, adding that it was the police cars arriving in the area with their overhead lights illuminated that caught his attention. Mr. [REDACTED] said, "I noticed the lights were on, they kind of caught my attention, that the police vehicle lights were on, and I was looking over there like, what's going on over there. I kind of looked over there, you know, I saw the kids, and the guy, and the police officers. And he started to run."

I asked Mr. [REDACTED] how many police cars he saw at the time that he heard the gunshots. He said there were two initially, and then additional cars arrived after the gunshots.

I asked Mr. [REDACTED] how many officers he observed leading up to, and during the gunshots. He said, "Two officers."

I asked Mr. [REDACTED] to describe the location of the children in the moments leading up to the shooting. He said, "They were on the other side. They were close to the officers. Close to the officers and the guy." He said they were "in front" of the officers at the moment the shots occurred. It was difficult to clarify the location of various people in relation to each other over the telephone, without the ability to visually represent the various locations.

Mr. [REDACTED] said, "That's what scared the shit out of me. That's what scared the hell out of me. I was like, 'Oh my God, what the fuck.' You know what I mean? And then I see all the kids run off, and I was like, OK." Mr. [REDACTED] estimated that the children he described, were seven to ten feet of the officers when the chase began, prior to the gunshots.

Mr. [REDACTED] expressed the opinion that "it wasn't the best move", when the officers fired at the suspect in light of the proximity of the kids to the overall incident. I asked if he was concerned for the safety of the kids, or more worried about what they witnessed. He said both.

I asked Mr. [REDACTED] if he was given any directions by the police while he was in the area of the shooting. He said an officer asked if Mr. [REDACTED] was willing to speak with a detective, but after waiting 15 minutes, he decided to leave to take his friend Mark home.

I asked Mr. [REDACTED] if he had any other pertinent information that I hadn't yet asked him about. He said he didn't, beyond expressing disapproval with how the overall situation was managed by the officers.

Mr. [REDACTED] had previously told me that he has moved to Canon City, since the shooting occurred. I asked for his address, but Mr. [REDACTED] said he was living out of his van while working in the area. I asked if he had any form of mailing address, but Mr. [REDACTED] said he did not have one.

I informed Mr. [REDACTED] that I did not have any further questions and the interview was concluded.

I have no further information to provide at this time.

Case Status: Active

Evidence Voucher for item number 74

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Montville, Lisa 01060**

Barcode	Item #	Item Type	Description
 1148815	74	CD/DVD(s)	Serial #:

Mandatory Info: **Evidence**

ONE CD CONTAINING A VIDEO RECORDED INTERVIEW OF [REDACTED]
AND MONTVILLE WITH MARKING ON GOOGLE MAPS DRAWN
BY [REDACTED]

Collected by: Montville, Lisa 01060
Recovery Address: 27 EAST VERMIJO AVENUE
Homicide #:

Evidence entered: 09/20/2019
Current Location: Evidence Facility Intake Lockers

EPSCO
12/02/19

Google maps used during the interview

2100 Preuss Rd - Google Maps

Page 1 of 1

Google Maps | 2100 Preuss Rd



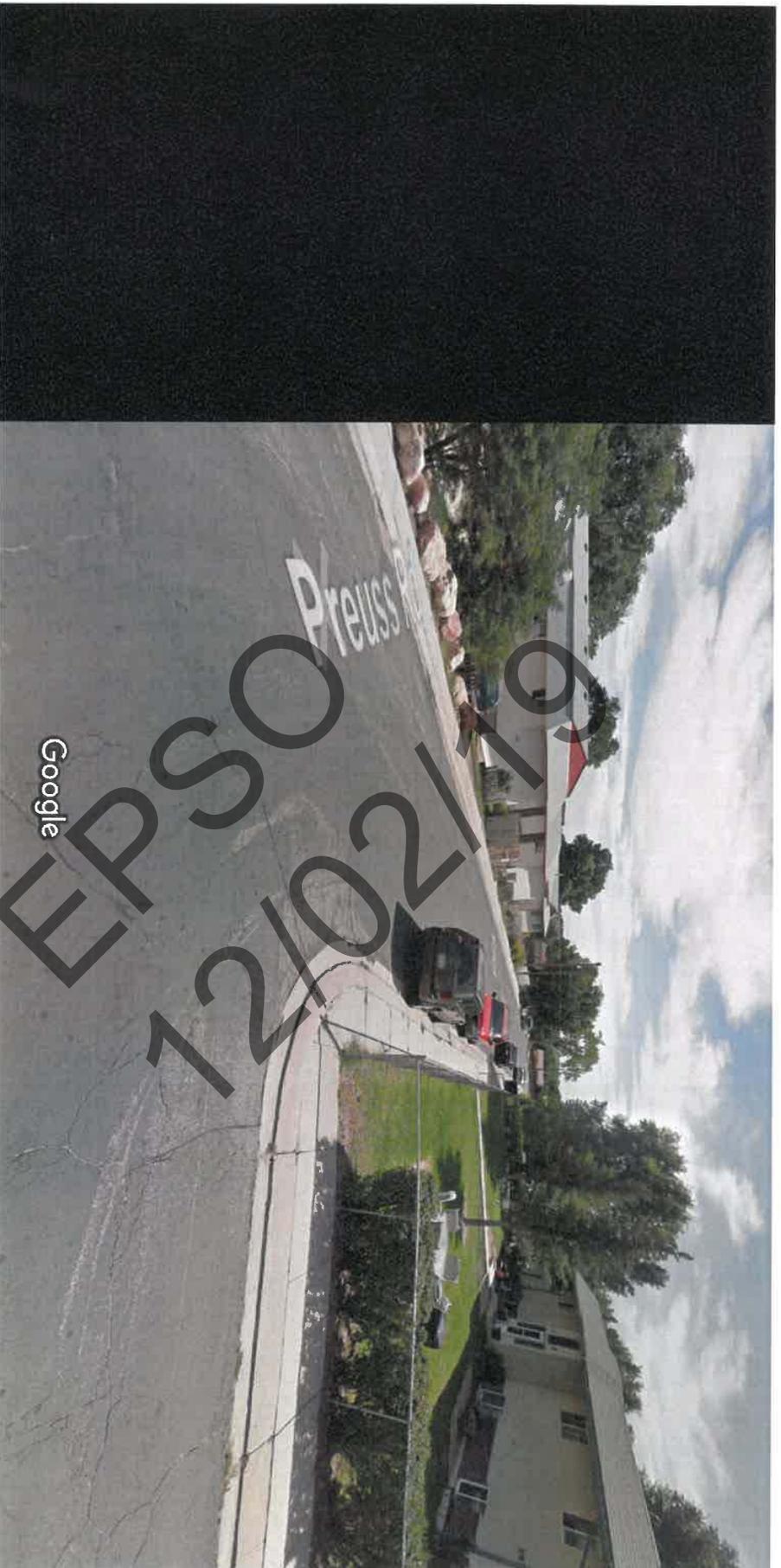
EP 3
12/02/19

<https://www.google.com/maps/place/2100+Preuss+Rd,+Colorado+Springs,+CO+80910/@...> 9/16/2019

9/16/2019

2135 Preuss Rd - Google Maps

Google Maps 2135 Preuss Rd



Google

Colorado Springs, Colorado



Street View - Sep 2014

Image capture: Sep 2014 © 2019 Google

<https://www.google.com/maps/place/2100+Preuss+Rd,+Colorado+Springs,+CO+80910/@38.8197577,-104.7874691,3a,75y,167.93h,71.21t/data=!3m7!1e13m5!1sCCbaTnK0TtSJH1MuoMU0sg12e013e...> 1/2

Supplement 20190916 1457 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 16, 2019, at about 2:57 p.m., I, Detective Montville was conducting follow-up on this case. On this date, I conducted a recorded interview with [REDACTED] [REDACTED] [REDACTED]. The interview was conducted at the Office of the Sheriff, located at 27 East Vermijo Avenue, in Colorado Springs, Colorado.

I later placed a copy of the interview I conducted and two Google maps used during the interview into the El Paso County Sheriff's Office Evidence Facility under item number 74. Copies of the maps and a copy of the evidence voucher are attached to this supplement.

The interview was transcribed by the El Paso County Sheriff's Office contracted transcription company. A copy of the transcription is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

INTERVIEW WITH [REDACTED] [REDACTED]
Q=Det. Lisa Montville

A=[REDACTED] [REDACTED]

Q: Hi there.

A: Hello.

Q: Sorry I just walked back in from court.

A: That's all right.

Q: A little bit delayed today. Uh, I'll give you my business card. It just has my name, my phone number and all that kind of good information in case you need to get a hold of me. And just so I have it correct, you're Mr. [REDACTED] [REDACTED]

A: Yeah.

Q: Is your birthday [REDACTED]

A: Yes.

Q: Do you still live at, uh, [REDACTED]

A: Yes.

Q: [REDACTED]

A: Yes.

Q: Uh, is your telephone number [REDACTED]? Awesome. Uh, like I said in reception, I'm Lisa Montville, one of the investigators on the De'Von Bailey shooting involving Colorado Springs Police Department.

A: Mm-hm.

Q: And my understanding was maybe you were a witness or a possible witness to...

A: Oh, well no...

Q: ...what happened?

A: So yeah I saw - I saw the whole th- well the majority of the whole thing.

Q: Okay can you tell me what happened please?

A: Uh, let's see. We were at my wife's friend's house for her [REDACTED]. Um, we were outside, so the house is here, we were here and our kids was at the park. And then while they was on they way back from the park and we went up to the street then we saw the, uh, the - well we saw one cop car fly by and then we saw another cop car fly by...

Q: Okay.

A: ...and then once we got to the street, um, we was tryin' to tell our kids to hurry up and come down the road. The cops were outside talking to De'Von and I guess his [REDACTED] or whoever the relation is. Um, what we seen - what I seen was, you know, the - the cops had told them to put their hands up, they was talkin' in the street and I looked away a couple times 'cause I was tryin' to get my daughters away from the situation...

Q: Mm-hm.

A: ...said, "Come on, let's go. Stop lookin' back," and, you know, "Hurry up and get in the house." Um, still hands up, I guess it - it was like at one point I looked away - or no no, so they started firing like right when our kids got like here and then we was like, "Hurry up and get in the house. Hurry up and get in the house." But I seen him take off. Like I didn't see him and cop 'til I saw the video, showed a cop goin' behind him...

Q: Mm-hm.

A: ...I didn't see that part, I just seen, uh, his hands was up and then he started runnin'. And then I - I saw four cops, I don't know how many of the cops shot but multiple shots went off...

Q: Okay.

A: ...as he started runnin'. And he didn't seem that far away when he ran, from - from where I was standing.

Q: Okay. I did print out some - some maps, it's just general maps of the area off Google, it's nothing you know, no - no maps related to the case.

A: Okay.

Q: But do you remember kind of - there's the Adams Park...

A: Yes.

Q: ...I believe you were speaking about...

A: This is the park, uh...

Q: Okay.

A: (Unintelligible)...

Q: Do - yeah, yeah of course.

A: This is the park, uh, this is where th- this where it happened - let's see. So we were...

Q: (Unintelligible) kind of up the street if you're looking down to the south.

A: I'm not really familiar with the area but I can kind of see - so this would be the beginning of the area, this is parking' lot right here where we...

Q: Is that where the party was?

A: Yeah well we were like...

Q: Okay.

A: ...we were like in this area right here.

Q: Oh okay.

A: Our kids was like right here. Well, no it was little - they were comin' down the road while they was in - it was more of right here that he took off runnin' like that.

Q: So is this where - who was right there? Would you mind - you can mark it for me...

A: Okay. Okay.

Q: ...you can write all over that, you know, whatever you need to do.

A: So based on the map, De'Von, [REDACTED]

Q: Okay.

A: ...cops, cop, and it's like police cars, there's one up here and there's an SUV this one. I was literally standing here, my wife was here, my kids was still walkin' as we was tellin' 'em to come. Uh, so...

Q: So you're standing - were you standing on the sidewa- on the sidewalk or on the street or...

A: Pretty mu- it was exactly how it is, like I'm like...

Q: Okay.

A: ...I'm like off the street, my wife is on the sidewalk...

Q: Okay, gotcha.

A: ...pretty much wavin'...

Q: Okay.

A: ...the girls and I was lookin' at the situation makin' sure nothin' was happenin', um, like gettin' their hands was up at this point while I was lookin' down there.

Q: Okay.

A: Um...

Q: What do you hear? Do you hear anything?

A: As far as what they were talking about?

Q: Yeah.

A: No all I seen was...

Q: Okay.

A: ...body language.

Q: Okay.

A: And 'cause it took - it took a minute after we saw or after we heard the shots like are they really shooting?

Q: Mm-h.

A: So like we - we were lookin' - well I was pretty much lookin', I'm taller than my wife so I seen a little bit more. Um, I guess in the minute of us - so our girls got like right here, when he took off, I'm - I was lookin', my wife's tellin' the kids to go in the house...

Q: Okay.

A: ...(unintelligible) go in the house. Um, he took off then we heard pow pow pow pow pow pow pow. And he hit the ground like right around here.

Q: Okay.

A: Like I saw all of that. And our kids had just got - they didn't see the firing but they got like right here right when the shots started getting fired...

Q: Okay.

A: ...and we told them to get in the house. And we stood right here the whole time, my wife was about to go down there, I was like, "No just stay right here..."

Q: Okay.

A: ...don't get involved in that." And he got - he landed on the ground, the cops ran over after he hit the ground, was doing CPR, they cut his clothes off, ambulance came, more cop cars came and pretty much that's what happened.

Q: Do you remember how many shots you heard?

A: Seven to eight. But they could've been coming from multiple weapons.

Q: Okay.

A: So it might've sounded like more or less.

Q: Right.

A: So I - I couldn't tell you how many but I can tell you the first couple shots, like it took about four shots before we realized that they were actually shooting their weapons and I seen 'em ricochet off the ground and I was like, "Baby, they shootin'." And they prob- yeah more shots were fired after I after we realized that they were shooting.

Q: How far away do you think this is from where you were standing to, uh, to where the two men were stopped in the street by the police?

A: Mm, I'd say about 40 yards - 40, 45 yards.

Q: Okay. So fairly close.

A: Yeah.

Q: Yeah like...

A: Like I could - I could - I could clearly see them standing in the street talking, body language, but I couldn't - I wasn't close enough...

Q: Right.

A: ...to hear words.

Q: Okay. This may sound like a silly question but how did you know that was the police?

A: The police cars.

Q: Was it marked, said Police on it?

A: Yes. Yes.

Q: Okay. Do - do...

A: And they...

Q: I'm sorry, go ahead.

A: Oh no, go.

Q: And you have on a uniform, were the police in uniform, were they wearing something else or...

A: No no, they were in uniform. The only one that was not like the others was the one in the SUV, he had on a black - the black, uh, I guess you could say the black SWAT suit.

Q: Okay.

A: Like he had black - he had black cargo pants on, black vest, I guess he was being like the riot patrol person.

Q: Oh okay. So not - so their standard uniform's a blue shirt and blue pants...

A: Yeah the blue shirt, blue pants, that's what...

Q: Okay.

A: ...that's what the - the two guys in the street had on.

Q: Okay, gotcha.

A: I don't think the guy - the guy in the SUV, I don't remember seein' him get out but I - like I remember seeing him down there like he was goin' back and forth.

Q: Okay.

A: But I really wasn't payin' attention to him 'cause as soon as he took off I seen four cops in the road point and shoot. That's - that's what I saw.

Q: Okay.

A: So I - I mean it was just - and it happened fast so...

Q: Do you remember what day that happened on?

A: Mm, I - I couldn't - I couldn't tell you. It was August.

Q: Does Saturday, August 3, sound about right?

A: Yeah.

Q: Okay. Was it daylight or was it nighttime when you saw the...

A: So when the situation happened it was still day but it was around 6:00 somethin' at night.

Q: Does...

A: Like the sun - the - I mean the sun was going down...

Q: Yeah.

A: ...but I was still bright outside.

Q: Right, okay. Gotcha. Was there anybody else with you that may have witnessed what happened? You said your wife, and your wife is here with us...

A: Yeah so - yeah me and my wife, uh, the - the girl whose party we - (██████████) she was literally right here. Like she saw - she was more parallel with 'em...

Q: Mm-hm.

A: ...but she couldn't really see 'cause she only thought one - one cop shot. And me from my angle I said, "No, multiple cops shot."

Q: Okay.

A: So it's like whatever sp- uh, perspective you want to see, she was here, uh, (██████████) was out lookin' for his kids so he was walkin' down and then he ended up circlin' around this way or wherever he - wherever he went, he just got lost. And then he - I just seen him comin' back after they had everything like marked off...

Q: Okay.

A: ...and then he walked back this way.

Q: So (██████████) (██████████) yourself, your wife (██████████)

A: Mm-hm.

Q: ...was there anybody else out on the street with you?

A: I mean it was - it was multiple people here, like...

Q: In the other apartment?

A: ...the people - the people here, they had the best view of everything. Like the ones in this house...

Q: Building - okay.

A: ...'cause they were sittin' on the lawn, I can see them sittin' on the lawn.

Q: Okay.

A: There was - there was people here, like it was - it was a lot of people in this area.

Q: Okay. Did you recognize the men in the street that had their hands up?

A: No. I ha- I have...

Q: Had you ever seen them before?

A: ...never been in this area...

Q: Oh okay.

A: ...besides - no I've - I take that back, I've been over there once before with my wife and then the second time was the party.

Q: Okay.

A: But yeah, as far as anybody else in this area I don't - I don't know anybody.

Q: Okay. Is there anything I haven't asked you that you think is important to this case or what you saw?

A: Mm, I didn't see him reach for a gun at my angle...

Q: Okay.

A: ...but then again it's been a couple seconds when I looked away and then looked back. Like all I seen was - all I seen was him run from my angle that like his hands was still up but he could've been, you know, tryin' to fall or whatever but from that split second I didn't see anything.

Q: You just saw him taking off?

A: I just seen him take off. That must - that must've been right when the cop - like lookin' at the video...

Q: Mm-hm.

A: ...right when the cop walked up behind him and he took off, that's the part I seen is when he just took off and then they started firing.

Q: Okay. And you said, um, afterwards that more cops arrived and medical...

A: Yeah.

Q: ...attention was given to him and the...

A: So yeah as soon as - as soon as they shot him they like literally ran up, handcuffed him and then like after they handcuffed him then they started attendin' to his wounds.

Q: Okay. Was there anything else that happened that you think is important about what you saw, what you heard? Um, anything after the fact that you think is important?

A: I mean, uh, I heard ([REDACTED]) yelling, "You shouldn't have shot him like that. You shot him eight times in the back, you didn't have to do him like that. He didn't have a gun." And the cops was like, "No he had a gun." And - but we didn't see the gun.

Q: Okay.

A: But yeah. Like lookin' at the video from another angle it look like he had somethin' in his - his, uh, basketball shorts but you couldn't really tell. And yeah.

Q: Okay. Um, anybody else that you think we should talk to as part of the investigation? You said ([REDACTED]) ([REDACTED]) your wife, yourself...

A: Yes.

Q: ...people in this house.

A: Yeah the people in this house...

Q: Okay.

A: ...and whoever stayed in - in this area...

Q: Mm-hm.

A: ...'cause yeah, 'cause it was more - it was like there's a lot of people in this whole area.

Q: Okay.

A: But they had the be- they had the best view, ([REDACTED]) had the best view- uh, best view for what she didn't match what actually happened to me...

Q: Oh, what ([REDACTED]) said?

A: Yeah.

Q: Oh how so?

A: 'Cause she - and her - well and she kept sayin', "No he did it, on- only that one cop shot, shot him - uh, shot his gun seven times." And I was...

Q: Okay.

A: ...like, "Mm, no. I seen the ricochets on the outside hit the ground so I know more than one cop shot." The one in the middle, his

shots might've hit him but multiple cops shot." So...

Q: Okay. Well thank you very much for coming in today.

A: Yeah no problem.

Q: I really appreciate it.

A: Yeah no problem. My wife, she might give better details than I can. Uh, yeah she might be able to give you...

Q: Okay.

A: ...better details than me.

Q: You have my phone number, if you think of something that's important you can call and leave me a message, you can send me an email, you know, that happens sometimes when you really start like kind of racking your brain, you're like oh yeah maybe I should've said this or I forgot to tell you that...

A: Yeah.

Q: ...and that's perfectly fine. Um, just make sure you let me know so we make sure that we have all the information.

A: Okay. Yeah and then like what I said at the scene and then after watchin' the video it's kind of like meshin' together...

Q: Yeah.

A: ...so I can't really give the detail that I actually seen because the video is in my head too so I said I seen this but then from the video angle I seen this as well. So...

Q: I understand, that happens sometimes.

A: Yeah.

Q: I understand. But, uh, it's important that you came in and you told me what you do remember...

A: Mm-hm.

Q: ...that's important and I appreciate it.

A: Yeah no problem. Oh, do I gotta wait?

Q: No.

A: Oh.

Q: No, (unintelligible). I'll get you back out (unintelligible) no you don't have to wait here. Sorry I took so long, I just got back from court.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

Report of Execution

IN THE COUNTY COURT IN AND FOR THE COUNTY OF
EL PASO AND STATE OF COLORADO

CRIMINAL PROCEEDINGS NO. 19-1846
Search Warrant #19-11348
Report of Execution of Search Warrant

RECEIVED

SEP 20 2019

CLERK'S OFFICE

On August 7, 2019 a Search Warrant was issued by the County Court for El Paso County and State of Colorado directing that a search be made of the following described premise, location or person: [REDACTED]

And on or around August 7, 2019, Detective Huston, as one of the persons authorized to conduct such a search and seizure did serve the Search Warrant. Detective Huston did conduct such search and the following items were received and seized: one document containing 865 pages of data for Facebook account [REDACTED] and one document containing 149 pages of data for Facebook account [REDACTED]

The undersigned does further inform the Court that if property was seized that the person from whose premises the items were taken was furnished with a copy of the search warrant as well as a copy of this inventory of the goods seized.

Done this 20th day of September, 2019



Detective Lisa Montville

EL PASO 120219

Supplement 20190920 1100 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 20, 2019, at about 11:00 a.m., I, Detective Montville was conducting follow-up on this case. On this date, I filed a Report of Execution with the Clerk of Courts for Criminal Proceedings number 19-1846.

A copy of the Report of Execution is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

Supplement 20190916 Bethel, Jessica 07088

Case Number: 19-11348

Date Occurred: Monday, September 16, 2019

Deputy Jessica Bethel # 07088

This is a supplemental narrative to Case # 19-11348 Supp 1
Thursday, September 19, 2019

On Monday, September 16, 2019, I, Detective J. Bethel of the El Paso County Sheriff's Office (EPSO) Investigations Division, assisted in the investigation of an Officer Involved Shooting. The lead Detective for this case is Detective Lisa Montville.

Detective Montville asked me to complete a canvass of the area of 1520 S. Chelton Rd. to look for surveillance cameras. She told me during her investigation she received an investigative lead from NIBIN, which suggested the gun Devon Bailey had in his possession when he was shot was used in another shooting which occurred on July 21, 2019 at Van Diest Park in Colorado Springs, CO between the hours of 2:00 pm to 2:30 pm.

1520 S. Chelton Rd. is the address of an apartment building (Park View Apartments) which is located across the street from the park. At approximately 10:55 am, I responded to the area and checked buildings and windows for cameras. I checked all apartment complexes within the immediate area of the park which might have a view of the shooting. I did not locate any cameras in the area. I informed Detective Montville of my findings.

I have nothing further at this time.

Case Status: SAO

Supplement 20190912 0830 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 12, 2019, at about 8:30 a.m., I, Detective Montville was conducting follow-up on this case. On this date, I asked the El Paso County Sheriff's Office Crime Analyst Unit to assist with identifying two potential witnesses; [REDACTED] and [REDACTED]. Their last names were unknown at the time of my request.

At about 8:50 a.m., I, received an email from Crime Analyst Angela Gillispie. Gillispie stated the two potential witnesses may be [REDACTED] and [REDACTED].

Nothing Follows.

Case Status: ACT-INV

Supplement 20190910 0830 Thompson, Andrew 02060

CASE: 19-11348/ Assist Outside Agency

DATE: September 10, 2019

Detective: Andrew Thompson

On Tuesday, September 10, 2019, at approximately 8:30 AM, I, Detective Andrew Thompson #02060, with the El Paso County Sheriff's Office, Investigations Division, contacted [REDACTED] at telephone [REDACTED]. I explained to Ms. [REDACTED] that I was interested in performing an interview with her [REDACTED], [REDACTED] (identified as a possible witness in this case), in reference to the Devon Bailey shooting.

Ms. [REDACTED] explained that her [REDACTED] is primarily a Spanish speaker, and would benefit from an interpreter. I explained that I could arrange for an interpreter to be present during an interview. Ms. [REDACTED] stated that she had to go to the county courthouse to file some paperwork, and would call me when she was finished in order to coordinate a time for the interview.

I did not receive a follow-up call from Ms. [REDACTED]

On Wednesday, September 11, 2019, at approximately 8:15 AM, I called Ms. [REDACTED] again. She stated that she wanted to talk with her mother and would call me back. As of this date, September 17, 2019, I have not received a return call from Ms. [REDACTED]

I have no further information to provide at this time.

Case Status: Active

Supplemet on Facebook returns

I, Sharane L Gordon, EID# 14098, was assigned to Investigations on Tuesday, September 10th, 2019. Investigations is located at 27 East Vermijo Ave, Colorado Springs Co, 80903.

I was tasked with reviewing Facebook returns on [REDACTED] and [REDACTED]. I reviewed all information presented to me. I did not find anything of evidentiary value.

I have nothing further.

Supplement 20190910 Gordon, Sharane 14098

I, Sharane L Gordon, EID# 14098, was assigned to Investigations on Tuesday, September 10th, 2019. Investigations is located at 27 East Vermijo Ave, Colorado Springs Co, 80903.

I was tasked with reviewing Facebook returns on [REDACTED] and [REDACTED]. I reviewed all information presented to me. I did not find anything of evidentiary value.

I have nothing further.

Evidence Voucher for item number 73

El Paso County Sheriff Property Invoice



Case Number: **2019-00011348**

Submitting Deputy: **Montville, Lisa 01060**

Barcode	Item #	Item Type	Description
 1148814	73	CD/DVD(s)	Serial #: Mandatory Info: Evidence ONE CD CONTAINING TWO FACEBOOK DOCUMENTS FOR [REDACTED] AND [REDACTED] FACEBOOK ACCOUNT Evidence entered: 09/20/2019 Current Location: Evidence Facility Intake Lockers
Collected by: Montville, Lisa 01060 Recovery Address: 27 EAST VERMIJO Homicide #:			

EPSCO
12/02/19

Supplement 20190920 1000 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On September 20, 2019, at about 10:00 a.m., I, Detective Montville was conducting follow-up on this case. On this date, I placed a copy of the Facebook documents received by Detective Huston for search warrant number 19-1846, into the El Paso County Sheriff's Office Evidence Facility under item number 73.

A copy of the evidence voucher is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

19-11348 Transcripts of [REDACTED] [REDACTED] interview

INTERVIEW WITH [REDACTED] [REDACTED]

Q=Det. Jennifer Arndt

A=[REDACTED] [REDACTED]

Q: Did you miss me at least

A: Oh of course, when you called I was like ah, what's goin on now. ([REDACTED] was just like, "Oh." And then he ba...

Q: Yeah, 'cause I...

A: ...text me and I was like I don't know this person.

Q: ...called you first and then - and then him, so...

A: Mm, he's like and...

Q: I'm like someone will eventually answer their phone.

A: We can't have our phones during the day. So only when we're...

Q: Well, and I know. I - I figured eventually somebody will get it.

A: Yeah.

Q: Wasn't too concerned about - okay, so, you know you're here for what you're here for.

A: (Devon Bailey).

Q: (Devon Bailey), um, you just a reminder you're in a audio video recorded room.

A: Okay.

Q: You're not here under custody - under anything like that. You're free to leave at any time.

A, Okay.

Q: But, I know you - this is a different case so can you give me your full name and date of birth again?

A: [REDACTED]

Q: I need a pen. And a date of birth.

A: [REDACTED]

Q: And are you still livin' at the same address?

A: Yes, ma'am.

Q, Which is?

A: [REDACTED]

Q, Okay. Still workin' for air, uh, air - air force, right?

A: Army.

Q: You're army but you're stationed at Peterson.

A: So we're both on Fort Carson now.

Q: Oh, you moved to Fort Carson?

A: Yes, ma'am.

Q: 'Cause you were at Peterson before, right, or...

A: No, they were kinda, like, doin' a switch. I go to building, like, meetings at - on Peterson for space brigade...

Q: Oh, okay.

A: ...'cause we're both in space. But, working - working home office is on Fort Carson.

Q: Oh, okay. And telephone number again.

A: [REDACTED]

Q: I still have your text messages from, like, the last case, so, I'm like...

A: You're like too soon.

Q: I'm like goin' - I think I still go through PTSD on that - when like...

A: When that happened and the girls - 'cause we were at a birthday party. I was like we can't fuckin', like, they had just got back. And I...

Q: I was - I was, like, I was thinkin' when your kids - I - this was the first time I've heard your name come up was today and I'm, like, I know them. And...

A: We try to stay out of the spotlight. I was, like, if they need me, like, we'll head for there but...

Q: They're just want you and I to just continue to be friends throughout these. We'll - we'll work this out. Okay, so the day this happened tell me what you know.

A: So, um, August 3rd, the [REDACTED] - we're both from El Paso... Uh, we were at her daughters...

Q: El Paso.....

A: Uh, Texas.

Q: Okay. 'Cause we're in El Paso.....

A: I know.

Q: ...so I'm like...

A, And it's so weird. From El Paso and I'm living in El Paso County.

Q: But you knew her from El Paso, Texas.

A: We had the same friends and they, um, gave me her information, um, for tattoos.

Q: Oh, okay.

A: So we all grew up with around - we're same friends. I didn't know her personally until I got here and so she's done a couple tattoos for (██████████) and I. And the girl that I deployed with - actually (██████████) the one that picked up our kids.

Q: Okay.

A, They're real close friends. Their daughters all hang out. Our - all of our kids 'cause she has three girls. My friend (██████████) has a daughter and then I have the three girls. So they always hang out and (██████████)'s was having - which is her (██████████) - (██████████) - god damn it - (██████████) or (██████████) year old.

Q: And that's (██████████)'s kid.

A: Yes.

Q: Okay.

A: Her middle child was having a (██████████). So we had came over for her (██████████), um, I made (██████████) come. He did not wanna come. But I was, like, family function - girls - yeah. And, he wanted to stay home and watch TV. He was like I'm relaxin'. I was like (██████████) - family time. And, um, while we were there, um...

Q: Where was the (██████████) at?

A: So, off of (Fountain). I have her address, like, I know how to get there I just don't remember...

Q: Was it at her house?

A: It was at her house.

Q: Oh, okay.

A: Which is - it's, like, apartments but it's, like, townhome apartments kind of. Just, like, the one story...

Q, Right next...

A: Yeah, so that's - it's her apartment and then, like, three or four other little apartments...

Q: Okay.

A: ...right next to a school. I think it was called Evans.

Q: Okay.

A: Um, be we were at her house for the (██████████) um, we had been there maybe about a hour goin' on two hours.

Q: Do you remember what time you got there?

A: So we didn't get there at the time of the (██████████). Got there a little later - let me see. And she lives on (Press) Road.

Q: Okay.

A: So I text her at 15 - so we were on the way to her house at 1525.

Q: Okay.

A: So 3 and 25. So we probably got there a little bit before 1600.

Q: Okay.

A: So we were there for a little before everything happened. Um, kids were all outside playing. So their oldest is 12. She had like two or three kids over her age. Then all the other kids were there. I think there was two little boys and the rest were all girls ranging from my 3 year old to 12 year old. Um, maybe about 10 kids 10 - 12 kids. Not too many 'cause they were in and out and some of the kids - most of the kids lived around there.

Q: Were they playing in the front - in the back?

A: So, they were in the house playing. Then they were outside, um, they were also going down - back and forth to the park right down the street which was less than a hundred meters to the school.

Q: Okay.

A: Um...

Q: So when they were playing around outside the house was it in the front of the house or in the back of the house.

A: So when they were playing outside it - so when you come out of her house it's just the front area. The backside's another apartment complex.

Q: Oh, okay.

A: So you

Q: I don't know the area, so.....

A: Okay.

Q: ...I'm, like, I'm El Paso County so if I have discussions and I don't know the area very well.

A: And so the apartment complex, like, if you walked out her house she has a little table where we all sitting and then the little girl was up here. So they all had, like, one little area. And then there was a parking lot as their, like, a group parking lot for everybody...

Q: Okay.

A: ...that lived in that little complex. Um, and it was a corner house so right when you turn on their street it's the first little complex just sittin' right there. And I think they got, like, three or four complexes before you get to the school.

Q: Okay.

A: Um...

Q: Thank you 'cause I'm, like...

A: You're fine.

Q: ...its city I don't know much...

A: It's a very - very small street, like...

Q: All right.

A: ...when I first pulled up it reminded - it flashbacks of being in El Paso, Texas, 'cause I was, like, oh that's a neighborhood kinda like I lived in. And I told her that when I walked in I was like did you come back to El Paso.....

Q: Is that the first time you've been to her house?

A: No - no - no I had been to her house maybe three or four times in the past.

Q: Okay.

A: Um, we had literally had been over there maybe a week or two prior. () had ended up getting a tattoo from her too. And both her husband and my husband are both from Georgia so they clicked. That's why I was making him go too. 'Cause I - he was the only other guy besides her husband. Um, the kids were coming back - my kids were coming back from the park when we noticed all the cops taking off. Um, that's what triggered us 'cause we were all sitting outside as they were walking back and forth, um, playing. We seen two cop cars, like, flee by and I took off running. I'm very paranoid person - especially after everything. I took off running and they - they're like what. And I was like cops - there's a bunch of cops. And when we got up to the street maybe a little bit longer then this room took me to get from where sh- we were sitting to the end of the street. It's not that far. Um, got to the sidewalk. My babies were coming in. They knew they can't stay out that long - it's only a little bit of time that they can play and come back. I need visibility of them. And, um, ()'s yelling at me 'cause I'm running towards them. He's like, "No you guys just come over here." And I'm yelling, "Get over here closer. 'Cause at this time two cop cars had pulled up by the time I got to the corner of the street two more pulled up and then a SUV type vehicle. Um, they were talking so not too - too positive on the placement of the vehicles but the street...

Q: You wanna draw it?

A: Yeah.

Q: There you go.

A: So the street curves and this is - is us coming into her house and it curves.

Q: So is her house on this side over here?

A: So her house - if I'm comin' off of (Fountain) - (Fountain)'s over here somewhere. I mean, like, you turn in and, like, turn in. so this would be, like, me turning in. Her apartment - this -- sorry my drawing is horrible. So this would be, like, the corner of the street. And this is where she - she's on the corner.

Q: Okay.

A: So, this will be, like, (Fountain). It's not too far from it but she's here, um, there's mailboxes right here. And those where the kids were standing here. The cop car was parked here almost a little here - here - SUV here and I'm not positive if the car - if there was one in front or behind but those are, like, the (unintelligible).

Q: So, these are the - these are the cop cars. Can you put, like, c for cop cars. And then, um, that one where you put the s - the - just like s for SUV.

A: Mm-hm.

Q: Okay.

A: Um, so my babies are walking up and so we were here yelling at - and the park is, like, the street turns - this is a longer drawing but this is the school and this is the park where they were at.

Q: Okay.

A: So, they - little sidewalk, um, they're coming back. The cops are here. When we got up to the street I wanna say -

Q: So let me go get a map so I can see it better.

A: Okay.

Q: Is that okay?

A: Yeah.

Q: All right, I'll be right back okay.

A: I can even try to pull it up on google maps.

Q: Yeah, if you want...

A: Okay.

Q: ...let me try and see if I can get a map. I'll be right back okay.

A: Okay.

Recording: 10 West on East (Vermino) Avenue toward South (Cascade) Avenue then turn left on South (Cascade) Avenue.

Q: Yeah.

Q: All right, let's try this. I love my, um...

A: I know, I'm sorry.

Q: Tryin' to - tryin' to figure out what's that area I don't drive or know it's kinda hard.

A: So this one is hers and we're sittin' right in here.

Q: So which one's hers?

A: Um, this back one right here.

Q: 'Kay, put an x there for me. Okay, and you're said - okay got it.

A: So, that's why I was like this street is kinda...

Q: I, okay, yeah, I'm getting' the turns here.

A: Yes.

Q: Okay.

A: All right.

Q: So...

A: We're standing here watching them.

Q: Are the cops where?

A: SUV - cop car - cop car - (unintelligible), um, there was four of us. Um...

Q: You think there was, like, four cop cars and one SUV?

A: Yeah, so, in - in my mind from remembering it...

Q: Okay.

A: ...there was four cop cars and one SUV. But everything (unintelligible).

Q: Yeah.

A: Um, it's - it was and it's two on both sides so I'll just put right here - tryin' to remember. But what I was remembering is mostly the SUV 'cause the SUV - they were in front of the SUV the whole time talking to those kids.

Q: Okay.

A: So come to find out (Devon) and (Lawrence) I believe it was the other little boys name and, um, so we're standing here watching it. It's not too far away from us.

Q: About how many feet would you say you are from them?

A: Um, I was a little bit more back. (REDACTED) was a couple feet in front of me but no more than in between 25 and 50.

Q: And 50 or 15?

A: 50.

Q: Like, 5-0 - 25 and 5-0?

A: Yeah.

Q: Okay.

A: Like, feet.

Q: Yeah. I just wanted to make sure I didn't hear 15 or 50. Okay.

A: Um, I mean that's - that's what you would (unintelligible) right, like, less than 25 meters.

Q: Meters or feet?

A: Meters. My bad.

Q: Meters and feet are different.

A: Um, I'm tryin' to think of, like, to me this would be, like, a hundred meter dash.

Q: Okay.

A: And they were less than halfway.

Q: Okay. So about, uh, 50 meters.

A: About.

Q: I mean if you need meters then use meters.

A: Okay.

Q: Just let me know which - which, uh, system I'm supposed to use.

A: Well, about meters.

Q: Okay, cool.

A: Um, so from watching what happened it's looking at (Devon) and (Lawrence), the cops and talking to my kids 'cause we were telling the girls to get inside.

Q: All right.

A: At - all the kids were everywhere running around playing, um, the boys had been there. I'd seen 'em earlier. Not sure when or exactly when.

Q: The boys as you mean is (Devonte) and (Lawrence)?

A: Yeah.

Q: Okay.

A: But we - we seen kids walking around and I think it was the same one. I'm not 100% sure.

Q: Okay.

A: But weren't engaged. We were walking back and forth to the park watching our kids. Um, but when the cops pulled up I - I'm pretty sure they were the ones that were there the whole time just walking around hanging out. 'Cause I believe they were somewhere hanging out in here.

Q: (Devon) and (Lawrence) were hanging out in there?

A: Yeah.

Q: Okay.

A: I believe they were. Um, when they pulled up they - they were walking across the street. The cops stopped, um, were talking. I didn't see anybody violent between the cops and the boys. Nobody was yelling. The person I heard the most was me and my kids. And I was the one yelling, like, "Get inside - get inside. I don't know what's going on." Um, my husband saw them put their hands up. I did not see them put their hands up. By the time I looked up everybody was talking. I saw (Devon) start turning and actually facing the cop, and he was kind of a little separated from (Lawrence) at the time. And they were talking. I looked back down and when I looked up he pivoted to the right and took off running. When he took off - took off running in slow motion in my mind -- maybe 'cause we were so freaked out about what was going on -- no hands were up when he took off running, so when he turned to run maybe about four -- that was mine, I'm sorry...

Q: Okay.

A: ...maybe about four to five steps before they started shooting. I didn't hear, "Stop." I didn't hear - I didn't hear anything from the cops. Now watching the video, yes, you hear them yelling and running. But during that time I didn't hear yelling. All I heard were the weapons pulled. And when I tell you every single cop had their weapon out, everybody drew their weapons once the first gunshot went off. And it sounded like we were on a range.

Q: So when you first - when it - when it happened you don't remember hearing the yelling, but you have now since seen the video.

A: Mm-hm.

Q: The body cams and all - what the news released, okay.

A: Yeah, so yeah, so we, I mean, we followed everything. Um, just watching it.

Q: Mm-hm.

A: It - it shows the cop saying, "Put your hands up - put your hands up." I don't remember that. If he said that it wasn't loud enough for us to hear it that close.

Q: Mm-hm.

A: 'Cause I don't remember that. Um, I do remember him turning around and taking off running. We were watching him run. By the time he hit - (Devon) hit right here...

Q: Mm-hm.

A: ...'cause it was right before I think his body started turning, um, I already started hearing shots fired. Now...

Q: So you think (Devon) was right here when you started hearing the shots fired. Okay.

A: And he dropped right as he was turning.

Q: Okay.

A: Um, it all happened really fast. Now I did see the first - I don't know if it was the first two or not, but I did see two bullets hit the ground. That was bearing straight at him in the bullet's line. Two bullets hit the ground and I seen a couple hit him. I know at first everybody was like, "Oh, he got shot seven times in the back." No, more than seven shots were fired. Like if they look at all the ballistics more than seven shots...

Q: Do you remember how many shots you think you heard?

A: No, 'cause I think more than one gun was probably going off at the same time.

Q: Okay.

A: Um, I don't know pos- I'm not positive. I know around there that I ac-- no, I'm not gonna say that.

Q: But you - you say you saw at least two bullets hit the ground.

A: I did.

Q: Okay.

A: And I seen a couple of 'em hit him. Um...

Q: Is that your phone or mine phone?

A: It's mine.

Q: Okay, mine's only got like - we both have that buzzing, I don't know.

A: I got the camera thing for the house and I think that's what going off.

Q: Oh.

A: (Unintelligible) move. Now I'm paranoid (unintelligible).

Q: Yeah.

A: But, um, I know that day we were saying about six shots that we heard, but if you're shooting more than one weapon at the same time there's no telling how many's actually going off. Um, I know after they shot him they ran toward him. Um, to us where we were standing he was down. He wasn't reaching for a gun. Even when he took off running it didn't look like he was reaching for a gun. Um, it looked like they were stripping him, all of his clothes. I know my friend was walking around, up and around and yelling at the cops at the same time saying, "You didn't have to do that. You didn't have to shoot him."

Q: Who was that?

A: (REDACTED)

Q: Okay.

A: So her and her husband were a whole lot closer than my husband and I.

Q: So you - you were - you were back here.

A: Yeah.

Q: Did you ever leave from that - from over here...

A: No.

Q: ...from back here?

A: No, and my husband was a little closer.

Q: Okay.

A: And I wanna say that (REDACTED) and her husband were standing about right here.

Q: Right there, like closer to the SUV?

A: Yeah, well, closer to that cop car.

Q: Okay.

A: So they were about next to the cop car. 'Cause I think the mailboxes are like in between here.

Q: 'Cause this is the SUV too, right, so...

A: This is the SUV, yeah.

Q: ...they were, yeah, over here.

A: Yeah.

Q: I guess (unintelligible) that one, okay, all right. But you never moved from over there?

A: No.

Q: Okay.

A: I was behind here the whole time.

Q: Or I mean, there.

A: 'Cause I'm - I'm getting my kids inside the...

Q: Oh, yeah.

A: Well, yelling at them, "Get in." Um, I seen - after the shots were fired two moved forward. One guy ran back to the other vehicle...

Q: Mm-hm.

A: ...and it wasn't at - like at the curb, it was a little offset, but he ran back to the vehicle. Well, nope, so one ran to this vehicle first and then another ran to another vehicle. But a second vehicle that I seen him run back to he pulled out a red bag. I don't know if that was like the first aid kit or something, and then they threw it up there. But the first time they ran to the vehicle 'cause they were all standing in the street. He ran to his vehicle, ran up then ran back and then ran up. A Hispanic guy.

Q: Okay.

A: Um, after he was shot they - we watched them handcuff him. Well, they took his clothes off, handcuffed him. Um, it happened fast. They started charting him. And my husband's like, "They got him on his side. Maybe they're trying to help him." But literally it was like a roll over, and they started trying to do CPR. And maybe five minutes after the shooting the ambulance showed up and came and got him.

Q: So after the shots fired, the one ran back got the bag. They quickly...

A: I don't know what he took out of the (unintelligible)...

Q: ...(unintelligible) first vehicle. And then one got here, got a bag...

A: Yeah.

Q: ...threw it up that way, a red bag, we don't know.

A: Mm-hm.

Q: And you saw them do - trying to do CPR at the same - at the same time?

A: Um, after he threw the red bag, maybe about a minute later...

Q: Okay.

A: ...they turned him around to do CPR.

Q: Anything else about that time - that day that stands out to you?

A: I mean, I don't think the shooting was justified.

Q: Um...

A: Besides that

Q: ...did anybody talk to you that day?

A: One of the cops did. Um, more cops ended up showing up and I don't know if they switched out the original cops with different cops.

Q: So, um, well, the shooting involved CSPD and because it involved CSPD, that's El Paso County, that's why I don't know the area, we do the investigation (unintelligible).

A: Okay.

Q: So that hopefully, you know, what they try to do is say, hey, we don't want, um, that same agency. We want somebody that's not part of it to investigate it.

A: Um...

Q: So you may have seen some of us show up, I don't know.

A: Maybe. I'm not sure. He was really, really, really nice. Like one of the nicest that were out there that came to talk to us. He walked over and he was just like, "Did anybody witness it?"

Q: Mm-hm.

A: He talked to (REDACTED) first then he talked to me.

Q: Okay.

A: Um, he got our statement that night. A couple nights later, I'd say - say about a week, the same week that the bodycam came out, I finally met with, um, (Devon) and their attorney.

Q: Uh-huh.

A: Um, their family wasn't too happy with the fact that we said that we weren't going to go to any these protests. I was like, "I'm not a face for you guys, but I will go to anything that you guys need me to do." 'Cause I - I don't think it was justified from how it happened, especially just coming back from Afghanistan, it was - I've seen cops run after people. When everything looked - just looked like in slow motion, not one cop in my eye moved when he took off running. Weapons were drawn and they started shooting first without doing anything. They were - he wasn't armed.

Q: So when he started running did you - did you see them run after him before the shots were...

A: No.

Q: You...

A: Shots were fired first and then running.

Q: Then running, okay - okay.

A: And there was -- like I said maybe I'm just delusional -- but I believe that there was four cops out there. And then I wanna say one in the SUV. I don't know if he was in all black or not, but I believe he was there.

Q: Was the SUV, was it like an all-white SUV? Did it have any markings on it? Did it...

A: So I thought it was a black SUV...

Q: Mm-hm.

A: ...but it was an all-white SUV. I'm just color blind and I don't see, but yeah, I know it was an SUV though.

Q: It was just an SUV. White, black, not really sure at the time?

A: Yeah.

Q: Okay. Um...

A: But I know it was a cop car.

Q: How do you know that one was a cop car?

A: They all pulled up right after each other.

Q: Did the guy that got out of the SUV, was he wearing a cop uniform?

A: No, he was in an all-black uniform I believe.

Q: Okay.

A: He was the only one that looked different from the rest.

Q: One of these aren't like the other.

A: Yeah, and I think that's what stood out and the fact that...

Q: Okay.

A: ...they were questioning the boys in front of that.

Q: In front of that.

A: Yeah.

Q: Okay, and then so at the same time you were focusing also on your girls, trying to get them back in.

A: Right.

Q: And so you diverted on and off...

A: Yes.

Q: ...at times, right?

A: So that's why them people were like, "Oh, the boys had their hands up." I didn't see their hands up. I - well, even one of 'em. I guess I looked away for that moment. And then when I looked back up he was already turning around to take off running.

Q: Okay.

A: But I didn't hear any yelling, screaming. Nobody was being disrespectful and (unintelligible) during that timeframe. I think he was just scared and took off running.

Q: Okay, all right. Let me see if anybody else has any other questions.

A: Okay.

Q: Because I'm kind of coming late in the game. I haven't been part of this whole investigation, um, so I'm - don't know, make sure I'm not missing anything. (Unintelligible), uh, Detective (Mottville) who you met, she's actually the - the head of the investigation on this one.

A: Okay.

Q: Um, not me. I just do gonorrhoea I guess, I don't know. Um, can you do me a favor and sign and date that for me that that is, um, what you wrote on, please? And on this one too. Do you have any questions for me?

A: Um, no. I just really - I'm still traumatized from the situation.

Q: Mm-hm.

A: Being a mother and watching that and especially being military and knowing the training and stuff that we get it's - I - I can't explain what the cops go through. And I don't - like I said before, that's why I didn't wanna go into any rallies or anything else, it's not cops against people, it's sometimes you have to make a decision regardless if it's the right or the wrong decision. I'm just traumatized that I saw it, and I'm just glad my kids didn't see it.

Q: Yeah.

A: We had kept them away at the time. Um, I do know my friend ([REDACTED]) her kids were still up in the park during the time of the shooting, so she was more agitated than I was.

Q: And besides ([REDACTED]) do you know -- and her husband -- was there anybody else that you know that witnessed it?

A: Um, I believe one of these two. An old lady was outside and a man was outside. It was maybe like six of us. I don't know them. They said they were outside. But they were closer down here...

Q: Okay.

A: ...then we were. Um, today's the 16th?

Q: Yeah. And then this one too since you kind of drawn that. Anything that you draw on video I gotta put into evidence, so it all becomes evidence. Okay, all right. Anything - any - yeah, if there's anything you want me to know? I don't wanna...

A: No, I mean...

Q: ...make sure that...

A: I think that the important part was how it - not necessarily how they got there 'cause we weren't there for how they got there, just the setting of the situation, knowing how close (Devon) and (Lawrence) were to the cops. The fact that could have actually grabbed them or did something else, ran after them. I - to me that's the important part from all of it. And granted, he shouldn't have ran, but I think that they could have did another tactic. From us being in that neighborhood I wasn't scared and I don't believe ([REDACTED]) and ([REDACTED]) were scared or ([REDACTED]) that that boy was gonna take his gun out and start firing in that neighborhood. But then again I don't know what's going through (unintelligible)...

Q: Have you ever met (Lawrence) or (Devon) before?

A: No.

Q: Um...

A: I don't know them.

Q: You don't know them? Okay.

A: No.

Q: Um, okay.

A: I know they hung out in the neighborhood only from everybody else saying that they hung out and especially when people came and we described who it was they know exactly who it was.

Q: Did - when you guys did anybody - did anybody say, "Hey, I know those kids"?

A: So, um, right after the shooting, um, I want to say the ambulance had already came, a couple a people started, um, showing up going on Facebook Live asking questions and we were trying to dodge a couple of 'em, but one of 'em was just like, "Do you know what he looked like?" And when we started explaining, one of them was like, "Hold on. Let me call somebody and find out if this is this person." And sure enough, it ended up being him. Um, I guess (unintelligible)...

Q: Did ([REDACTED]) or ([REDACTED]) - ([REDACTED]) is her husband, right?

A: Yes.

Q: Okay. Did, um, they know h- (Devon) or...

A: I don't think personally.

Q: ...(unintelligible)? Okay. Um, did you hear any of the conversations after the shooting?

A: It's just...

Q: As far as like between the cops or anybody out there.

A: So, most of that road was blocked off.

Q: Okay.

A: We didn't end up leaving 'till almost midnight, but I didn't know we were allowed to leave until people started leaving, um, because it was all a crime scene. I thought we all had to stay there or something. But after () and () talked to the c- nope. The, um, press maybe around 10:00, 10:30-ish, we started getting the girls ready and all (unintelligible) we gotta go, so we left going on midnight. Um, so we heard a lot. Pretty much sat outside listening to people. Most of 'em all came after. Ninety percent of all of them came after. Um, they were just riled up...

Q: Mm-hm.

A: ...of the situation. Most of 'em were talking about past experiences. Um, other people were talking about just the p- police brutality, um. Some lady said it was - she was (Devon)'s mom and it ended up finding out when I talked to (Devon)'s mom at the church and we were talking to the attorney, it wasn't his mom and his grandmother, um. I don't know who the lady was, but the lady was with his I guess baby mother. There was some girl out there...

Q: Oh.

A: ...saying that she was a couple a months pregnant with his baby.

Q: With his baby?

A: And that lady I mean she was hysterical. She went past the line. They tried to put handcuffs on her and they released her. Everybody was like getting riled up.

Q: Oh, I think I saw the video on that one.

A: Yeah. So it...

Q: I think I saw that on...

A: I think they were...

Q: ...Facebook or something.

A: They were acting out more than they should of. At this time, I think more people just wanted answers to find out what happened, but they - they all showed up later and they didn't leave until around 11:00-ish.

Q: Um, okay. All right. Let me go see if there's any other questions. I'll be right back, okay?

A: Okay.

Q: Thanks, ()

A: No problem.

Q: I'll go find some gonorrhoea for ya.

A: Please don't.

Q: It's gonna be a long time (unintelligible). One quick question before you - we leave.

A: Mm-hm.

Q: And then you're done. How do you know they were cops?

A: Which ones?

Q: The ones you said they were talking to (Devon) and (Lawrence). How do you know they were cops?

A: They were in cop cars.

Q: What were they marked? Did they say something?

A: Probably.

Q: Do you - okay.

A: I didn't read it.

Q: You didn't read it?

A: No.

Q: What - were they wearing uniforms?

A: Yes.

Q: Um, did their uniform say anything? Like what made you know that they were actually cops?

A: Well, when I seen the cop cars pass by the house...

Q: Mm-hm.

A: ...I knew they were cop cars and then they were all parked outside talking to them, so I'm assuming they were cops because of the cop cars. Um, from my angle, it was me standing here. Say that's the SUV.

Q: Mm-hm.

A: Everybody's in front of that vehicle.

Q: Okay.

A: So I can see heads, maybe shoulders and heads.

Q: So - okay. So you couldn't see like their whole bodies?

A: No.

Q: Okay.

A: So I don't - I don't have a full image of watching everybody from head to toe.

Q: Okay.

A: Now, maybe my husband does. I did not. So as I'm watching everything up here, that's why I was like, "I didn't see - like especially when they put their hands up or anything, I didn't notice that. Now, when I did see him turn and run, I did see that and then that's when I seen the full body of (Devon).

Q: Okay, okay. So you just saw their cop cars?

A: Yeah. White cop cars. I don't know. Blue uniforms. I don't...

Q: Blue uniforms?

A: I don't even know if it was blue uniforms honestly 'cause I - I just know that they were cops. I mean I hope they were cops driving a cop car. I know that sounds (unintelligible)...

Q: Unfortunately, you know, that part is like hey, I need to make sure that you - you - that you knew - you know, if you saw 'em like hey, they're marked. They're wearing this. They're wearing that.

A: Yeah.

Q: So if I come across, you know, I know that they're police because I know the uniform or they say something or whatnot, so...

A: I was not close enough to read anything on their uniforms. I could a looked at a vehicle. Um, I have videos. Maybe I can...

Q: Videos of that day?

A: Later on. Yes, ma'am. Maybe I should a said that earlier, huh? Um, I think I was more when everybody was riled up.

Q: Oh, after - after the fact?

A: Yeah.

Q: Okay.

A: Everybody was, "Get your phones out." Nothing was posted though I don't think. Not from me anyway. One thing was...

Q: I'm gonna ask it - would you mind if - if Detective (Montville) wants those after videos, would you mind if she got those?

A: No. All right. So, that is a (unintelligible). So that was one and that was right after.

Q: Okay.

A: (Unintelligible).

Q: Did you take that picture?

A: Yeah.

Q: Okay.

A: But then the (unintelligible). These were actual videos. That was later on. So that you really can't see too much.

Q: Yeah. It's all black. The other picture was too dark.

A: Yeah.

Q: I see dark.

A: (Unintelligible). So I just got an iPhone. I - I'm an iPhone girl and he made me an Android and now I don't know how to use the iPhone.

Q: You mean Android?

A: Huh?

Q: You said I'm an iPhone girl but now you don't know how to use the iPhone.

A: Yeah, 'cause...

Q: Oh, that - that's an iPhone?

A: Yeah. He made me use...

Q: So you went to Android and now you're back to iPhone? Oh, okay.

A: So I'm like...

Q: I'm catching up with you, [REDACTED]

A: So this is slow. Kinda how the cars were. By that time, as you can see...

Q: Is that about where you were standing?

A: Yes.

Q: Okay.

A: But there was, um - so I kept saying (unintelligible) so this car - this SUV was in the street but he ended up moving it over afterwards.

Q: Okay.

A: But you see how the cop car's up here? My notifications just went off. So it was - they were spread out, the cop cars.

Q: All right. Can you send that picture to my email?

A: Um...

Q: Do you remember my email?

A: Yeah.

Q: Do you have it like memorized it yet?

A: It will pop up because my phone remembers. My email remembers. At first, when that - that - they go on my (unintelligible) my mom (unintelligible) deletes everything.

A: Okay.

A: Now make sure - two are popping up for some reason.

Q: Oh, p- remember 'cause you did it wrong at the - one of the times, so the top one - the red one...

A: Okay.

Q: Yeah. You forgot the CO one time, remember, when you were sending something to me? Oh yeah. I remember what it was.

A: Okay. (Unintelligible). All right. Now more pictures and videos would have to come from I guess [REDACTED] and [REDACTED] Um, [REDACTED]

Q: I just want the ones that you took.

A: Yeah. That's - that was - I can send the videos, but I don't - I don't know if you're really gonna see much on them.

Q: That's fine. Go ahead and just send me the videos.

A: Oh, this is a horrible one for me anyway.

Q: Why?

A: Um, I call her my sister, but she is a - my mom's friend. Um, she lost control of her bike in a four-way intersection (unintelligible).

Q: Motorcycle or a bicycle?

A: She was on a bicycle. She was 13 for 12 days.

Q: Oh.

A: Her birthday's August 5 and she died on August 17, so...

Q: Oh, I'm sorry.

A: Um, she (unintelligible) live with us. She was really, really close. She was like my older sister. I was young, so I don't like the month of August.

Q: It's just sense of time?

A: Yeah. To me it's like everything bad happens in August. And this was - not only did this happen, but I believe two kids from my old brigade ended up passing away the same weekend.

Q: Oh.

A: And it was a long month. (Unintelligible).

Q: Hey, let me give you my card again.

A: I have it in my purse.

Q: Oh.

A: Yeah. I just told (redacted) because I was like, "Uh-oh. What's going on now?" And that's when he's like, "Nothing." I was like, "It's just weird that she's calling." He's like, "She's probably like they're only going to listen to me 'cause I was the only one that listened to them, so..."

Q: Yeah. I was like I got a good rapport.

A: Yeah.

Q: I've got a good rapport with them. Like I think I was respectful in the (unintelligible).

A: I - you were the only one that I even wanted to talk to. (Unintelligible). Don't...

Q: So that's on camera. See, look. I'm the nice one.

A: The only person that cared. All right. Now, like watching these videos I don't...

Q: I know.

A: ...know who they're coming from. It's not coming from me I can tell you that. You can do voice recognition. I...

Q: You think I'm going to go after you for foul language?

A: No. But I'm just - and I have some foul language, but some of the people in the background going (unintelligible)...

Q: We need to really stop meeting like this though.

A: I know. I hope we don't have to meet like this. Maybe go for a drink or something.

Q: Well, yeah. That might look a little wild, but, you know, maybe just not under these circumstances.

A: Yeah.

Q: Just run into the grocery store. "Hey, how you doing? Good."

A: (Unintelligible).

Q: Not more of - not more like, "Hey, do you mind coming down and speaking to me?"

A: I know. I honestly wish I hadn't have - didn't see this.

Q: That...

A: I actually to go back and talk to I don't know if it's a psychologist, a therapist, I don't know. I - I had to get medication. I couldn't sleep like two, three nights after it. I just kept replaying it.

Q: It's kinda different when it's on your home field.

A: Yeah. I'm just surprised I made it through the whole deployment without seeing somebody killed, and I get home and have to watch it.

Q: I told my neighbor who wants to become a cop and he was deployed, I said it's - it's a different dynamic. When you're at - when you're on (unintelligible) you're high tense all the time, um, but when you come home and it's in your backyard and when you're allowed to relax and then all of a sudden you have to deal - it's different.

A: Yeah. And that's why I said like people going back and forth I (unintelligible) and everybody else and (unintelligible) and stuff, I'm like I don't believe in that. Everybody makes dumb decisions.

Q: Mm-hm.

A: And I - I don't think it was a great decision to make that day, but then again I wasn't the one in their predicament. I was a bystander.

Q: Yeah.

A: I'm just glad no one outside of the incident was injured because I would have been very, very upset if one of those kids were hit.

Q: I think everybody would have been. Yeah. All right. You got those?

A: Yes, ma'am.

Q: Let's get you outta here. Thank you for coming in.

A: You're welcome. No more. You see my name, just be like, "Do not..."

Q: "I don't know her." Okay. (redacted) s up there. I'll meet you. Let me go gun up so I can walk you down, okay?

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed _____

Supplement 20190924 Arndt, Jennifer 06095

On Tuesday, September 24, 2019, I, Detective J. Arndt #06095 of the El Paso County Sheriff's Office (EPSO) Investigations Division, assisted in the investigation of an Officer Involved Shooting which occurred in the 2100 Block of Preuss Road in El Paso County, CO. The lead Detective for this case is Detective Lisa Montville.

I reviewed the transcription of the interview I completed with (redacted) (redacted) (DOB: (redacted)). I corrected the transcription in areas and have attached it to this report.

I have nothing further at this time.

Case Status: SAO

On September 24, 2019, at approximately 0830 hours, I Deputy Joshua Hutson EID#18044 was tasked with reviewing [REDACTED] Facebook messages pertaining to case number 19-11348. Below are the findings from that review.

2019-08-04 07:09:12 UTC

Message Today as we attempted to celebrate my [REDACTED] .not only was I making sure my family in El paso tx was ok ..but a young man was shot down right in front of me for no good reason at all ..I'm devastated and still can't believe what I've witnessed ..Im so heartbroken ❤️ for the family ..and I'm praying for them everyday from here on ...and I'm extremely angry because this did not need to happen ..he didn't need to die 😞 Let alone even be shot at 🙏 #Iwillnotstayquiet #blacklivesmatter #alllivesmatter

2019-08-04 23:22:44 UTC

Message Come on out and show your support ..it may be one of our kids next❤️

2019-08-05 06:31:33 UTC

Message I'm so upset 😞 people are horrible commenting on things they know nothing about 🙄 #dontbelievewhatyouread

2019-08-04 19:32:28 UTC

Status They won't get away with this 🙄
Mobile true

Text I was looking for my kids they were in the park in the direction the cop was shooting ..my kids are out here playing everyday ..I'm terrified rn
Time 2019-08-04

Text Yes exactly 🙄🙄 ..they can't get away with this shit anymore!!
Time 2019-08-04 06:54:09

Sent 2019-08-04 03:32:55 UTC

Body It's heartbreaking ..I'm gonna do everything I can to make sure this boy gets justice

Text NEWS@SHAUNKING.ORG send him your side of what happened.
Time 2019-08-04 11:59:17 UTC

Text [REDACTED] These cops get away with everything.
Time 2019-08-04 06:08:59 UTC

Text So el paso tx officers handcuff a white terrorist that murdered 18 adults and 6 children in a terrorist attack but an el paso county

officer shoots a black teenager 7 times.

Time 2019-08-04 05:22:38 UTC

Text Doesn't matter what he did. That cop never should have taken his life! This shit is so fucked up.

Time 2019-08-04 05:09:44 UTC

Even if he did the crime to get gun down. At a school in back 7 fucking times. In the fucking back please get justice for him and family

Time 2019-08-04 03:19:15 UTC

Text We have a crew on scene, I work at 11 News. We are working to learn more about this shooting and a few folks sent us this video. If you are able to, can you call us at ?

Time 2019-08-04 02:37:24 UTC

Text this is why there is so many cops there...They shot a teenager ♀

Time 2019-08-04 03:59:34 UTC

Sent 2019-08-04 18:40:35 UTC

Body Hi I am a reporter with the Colorado Springs Gazette. I heard from a friend of the victim's family that you witnessed the shooting. I've looked through some of your posts and am hoping that we could talk about what you saw. Please let me know if you are able to talk. My phone number is

Sent 2019-08-04 18:40:35 UTC

Body Hi I am a reporter with the Colorado Springs Gazette. I heard from a friend of the victim's family that you witnessed the shooting. I've looked through some of your posts and am hoping that we could talk about what you saw. Please let me know if you are able to talk. My phone number is

Sent 2019-08-05 06:28:33 UTC

Share Date Created 2019-08-05 06:28:33 UTC

Summary A robbery suspect, who police said reached for a gun when confronted by officers, was shot and killed Saturday night southeast of Memorial Park.

Text

Title Witnesses: Robbery suspect killed by Colorado

Springs police shot while fleeing

Url https://gazette.com/news/witnesses-robbery-suspect-killed-by-colorado-springs-police-shot-while/article_27838a4eb6da-11e9-a91f-1fc27902a03a.html

Sent 2019-08-05 07:10:41 UTC

Body Im devastated..for him ☹️ and his family ...I'm so overwhelmed with these ignorant people ..I think I just need to stay off of here for a while ...while the investigation is going on .but thank you for sending me this ..I wish he wrote my word for word ..but it doesn't matte

Sent 2019-08-04 16:30:43 UTC

Body When the family finally gets to look at the body they will see what the cops did and won' t be able to lie. Call me if u need anything at all

Sent 2019-08-04 16:31:46 UTC

Body Thanks ma ..I'm talking the mother now. .and we finally tracked down the lady with the cell phone video .. the family has it now

Sent 2019-08-04 17:04:07 UTC

Body The lady just sent it to the family members ...the lady sent it to the news station too

Sent 2019-08-04 17:04:45 UTC

Body Good! Did u get to watch it? Did she get how the cops where standing there shooting Devon in the back? That' s his name right?

Sent 2019-08-04 17:04:57 UTC

Body Not really I heard it tho

Sent 2019-08-04 17:05:40 UTC

Body Ok.. I just want the truth to come out and those individuals responsible for this horrific act

Sent 2019-08-04 18:03:12 UTC

Body When the fuck did he reach for a gun?

Sent 2019-08-04 18:34:35 UTC

Body Never

[REDACTED]
Sent 2019-08-04 19:27:51 UTC

Body Exactly smdh I hate this so much

[REDACTED]
Sent 2019-08-04 17:04:06 UTC

Body Ma did you already submit the footage that you were able to get :/

[REDACTED]
Sent 2019-08-04 17:04:40 UTC

Body I didn't record it my neighbor did but she sent it to the news and to the family

[REDACTED]
Sent 2019-08-04 17:05:33 UTC

Body I'm waiting for another news crew rn

[REDACTED]
Sent 2019-08-04 17:06:54 UTC

Body 19 years old :/ I haven't even been able to reach my cousin at all yet. I know she's DEVASTATED (his mom)

[REDACTED]
Sent 2019-08-04 17:07:30 UTC

Body My cousin (his aunt) said he was just pulling up his pants to run Smh

[REDACTED]
Sent 2019-08-04 17:08:47 UTC

Body She messaged us at 7 to see if we were ok cause she didnt know we moved yet. She lives right at the end of the block... She didn't even know it was her own nephew laying there... Not one of us... Smh

[REDACTED]
Sent 2019-08-04 17:19:32 UTC

Body He wasn't hit 7 times ..but just the officer I had my eyes fixed on let off 7 shots ..I'm not sure how many times the other officer shot ..but he was hit multiple times ..he was gone before the ambulance even got there

[REDACTED]
Sent 2019-08-04 17:20:23 UTC

Body 7 shots period to a suspect that has no firearm is extremely uncalled for

[REDACTED]
Sent 2019-08-04 17:20:31 UTC

Body Fuckin ridiculous

[REDACTED]
Sent 2019-08-04 17:21:45 UTC

Body He did have a gun ..but he never pulled it out or even tried to reach for it ..he was just running away

[REDACTED]
Sent 2019-08-04 18:21:13 UTC

Body You're helping tremendously. This was my blood ma. This situation is fucked off. Thank u for everything

[REDACTED]
Sent 2019-08-04 18:32:56 UTC

Body Have u talked to her? They are "saying" They can't get ahold of anyone to identify him and I can't get In touch with her

[REDACTED]
Sent 2019-08-04 18:34:10 UTC

Body And his uncle has been down here all morning on behalf of the Father

[REDACTED]
Sent 2019-08-04 14:19:49 UTC

Body That was my friend's son who they killed

[REDACTED]
Sent 2019-08-04 14:20:26 UTC

Body It's so horrible ..I'm sorry

[REDACTED]
Sent 2019-08-04 14:25:52 UTC

Body I know I know thank for sticking up for him

[REDACTED]
Sent 2019-08-04 14:26:32 UTC

Body They are lying ..he never reached for a gun ☹

[REDACTED]
Sent 2019-08-04 14:27:41 UTC

Body I know I saw the video somebody else losted

[REDACTED]
Sent 2019-08-04 14:28:31 UTC

Body I'm hoping the detectives investigating the officer contact me Today

[REDACTED]
Sent 2019-08-04 14:28:57 UTC

Body I hope so to the victim's name is Devon Bailey

[REDACTED]

Sent 2019-08-04 14:30:28 UTC

Body Yes I've been in contact with the family as well ..I'm gonna to leave some candles and flowers out there today as well

Sent 2019-08-04 14:31:14 UTC

Body I'm so upset about all this ..and I feel so horrible for the family

Sent 2019-08-04 14:31:31 UTC

Body Me to his mom's my friend

Sent 2019-08-04 14:34:26 UTC

Body Give her my condolences please ..and tell her I won't stop fighting for him 😊🙏

Sent 2019-08-04 15:05:05 UTC

Body Did u see it up close

Sent 2019-08-04 15:15:02 UTC

Body Yes I was no more then 10 feet away

Sent 2019-08-04 15:15:35 UTC

Body I was screaming at the officer that he didn't need to shoot him

Sent 2019-08-05 16:07:22 UTC

Body I'm his mom. please call me

Sent 2019-08-05 16:07:22 UTC

Body You can now call each other and see information like Active Status and when you've read messages.

Sent 2019-08-05 16:07:50 UTC

Body Has step mom

Sent 2019-08-05 16:08:24 UTC

Body Oh yes I know ..I was just confused because I had so many people hitting me up

Sent 2019-08-05 16:08:34 UTC

Body I'm so sorry for your loss

[REDACTED]
Sent 2019-08-05 16:08:48 UTC

Body I'm with his father now... Thank you

[REDACTED]
Sent 2019-08-05 16:08:53 UTC

Body It hurts so bad

[REDACTED]
Sent 2019-08-05 16:09:23 UTC

Body I can't even imagine losing a child .. this is a terrible injustice

[REDACTED]
Sent 2019-08-05 16:10:35 UTC

Body I just want people to know the truth and the officer to get what he deserves

[REDACTED]
Sent 2019-08-05 16:11:14 UTC

Body Illegal and injustice. The won't allow us or tell us where De'Von is. We still havent seen him

[REDACTED]
Sent 2019-08-05 16:12:57 UTC

This is horrible ... hopefully we'll get some answers tomorrow at least .. I'm gonna do everything in my power to make things right for De'Von

[REDACTED]
Sent 2019-08-05 16:13:39 UTC

Body Thank you!! Thank you sooo much

[REDACTED]
Sent 2019-08-05 16:14:11 UTC

Body It's the right thing to do ... that could've been my child

[REDACTED]
Sent 2019-08-05 16:14:40 UTC

Body I'm terrified to let my girls go outside now

[REDACTED]
Sent 2019-08-05 16:16:55 UTC

Body And some people are saying hateful awful things to me .. but I won't be speaking on the case to anyone anymore. . I'm really just only gonna be using messenger to contact people and only using Facebook for my tattoo business... im overwhelmed and upset ..but I can't let stupid hateful people get to me because I know the truth

[REDACTED]
Sent 2019-08-05 19:03:50 UTC

Body Thank youth for all you have done for my family and my son.
Thank u

[REDACTED]
Sent 2019-08-05 19:06:05 UTC

Body Your welcome ...the county sheriff's investigator was just here but I refused to speak with them until y'all's attorneys are present with me ..so I've been in contact with promise Lee all day too

[REDACTED]
Sent 2019-08-05 19:07:05 UTC

Body They did confirm there is body cam footage with me tho ..because they said it's extremely important they speak with me because you can hear me on the footage

[REDACTED]
Sent 2019-08-05 19:08:06 UTC

Body Cam*

[REDACTED]
Sent 2019-08-05 19:14:48 UTC

Body I am definitely willing however I've been told not to speak with anyone unless the family lawyers are present with me ..I just turned away the sheriff's investigators at my door ..are you in touch with promise Lee ..he's gathering the attorneys as we speak

[REDACTED]
Sent 2019-08-05 19:19:41 UTC

Body It's just for the sake of not jeopardizing any of De'Vons defense ...I will fight for him ..and the truth will come out ..this did not need to happen

[REDACTED]
Sent 2019-08-05 22:39:29 UTC

Body Ok! Yes this is great. And I was only trying to prevent the lawyers not being able to get good fresh facts when they were able to secure one. They are going to need community help and we are ready to assist them. We spoke with De'vons daddy today he is aware of our efforts. Your name came out of our think tank this morning so I messaged you. I also was tipped by your post on Fb the other day. You woke the whole city up because I was on the way before I knew if it was true because of your words. You did right and y' all aren' t alone

[REDACTED]
Sent 2019-08-05 22:40:25 UTC

Body I' ll let the team know they have lawyers and we' ll try to go to them instead of the people. Thanks my friend Bless☐☐

Sent 2019-08-05 22:58:10 UTC

Body Contact [REDACTED] ..he can direct you in the best way to go about this

[REDACTED]
Sent 2019-08-05 23:03:14 UTC

Body I know what I saw ..he didn't deserve to die 🙄🙄

[REDACTED]
Sent 2019-08-04 14:47:06 UTC

Body Hi Elizabeth, I'm heavily involved in the activist community in Colorado Springs. I'm trying to reach the family of the young man killed last night to see how we can support them best, whether through a protest, vigil, etc. Do you know how to reach them?

[REDACTED]
Sent 2019-08-04 14:48:55 UTC

Body Thank you. Thank you for speaking out about this. I live in the neighborhood as well, I'm just on the other side of Adams, off Hutchinson.

[REDACTED]
Sent 2019-08-04 17:29:50 UTC

Body You gotta prepare yourself because they're going to come after You

[REDACTED]
Sent 2019-08-04 17:30:00 UTC

Body I know ..I don't care

[REDACTED]
Sent 2019-08-04 17:31:28 UTC

Body I spoke with the mother and I'll be working with the families attorneys and who ever I need to ..I'm still trying to get the truth out on the news. .so another news crew is on the way to speak with me

[REDACTED]
Sent 2019-08-05 04:10:11 UTC

Body I'm scarred for life tbh ..but I'm ready to stand up in court ..and now politicians are even behind us

[REDACTED]
Sent 2019-08-05 04:11:51 UTC

Body This was unnecessary ...it was murder

[REDACTED]
Sent 2019-08-05 04:16:06 UTC

Body It's been real high tension ..lots of emotions ..lots of trying to get

the right story out ..lots of repeating what exactly happened ..it's just very overwhelming

[REDACTED]
Sent 2019-08-04 21:28:24 UTC

Body Hi [REDACTED] Just wanted to let you know that I appreciate you for speaking out. This was Someone's Child, someone's loved one ... this could have been my child☺. I've been protesting police brutality, profiling and killings by police for years. Thank you for speaking out so avidly on all the different reports. It needs to be heard. You rock♥

[REDACTED]
Sent 2019-08-04 21:30:41 UTC

Body I'm devastated by this happening right outside my front door where my children play everyday ..that boy can't speak for himself anymore ..so I will speak for him 🗣️

[REDACTED]
Sent 2019-08-04 21:31:07 UTC

Body He didn't deserve this ☹️

[REDACTED]
Sent 2019-08-04 21:36:32 UTC

Body You're absolutely right he didn't and I'm sorry that you had to witness this but I'm glad you did so someone can speak for him. Just make sure you deal with your own emotions. PTSD is going to kick in. And be careful. I've seen some seriously shady s*** coming from law enforcement being in Social Services for the past 25 years. Don't let no one shut you up♥

[REDACTED]
Sent 2019-08-04 21:37:15 UTC

Body I won't I promise 🗣️

[REDACTED]
Sent 2019-08-05 17:38:39 UTC

Body Hey! A friend of mine in Denver told me that if we bombard this man with video, info, and anything else, enough to get his attention, then he'll make sure De' Von's murder gets a real investigation <https://www.facebook.com/Nexton9NEWS/>

Share Date Created 2019-08-05 17:38:38 UTC

Text

Title Next with Kyle Clark

Url <https://www.facebook.com/Nexton9NEWS/>

[REDACTED]
Sent 2019-08-05 18:07:31 UTC

Body I'll forward this to the congressman and make sure it's in the right hands ..I'm being advised not to speak or share anymore

information unless an attorney is present ..we need to make sure nothing in de'Vons defense is jeopardized

[REDACTED]
Sent 2019-08-04 15:39:06 UTC

Body Hi, my son was the one murdered that night. I wanted to reach out to you to find out what you saw. We are getting an attorney. Any help you can provide would be awesome.

[REDACTED]
Sent 2019-08-04 16:29:35 UTC

Body Of course ..I'll do anything I can ..I'm so sorry for your loss 😞❤ a news station is coming to speak with me at 11:30 ..I spoke with 2 other stations last night. But they never aired anything ..I hoping this one will. .they need to know the truth he was murdered🙏

[REDACTED]
Sent 2019-08-04 17:07:53 UTC

Body Okay, is there a way to contact her? Would you be able to tell me what happened?

[REDACTED]
Sent 2019-08-04 17:08:36 UTC

Body Yes I can tell you everything ..I was really close ..

[REDACTED]
Sent 2019-08-04 17:10:21 UTC

Body Whatever you need from me ..I'll help in anyway I can

[REDACTED]
Sent 2019-08-04 17:11:10 UTC

Body I was out there with your family this morning walking them through exactly what happened..a lot of people witnessed it as well

[REDACTED]
Sent 2019-08-04 17:14:06 UTC

Body Be strong please if the cops try to come at you let me know

[REDACTED]
Sent 2019-08-04 17:15:41 UTC

Body I told the officers that shot him they're going down for this ..so far no detectives have tried to contact me ..and I was the first statement they took

[REDACTED]
Sent 2019-08-04 22:28:04 UTC

Body But the kid I saw get murdered I don't think he was a soldier at all

[REDACTED]
Sent 2019-08-04 22:29:03 UTC

Body This article said he was shot 7 times so idk ☐☐ ♀ it matched yours

Sent 2019-08-04 22:29:15 UTC

Body Can you send it to me

Sent 2019-08-04 22:29:31 UTC

Body He was shot at 7 times at least but wasn't struck all 7 times

Sent 2019-08-04 22:29:56 UTC

Body He was struck multiple times tho

Sent 2019-08-04 19:37:24 UTC

Body Preuss and what road?

Sent 2019-08-04 20:28:13 UTC

Body It was literally in the middle of Preuss closer to doniphan rd

Sent 2019-08-04 20:28:25 UTC

Body Right in front of the park

Sent 2019-08-04 18:28:26 UTC

Body Thank you so much that was my daughter's brother

Sent 2019-08-04 18:36:41 UTC

Body Hes 19 and yes he was expecting a baby I love him as my son too

Sent 2019-08-04 18:36:58 UTC

Body Did the 7 shots hit him

Sent 2019-08-04 18:37:40 UTC

Body Not all no

Sent 2019-08-04 18:37:43 UTC

Body Every one is there at the seen his dad

Sent 2019-08-04 18:37:50 UTC

Body He was hit multiple times

Sent 2019-08-04 18:37:58 UTC

Body Yes I know I live here

[REDACTED]

Sent 2019-08-04 18:38:07 UTC

Body Wow

[REDACTED]

Sent 2019-08-04 18:38:12 UTC

Body I talked to the news and I'm working with the family

[REDACTED]

Sent 2019-08-04 18:38:25 UTC

Body They left the blood at the seen

[REDACTED]

Sent 2019-08-04 18:38:43 UTC

Body Yes they did

[REDACTED]

Sent 2019-08-04 18:38:57 UTC

Body Thank you so much I my is so devastated

[REDACTED]

Sent 2019-08-04 18:39:22 UTC

Body Her and her brother were so close she just turned 18

[REDACTED]

Sent 2019-08-04 18:39:51 UTC

Body My daughter is so devastated

[REDACTED]

Sent 2019-08-04 18:40:18 UTC

Body I hope we get justice for him

[REDACTED]

Sent 2019-08-04 18:41:02 UTC

Body This is just so wrong

[REDACTED]

Sent 2019-08-04 19:19:55 UTC

Body Your a blessing

[REDACTED]

Sent 2019-08-04 15:13:22 UTC

Body Hi there if you witnessed this stay true to your convictions and NEVER stop sharing the truth. We need more people like you! I lost my brother to cops in Reno Nv. I have reached out to other families I know . I saw the young mans gf commented on ur FB. I' m going to have some local families reach out to her bc I' m in Boston.

[REDACTED]
Sent 2019-08-04 16:02:13 UTC

Body I'll never stop fighting for this young boy ..we just saw the cell phone video from my neighbor ..the family is out here collecting evidence ..the news is lying he was gunned down unnecessarily

[REDACTED]
Sent 2019-08-04 19:00:03 UTC

Body I can guarantee u are a hero to his family. It' s the same MO in most police involved murders. Smear the victim and get the false narrative out in the media ASAP to deter any public outcry. He deserves justice and I' m glad there' s witnesses from the community and ones that are willing to make sure the truth is told!!

[REDACTED]
Sent 2019-08-04 10:40:39 UTC

Body Hi [REDACTED] My daughter's boyfriend is the one that just got shot in the back. Which you witnessed. I was there tonight when you spoke to reporters. What's really crazy is that when I looked you up I realized we have mutual friends from El Paso TX! I was born and raised there. 95% of my family lives there. including my mom and brother. So I'm just reaching out to say much love and strength to you for all you are doing to bring this injustice to light. Plz reach out if I can help in any way.

[REDACTED]
Sent 2019-08-04 13:37:48 UTC

Body Yes my mom dad and brother are in El paso ... yesterday was an extremely sad day . and they can say whatever they want to rn when it comes down to it I'll have my day in court ..I'm so upset over this

[REDACTED]
Sent 2019-08-04 13:42:25 UTC

Body Yes it was an awful day both here and back home. The police are just making things up. Total lies. I'm glad you know the truth and can speak on it when it comes time.

[REDACTED]
Sent 2019-08-04 13:50:09 UTC

Body The county is investigating the officers actions and there is a cell phone video of it too ..he won't get away with this

[REDACTED]
Sent 2019-08-04 13:52:59 UTC

Body Good... He was my daughter's boyfriend's brother. They were at his house just minutes prior... No robbery, no nothing. Disgusting

Sent 2019-08-04 13:54:15 UTC

Body I hugged her ..I feel so horrible for you all ..they wouldn't tell them anything at the scene ..I didn't wanna assume but I knew he was gone even before the ambulance got there 😞

Sent 2019-08-04 13:56:27 UTC

Body It's so heart wrenching that the police don't wanna say anything, except to lie. The family needs answers... True facts

Sent 2019-08-04 14:00:29 UTC

Body Yes they did ..I'm praying the truth comes out today ..I've spoken to the news but they haven't aired anything

Sent 2019-08-04 16:06:31 UTC

Body Good morning [REDACTED]. I saw your post last night and I've been following twitter and getting as much info as I can. I want to start a page on fb to raise money for his family for funeral costs and legal fees. I found his sister on twitter and messaged her. If you know any of his family that would be great, because I don't want to do anything without their permission.

Sent 2019-08-04 03:28:39 UTC

Body Hi [REDACTED] I am writing to you about the teenager who was shot 7 times in the back. Do you happen to know what he looked like? My daughter is pregnant and the father of her child was out with friends. They just had a babyshower today. I am praying this wasn't him. He just turned 18 years old.

Sent 2019-08-04 07:58:12 UTC

Body The family has been notified ..I'm so sorry if it was him

Sent 2019-08-04 02:44:00 UTC

Hi [REDACTED], my name is [REDACTED] and I' m a reporter with News 5.

Sent 2019-08-04 02:44:32 UTC

Body Are you still at the scene of the officer-involved shooting?

Sent 2019-08-04 02:44:48 UTC

Body If so, we' d be really interested in talking to you. My number is [REDACTED]

Sent 2019-08-04 15:54:55 UTC

Body Thank you so much for responding, [REDACTED] Would you be free today to chat about what you saw last night? We heard some commotion and saw officers wearing vests and helmets but we couldn't get a good view of what was happening

[REDACTED]
Sent 2019-08-04 15:56:54 UTC

Body Yes of course ..i saw the whole thing i was no more than 10 feet Away

[REDACTED]
Sent 2019-08-04 15:57:08 UTC

Body Awesome! We'd be really interested in hearing from you since we only heard from officials last night.

[REDACTED]
Sent 2019-08-04 15:57:24 UTC

Body Is there still crime scene tape out there?

[REDACTED]
Sent 2019-08-04 15:58:09 UTC

Body I've spoken to a couple news crews last night but the never aired anything ..and no it's all gone but the family is out here collecting evidence and there is a cell phone video as well

[REDACTED]
Sent 2019-08-04 15:58:31 UTC

Body Ah okk did you speak to them on camera or online?

[REDACTED]
Sent 2019-08-04 15:58:38 UTC

Body On camera

[REDACTED]
Sent 2019-08-04 15:59:42 UTC

Body I don't think they're ready to air the truth yet

[REDACTED]
Sent 2019-08-04 15:59:48 UTC

Body This is bad

[REDACTED]
Sent 2019-08-04 16:02:12 UTC

Body Ah ok who did u speak to? KKTv? Or more than one crew?

[REDACTED]
Sent 2019-08-04 16:02:31 UTC

Body Kktv and another one

[REDACTED]
Sent 2019-08-04 16:02:58 UTC

Body KRDO?

[REDACTED]
Sent 2019-08-04 16:03:04 UTC

Body Or FOX?

[REDACTED]
Sent 2019-08-04 16:03:16 UTC

Body I think so I'm not sure but it wasn't fox

[REDACTED]
Sent 2019-08-04 16:03:34 UTC

Body Ah ok. That must've been after 11pm then. They were next to us until about that time

[REDACTED]
Sent 2019-08-04 16:04:07 UTC

Body Yes it was ..it was hard for them to track me down i couldn't get through the crime scene

[REDACTED]
Sent 2019-08-04 16:04:50 UTC

Body Ah okk. Well we'd still be interested in chatting with you for sure! What time would work best for you?

[REDACTED]
Sent 2019-08-04 16:05:39 UTC

Body Ok my address is [REDACTED] ..and maybe in about an hour or so

[REDACTED]
Sent 2019-08-04 08:42:11 UTC

Body Girl I'm following everything you're saying and seen all the lives and saw a guy interviewing you I think on another live... I can't fucking believe this shit. Is there actual video? I've been to many peoples pages who are pissing about it and there's a ton with videos that won't open like the police are having it taken down!!? I say we share the fuck out of that video they can't stop us all it has to get out there

[REDACTED]
Sent 2019-08-04 08:47:52 UTC

Body The only video is in the hands of the detectives that are investigating the shooting ..they are not Colorado springs detectives ..they are investigating the Colorado springs police department now

Sent 2019-08-04 08:47:57 UTC

Body This is big

Sent 2019-08-04 08:48:16 UTC

Body And nothing is going to come out untill the investigation is Complete

Sent 2019-08-04 08:48:52 UTC

Body I fucking truly think they're deleting videos and comments and posts that expose them!? Colorado springs police department! Like how the fuck they doing that

Sent 2019-08-04 08:49:16 UTC

Body But he murdered that boy point blank..the only video that can expose them isn't online

Sent 2019-08-04 08:50:23 UTC

Body They are deleting videos that have nothing to do with the incident to try and limit speculation that isn't true...the news will be airing my interview tomorrow

Sent 2019-08-04 08:50:30 UTC

Body They took it from the lady who recorded it though? Does she still have it? Cuz they might be on fucked up cover up too though this other agency

Sent 2019-08-04 08:50:56 UTC

Body This gonna be a national OUTRAGE

Sent 2019-08-04 08:51:54 UTC

Body They can't cover this up ! ..me and 3 of my friends. .a handful of neighbors on one side and my neighbor on the other side saw it all ..they're not done with the investigation so they're not gonna confirm nor deny anything rn

Sent 2019-08-04 08:52:06 UTC

Body Was there two different shootings with this "robbery"? Hard to tell seems like they reporting one thing but another thing happened they hiding? Or is it one shooting and they spreading lies

Sent 2019-08-04 08:53:02 UTC

EPSON 210219

Body I'll tell you right now I usually support police officers but this shit has me fucked up beyond

[REDACTED]
Sent 2019-08-04 08:53:25 UTC

Body There was a burglary in the area ..they rolled up on the boys and was just questioning them ..the boy they shot ..took off running ..instead of trying to stop him they shot him in the back..he never brandished a weapon of any kind

[REDACTED]
Sent 2019-08-04 08:53:27 UTC

Body Watching a damn cover up right before my eyes as it happens!?

[REDACTED]
Sent 2019-08-04 08:53:52 UTC

Body He was scared

[REDACTED]
Sent 2019-08-04 08:53:56 UTC

Body That's all

[REDACTED]
Sent 2019-08-04 08:54:16 UTC

Body Damn news saying recovered firearm on the scene! I fucking believe you guys 100

[REDACTED]
Sent 2019-08-04 08:54:19 UTC

Body The cop shot 7 times

[REDACTED]
Sent 2019-08-04 08:54:53 UTC

Body Fucking assholes say at least once.. yeah mf seven times is fucking horrible!

[REDACTED]
Sent 2019-08-04 08:55:04 UTC

Body I never saw a gun even when they cut his clothes off .. regardless even if he had one he never even pulled it out

[REDACTED]
Sent 2019-08-04 08:55:41 UTC

Body I refuse to let this shit go down in my neighborhood

[REDACTED]
Sent 2019-08-04 08:57:32 UTC

Body What was the cop that killed him? White male I'm gonna bet

Sent 2019-08-04 08:57:51 UTC

Body I'll be ok ..Monday morning I'm headed to the DA's office to file a formal complaint against the officer who murdered him ..white ..bald with glasses

Sent 2019-08-04 08:58:55 UTC

Body He's about to fucking spend his life in a prison full of criminals that hate cops that's punishment

Sent 2019-08-04 08:59:18 UTC

Body He deserves it too

Sent 2019-08-04 08:59:38 UTC

Body We will have our day in court

Sent 2019-08-04 04:30:47 UTC

Body Hi you dont know me but my nephew was shot by police, I was told you saw what happened did anyone take video?

Sent 2019-08-04 07:55:38 UTC

Body Yes one of my neighbors got it on video .. she told me she got it all ..I was closer ..he didn't do anything wrong ..I've talked to the media too but they haven't released my interview ..he never pulled a weapon at all ..he was just running away

Sent 2019-08-04 08:05:12 UTC

Body Thank you so much for speaking truth into all the lies my nephews death as been portrayed under. Thank you si so much. He was just a baby, he was about to have a baby. My brother is so broken he can hardly talk he screams and shuts down. If she can forward the video to me, I want to world outraged. They are doing their damndest to push his murder under the rug and they will succeed if they dont have public eyes on them.

Sent 2019-08-04 08:12:00 UTC

Body I hope like hell she didnt hand her phone over to police. I'm sorry for commenting and messaging you, I just have seen this before and have spoken out heavily against this. I know how it goes and I dont want to see our boys murder get lost in lies. They put him on the most wanted list minutes after his death.

Sent 2019-08-04 08:12:26 UTC

Body They wouldn't allow anyone to view the body and lied and said his mother confirmed the death she is in Georgia

[REDACTED]
Sent 2019-08-04 08:13:34 UTC

Body I'm so sorry you are involved in this in the way you are and I'm sorry to bother you about it. I just want him to get justice and the world to know he wasn't robbing anyone he was doing nothing.

[REDACTED]
Sent 2019-08-04 08:14:41 UTC

Body But I know she has it ..so it won't disappear and northern will i

[REDACTED]
Sent 2019-08-04 08:15:10 UTC

Body I'll do everything I can ..i was not the only one who witnessed it ..I was just the closest

[REDACTED]
Sent 2019-08-04 08:16:05 UTC

Body Nor will I*

[REDACTED]
Sent 2019-08-04 03:33:07 UTC

Body He ran ..that's it

[REDACTED]
Sent 2019-08-04 06:03:55 UTC

Body I'ma be called into court too

[REDACTED]
Sent 2019-08-04 06:04:36 UTC

Body Outside agency's will be contacting me about what happened

[REDACTED]
Sent 2019-08-04 06:04:49 UTC

Body Reports that he pulled a gun aren't true

[REDACTED]
Sent 2019-08-04 06:05:13 UTC

Body This cop murdered him right in front of me

[REDACTED]
Sent 2019-08-04 06:05:28 UTC

Body I'ma be on the news looking like shit too lol

[REDACTED]
Sent 2019-08-04 06:05:31 UTC

Body Smdh

[REDACTED]
Sent 2019-08-04 06:08:50 UTC

Body The cops told them he pulled a gun ..and he didn't

[REDACTED]
Sent 2019-08-04 06:09:09 UTC

Body The cut his clothes off and still I didn't see a gun

[REDACTED]
Sent 2019-08-04 05:11:19 UTC

Body Hey that was my best friends nephew that got shot.... is there anyway u could talk to her sister and tell her what u saw

[REDACTED]
Sent 2019-08-04 05:12:02 UTC

Body They murdered him

[REDACTED]
Sent 2019-08-04 03:32:03 UTC

Body Yeah we're ok ..the cops murdered this 18 y/o boy right in front of Me

[REDACTED]
Sent 2019-08-04 07:29:02 UTC

Body Ohh I didn't know her it's an older lady ..I know what building she was outside of and if nothing pops up during the investigation I'll go banging doors ..but no one's been allowed down there since it happened .. however I'm sure she's turned it over by now tho ..she was in disbelief just as I was too

[REDACTED]
Sent 2019-08-04 07:29:38 UTC

Body Another man on his balcony saw everything too

[REDACTED]
Sent 2019-08-04 07:30:20 UTC

Body This was uncalled for ..he never reached for a weapon or pulled a weapon ...and me too ma ...me too

[REDACTED]
Sent 2019-08-04 07:31:12 UTC

Body I really do think she's already turned it over to the agencies that are investigating the police department now

[REDACTED]
Sent 2019-08-04 07:31:59 UTC

Body im so hurt on the news report they said he reached for his weapon

[REDACTED]
Sent 2019-08-04 07:32:25 UTC

Body i just know he didn't

[REDACTED]

Sent 2019-08-04 07:32:31 UTC

Body What was his name ? ..I'm going to light some candles and leave some flowers once they leave

[REDACTED]

Sent 2019-08-04 07:32:35 UTC

Body He did not

[REDACTED]

Sent 2019-08-04 07:32:54 UTC

Body I can guarantee you ..he never did

[REDACTED]

Sent 2019-08-04 07:33:59 UTC

Body I'm very upset about the report myself ..I talked to the news ..they just haven't aired it yet ..I told them that officer murdered him

[REDACTED]

Sent 2019-08-04 08:08:07 UTC

Body They put him in an ambulance yes ..no life saving measures were giving before the ambulance arrived. .and I'm so sorry to say this ..and I didn't wanna assume before things were confirmed..but he was gone long before the ambulance got there ..the cops were just assessing where he was shot ..not trying to do for or anything of the sort

[REDACTED]

Sent 2019-08-04 08:08:10 UTC

Body ?

[REDACTED]

Sent 2019-08-04 08:08:46 UTC

Body Any CPR*

[REDACTED]

Sent 2019-08-04 08:08:55 UTC

Body Or wound control*

[REDACTED]

Sent 2019-08-04 08:09:06 UTC

Body I'm so sorry

EPSSO
12/02/19

Supplement 20190924 0830 Hutson, Joshua 18044

On September 24, 2019, at approximately 0830 hours, I Deputy Joshua Hutson EID#18044 was tasked with reviewing [REDACTED] [REDACTED] Facebook messages pertaining to case number 19-11348. Attached are the findings from that review. Copies of messages pertaining to this case are attached to this supplement.

Nothing follows.
Case Status: SAO

EP SO
12/02/19

1911348

ACN: 1911348

Submitting Agency: El Paso County Sheriffs Office

Submitting Rep: Lisa Montville

Offenses

09A - Homicide: Murder/Non-negligent Manslaughter

Evidence List

- 1 - Barcode# 1146831, Item #20-one Smith and Wesson, 9mm handgun bearing serial number [REDACTED] Fired by CSPD Sgt. Van't Land during OIS
- 2 - Barcode 1146842, Item number 25, one Smith and Wesson, 9mm handgun bearing serial number [REDACTED] Fired by Officer Evenson during OIS
- 3 - Barcode 1147130, item 61-8 spent cartridge casings collected from 2100 block of Preuss Road during OIS
- 4 - Projectiles collected during autopsy of De'Von Bailey Barcode #1146941, item 34 Barcode #1146942, item 35 Barcode# 1146944, item 36
- 5 - Barcode #1146839, item 24; one magazine with 16 rounds of ammunition collected from CSPD Officer Evenson
- 6 - Barcode 1146820, item 15; One magazine with 17 rounds of ammunition collected from Sgt. Van't Land

EP SO
12102119

Supplement 20191007 0900 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On October 7, 2019, at about 09:00 a.m., I, Detective Montville was conducting follow-up on this case. On this date, I prepared and submitted a laboratory request to the Metro Crime Lab via the LIMS portal.

A copy of the submission is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

EPSSO
12/02/19

METRO CRIME LABORATORY705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7924**LABORATORY REPORT**

Requesting Agency: Case No.: 19-11348 El Paso County Sheriffs Office 27 E Vermijo Av Colorado Springs, CO 80903	Lab Case Number: 19MCL01868 Unit: Latent Prints Analyst: Amanda Kimball, 4867
Request Submitted By: Det. Lisa Montville, 01060 Request Date: Mon Aug 19, 2019 Offense: All Other Offenses Subject: BAILEY, De'Von	Report Date: Wed Oct 09, 2019 DOB: 08/18/1999

REQUESTED SERVICE - [Latent Print - DNA Swab/Process]**EVIDENCE ITEMS**

Barcode (Item No.)	Item description
6839 S-05E (S-05E)	BLK GLOCK BRAND 19 9 MM HANDGUN, S/N: [REDACTED]. REC'D FROM ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.
6839 S-05E-1 (S-05E-1)	BLK GLOCK BRAND 9 MM MAG CONT. APPROX. 12 CART., & 1 LIVE ROUND REC'D FROM CHAMBER W/ HS. WIN 9MM LUGER, OF ITEM S-05E (GLOCK 9MM HANDGUN) REC'D ON 8/4/19.
6850 S-05E-1A (S-05E-1A)	Swabs of entire exterior of magazine and all live rounds
6850 S-05EA (S-05EA)	Swabs of trigger, trigger guard, grip, release mechanism, and slide exterior

LOCATION: 705 S Nevada Av (Colorado Springs Police Department Metro Forensic Crime Laboratory)**RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS****Barcode 6839 S-05E (S-05E):** BLK GLOCK BRAND 19 9 MM HANDGUN, S/N: [REDACTED]. REC'D FROM ITEM S-05 (BLK NIKE SHORTS) ON 8/4/19.

The following processes were utilized:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Cyanoacrylate fuming | <input type="checkbox"/> 1,8 - Diazafuoren-9-one |
| <input checked="" type="checkbox"/> Rhodamine 6G | <input type="checkbox"/> Ninhydrin |
| <input type="checkbox"/> Basic Yellow | <input type="checkbox"/> RUVIS - Reflected Ultraviolet Imaging System |
| <input checked="" type="checkbox"/> Alternate Light Source | <input type="checkbox"/> Powder |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Latent prints recovered <u>NO Latent Prints Recovered</u> | |
| <input checked="" type="checkbox"/> Possible biological sample recovered <u>6850 S-05EA</u> | |
| <input type="checkbox"/> Trace sample recovered _____ | |

Comments/Results: Swabbed trigger, trigger guard, grip, release mechanism, slide exterior.

**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

Agency Case No.: **1911348 (EPSO)**

Barcode 6839 S-05E-1 (S-05E-1): BLK GLOCK BRAND 9 MM MAG CONT. APPROX. 12 CART., & 1 LIVE ROUND REC'D FROM CHAMBER W/ HS. WIN 9MM LUGER, OF ITEM S-05E (GLOCK 9MM HANDGUN) REC'D ON 8/4/19.

The following processes were utilized:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cyanoacrylate fuming | <input type="checkbox"/> 1,8 - Diazafluoren-9-one |
| <input checked="" type="checkbox"/> Rhodamine 6G | <input type="checkbox"/> Ninhydrin |
| <input type="checkbox"/> Basic Yellow | <input type="checkbox"/> RUVIS - Reflected Ultraviolet Imaging System |
| <input checked="" type="checkbox"/> Alternate Light Source | <input type="checkbox"/> Powder |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Latent prints recovered NO Latent Prints Recovered | |
| <input checked="" type="checkbox"/> Possible biological sample recovered 6850 S-05E-1A | |
| <input type="checkbox"/> Trace sample recovered _____ | |

Comments/Results: Photographed headstamps of all live rounds from magazine and chamber. Swabbed entire exterior of magazine and all live rounds.

Date(s) Processed: 8/28/2019

EVIDENCE DISPOSITION

Swabs placed into evidence. Items 6839 S-05E and 6839 S05E-1 transferred to technician for further processing.

END OF REPORT

EPSO
12/02/19

Akimball, ASCT

Assigned Analyst
Amanda Kimball | 4867
Latent Print Analyst



METRO CRIME LABORATORY705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7924**LABORATORY REPORT**

Requesting Agency: Case No: 1911348 El Paso County Sheriffs Office 27 E Vermijo Av Colorado Springs, CO 80903	Lab Case Number: 19MCL01868 Unit: Firearms
Request Submitted By: Det. Lisa Montville, 1060	Analyst: Stefanie Happ, 3488
Request Date: Mon Oct 07, 2019	Report Date: Wed Oct 16, 2019 08:13
Offense: All Other Offenses	
Suspect: BAILEY, DEVON	DOB: 08/18/1999

REQUESTED SERVICE - Analysis [Firearms - All Services]

The below listed Firearm Services were completed in response to the submitted Laboratory Request:

**Bullet/Cartridge/Cartridge Case Comparison
Weapons Functionality****EVIDENCE ITEMS**

Barcode (Item No.)	Item description
1146820	Magazine
1146824	Magazine
1146827 (19)	One empty, "Smith and Wesson", "9mm" magazine recovered from Officer Vantland's pistol.
1146831 (20)	Smith and Wesson, model M&P 9 M2.0, 9mm pistol bearing the serial number [REDACTED] recovered from Officer Vantland.
1146833 (21)	One empty, "Smith and Wesson", "9mm" magazine recovered from Officer Evenson's pistol.
1146835	Magazine
1146837	Magazine
1146842 (25)	Smith and Wesson, model M&P 9 M2.0, 9mm pistol bearing the serial number [REDACTED] recovered from Officer Evenson.
6839 A-08 (A-08)	One bullet recovered from the mid chest of D. Bailey.

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

The mechanical functioning examination of the Smith and Wesson pistol, identified above as Item 20, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired for bullet and cartridge case recovery utilizing the magazine contained in Item 19. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 20-TF.

The mechanical functioning examination of the Smith and Wesson pistol, identified above as Item 25, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired for bullet and cartridge case recovery utilizing the magazine contained in Item 21. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 25-TF. A possible bloodstain was observed on the right side of the slide of Item 25. The stain was photographed and swabs were collected prior to test firing in an effort to preserve potential biological evidence. The swabs were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 25-a.

The bullet, identified above as Item A-08, was microscopically compared to the test fired bullets recovered from the Smith and Wesson pistols (Items 20 and 25). The comparisons disclosed that Item A-08 was fired by the Smith and Wesson pistol identified above as Item 20 (serial number NCF0389) based on agreement of all discernable class characteristics and agreement of individual characteristics.

Items 1146820, 1146824, 1146835, and 1146837 were received, but were not opened/evaluated at this time.

**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

Agency Case No: **1911348 [EPSO]**

EVIDENCE DISPOSITION

All Evidence Disposition: Return to Evidence

END OF REPORT

EPSO
12/02/19



Assigned Analyst
Stefanie Happ | 3488
Firearms Examiner

10/16/2019 08:09

19MCL01868.0007_20191007_ReqID_020033

Report FA v.2016.11.14



Page 2 of 2

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METRO CRIME LABORATORY

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
 Phone: (719)444-7750 Fax: (719)444-7924

LABORATORY REPORT

Requesting Agency: Case No: 1911348
 El Paso County Sheriffs Office
 27 E Vermijo Av
 Colorado Springs, CO 80903

Lab Case Number: 19MCL01868

Unit: Firearms

Request Submitted By: Det. Lisa Montville, 1060

Analyst: Stefanie Happ, 3488

Request Date: Mon Oct 07, 2019

Report Date: Wed Oct 16, 2019 08:13

Offense: All Other Offenses

Suspect: BAILEY, DEVON

DOB: 08/18/1999

REQUESTED SERVICE - Analysis [Firearms - All Services]

The below listed Firearm Services were completed in response to the submitted Laboratory Request:

Bullet/Cartridge/Cartridge Case Comparison
Weapons Functionality

EVIDENCE ITEMS

Barcode (Item No.)	Item description
1146820	Magazine
1146824	Magazine
1146827 (19)	One empty, "Smith and Wesson", "9mm" magazine recovered from Officer Vantland's pistol.
1146831 (20)	Smith and Wesson, model M&P 9 M2.0, 9mm pistol bearing the serial number [REDACTED] recovered from Officer Vantland.
1146833 (21)	One empty, "Smith and Wesson", "9mm" magazine recovered from Officer Evenson's pistol.
1146835	Magazine
1146837	Magazine
1146842 (25)	Smith and Wesson, model M&P 9 M2.0, 9mm pistol bearing the serial number [REDACTED] recovered from Officer Evenson.
6839 A-08 (A-08)	One bullet recovered from the mid chest of D. Bailey.

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

The mechanical functioning examination of the Smith and Wesson pistol, identified above as Item 20, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired for bullet and cartridge case recovery utilizing the magazine contained in Item 19. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 20-TF.

The mechanical functioning examination of the Smith and Wesson pistol, identified above as Item 25, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired for bullet and cartridge case recovery utilizing the magazine contained in Item 21. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 25-TF. A possible bloodstain was observed on the right side of the slide of Item 25. The stain was photographed and swabs were collected prior to test firing in an effort to preserve potential biological evidence. The swabs were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 25-a.

The bullet, identified above as Item A-08, was microscopically compared to the test fired bullets recovered from the Smith and Wesson pistols (Items 20 and 25). The comparisons disclosed that Item A-08 was fired by the Smith and Wesson pistol identified above as Item 20 (serial number [REDACTED]) based on agreement of all discernable class characteristics and agreement of individual characteristics.

Items 1146820, 1146824, 1146835, and 1146837 were received, but were not opened/evaluated at this time.



**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

Agency Case No: **1911348 [EPSO]**

EVIDENCE DISPOSITION

All Evidence Disposition: Return to Evidence

END OF REPORT

EPSO
12/02/19



Assigned Analyst
Stefanie Happ | 3488
Firearms Examiner

10/16/2019 08:09

19MCL01868.0007_20191007_ReqID_020033

Report FA v.2016.11.14



Page 2 of 2

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Supplement 20191016 Hubbell, Rosario 07050

Sergeant Rosario S. Hubbell EID 07050
Supplement to case 2019-00011348
AOA

On Wednesday, October 16, 2019, I, Detective Sergeant Rosario S. Hubbell of the El Paso County Sheriff's Investigations Division Major Crimes Unit, conducted follow up on case 2019-00011348.

I received an email from Stefanie Happ with her firearms examination report attached to it. I reviewed to ensure it pertained to this case and have attached to this supplement.

The brief review I conducted did show the projectile collected at autopsy from Devon Bailey did match as being fired from Sgt. Vant' Land's duty pistol. Please see Mrs. Happ's report for full details.

Nothing Further.
Case status - Same as original.

EPSCO
12/02/19

Release Email

Jennifer Harris

From: Mitchell Mihalko
Sent: Tuesday, October 15, 2019 6:54 PM
To: Jennifer Harris
Subject: Re: OIS Preuss

Yes, please release the copies of only his reports and log for court testimony purposes.

Mitch Mihalko
Lieutenant, Investigations Division
El Paso County Sheriff's Office
27 E. Vermijo Ave
Colorado Springs, CO 80903

Phone: (719) 520-7230
Fax: (719) 520-7243

On Oct 14, 2019, at 8:13 AM, Jennifer Harris <[REDACTED]> wrote:

Am I okay to send these to him?

From: James Lowe <jlowe@dcsheriff.net>
Sent: Sunday, October 13, 2019 7:27 PM
To: Jennifer Harris <JenniferHarris@elpasoco.com>
Subject: Fwd: OIS Preuss

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Sent from my iPhone

Begin forwarded message:

From: jlowe@dcsheriff.net
Date: October 13, 2019 at 6:51:15 PM MDT
To: mitchmihalko@elpasoco.com, amyfitch@eloasoco.com
Subject: OIS Preuss

Lt. Milhalko or DA Amy Fitch,

I need to obtain a copy of the reports I wrote reference the OIS on Preuss Rd. Can either of you email me a copy of them sometime no later than Monday Oct 14, 2019?

My new work cell is [REDACTED]

I am scheduled to be in training this coming week from 8am-5pm. I can only receive communication through this email or my work cell.

Thank you!

Jim Lowe

Sent from my iPhone

EPSO
12/02/19

METRO CRIME LABORATORY

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7924

LABORATORY REPORT

Requesting Agency: Case No: 1911348 Lab Case Number: 19MCL01868
El Paso County Sheriffs Office Unit: Firearms
27 E Vermijo Av
Colorado Springs, CO 80903
Request Submitted By: Det. Lisa Montville, 1060 Analyst: Stefanie Happ, 3488
Request Date: Mon Oct 07, 2019 Report Date: Wed Oct 16, 2019 08:13
Offense: All Other Offenses
Suspect: BAILEY, DEVON DOB: 08/18/1999

REQUESTED SERVICE - Analysis [Firearms - All Services]

The below listed Firearm Services were completed in response to the submitted Laboratory Request:

Bullet/Cartridge/Cartridge Case Comparison
Weapons Functionality

EVIDENCE ITEMS

Table with 2 columns: Barcode (Item No.) and Item description. Contains 10 rows of evidence items including magazines and a bullet.

RESULTS, OPINIONS, INTERPRETATIONS AND CONCLUSIONS

The mechanical functioning examination of the Smith and Wesson pistol, identified above as Item 20, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired for bullet and cartridge case recovery utilizing the magazine contained in Item 19. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 20-TF.

The mechanical functioning examination of the Smith and Wesson pistol, identified above as Item 25, disclosed that it is an operable firearm capable of causing serious injury or death. The pistol was test fired for bullet and cartridge case recovery utilizing the magazine contained in Item 21. The test fired specimens were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 25-TF. A possible bloodstain was observed on the right side of the slide of Item 25. The stain was photographed and swabs were collected prior to test firing in an effort to preserve potential biological evidence. The swabs were submitted to the El Paso County Sheriff's Office's Evidence Unit as Item 3488 25-a.

The bullet, identified above as Item A-08, was microscopically compared to the test fired bullets recovered from the Smith and Wesson pistols (Items 20 and 25). The comparisons disclosed that Item A-08 was fired by the Smith and Wesson pistol identified above as Item 20 (serial number [redacted]) based on agreement of all discernable class characteristics and agreement of individual characteristics.

Items 1146820, 1146824, 1146835, and 1146837 were received, but were not opened/evaluated at this time.



**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: **19MCL01868**

Agency Case No: **1911348 [EPSO]**

EVIDENCE DISPOSITION

All Evidence Disposition: Return to Evidence

END OF REPORT

EPSO
12/02/19



Assigned Analyst
Stefanie Happ | 3488
Firearms Examiner

10/16/2019 08:09

19MCL01868.0007_20191007_ReqID_020033

Report FA v.2016.11.14



Page 2 of 2

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Supplement 20191016 0837 Montville, Lisa 01060

Case Supplement, 19-11348

Detective Statement:

On October 16, 2019, at about 08:37 a.m., I, Detective Montville received an email from Firearms Examiner Stefanie Happ with the Metro Crime Laboratory. Attached to the email were the results, interpretations and conclusions for some evidence items in this case. A copy of the report is attached to this supplement.

Nothing Follows.

Case Status: ACT-INV

EPSSO
12/02/19