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ROBERT W. MILLER
Assistant District Attorney

Office of the District Attorney
Nineteenth Judicial District

February 21, 2020

Chief John Fryar
Fort Lupton Police Department

RE: Investigation of the December 2, 2019 Officer-Involved Shooting of Matthew Cotter

Chief Fryar:

The investigation into the shooting of Matthew Cotter has been completed by the Critical Response Incident Team (CIRT). Applying the facts from the investigation to applicable Colorado law, criminal charges will not be filed against the officer who discharged his weapon. Attached hereto are the findings of the Investigations Section of the District Attorney's Office based on the entirety of the CIRT investigation. This report applies the facts from the investigation to the pertinent Colorado laws.

APPLICATION OF THE FACTS TO THE LAW

The District Attorney's Office may ethically charge an individual with a crime only in cases where there is a reasonable likelihood of conviction. The law states that criminal liability is established in Colorado only if it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute.

Further, it must be proven beyond a reasonable doubt the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting another human being or shooting at another human being is generally prohibited as homicide or attempted homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force is justified, also known as an affirmative defense. Because the evidence establishes that Cotter was shot by one of the responding officers, the determination of whether the officer's conduct was criminal is a question of legal justification.

C.R.S. § 18-1-707(2) establishes when a peace officer can use potentially deadly force to defend himself or others. The statute reads, in pertinent part, as follows:

A peace officer is justified in using deadly physical force upon another person...only when he reasonably believes that it is necessary...**to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force, OR to effect an arrest...of a person he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, OR**

otherwise indicates...**that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.**

Colorado case law unequivocally states that when determining whether it was necessary for an individual to act in self-defense or in the defense of someone else, that person is entitled to rely on “apparent necessity.” This can be relied on so long as the conditions and circumstances are such that a person would reasonably believe the defensive action was necessary. *See People v. LaVoie*, 395 P.2d 1001 (1964); *Riley v. People*, 266 P.3d 1089 (Colo. 2011). Thus, it is irrelevant in this analysis whether Cotter intended to use deadly force. The issue is whether it was reasonable for the officers to believe that he was about to use deadly physical force against the officers or another person with a deadly weapon or explosive device. In this case, the officers were attempting to contact Ms. Chavierra regarding a potential threat from Mr. Cotter. The Chavierras observed Cotter arrive at their residence. When officers arrived, Cotter was hiding behind a fence and shot Sergeant Pelton in the face. Officer Sagner returned fire at Cotter, striking Cotter several times.

Cotter clearly knew that the individuals approaching him were officers because they were in uniform and their police vehicles were present.

The officer reasonably believed when he fired his weapon that he and others nearby were in danger of death or serious bodily injury because Cotter fired upon an officer.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that that Officer Sagner was justified in discharging his firearm at Cotter and reasonably believed that it was necessary to protect himself and others from Cotter’s use of potentially deadly physical force. Further, Cotter had committed a felony when he shot Sergeant Pelton and was an ongoing threat to inflict serious bodily injury to those present.

CONCLUSION

Under C.R.S. § 18-1-707(2), the officer’s actions in this situation were justified and authorized by law to defend and protect themselves and others from actions of Matthew Cotter. As a result, the Weld County District Attorney’s Office will not file charges against the officer for the use of deadly physical force in this event. If you have any questions, please feel free to contact me.

Sincerely,



Michael J. Rourke
District Attorney



Officer Involved Shooting

December 2, 2019

Subject: Matthew Cotter

19DA00128

Investigator Dan Boyle

SUMMARY

On December 2, 2019, at 20:42 hours, Ft. Lupton police were dispatched to a Check Well Being regarding a Mathew Cotter. Cotter is the ex-boyfriend of Alexandra Chavierra. Alec Garcia, a mutual friend of Cotter and Alexandra, told Alexandra that Cotter made suicidal comments and threats to harm Alexandra and he was known to carry a gun. Officer Sagner responded to 282 Ponderosa Pl, Ft, Lupton, CO, and spoke with Alexandra and her family. Alexandra said that she and Cotter broke up in August of 2019 after an approximate nine-month relationship. Alexandra said one time after they broke up Cotter surprised her by waiting for her outside of her work and after a brief talk, he gave her a single bullet and told her he was going to kill himself with that bullet. Officer Sagner tried to locate Cotter at his last known address in a nearby town without success. At 21:56 hours Officer Sagner left a voice mail with Cotter over the phone and advised him to stop communicating with Alexandra.

At 22:40 hours a second 911 call was received from 282 Ponderosa Pl regarding Cotter. The reporting party advised that Cotter just drove into the area and turned his head lights off and texted Alexandra, "it's too late." Occupants advised Cotter was walking towards the front door of their residence and had a gun in his waistband. Ft Lupton officers Paintin, Walker, Gallegos, Sagner and Sgt. Pelton arrived on scene at approximately 22:44 hours. Dispatched had advised that Cotter arrived in a grey Ford Focus and was parked near the residence. Due to the nature of the call Officer Sagner and Sgt. Pelton deployed their patrol rifles and formulated a strategy while approaching the house.

The residence faces southwest, and the back yard has a red privacy fence on the northwest and southeast sides as well as a three-foot white rail fence that backs up to a golf course. There is a wooden privacy gate on the east side which leads to the back yard. Sgt Pelton walked up the driveway to the front door. Officer Sagner moved from across the street to the front yard of the residence. Officers Walker, Paintin and Gallegos maintained cover positions on the northwest side of the house and across the street. Sgt. Pelton arrived at the front door and heard Officer Sagner ask if there were footprints in the snow leading into the back yard. Sgt. Pelton peaked around the corner of the house and advised there were prints and an open gate. Sgt. Pelton advised dispatch to have someone come to the front door as he stepped down off the front porch and was immediately shot in the face and fell to the ground. Officer Sagner stepped over Sgt. Pelton and returned fire with his patrol rifle striking Cotter three times.

Sgt. Pelton was administered first aid by Officers Walker, Paintin and Gallegos and transported to NCMC by Banner Health Paramedics and eventually flown to Swedish Medical Center. Cotter was flown to the Medical Center of the Rockies.

The 19th Judicial District Critical Incident Response Team was notified, and an investigation was conducted.

DISPATCH TIMELINE

(Call ID# 3202522)

20:45:50 hours – Reporting Party (RP), Nichole Chavierra, mother of Alexandra, called 911 advising Cotter was going to kill himself and come hurt Alexandra. Cotter is driving a grey Ford Focus hatchback; she was concerned he may show up at their address.

20:54:15 hours - Officer Sagner attached to call, tried to call RP, No answer.

20:57:38 hours – RP calls 911 back advised she missed the officers’ call.

21:09:24 hours – Officer Sagner spoke with RP via phone call.

21:20:16 – Officer Sagner arrived on scene at 282 Pondarosa Place, Ft Lupton

21:39:20 – Request AOA for Lochbuie to attempt to locate Cotter at last known address

21:46:37 – Adrian (father) requested a call back

21:48:56 – Officer Sagner returned call to Adrian

21:55:19 – Lochbuie advised no contact at address

21:56:08 – Officer Sagner left a voice mail with Cotter not to contact Alexandra

21:58:57 – Call cleared

(Call ID# 3202608)

22:40:50 – 911 call received from Adrian, Cotter drives into area, turned off lights, text Alexandra, “it’s too late”.

22:42:29 – Alexandra says Cotter has a handgun and is outside the front door.

22:46:57 – All Officers on scene

22:48:07 – Sgt. Pelton tells dispatch to have the RP come to the front door

22:49:18 – Officer Gallegos airs, “shots fired, officer down”

22:50:57 – Officer Sagner airs, “suspect down, in custody, bleeding send medical emergent.”

23:14:39 – Sgt. Pelton transported to NCMC

23:20:30 – Cotter transported to MCR

01:02:39 – CIRT page requested

INVESTIGATION

On December 2, 2019, at approximately 20:42 hours, Nichole Chavierra (mother of Alexandra Chavierra) called 911 advising her daughter's ex-boyfriend, Matthew Cotter, made comments that he was going to kill himself and/or hurt Alexandra. She advised Cotter is driving a grey Ford Focus Hatchback and was concerned he may show up at their address.

Ft. Lupton Police Officer Sagner was dispatched to a Check Well Being regarding a Mathew Cotter at 282 Ponderosa Place, Ft Lupton, CO. On scene he spoke with Alexandra "Alex" Chavierra and her family. She stated that Alec Garcia, a mutual friend of Cotter and Alex, told her earlier that day that Cotter made suicidal comments and threats to harm her and he was known to carry a gun. Alec further advised Alex that Cotter was driving east towards Kansas for an unknown reason and that Cotter sounded intoxicated. Alex said that she and Cotter broke up in August of 2019 after an approximate nine-month relationship. Alex said one time after they broke up Cotter surprised her by waiting for her outside of her work and after a brief talk, he gave her a single bullet and told her he was going to kill himself with that bullet. Officer Sagner tried to locate Cotter at his last known address in Lochbuie without success. At 21:56 hours Officer Sagner left a voice male with Cotter over the phone and advised him to stop communicating with Alexandra.

After Officer Sagner left the residence Alex advised that she talked with Cotter and told him that they could talk if he would turn around and come back to Brighton but would not meet with him alone because she was scared of him. Alex stated that she was worried Cotter would show up at her home. At 22:40 hours a second 911 call was received from Adrian Chavierra (Alex's father) regarding Cotter. Adrian advised that Cotter just drove into the area and turned his head lights off and had sent a text to Alex saying, "it's too late." Occupants told dispatch Cotter was walking towards the front door of their residence and had a gun in his waistband. Ft Lupton Officers Paintin, Walker, Gallegos, Sagner and Sgt. Pelton arrived on scene at approximately 22:44 hours. Dispatch had advised that Cotter arrived in a grey Ford Focus and was parked near the residence. Due to the nature of the call Officer Sagner and Sgt. Pelton deployed their patrol rifles and formulated a strategy while approaching the house. As officers were approaching the residence, they were looking for Cotter's vehicle and looking in other vehicles. Officer Sagner told other officers to "watch out for an ambush" as they spread out and searched for Cotter.

The residence is a duplex that faces southwest, the back yard has a red privacy fence on the northwest and southeast sides as well as a three-foot white rail fence that backs up to a golf course. There is a red wooden privacy gate on the east side which leads to the back yard. As Sgt. Pelton walked up the driveway towards the front door Officer Sagner moved from across the street to the front yard of the residence. Officers Walker, Paintin and Gallegos maintained cover positions on the northwest side of the house and across the street. When Sgt. Pelton arrived at the front door Officer Sagner ask Sgt. Pelton if there were footprints in the snow leading into the back yard. Sgt. Pelton peaked around the corner of the house and advised there were prints and an open gate. Sgt. Pelton advised dispatch to have someone come to the front door as he stepped down off the front porch and was immediately shot in the face and fell to the ground. Officer Sagner moved to Sgt. Pelton and returned fire with his patrol rifle with approximately 13 shots,

striking Cotter at least three times. Sgt. Pelton was bleeding profusely from his mouth and face and was administered first aid by Officers Walker, Paintin and Gallegos then transported to NCMC by Banner Health Paramedics and eventually flown to Swedish Medical Center. Cotter was provided first aid by Officer Gallegos and fire department personnel and was flown to the Medical Center of the Rockies.

Body camera footage from Sgt. Pelton and Officer Sagner revealed there was no way the officers would have been able to see Cotter nor confront him prior to the shooting. During Cotter's interview he stated that he shot until he saw the officer drop and he knew he hit the officer with the first shot but didn't know if he hit him again. "I shot, he dropped, they shot, I dropped." He didn't think they could see if he still had the gun because a handgun is easy to conceal, so he felt like they were justified in shooting him.

Follow-up investigation included interviews with Cotter, the officers involved, as well as lay witnesses, search warrants, photographs, videos, and numerous reports.

A search warrant was executed on Cotter's vehicle, 2012 Ford Focus, CO license plate DGJ-307 at the Greeley Police Department after the shooting.

Search Warrant evidence included:

Exterior of 282 Ponderosa Pl:

One (1) .40 Caliber Berretta Handgun used by Cotter located on the ground next to Cotter with one (1) live round in the chamber.

One (1) ejected spent .40 caliber casings near Cotter on the side of the residence.

Nine (9) .223 brass casings fired by Officer Sagner.

Pool of blood and blood trail from Sgt. Pelton.

PARAPHRASED OFFICER STATEMENTS

Officer Sagner

Officer Sagner was interviewed by Detectives Jackson and Kinne from the Greeley Police Department. He stated that upon arrival he armed himself with his Daniel Defense M4 .556 rifle because dispatch had advised Cotter was armed with a handgun. It was loaded with 28 rounds of ammunition.

As he was moving across the street to the front yard he was communicating with Sgt Pelton. As Pelton was approaching the front door, he heard Sgt. Pelton tell dispatch to have someone from the residence to come to the front door. As he continued to move towards Pelton he asked if there were any footprints leading to the back yard. Sgt. Pelton replied, "it looks like it and the gate is open." He continued to move towards Sgt. Pelton and when he was about five feet from Sgt. Pelton he looked over towards the front door as he heard it open. Sagner said in that brief moment Sgt. Pelton stepped down off the front porch and he heard a gunshot. He looked back towards Sgt. Pelton and saw him fall to the ground with blood coming out of his ear. He thought Sgt. Pelton had been shot in the head and assumed he was dead because he was making what he can only describe as a "death rattle" sound.

He told dispatch "shots fired, officer down," and saw movement on the other side of the fence. He knew an officer had just been shot, there was a family inside the residence that Cotter had come to see, and three other officers exposed and knew he had to engage the suspect. He fired his patrol rifle at the suspect and then there was a pause then he saw movement again and re-engaged Cotter and heard him say "you got me, I'm down." He told the other officers to drag Sgt. Pelton away from the area as he maintained lethal cover on Cotter. He approached Cotter while ordering him to show his hands and advised dispatch that the suspect was down and to send medical emergent. As he got closer to Cotter, he observed a semi-automatic pistol laying in the snow a few feet from Cotter which he secured.

Officer Gallegos arrived in the back yard and handcuffed Cotter. Sagner remembers Cotter asked if he could leave and he told Cotter that he had just shot a cop. Cotter replied, "I know."

Sagner detailed his reason for using deadly force which he stated that the suspect had already shot one officer and he believed at that time he had killed him. He believed that the suspect very likely could access 282 Ponderosa Place through the back yard and pose a deadly threat to the occupants. He also believed that he and the other officers were in danger of being shot as well.

Officer Walker

Officer Walker was interviewed by Detective Jackson and Detective Kinne of the Greeley Police Department. She stated she is an FTO (Field Training Officer) and was training Officer Paintin that shift.

She stated that upon arrival she was aware that Sgt. Pelton and Officer Sagner deployed their pair patrol rifles and Officer Gallegos deployed her less lethal shotgun. She stated that as she and Officer Paintin were positioned at the end of the driveway of 282 Ponderosa Drive she heard

Officer Sagner ask Sgt. Pelton if there were footprints and also heard Sgt. Pelton advised dispatch to have the reporting party come to the front door. She said as Sgt. Pelton was at the front door as she and Officer Paintin were moving towards the north side of the residence and to look for footprints on that side of the house.

She said she then heard rapid gunfire and aired “shots fired” and moved towards the sound of the gunfire and where she had last seen Sgt. Pelton and Officer Sagner. As she rounded the corner, she saw Sgt. Pelton on the ground then she and Officer Paintin grabbed him and drug him towards the front of the house. She stated she did an assessment of Sgt. Pelton’s injuries and it appeared he had been shot in the mouth/face area. She stated that Sgt. Pelton began to crawl towards the driveway, they assisted him to his feet and walked with him to his patrol vehicle down the street and stayed with him until EMS arrived and transported him.

Walker stated she returned to where the shooting occurred and observed paramedics working on Cotter. While nearby she overheard paramedics talking to each other about how many times Cotter had been shot. She said Cotter spontaneously commented, “I shot three times.” An unknown paramedic asked Cotter, “you’ve been shot three times?” Cotter clarified, “No, I shot three times.”

Officer Paintin

Officer Paintin was interviewed by Detective Jackson and Detective Kinne of the Greeley Police Department. She stated she was aware that this was the second call to this residence in less than an hour and this time dispatch relayed that the ex-boyfriend (Cotter) was outside the residence and had a gun.

She remembered that she and Officer Walker crossed the street and were posted on the north side of the residence watching for anyone on that side of the house. She remembered Sgt. Pelton and Officer Sagner were near the front door and then she heard gunfire and began running towards the gunfire, she heard Officer Sagner tell dispatch “shots fired, officer down,” and then saw it was Sgt. Pelton who was down. She said that as Officer Sagner was returning fire she and Officer Walker drug Sgt. Pelton out of the line of fire and began assessing the injuries of Sgt. Pelton.

She said Sgt. Pelton was bleeding profusely from his nose, mouth and ears and believed he had been shot in the mouth. She stated that she and Officer Walker helped Sgt. Pelton to his feet and walked him back to his patrol vehicle and stayed with him until EMS arrived.

Officer Gallegos

Officer Gallegos was interviewed by Detective Jackson and Detective Kinne of the Greeley Police Department. She said she remembered this was the second call to this residence and the previous call was handled by Officer Sagner. She stated that the second call advised that the same subject was now on scene at the residence and had a gun.

On scene she deployed her less lethal shotgun and was aware that Sgt. Pelton and Officer Sagner and deployed their patrol rifles. Gallegos said she was across the street and was able to see Sgt.

Pelton and Officer Sagner approach the residence. She heard Sgt. Pelton tell dispatch to have to reporting party come to the front door then heard gunfire and saw Sgt. Pelton fall to the ground. She moved across the street and began to render aid to Sgt. Pelton but was then directed to assist Officer Sagner. Gallegos said as she entered the back-yard area, she handcuffed Cotter as Officer Sagner maintained cover on him. She said that as she was providing first aid to Cotter he was rolled to his side to assess for additional wounds, and she saw a spent shell casing in the snow and collected it because she was worried it would get stuck in someone's shoe that was walking in the immediate area. Gallegos said as she was telling other officers and firefighters to let her know if they noticed anymore shell casings Cotter uttered, "I shot three times."

Matthew Cotter

On December 3, 2019 Cotter was interviewed while at MCR by Detective John Kinne. Cotter waived his Miranda advisement and agreed to speak with Detective Kinne without an attorney present.

Cotter stated he and Alex dated for approximately eight months and she broke up with him about three months ago. Cotter said he was going home after work around 6:00 p.m., however instead of making the turn to go home, he kept driving east. Cotter said he wanted to get away and he didn't want to hurt anybody and kept driving. He went on to say he remembers talking to his friends Luke and Alec, but the conversations were just a blur to him, but remembers he threw the phone down and had to calm down. He said he was probably 200 miles from east of Brighton on I-70 when Alex called him. Cotter said during this conversation Alex told him to come back and talk to her and work things out and he said when he heard Alex's voice, he wanted closure and he wanted it to "be all better" and turned around.

Cotter stated that he drove back to Brighton, and eventually to Alex's house. He said he had been drinking gin during the drive but did not use any drugs. Alex said he was waiting outside for a second, deciding about actually going to talk to her or go home. He saw Alec pull up in his truck, he got scared and left the area. He drove to the Frederick area, waited about twenty minutes to collect his thoughts then drove back to Alex's cul de sac on Ponderosa Pl. He was waiting in his car, deciding whether he should call her or text her. Alex told him something about him harassing her, even though he didn't feel like he was harassing her, and it hurt. Cotter said he sat there, decided he was going to go home, but that's when he heard the sirens coming (text sent "it's too late.")

Cotter said when he heard the sirens, he panicked, and for some reason he grabbed the gun from the glove box, racked a round in the chamber, tucked it into his waistband with the safety on and got out and ran. He said he was going to run as fast and as far as he could across the golf course, but for some reason he stayed, and sat down next to Alex's house behind the gate.

Cotter said he thought three police officers pulled up, and he knew they were police officers because of their uniforms. He said he could see their flashlights shining around, their "red and blues." and was pretty sure they were holding their AR-15 rifles.

Cotter said he didn't think the officers ever saw him and thought he heard the officer say the gate was cracked open a little bit. Cotter said he was right behind the gate, literally inches from the gate and he could see through the cracks. He said the officers started walking towards him and he realized they knew he had a gun. Cotter said he knew he had the gun; he knew he was drunk, and he knew he was trespassing. He then blacked out and the next thing he knew he was on the ground with an officer's boot in the back of his head and was put in handcuffs.

Cotter said he vaguely remembered the shooting but remembers pulling the gun up, pointing it and remembered there was a lot of gunfire at that moment. Cotter said he shot the officer and he was getting shot, and believed he shot three times, but it could have been more. Cotter said he shot until he saw the officer drop. Cotter confirmed he was sitting down when he shot and stated he knew he hit the officer with the first shot but didn't know if he hit him again.

Cotter said he then stood up, looked over the fence with the gun in his hand, turned around, ran a couple of yards and got shot in the back, "I shot, he dropped, they shot, I dropped." He didn't think they could see if he still had the gun because a handgun is easy to conceal, so he felt like they were justified in shooting him.

Cotter said he has thought about many different ways to kill himself in the past and he has attempted suicide a couple of times, but this was not suicide by cop.

WITNESS STATEMENTS

Alexandra (Alex) Chavarria

Alex was interviewed by Detective Jackson of the Greeley Police Department and Lt. Handle of the Milliken Police Department. She said she had been dating Cotter until August 2019 after an approximate nine-month relationship when she broke up with him. She said Cotter has had bouts of depression since his father died in 2016 and has struggled with suicidal thoughts. Alex stated that about a month ago, Cotter had threatened suicide before when she thought about ending the relationship but Cotter surprised her by waiting for her outside of her work and after a brief talk, he gave her a single bullet and told her he was going to kill himself with that bullet so she stayed with him.

Alex said she called the police tonight because their mutual friend Alec called her and told her Cotter was driving to Kansas and was going to kill himself. Alec also told her that Cotter was in possession of a gun. She said when she finally spoke to Cotter, he was upset and said that he left because he didn't want to hurt her. Alex said she convinced Cotter to drive back to Brighton and they would talk but she did not want to meet with him in person because he scared her. Alex said after the conversation she received a text from Cotter indicating that he was about an hour away. Alex said after an hour went by, she got really nervous because she did not want Cotter to come to her house and he could be there any minute.

Alex said that she saw her father run towards the stairs and she looked out her bedroom window and saw Cotter park his car and turn off the headlights. She said as Cotter was walking towards the house, she heard her mother yell that Cotter had a gun. She said Cotter walked straight up to the house, but never knocked on the door. She said, "Cotter walked up to the house like he knew what he was doing." She said that she hid in her parent's bedroom and her father went downstairs because there was an officer at the front door. She said her father opened the front door and she heard a gunshot and then more gunshots. Alex said she hid in a closet stayed on the phone with 911 until the police came upstairs to where she was.

Nichole Chavarria

Nichole was interviewed by Detective Wilson of the Erie Police Department and Detective Finch of the Greeley Police Department. Nichole is the mother of Alex and was present when Alex and Cotter were talking on the phone.

Nichole stated that Cotter had tried to communicate with Alex repeatedly to the point Alex blocked him on her phone and any social media. After Alex spoke to Alec, she called Cotter to find out what was going on. Nichole said that Cotter was extremely upset and screaming "I don't know what I'm doing" and Alex asked him to come back and Cotter replied, "No, I don't want to come back because I'm afraid I will hurt you." Alex convinced Cotter to return to Brighton and they would talk.

Nichole said that she and Alex arrived at their home around 8:00 p.m. and were afraid Cotter would show up at the house. Nichole said that Cotter arrived, and he parked two houses to the south and then she saw him walking up their driveway. Nichole said that she then heard gunshots.

Adrian Chavarria

Adrian was interviewed by Detective Wilson of the Erie Police Department and Detective Finch of the Greeley Police Department. Adrian is the father of Alex and was aware of Cotter's erratic behavior and was afraid Cotter was going to kill Alex.

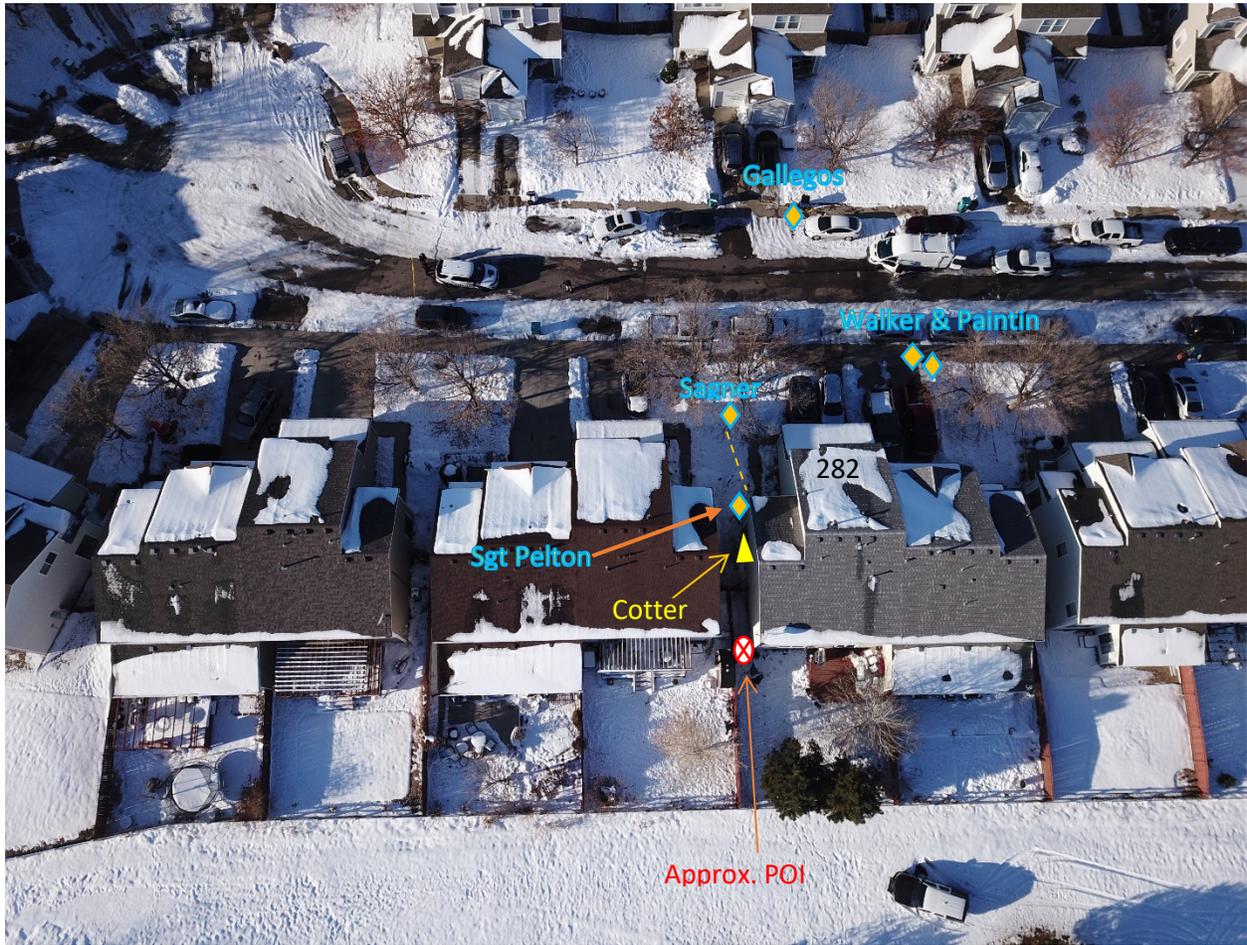
Adrian heard "ice crunching" and looked out a window and saw Cotter pull up in his vehicle and turn his headlights off. Adrian was on the phone with dispatch when they told him the police requested, he come to the front door. As he opened the front door, he could hear the officers say something then shots were fired. He said one of the officers was shooting towards the back yard and assumed Cotter was in the back yard.

Crime Scene

Based on the evidence at the crime scene, statements from witnesses, and body cam footage, they collectively corroborate the actions that occurred during the incident on December 2, 2019. It appears due to the weather conditions at the time and since, there may be additional shell casings still underneath the snow which can be retrieved at a later date.



Daytime view from sidewalk with gates open



Aerial view of 282 Ponderosa Pl and Officer positions.

POI = Point of Impact





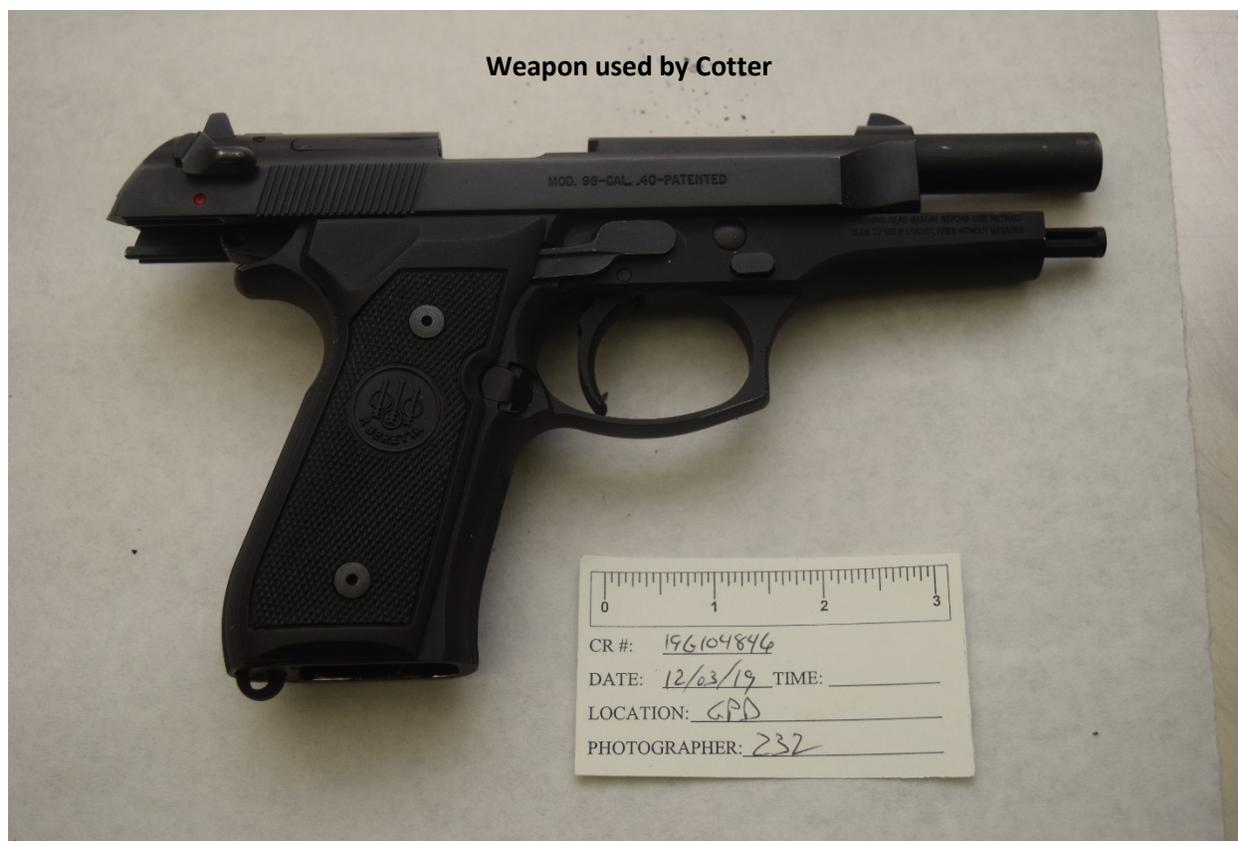
Aerial view of 282 Ponderosa Pl and approximate officer positions.

POI = Point of Impact

North



Weapon used by Cotter





View of gate at night with minimal lighting from law enforcement.



View of gate at night with minimal lighting from law enforcement.

MEDICAL OBSERVATIONS

Sgt. Pelton received a single gunshot wound that entered the right side of his face/mouth and exited the left side near his left ear. Sgt. Pelton has undergone numerous surgeries already with many more expected as well as ongoing therapy and rehabilitation.



Cotter received multiple gunshot wounds to his upper and lower back which did not require surgery intervention. Cotter also received injury to his right hand from shrapnel after a rifle round struck his handgun.

