



MICHAEL J. ROURKE
District Attorney

ROBERT W. MILLER
Assistant District Attorney

Office of the District Attorney
Nineteenth Judicial District

915 10TH Street
P.O. Box 1167
Greeley, CO 80632
Phone: (970) 356-4010
Fax: (970) 352-8023
www.weldda.com

February 23, 2023

Chief Scott Sedgwick
Hudson Police Department
50 S. Beech Street
P.O. Box 351
Hudson, CO 80642

RE: Investigation of the December 14, 2022 Officer-Involved Shooting of Collin Roberts

Chief Sedgwick:

The investigation into the shooting of Collin Roberts 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 sergeant 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 Roberts ultimately shot himself but was shot at by one of the responding officers, the determination of whether the officer's conduct was criminal is a question of legal justification.

Colorado Revised Statutes § 18-1-707, as amended by the Colorado General Assembly in 2020 by SB 20-217, establishes when a peace officer can use potentially deadly force to defend himself or others. The pertinent subsections of the statute read as follows:

C.R.S. § 18-1-707(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

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

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

C.R.S. § 18-1-707(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

C.R.S. § 18-1-901(3)(d) “**Deadly Physical Force**” means force, the intended, natural, and probable consequences of which is to produce death, and which does, in fact, produce death.

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 Roberts intended to use deadly force. The issue is whether it was reasonable for the officer to believe that he was about to use deadly physical force against the officers or another person with a deadly weapon.

In this case, deputies and officers were attempting to contact and arrest Roberts for several crimes he had committed, including but not limited to burglary, aggravated robbery, aggravated motor vehicle theft and felony menacing. Officers and deputies pursued him in a stolen Silverado over an extended period. During the pursuit Roberts pointed a rifle at them. Ultimately, sergeants from the Hudson police department disabled the stolen Silverado. Sergeant Jamison fired one shot towards Roberts, striking the vehicle. He fired as Roberts raised the rifle to shoot himself.

Roberts clearly knew that police officers were pursuing him and giving him commands based on the entirety of the situation. Officers attempted to contact him in Kersey and later officers and deputies from several jurisdictions pursued him in the stolen Silverado.

In this case, the sergeant that fired his weapon reasonably believed he or other officers were in danger of death or serious bodily injury. Roberts had brandished the rifle several times at homeowners in Kersey and at law enforcement that day.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that that Sergeant Jamison was justified in discharging his firearm at Roberts and reasonably believed that it was necessary to protect himself or others from Roberts's use of potentially deadly physical force. Further, Roberts had committed several felonies leading up to Sergeant Jamison firing his weapon.

CONCLUSION

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

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Rourke". The signature is written in a cursive style with a large, stylized initial "M".

Michael J. Rourke
District Attorney



Officer Involved Shooting

December 14, 2022

Collin Mitchell Roberts

22HP003813

22WP0021614

22KP002496

22W042782

22EL006097

22IS1153 (CSP)

Investigator

Thomas M Walde

Summary

This incident began on 12/14/2022 when, at around 1125, Eric Hernandez reported his 2006 Gold Nissan Altima stolen from the parking lot at his place of employment, Bunting Disposal, located at 3315 State Street, Evans, Colorado.

Witness Matthew Steffen, an employee at Bunting, told officers that he spoke to a white male who was 5'10" with blond hair and a short scruffy beard in the Bunting parking lot. The male was disheveled, agitated and may have carried something long under his clothing according to Steffen. Surveillance video from Bunting Disposal shows a male holding a long rifle with a shoulder sling walking through the parking lot just before the Nissan was stolen.

The Nissan was later recovered at 24593 Cottonwood Court by the Kersey Police when they responded to assist the Weld County Sheriff's Office on multiple burglary calls. The car was left behind at one of the burglary scenes on Cottonwood Court.

The suspect, later identified as Collin Roberts, was seen on video walking around homes on Cottonwood Court. Roberts matched the description of the suspect identified at Bunting Disposal. Roberts attempted to enter several homes and vehicles and was armed with a rifle.

Roberts gained entry to the garage at 24593 Cottonwood Court. The homeowner, Justine Buckner, was armed with a shotgun and chased Roberts away from her home.

24591 Cottonwood Court is the home of Trey Moody. Moody's overhead garage door and the door leading to the basement were forced open. The lock to the garage door had been shot and was damaged. Moody does have surveillance cameras on the outside of his home. The video showed Roberts running on Cottonwood Avenue with a rifle in his left hand and a handgun in his right.

24587 Cottonwood Court is the home of Guadalupe Rico. She reported Roberts tried to break into her home through the garage but was unsuccessful. Roberts then broke a basement window and entered her home. Rico saw the male in her basement, and he pointed a rifle at her. Roberts said something to Rico which she did not understand as she does not speak English. Rico fled her home and went to the home of Justine Buckner. While in the house, Roberts stole keys to the Silverado belonging to Rico.

WCSO Deputies Burke and Agnew arrived at the Buckner home and saw Roberts enter a Chevrolet Silverado at 24587 Cottonwood Drive. The deputies ordered the driver to stop but he disregarded their commands and drove away. Deputy Burke saw an AR style rifle laying on the dash as the truck drove past them.

As the Silverado was leaving the Cottonwood Court area Deputies Rougier and Burke pursued the vehicle onto Interstate 76. Roberts was travelling between 80-90 miles per hour. Roberts pointed his rifle at the pursuing deputies. As Roberts entered Morgan County the Weld County Deputies terminated their pursuit. Officers from other agencies attempted to

use stop sticks to try and stop Roberts. Roberts did not drive over the stop sticks and continued to flee in a dangerous manner. Roberts was travelling at speeds of 80-90 MPH. Roberts later made a U-turn and came back into Weld County. Weld Deputies re-engaged pursuing him.

Deputy Rougier attempted a PIT maneuver on I-76 near Highway 52. Roberts drove the vehicle off the interstate and onto the frontage road.

As Roberts attempted to drive back onto I-76, Sgts Jamison and Trujillo of the Hudson Police Department hit the right rear of the Silverado truck. The truck was disabled at that time.

All available body worn camera footage and surveillance footage was reviewed at length and found to be consistent with both officer and witness statements regarding the incident, as well as physical evidence collected at the scene.



Officer Statements

Sergeants Trujillo and Jamison of the Hudson Police Department were riding in the same vehicle.

Sergeant Trujillo attempted a PIT maneuver on the Silverado vehicle but was not successful. Roberts continued driving away from the Sergeants. Roberts drove across the median between I-76 and the frontage road. Sergeant Trujillo said it looked to him like Roberts was going drive into the surrounding neighborhood. Because of this Sergeant Trujillo drove his police vehicle into the right rear of Roberts vehicle. This action disabled the Silverado and it came to stop at that location.

After the vehicle came to a stop, Deputy Gonifas saw the driver place rifle under his chin and shoot himself.

Simultaneously, Sergeant Jamison started to get out of the Jeep he was in and saw Roberts holding the rifle and pointing up. Sergeant Jamison saw Roberts start to move around, and he felt Roberts was going to fire at officers. Sergeant Jamison fired his handgun one time in the direction of Roberts. This shot by Jamison was nearly concurrent with the shot fired by Roberts. There was no more movement from Roberts at that point.

Deputy Cole used a less lethal round to break the driver's window of the truck to gain access to the interior of the truck.

Deputy Rougier then removed the rifle from Roberts' hands.



Autopsy

The autopsy of Collin Roberts was conducted on 12/15/2022. Weld County Coroner Dr. Michael Burson ruled the death a suicide by a self-inflicted gunshot wound to the head. In addition, the autopsy report included the following toxicology results:

Amphetamine	95 ng/ml
Methamphetamine	630 ng/ml
Fentanyl	1.5 ng/ml
Norfentanyl	0.92 ng/ml

It is noted in the toxicology report that methamphetamine blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.