

DISTRICT ATTORNEY



13TH JUDICIAL DISTRICT

Brittney B. Lewton

Counties of Kit Carson, Logan,
Morgan, Phillips, Sedgwick,
Washington & Yuma

Report:
Officer Involved Shooting
Logan/Morgan Counties
April 28/29th, 2018

Materials Reviewed:

1. Colorado Bureau of Investigations' video/audio interview on May 2, 2018, with Morgan County Sheriff's Department Sergeant Christopher Griggs, at the Morgan County Sheriff's Department, pertaining to the events of April 28th/April 29th, 2018.
2. Colorado Bureau of Investigations' video/audio interview on May 2, 2018, with Brush Police Department Corporal Ross Blank and his attorney, at the Morgan County Sheriff's Department, pertaining to the events of April 28th/29th, 2018.
3. Colorado Bureau of Investigations' audio interview on the morning of April 29, 2018, with the suspect in this matter, Christopher Luedtke, while he was in custody at the Morgan County Sheriff's Department.
4. Colorado Bureau of Investigations' photographs of the stolen semi-truck involved in this incident, taken in the early morning hours of April 29th, 2018, where the vehicle came to final rest on N. Custer in Brush, CO.
5. Colorado Bureau of Investigations' photographs of the stolen semi-truck involved in this incident, taken on May 4th, 2018, while the truck was being held at TLC Automotive tow yard in Sterling, CO.
6. Colorado Bureau of Investigations' photographs of the weapons available to both Morgan County Sheriff's Department Sgt. Christopher Griggs and Brush Police Department Cpl. Ross Blank, on the night of April 28/29th, 2018.
7. Colorado Bureau of Investigations' photographs taken of the suspect Christopher Luedtke on April 29th, 2018, at the Morgan County Sheriff's Department, once Luedtke was in custody and had been treated for his wounds.
8. Colorado Bureau of Investigations' photographs taken on the morning April 29th, 2018, of the multiple crash sites in Morgan County, left as a result of this incident by the stolen semi-truck.

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9. Colorado Bureau of Investigations' photographs taken in the early morning hours of April 29, 2018, of bullet/ammunition casings, of different caliber and size, in and around Morgan County, suspected to have come from this incident.
10. Dashboard camera footage from Morgan County Sheriff's Department Sgt. Christopher Griggs' marked patrol vehicle, for the late evening hours of April 28th/into the early morning hours of April 29th, 2018.
11. Dashboard camera footage from Morgan County Sheriff's Department Deputy Berlangas' marked patrol vehicle, for the late evening hours of April 28th/into the early morning hours of April 29th, 2018.
12. Body-worn camera footage from Brush Police Department's Cpl. Ross Blank, for the evening hours of April 28th, 2018/into the early morning hours of April 29, 2018.
13. Body-worn camera footage from Morgan County Sheriff's Department Sgt. Christopher Griggs for the evening hours of April 28th, 2018 into the early morning hours of April 29th, 2018.
14. Body-worn camera footage from Logan County Sheriff's Department Sergeant Clay Rockwell for the evening hours of April 28th/into the early morning hours of April 29th, 2018.
15. Photographs taken by the Morgan County Sheriff's Department of multiple spent bullet/ammunition casings, varying in size and caliber, in multiple locations within Morgan County, believed to be from this incident on April 28th/April 29th, 2018.
16. Photographs taken by the Morgan County Sheriff's Department of the stolen semi-truck, in the early morning hours of April 29th, 2018, where the stolen semi-truck finally came to rest.
17. Photographs taken by Log Lane Town Marshal Darin Sagel, in the morning hours of April 29, 2018, of the home at 810 N. Custer Street, where the suspect was ultimately apprehended.
18. Photographs taken by Log Lane Town Marshal Darin Sagel, of the stolen semi-truck, on May 4th, 2018, with CBI, at TLC Automotive tow yard in Sterling, CO.
19. Reports from Logan County Sheriff's Department Sgt. Clay Rockwell regarding the report of a stolen semi-truck on the night of April 28th, 2018, in addition to a description of the chase of the truck that ensued in Logan County, once the semi-truck was found and failed to stop for local law enforcement.
20. Reports from Logan County Sheriff's Department Deputies Leisure and Dodson regarding the report of the stolen semi-truck out of Merino, CO. on April 28th, 2018.
21. Witness statements from the owners of the stolen semi-truck, Matt and Bethany Kilmer.
22. Witness statements from one of the parties, Mr. Dana Vaughan, who was almost struck by the stolen semi-truck as it was speeding westbound out of Logan County.

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23. A short, informal synopsis from Log Lane Town Marshal Darin Sagel about his collection of the weapons, ammunition, both live and spent from Sgt. Griggs and Cpl. Blank's various weapons. Further, a brief description by Marshal Sagel of the number of bullet holes in the semi-truck upon closer inspection at TLC Automotive tow yard in Sterling, CO., on May 4th, 2018, while there assisting CBI.

24. 911 Dispatch recordings of "radio traffic" from multiple civilian callers, as well as firefighters, EMS, and officers that was compiled after this incident, from all of the dispatch centers connected to this incident, which entail much of what was being reported over the air to dispatch or from dispatch, in the evening hours of April 28th/and early morning hours of April 29th, 2018.

25. A warrantless affidavit for the arrest of the suspect Christopher Luedtke, written by Investigator Jon Holt with the Morgan County Sheriff's Department on April 29th and 30th, 2018.

26. An NCIC/CCIC printout of the suspect's criminal and driving history.

27. Conversations with the officers who were either investigating the suspect's criminal actions on the evening of April 28th/morning of April 29th, 2018 (primarily for the number and location of the victims, as well as the extent of their injuries), and any other investigators who were tasked with investigating the "Officer Involved Shooting" portion of this incident.

Witnesses:

Logan County Sheriff's Department Sgt. Clay Rockwell
Logan County Sheriff's Department Deputy Jeremy Leisure
Logan County Sheriff's Department Deputy Jon Dodson
Logan County Sheriff's Department Sgt. Denis Grischenko
Logan County Sheriff's Department Lt. Dennis Aulston
Sterling Police Department Sgt. Russell Baca
Sterling Police Department Lt. Russ Swingle
Colorado Bureau of Investigations Investigator Agent Stacy Galbraith
Colorado Bureau of Investigations Crime Scene Agent Dave Yocum
Colorado Bureau of Investigations Crime Scene Agent Dave Maloney
Colorado Bureau of Investigations Investigator Agent Greg Zentner
Colorado Bureau of Investigations Agent in Charge Kirby Lewis
Fort Morgan Police Department Detective Sgt. Steve Vosburg
Fort Morgan Police Department patrol Sgt. Kevin Miller
Fort Morgan Police Department Commander Loren Sharp

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Morgan County Sheriff's Department Sgt. Christopher Griggs
Morgan County Sheriff's Department Deputy Steve Berlanga
Morgan County Sheriff's Department Detention Deputy Matthew Ryan
Morgan County Sheriff Jim Crone
Morgan County Undersheriff Dave Martin
Morgan County Sheriff's Department Investigations Lt. Jon Horton
Morgan County Sheriff's Department Investigator Jon Holt
Morgan County Sheriff's Department Investigator Shawna Barbee
Morgan County Sheriff's Department Deputy Jim Parks
Brush Police Department Sgt. Brandon Flecksteiner
Brush Police Department Officer Jacob Krise
Brush Police Department Cpl. Ross Blank
Brush Police Department Lt. Corey Hardy
Log Lane Town Marshal Darin Sagel
Colorado State Patrol Trooper Martin Plakorus
Colorado State Patrol Sgt. Burl Giffin
Matt Kilmer
Bethany Kilmer
Dana Vaughan
Jacob Miller
Multiple other civilian witnesses that are not relevant to the Officer Involved Shooting Investigation

Synopsis of Events:

After my review of the aforementioned materials and discussions with, or viewing materials from, the aforementioned witnesses, these are the facts as I find them to be, as they existed in the evening hours of April 28th, into the early morning hours of April 29th, 2018, in both Logan and Morgan Counties, in relation to this incident.

***A note about times pertaining to this incident. Upon review of all of the dashboard cameras and body-worn cameras from all of the officers who were involved in this pursuit, it became clear that most were incorrect or off in one way or another from the actual time. Thus, I have instead relied on dispatch records rather than any one officer's times as shown on their recording devices.

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Logan County Information/Initial Theft

On April 28th, 2018 Christopher Luedtke (hereafter referred to as "the suspect") stole a 1995 Peterbilt 379 semi-tractor bearing Colorado license plate 001JIM, with a 1984 Wilson Grain Trailer Co., Inc. trailer attached, bearing Colorado license plate 959LQK (hereafter referred to as "the semi-truck"), from the property of Matt and Bethany Kilmer. Both the tractor and trailer were described as silver in color. The property where the semi-truck was taken from is located at 9412 County Road 1, Merino, CO., 80741. Per Mr. Kilmer, he and his wife had left their residence around 6 pm that evening, with the semi-truck parked in the yard of the country property, but when they returned home around 9 pm the semi-truck was gone. Mr. Kilmer immediately called 911 and was very clear with law enforcement upon reporting the vehicle as stolen, that he had not given anyone permission to drive the semi-truck.

Simultaneously, at 2116 hrs (9:16 pm), Logan County dispatch center received a driving complaint indicating that a semi-truck had almost hit the reporting party head-on, as it was traveling eastbound in the westbound lanes near Logan County Road 21, on Hwy 14 in Logan County, Colorado. That party was a male by the name of Dana Vaughan, who later explained to law enforcement that he was driving westbound on Hwy 14 near Logan County Road 25, with his eight year old grandson as a passenger, when he encountered the oncoming eastbound semi-truck driving in his westbound lane. Mr. Vaughan estimated the semi-truck to be traveling at roughly 80 miles per hour and that Mr. Vaughan had to take evasive maneuvers by "jerking" his vehicle, a 1996 Honda Civic to the right side of the road and "lock up" the brakes, in order to stop his vehicle and avoid being hit head on by the semi-truck. Upon receiving the driving complaint information from dispatch, Deputy Jeremy Leisure with the Logan County Sheriff's Department headed toward that location in order to try and locate the semi-truck. While in route, Deputy Leisure, driving a fully marked patrol vehicle, observed a semi-truck with a trailer attached, traveling eastbound at a high rate of speed in the westbound lane near County Road 33.5 on Hwy 14. As the semi-truck approached Deputy Leisure's patrol car it almost struck Deputy Leisure's marked patrol car. Once the semi-truck had passed Deputy Leisure, he quickly turned around to try and catch up with the semi-truck. Near Hwy 14 and Ball Park Rd. Deputy Leisure attempted to initiate a traffic stop with the semi-truck by turning on his red and blue flashing overhead and emergency lights. However, in attempting to initiate said traffic stop, as Deputy Leisure activated his overhead patrol lights, it appeared to cause the semi-truck to speed up in an attempt to evade Deputy Leisure. During this time, both the semi-truck and Deputy Leisure then entered the city limits of Sterling, Colorado. The semi-truck would travel at speeds

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in excess of the posted speed limit, fail to remain in a single lane of traffic, and engaged in reckless driving throughout his drive through the City of Sterling. Because the semi-truck had entered into a populated area Deputy Leisure terminated his pursuit of the semi-truck, and instead stopped in a parking lot near the intersection of Main St. and North 2nd Avenue to see if he could make any observations of where the semi-truck might go and to await orders from his command staff as to what he should do next. While sitting at that intersection, Deputy Leisure observed the semi-truck turn right and head south on Division Avenue. By now many other law enforcement officers in and around the City of Sterling had either followed the semi-truck or were beginning to prepare to intercept the semi-truck.

Logan County Sheriff's Department Sgt. Clay Rockwell caught up with the semi-truck going westbound on Hwy 6, headed out of the City of Sterling. It was at this point that Sgt. Rockwell was able to confirm that the plate on the trailer was in fact the same one as the one Mr. Kilmer had reported stolen just a little bit earlier in the evening. Sgt. Rockwell continued to pursue the stolen semi-truck westbound on Hwy 6. During Sgt. Rockwell's pursuit of the semi-truck he observed the vehicle traveling at higher than posted speeds, making evasive and aggressive maneuvers from one lane of Hwy 6 to the other, including at one point suddenly crossing directly in front of Sgt. Rockwell's patrol vehicle, causing Sgt. Rockwell to have to hit his brakes "hard" in order to avoid running into the back of the grain trailer. In addition, Sgt. Rockwell observed the semi-truck turning its headlights off in order to be "blacked out" only to turn them right back on, and not slowing to the posted slower speed limits while passing through towns along Hwy 6, such as Atwood and Merino. During Sgt. Rockwell's pursuit to the western edge of Logan County and into Washington County, he also observed multiple civilian motorists have to take evasive maneuvers in order to avoid being struck by the semi-truck. It should be noted that during this time frame Sgt. Rockwell opted not to activate his overhead and emergency lights or sirens. He felt that at that point in the pursuit, of a large and increasingly more erratic vehicle, and being the only police car in a several mile proximity to the semi-truck, would cause him to become a clear target for the semi-truck, which had already swerved to try and crash into other law enforcement vehicles.

Entry into Morgan County

Once Sgt. Rockwell passed through the Town of Merino and reached the west edge of Washington County, he called the Morgan County Dispatch Center and asked them to get information regarding his current pursuit, out to all of the law enforcement in Morgan County, as he wanted to make sure there was adequate reinforcements available once the semi-truck reached

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Morgan County. Morgan County dispatch records indicate that a "BOLO" or "Be On the Look Out" was issued in Morgan County at approximately 21:47 (9:47pm). At roughly that time, Sgt. Rockwell continued to pursue the semi-truck into, and through the town of Hillrose.

*****Note:** The distance in miles between the City of Sterling and the Town of Hillrose is roughly 46 miles and if driven at the posted speeds, it would take a traveler 46 minutes to complete this drive. However, based on when the original driving complaint call came in from Mr. Vaughan in Logan County, thus dispatching Logan County law enforcement at roughly 21:16 (9:16 pm), and the time that Sgt. Rockwell requested the BOLO be aired in Morgan County at roughly 21:47 (9:47 pm), this suspect made his initial journey through the City of Sterling and then that 46-mile driving distance in a fraction of the expected time; only 31 minutes had passed in total. This corroborates Sgt. Rockwell's account of the high rates of speed that the semi-truck was traveling before reaching the Town of Hillrose.

Hillrose is a town just north of Brush, Colorado and is just inside of Morgan County. As the pursuit through Hillrose continued, Sgt. Rockwell stated that he was often following the semi-truck in excess of 75 miles per hour. Through a series of erratic turns and actions by the semi-truck while in and around Hillrose, Sgt. Rockwell found himself actually being pursued by the semi-truck. As Sgt. Rockwell accelerated his speed, so did the semi-truck in pursuit of Sgt. Rockwell's marked patrol car. Despite Sgt. Rockwell's attempt to make evasive maneuvers himself, in order to get away from the semi-truck, it continued to follow the Sgt., narrowly missing collisions with several parked vehicles along the way. Per Morgan County dispatch records, Sgt. Rockwell reached the intersection of Hwy 6 and Interstate 76, which is situated just on to the west of Hillrose, at approximately 21:48 (9:48 pm). With the semi-truck still close behind him, Sgt. Rockwell informed a Brush police officer, who was simultaneously heading toward the pursuit from the Town of Brush, of the situation up to that point. The Brush police officer was driving a fully marked patrol vehicle with his overhead and emergency lights activated. Sgt. Rockwell also now activated his emergency overhead lights and further informed the Brush police officer that he was going to try and lead the semi-truck onto Hwy 34, rather than allowing it to enter Interstate-76, in either direction. This Brush police officer was Cpl. Ross Blank. As Sgt. Rockwell and the semi-truck passed by Cpl. Blank, the semi-truck took action to try and swerve directly into Cpl. Blank's vehicle, but was unsuccessful due to Cpl. Blank taking evasive maneuvers to avoid the semi-truck.

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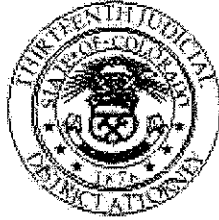
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Specifics Pertaining Brush Police Department Cpl. Ross Blank (Shooter #1)

At this point there are a few pertinent facts worth mentioning about Cpl. Blank and what he knew as he entered the on-going pursuit on the night of April 28th, 2018. First, based on communications from the Morgan County dispatch center, including the recently aired BOLO, he knew there was a confirmed stolen semi-truck out of Logan County. He also knew that particular stolen vehicle had not only failed to yield to Logan County law enforcement attempting to contact it, but that the semi-truck had in fact attempted to collide with more than one law enforcement vehicle, including his own, and had attempted to collide with civilian vehicles. Cpl. Blank also knew that this semi-truck had been driving recklessly, at night, often crossing into oncoming traffic lanes, traveling at high rates of speed, and was currently in pursuit of a law enforcement officer out of Logan County.

With respect to Cpl. Blank himself, after a thorough interview conducted by the Colorado Bureau of Investigation (hereafter referred to as "CBI"), on May 2, 2018, to which Cpl. Blank agreed to participate in on a completely voluntary basis, we learn that on April 28th, 2018, Cpl. Blank was driving a fully marked Brush Police Department issued patrol vehicle in the form of a 2011 Dodge Charger. This patrol vehicle was equipped with all of the attendant overhead and emergency lights and sirens one would expect in the typical patrol cruiser, and all of that equipment was fully operational. Cpl. Blank's Charger also contained a Rock River Arms AR-15, .223 caliber, short barrel rifle, as well as a Remington 870 "less lethal" orange shotgun (meaning that although capable of firing traditional ammunition, the shotgun was instead equipped with either compressed beanbags or some other projectile that was NOT a bullet or live round). We also learn that Cpl. Blank was the only officer to drive this vehicle and the rifle was kept in a secured carrier between the two front seats. On the night of the 28th, Cpl. Blank was dressed in the assigned uniform for the Brush Police Department, which included a bullet-proof vest, a Glock 22-.40 caliber semi-automatic pistol, handcuffs, a baton, and a utility knife. Cpl. Blank described to CBI that he has been a certified peace officer in the State of Colorado for just over 8 years; had achieved the rank of Cpl. within the Brush Police Department, and possessed additional training or certification in the areas of Standard Field Sobriety Tests, Field Training Officer skills, Emergency Medical Services, special interview tactics, and was a member of the Morgan County S.W.A.T. team. On the evening of the 28th Cpl. Blank was working his "normal" shift, which is 7pm to 7am, though the days of the week he would work could vary. He told CBI that he had worked the same shift the night before (April 27th/April 28th). During the interview with CBI, Cpl. Blank did not indicate that during this incident he was feeling ill or agitated, nor that he was having any issues with his equipment or any family or co-workers.

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Overall, based on his body-worn camera footage from the incident and his subsequent interview with CBI, there is no evidence that Cpl. Blank and his equipment was in any other condition than normal and fit for duty.

Pursuit in Morgan County-Prior to Entry onto I-76

As planned, Sgt. Rockwell did in fact turn westbound onto Hwy 34 and the semi-truck continued to follow him, still accelerating in an attempt to bridge the gap that Sgt. Rockwell had created between his patrol vehicle and the semi-truck. As the parties entered the city limits of Brush, Sgt. Rockwell continued with semi-truck following close behind, with the speeds at times 70 miles per hour in a posted 25 mile per hour zone. During this time there were multiple other civilian vehicles traveling in both directions on Hwy 34 and the semi-truck took the position of the middle of Hwy 34, despite the location of any of those other vehicles. At this point, Cpl. Blank turns on his body camera and follows the semi-truck as it continues to chase Sgt. Rockwell westbound on Hwy 34 through the town of Brush. The pursuit continued in this fashion between the towns of Brush and Ft. Morgan, with the semi-truck continuing to force many civilian vehicles off one side of the road or another, drive at high rates of speed, and drive in an extremely reckless manner, often crossing over to the eastbound lanes and attempting to go "head-on" toward another law enforcement vehicle on at least two occasions. Ultimately Cpl. Blank observes the semi-truck actually run one of the other law enforcement vehicles off of the road. What is more, it is also near this point in time that Cpl. Blank sees the semi-truck collide with a civilian van, causing it to be pushed off of the road and tip onto its side. The occupants of that vehicle received minor injuries.

It is then that Cpl. Blank makes the determination, that despite the high speeds and reckless and unpredictable actions of the driver of the semi-truck driver, that lethal force needed to be utilized in order to stop this semi-truck before it killed someone. Morgan County dispatch records show Cpl. Blank informing other law enforcement officers and dispatch that he intended to use "lethal force" at approximately 2152 (9:52 pm). Cpl. Blank got out his .223 rifle, "racked" it or chambered a round in it, and began to fire rounds through his patrol car windshield at the tires of the trailer. Unfortunately, this effort was to no avail and in fact, according to Cpl. Blank during his interview with CBI, didn't even appear to have an effect on the semi-truck at all. That is when Cpl. Blank decides that not only is lethal force warranted, but that trying to disable the vehicle isn't sufficient and that he must kill the driver if possible, in order to prevent the semi-truck from causing anymore destruction. Before firing again, Cpl. Blank told CBI that he recalled thinking that at that particular moment he was in a better location to fire his rifle

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again, as the pursuit vehicles were primarily surrounded by the farm ground between Brush and Ft. Morgan on Hwy 34, thus limiting the risk of danger to civilians. Thus Cpl. Blank then fired three additional .223 rounds into the driver's side cab portion of the semi-tractor, but again to no avail. Cpl. Blank also makes attempts at this time via dispatch, to request road blocks be set up to try and stop the semi-truck, but no such road block was ever set up.

Once the semi-truck, still traveling eastbound on Hwy 34, reaches Barlow Rd. on the east side of the city of Ft. Morgan the suspect makes a sharp right turn onto Barlow Rd. and begins to head north. Because Sgt. Rockwell had been keeping roughly a quarter mile gap between his patrol vehicle and the semi-truck, he had passed the turn off for Barlow Rd. and could only see the semi-truck turn in his rearview mirror. However, as Cpl. Blank, among several other law enforcement vehicles were still behind the semi-truck, they were able to make the sharp right onto Barlow Rd. when the semi-truck did. Just prior to the semi-truck taking this sharp right turn though, a Morgan County Deputy decides that he too, is going to utilize lethal force against the semi-truck as it is still barreling down Hwy 34. That officer was Morgan County Sheriff's Sgt. Christopher Griggs.

Specifics Pertaining to Morgan County Sheriff's Sgt. Chris Griggs (Shooter #2)

Once more, I think it is important to pause and highlight a few specifics pertaining to what Sgt. Griggs knew about this pursuit as he became a part of it on April 28th, 2018. In addition, as with Cpl. Blank, I think it is important for me to describe a bit more the characteristics unique to Sgt. Griggs on the evening of April 28th, 2018. Sgt. Griggs also agreed to speak with agents from CBI on May 2, 2018, completely voluntarily and answer any and all questions asked of him about this incident. Sgt. Griggs was finishing up another call at "Pagel's Trailer Park", which is located just outside the city limits of Ft Morgan, when he heard Cpl. Blank on the radio say that he needed more back-up as the semi-truck had been trying to collide with other vehicles, including law enforcement vehicles, and that Cpl. Blank had already fired upon the semi-truck to no avail. At this point, Sgt. Griggs also recalls recently hearing a "BOLO" for a stolen semi-truck out of Logan County and perhaps most importantly, Sgt. Griggs also recalls Cpl. Blank airing that the semi-truck had already in fact collided with a vehicle, a van, with civilians in it. Thus Sgt. Griggs proceeded to where he believed the pursuit was, in order to provide assistance.

On the evening of April 28th, 2018, Sgt. Griggs was driving his fully marked Morgan County Sheriff's Department patrol vehicle, a Ford Interceptor SUV, which was equipped with all attendant patrol vehicle equipment such as overhead and emergency lights, sirens, and a Rock

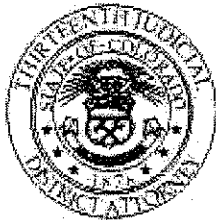
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River Arms AR-15, .223 caliber 16 inch barrel rifle that was secured in a rack in his patrol vehicle. Sgt. Griggs is the only officer to operate this particular patrol vehicle. Aside from his vehicle, Sgt. Griggs was dressed in the standard Morgan County Sheriff's Department uniform, which included a bullet-proof vest, Glock 22, .40 caliber semi-automatic pistol, handcuffs, a "less lethal" Taser, and a can of pepper spray. Sgt. Griggs does wear contact lenses, and was wearing them on April 28th. He has been a certified peace officer in the state of Colorado for almost 9 years. All of those years have been spent with the Morgan County Sheriff's Department. During his time as a peace officer, Sgt. Griggs has achieved the rank of patrol Sgt., is a member of the Morgan County S.W.A.T. team, and is also a Field Training Officer. Sgt. Griggs usually works a 3pm-3am shift on Wednesdays, Thursdays, and Fridays; plus every other Saturday. Thus, on the 28th of April he was working his normal shift. He had worked the shift prior to the one the 28th. However, there is no evidence from reviewing Sgt. Griggs' dashboard camera footage, body-worn camera footage, or interview with CBI on May 1, 2018, that he was suffering from any illness or additional stress, or conflicts with family or co-workers, nor that his patrol vehicle and the equipment inside of it was in any way defective. Therefore, everything points to Sgt. Griggs and his equipment being in good condition and fit for duty on April 28th, 2018.

Pursuit in Morgan County-Prior to Entry onto I-76 cont.

Once Sgt. Griggs decided he was going to fire his rifle, he aired over the radio that he was going to do so, in order to make all other law enforcement was given the opportunity to take any necessary action to avoid getting in the way. Once that was completed, he stopped and parked his patrol vehicle off to the side of the road at the intersection of Hwy 34 and Morgan County Road 22. He turned his emergency lights off, but kept his headlights on, so as to not be completely invisible in the dark, but also to avoid drawing the semi-truck directly toward him by being a brighter target with his overhead and emergency lights flashing. Sgt. Griggs grabbed his rifle from the rack in his patrol car and positioned himself toward the front of his parked patrol vehicle where he could clearly see the semi-truck headlights coming directly at him and he adjusted the "red dot" of the rifle to ensure the best shot possible. Just prior to firing his weapon, he saw his shift partner, Morgan County Sheriff's Deputy Berlanga and his rider Morgan County Sheriff's Detention Deputy Matthew Ryan, who were also a part of the pursuit at this point, get run off of the road by the semi-truck. After seeing that, in combination with all of the aforementioned information he had prior to airing that he was going to use lethal force, he aimed directly for the driver in the semi-truck and according to his statements to CBI, fired off as many

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rounds as he could. However, the semi-truck again was not deterred and instead, aimed directly for Sgt. Griggs and his patrol vehicle. Sgt. Griggs quickly dove behind the back of his patrol vehicle for some sort of cover, however, even as the semi-truck passed his patrol vehicle, narrowly avoiding colliding with it and Sgt. Griggs, he was able to continue to shoot more rifle rounds at the trailer and its tires. It is evident from Sgt. Griggs' demeanor while describing this event to CBI just how close the semi-truck came to colliding with both Sgt. Griggs and his patrol vehicle, and taking his life. Fortunately that did not happen; unfortunately though, for all the rounds fired, it did nothing to slow or stop the semi-truck either.

****Note:** At this point in time both the dashboard camera affixed to Sgt. Griggs' patrol vehicle and the body-worn camera that was affixed to his body had "timed-out". When questioned by CBI about this particular topic, Sgt. Griggs explained that both cameras, if left in the "on" or "recording" mode, without any additional action by the officer reflecting the need for a continuation of recording, will just automatically time-out. Essentially the same way your computer goes to sleep if you leave your desk for too long. In the heat of everything else going on, it is not surprising that any officer, facing the same situation, would not have had as a priority in that moment, to turn on all of his cameras. Sgt. Griggs did turn everything on immediately upon his re-entry into his patrol vehicle and the first thing you can hear him tell dispatch is that he had just fired his weapon. Morgan County dispatch records reflect that the shots were fired just prior to 2201(10:01pm). If there were any wrongdoing on the Sgt.'s part, it is highly unlikely he would have 1) warned other law enforcement via the radio, that he was about to utilize lethal force, and 2) that he would have immediately called out to dispatch upon getting back into his car that he had in fact, just fired off several rounds.

After firing at the semi-truck and almost being struck by it, Sgt. Griggs immediately returned to his patrol vehicle, placed his rifle in the passenger seat, and activated his cameras. He then joined the pursuit. Sgt. Griggs sees the semi-truck make the sharp right-hand turn onto Barlow Rd. headed north, and then begin to swerve from one side of Barlow Rd. to the other. At the point where northbound Barlow Rd. meets I-76, which is only a short distance from Hwy 34, Barlow Rd. essentially comes to an end. In an attempt to keep civilian vehicles from getting in the path of semi-truck and the pursuing law enforcement vehicles, Fort Morgan Police Department patrol Sgt. Kevin Miller had positioned his clearly marked SUV patrol vehicle, to the side of the intersection, and had exited his vehicle in an attempt to manually control traffic. However, it quickly became apparent to not only Sgt. Miller, but to Sgt. Griggs, Cpl. Blank, and many other law enforcement now in pursuit of this semi-truck, that as the semi-truck continued northbound on Barlow Rd. it started to swerve in a direction that was aiming directly toward

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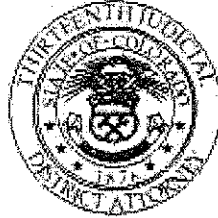
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striking Sgt. Miller. Sgt. Miller very quickly got in his patrol vehicle just in time for the semi-truck to collide with it, and push the SUV patrol vehicle through the intersection and then continue onto the eastbound I-76 ramp. According to Morgan County dispatch records Sgt. Miller's vehicle was struck at approximately 22:03 (10:03pm). Luckily, Sgt. Miller was sitting on the opposite side of the collision and thus only sustained minor injuries. His patrol vehicle however, was totaled.

Pursuit Once on I-76 and back into the Town of Brush

After the collision with patrol Sgt. Miller's patrol vehicle, the semi-truck and multiple law enforcement vehicles proceeded to enter the onramp for I-76 traveling eastbound. For the bulk of the pursuit down I-76, Sgt. Griggs and Deputy Berlanga, who had now rejoined the chase, were leading the pursuit directly behind the semi-truck. Behind them was Sgt. Rockwell, Cpl. Blank and multiple other officers, all now with their emergency overhead lights activated. For the few miles between the Barlow Rd onramp to I-76 eastbound and where the semi-truck would eventually exit again on Hospital Rd., the semi-truck would essentially continue to drive in a serpentine manner or straddle the middle line down the eastbound lanes of I-76. He didn't travel at quite the speeds he had been, though still at highway speeds, but at one point he crossed over the median and ended up traveling eastbound in the westbound lanes of I-76. The impetus for the semi-truck crossing over the median as such, had to do with yet another attempt on the suspect's part to kill a law enforcement officer. Just before the semi-truck got onto I-76, Colorado State Patrol trooper Martin Plakorus had positioned his unmarked patrol vehicle in one of the "Emergency Turn-Around" areas that exist along certain portions of I-76 and connect the east and the west bound sides of I-76. When he did this, the trooper did have his red and blue lights flashing in the back area of his car, in addition to his headlights and yellow hazard lights, which flash as a part of the equipment typically found on unmarked State Patrol vehicles. Trooper Plakorus had positioned his patrol vehicle such that it was closest to the westbound lanes of I-76 but the vehicle was actually facing the eastbound lanes. The trooper set up in this position for a couple of reasons; 1) he was anticipating the semi-truck perhaps entering onto the westbound lanes of I-76 at Barlow Rd. and thus he would be behind him and could stop or slow additional civilian traffic that could be traveling up the westbound lanes, and 2) in the event that the semi-truck opted to get onto I-76 going eastbound, Trooper Plakorus hoped he could still help contain or control civilian traffic and perhaps even assist in keeping the semi-truck on the interstate, rather than allowing it to exit back into a populated area. However, because the trooper had some lights on, it is apparent that the suspect was able to discern the vehicle as being

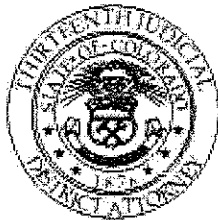
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one of law enforcement and thus aimed the semi-truck directly at Trooper Plakorus' vehicle. Fortunately, Trooper Plakorus could tell the semi-truck was aiming to collide with him and he was able to throw his patrol vehicle in reverse and quickly move the vehicle into the westbound lanes of I-76, albeit facing the wrong direction. Once again, the semi-truck narrowly missed another intended collision with a law enforcement vehicle and another opportunity to physically harm an officer of the law. It was this action though, that placed the semi-truck now in the westbound lanes of I-76 but still traveling eastbound. The other law enforcement vehicles that had been pursuit of the semi-truck, remained in the eastbound lanes and kept watch of, and pace with the semi-truck until it eventually made the journey across the median back into the eastbound lanes of I-76. Then, at the eastbound "Hospital Road" exit from I-76, or exit 89, the semi-truck suddenly decided to cross over the eastbound lanes, in front of Sgt. Griggs and Deputy Berlanga who were still directly behind the semi-truck in pursuit, and exit I-76 in order to head back into the Town of Brush.

Final Segment of the Pursuit, with the Semi-Truck Crashing into a House on N. Custer

Immediately upon exiting I-76, the semi-truck proceeded southbound on Hospital Road, at a fairly high rate of speed, but instead of straightening out to travel directly southbound, the suspect again crossed over in front of oncoming northbound traffic, and jumped the curb surrounding the "Love's" gas station. Because Sgt. Griggs was driving an SUV-style patrol vehicle, he was able to maintain pursuit of the semi-truck, while the lower clearance vehicles, such as the Chargers that Deputy Berlanga and Sgt. Rockwell were in, were forced to go around to the proper entrance to the gas station. According to Morgan County dispatch records, it is roughly 22:10 (10:10 pm) when the semi-truck enters the Love's gas station. This particular gas station is rather large in the amount of area it occupies, and is meant as a place where over-the-road truckers can park their semi-trucks in the parking lot and sleep in their sleeper compartments, as well as refuel and shower. Thus there are several large diesel pumps and then several regular gas pumps for the average traveler to refuel at. There is a large structure on the property that houses the "truck-stop" amenities and restaurant, as well as the clerks or attendants employed by Love's. Furthermore, because this gas station is situated in a rural area on I-76, there is a fairly steady flow of traffic and truckers/travelers/civilians present in fairly steady numbers at any given time of the day. The semi-truck proceeded to barrel over the curb and into a dirt area next to the gas station before it actually got onto the parking lot and began to weave in and out of other parked and moving semi-trucks, cars, pedestrians, etc... The suspect almost runs over several pedestrians and then manages to cross through the diesel pumps at roughly 45

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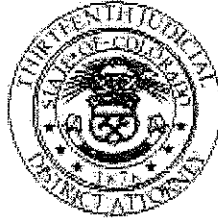
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miles per hour, without actually hitting the pumps. All with Sgt. Griggs and other law enforcement still in pursuit.

Once leaving the Love's parking lot, the semi-truck continues southbound on Hospital Rd. with Sgt. Griggs, Deputy Berlanga and Undersheriff Dave Martin, among others still in active pursuit. The semi-truck then makes a hard left onto Mill Street in Brush. He travels east on Mill Street until he proceeds to make a sharp right onto Colorado Avenue in Brush. When the semi-truck turns south on Colorado Avenue he swerves and drives directly into an oncoming civilian vehicle that had been traveling northbound on Colorado Avenue. In doing so, the suspect not only hits the oncoming vehicle, but he also pushes it into other parked cars, causing more property damage. Morgan County dispatch records show that at 22:14 (10:14pm) Undersheriff Martin requested an ambulance for the occupants of vehicle that had just been struck. The passenger sustained serious bodily injury in the form of a broken rib. The driver sustained minor injuries.

Directly to the west of where semi-truck struck the aforementioned civilian vehicle, is the Brush Middle School. Cpl. Blank opts to position his patrol vehicle in the parking lot of the middle school, get out of his vehicle, and prepare to fire his Rock River .223 at the semi-truck as it comes barreling toward him. Just prior to entering the middle school parking lot, the semi-truck continues a short distance southbound on Colorado Avenue and makes a sharp right onto Edmunds Street headed westbound. However, as soon as he makes this turn, the suspect proceeds to jump the curb of the Bank of Colorado parking lot that is at the corner of roughly Edmunds Street and Clayton Street. Sgt. Griggs who is still behind the semi-truck in pursuit, sees this and immediately hears two loud bangs, that he presumed were the at least a couple of the semi-truck's tires getting blown, as the curb at the Bank of Colorado is approximately 2 feet high. This seemed to slow the semi-truck a bit, but not stop it. The semi-truck then begins to drive northbound on Clayton Street back toward the middle school. The suspect is driving much slower but still in a serpentine fashion from one side of the road to another. As he does this, he hits multiple parked vehicles along the way. As the semi-truck reaches the parking lot to the Brush Middle School, Cpl. Blank, again at this point, now outside of his patrol vehicle, again begins to fire somewhere between 5-12 rounds from his .223 directly at the semi-truck driver in order stop the suspect from hurting anyone else. However the shots did not stop the suspect and in fact, caused him to swerve the semi-truck directly into Cpl. Blank's patrol vehicle. According to Morgan County dispatch records these shots took place at approximately or just after 22:14 (10:14 pm). Cpl. Blank was not injured but his vehicle was also now totaled. Cpl. Blank grabs additional ammunition from his vehicle before taking off on foot in pursuit of the semi-truck.

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After colliding with Cpl. Blank's patrol vehicle, the suspect drove back onto the nearest street and Sgt. Griggs continued to pursue him. At this point Sgt. Griggs decided that based on the way the suspect was driving the semi-truck, again in a serpentine fashion, sometimes making wide left turns that had been, and likely would continue to, expose the driver, (via the open driver's door window), that if given the chance, he was going to take another opportunity to stop the suspect by use of lethal force. Because his rifle was on the floor of the passenger side of his SUV patrol vehicle, he pulled out his Glock 22 and prepared to fire upon the suspect as soon as he could. However, before Sgt. Griggs could do so, the semi-truck ran into more parked vehicles on the street, and then ran directly into a silver Acura sedan that had been parked on the corner of Custer Street. The occupants of the silver car can be seen via Sgt. Griggs' body-worn camera attempting to back up, out of the way of the oncoming semi-truck, but those actions appear to just make the suspect more determined to hit them, which he did. When the semi-truck collided with the Acura, he pushed it back up into a nearby backyard and caused the downing of a power line on top of a nearby house. Morgan County dispatch records show the young people occupying that Acura called 911 directly after being hit at approximately 22:16 (10:16pm).

It is within a few moments of that collision that Sgt. Griggs gets the chance to fire his Glock 22 at the suspect through his own patrol vehicle's windshield. Based on Sgt. Griggs' interview with CBI and the photographic evidence taken later of Sgt. Griggs' patrol vehicle, he fired four shots from his pistol. Unfortunately, once more, the semi-truck and the suspect are unharmed and continue on with the dangerous pursuit. Sgt. Griggs did manage to stay fairly close behind the semi-truck though, as such, his body-worn camera caught the shooting of his Glock 22 and what was to very shortly become the end of this pursuit.

Conclusion of Pursuit and Apprehension of Suspect

Within a matter of a couple minutes from the time that Sgt. Griggs fired his duty weapon at the semi-truck, the suspect allowed the semi-truck to slow to a crawl, then jumped out of the driver's side of the cab, and ran away from the semi-truck. The truck continued to travel several more feet forward, crushing into two pick-up trucks situated next to each other in the driveway at 810 N. Custer Street in Brush, Colorado. Sgt. Griggs immediately gets out of his patrol vehicle and is heard saying that the suspect had "bailed out of the semi-truck".

*****Note: At no point in the pursuit, nor directly after it ended, had any law enforcement officer gotten a good look at the suspect, only that he was male. This of course added to the**

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confusion when the suspect fled the semi-truck, as no one really knew who they were looking for.

Immediately upon Sgt. Griggs stating that the suspect had jumped out of the semi-truck, multiple other law enforcement vehicles and officers descended upon this location on Custer Street, including Morgan County Sheriff Jim Crone, Brush Police Cpl. Blank (who had caught a ride on the side of a pick-up belonging to a good Samaritan as Cpl. Blank was still running from the Brush Middle School after the semi-truck), Logan County Sheriff's Sgt. Clay Rockwell, Morgan County Sheriff's Lt. Jon Horton, Morgan County Sheriff's Deputy Jim Parks, Morgan County Sheriff's Deputy Berlanga and his rider Morgan County Sheriff's Detention Deputy Matthew Ryan, and many more. Initially it was unclear where the suspect had run to, and with no solid description as to who the suspect was or what he looked like, all of the officers had their rifles or duty pistols drawn as they rapidly searched for the driver of the semi-truck. The officers on scene checked the semi-truck, checked around the trucks that the semi-truck had just run into and it was there that they encountered a male hiding in the dark of the driveway. Without knowing who he was or whether he was the suspect, law enforcement immediately placed that individual into handcuffs and on the ground on his stomach. That individual is heard on Sgt. Griggs' body-worn camera saying that he wasn't the suspect, he wasn't the driver, that he was in fact hiding from the semi-truck, and that he was not who they were looking for. At about the same time loud noises and a voice is heard from inside the house indicating that there was some type of commotion going on within the house. So the officers went to the door on the side of the home and immediately encountered a male subject lying face-down on the ground in the doorway covered in blood. There were also rifles on the ground lying right next to this male. The male was moaning and complaining that he was dying. Based on all of the attendant circumstances, law enforcement knew at that point that this male was in fact the individual who had been driving the semi-truck throughout this pursuit. In that moment Sheriff Jim Crone puts handcuffs on the suspect and he and Sgt. Griggs pull him off the floor and out of the house. According to Morgan County dispatch records, dispatchers confirm the suspect is in custody at 22:22 (10:22pm). Sgt. Griggs' body-worn camera depicts the Sheriff and other law enforcement attempting to locate where the suspect had been shot, because of the amount of blood on him. The suspect was complaining he had been shot, however, despite the amount of blood on and around the suspect, upon closer inspection at the scene, no bullet wound was ever discovered on the suspect.

Sgt. Griggs and Cpl. Blank, along with multiple other officers took the suspect across the street from the house to the sidewalk, located slightly west of Custer Street and Mill Street.

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Before doing so though, because of the amount of blood and the suspect continuing to say "he was dying", according to Morgan County dispatch records, law enforcement, via dispatch, requests an ambulance for the suspect, to come to their location at Custer Street and Mill Street at 22:23 (10:23 pm).

Follow-up Investigation for the Purpose of "Officer-Involved Shooting" Analysis

1. 810 N. Custer Street, Brush, CO.:

The location where the suspect ultimately crashed the semi-truck and got arrested, was a house that belonged to his cousin Jacob Miller (D.O.B. 3/28/81). Mr. Miller lived in the home with his wife and several small children. Mr. Miller owned firearms and most, if not all of them, were housed in a glass gun cabinet which was situated in Mr. Miller's bedroom, along with various other items. One of those items was a child's crib that had a small child in it when the suspect broke the glass gun cabinet to retrieve the weapons inside of it. By all accounts, Mr. Miller was very cooperative with law enforcement and was actually the person that called attention to the suspect from inside the residence, which led to finally getting him into custody. Mr. Miller continued to cooperate for any of the officers who had follow-up they needed to conduct in and around his residence on April 29, 2018. There were pictures taken of this location both during the late night hours of April 28th and into the early morning hours of April 29th, by the Morgan County Sheriff's Department, Fort Morgan Police Department Detective Sgt. Vosburg, and Log Lane Town Marshal Darin Sagel; though, the processing of the residence was primarily handled by Marshal Sagel and Detective Vosburg. The processing of 810 N. Custer Street occurred between the hours of 01:22-02:10 am on April 29, 2018. The photographs taken included pictures of the semi-truck where it came to final rest in the driveway of the residence; pictures of blood on the outside of the door of the residence where the suspect was arrested; pictures of the interior and exterior of the semi-truck; pictures of the bloody floor where the suspect was lying when he got arrested and on the floor of Mr. Miller's bedroom; pictures of the broken gun cabinet, with blood on it and the guns that had been in it.

2. The Stolen 1995 Peterbilt 379 Semi-Tractor and 1984 Wilson Grain Trailer:

In addition to the photographs and brief examination in the early morning hours of April 29, 2018, of the semi-truck at the location of its final resting place at 810 N. Custer Street, Log Lane Town Marshal Darin Sagel and agents from CBI, went to TLC Automotive tow

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yard in Sterling, CO. on May 4th, 2018. to do a more in depth inspection of the semi-tractor and trailer. The purpose of this second, more in-depth examination of the semi-truck was to try and determine how many bullet holes could be located inside or outside of the cab of the semi-tractor, and to collect any casings, cartridges, live rounds, or shells remaining in the cab of the semi-tractor. Upon inspection, officers were able to locate 30 holes within the semi-tractor cab that they were confident were made by a bullet of some kind. They were able to take blood swabs from the interior of the cab, which came from visible blood on the steering wheel, gear shift, and on the dashboard. Finally the agents and the Marshal were able to confirm that the trailer was in fact empty, and that there were no other weapons located in the semi-truck.

3. The Patrol Vehicles Belonging to Sgt. Miller, Cpl. Blank, and Sgt. Griggs:

- a. Log Lane Town Marshal Sagel was able to almost immediately examine Sgt. Kevin Miller's patrol vehicle and the location it was totaled, right after it was struck by the semi-truck on the night of April 28th, 2018. This examination took place at 022:00 am on April 29, 2018. Based on Marshal Sagel's analysis of the vehicle and location where the vehicle came to final rest, in addition to interviewing some of the officers involved in the pursuit, including Sgt. Miller, and an evaluation of the semi-truck's movements at the intersection of Barlow Rd. and the onramp to eastbound I-76 via tire tracks, gravel displacement, etc... Marshal Sagel did not believe the crash to be "accidental", but rather an intentional act on the part of the suspect, to harm or kill Sgt. Miller.
- b. Cpl. Blank's patrol vehicle was processed by Marshal Sagel at its final resting place at the Brush Middle School parking lot. Marshal Sagel documented seven holes in the front windshield of the vehicle that appeared to have been fired from a weapon inside of the vehicle. Marshal Sagel also recovered seven spent .223 cartridges from inside Cpl. Blank's patrol vehicle. Finally, Marshal Sagel documented that Cpl. Blank's patrol vehicle was totaled from the intentional act taken by the suspect in an effort to seriously harm or kill Cpl. Blank. The Morgan County Sheriff's Department photographed the parking lot of the Brush Middle School in the daylight hours of April 29th and agreed with Marshal Sagel in his assessment of the actions that caused Cpl. Blank's vehicle to get totaled, when they discovered multiple pieces of glass and other random car parts left from collision site of Cpl. Blank's patrol vehicle.

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- c. Marshal Sagel and CBI agents also processed Sgt. Griggs' patrol vehicle, in the morning hours of April 29, 2018, which was still located at the 810 N. Custer Street address directly behind where the semi-truck had finally stopped. There were four bullet holes in the front windshield of the patrol vehicle. Marshal Sagel was able to locate all four spent shell casings inside the patrol vehicle. There was nothing else remarkable about Sgt. Griggs' patrol vehicle.

4. The Other Pertinent Crime Scenes:

- a. CBI agents and Marshal Sagel went to the intersection of Morgan County Hwy 22.5 and Hwy 34 to examine the scene where Sgt. Griggs had parked his patrol vehicle and fired his rifle at the semi-truck. Shortly after the suspect was in custody, Morgan County Sheriff's Deputy Jim Parks "held the scene" or kept it under his control until the agents and the Marshal arrived. At this location 14 spent .223 cartridges were discovered in an area covering roughly 15 feet. In addition, there were pictures taken by CBI in the light of day on April 29th of the "22.5 road sign" which appeared to have bullet holes in it. This scene was consistent with the account Sgt. Griggs gave both via dispatch on the 28th of April and during his interview with CBI on May 2, 2018.
- b. CBI agents and Marshal Sagel then proceeded to the corner of Mill Street and Custer Street in Brush. Marshal Sagel collected the bloody clothes and shoes that the suspect had been wearing when he was arrested, that the ambulance crew had subsequently cut off in order to treat him. The location of the clothing items and the fact that they were very bloody was consistent with the accounts given by law enforcement officers on the evening of April 28, 2018 and with the statements made by the defendant in this matter when he spoke with CBI agents on April 29, 2018.

5. The Weapons and Ammunition Belonging to Cpl. Blank and Sgt. Griggs:

Directly after the pursuit, both Cpl. Blank and Sgt. Griggs had their rifles and Glock pistols taken by their home agencies, and each agency stored the items in their evidence rooms. There were a couple of differences though, in how the Brush Police Department handled Cpl. Blank's Glock pistol. First, they had not packaged Cpl. Blank's Glock in proper evidence packaging, and second, they had not taken any of the ammunition for Cpl. Blank's Glock pistol which would have been available to him on the night of the pursuit.

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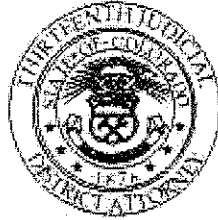
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*****Note:** The Brush Police Department did not take the ammunition for Cpl. Blanks' Glock pistol and did not formerly package the Glock pistol because they did not believe that weapon and its ammunition was relevant to any subsequent investigation in this matter, as Cpl. Blank never utilized his Glock pistol on the 28th or 29th of April during this incident or otherwise. There was no finding by CBI or Marshal Sagel that these items were tampered with, or that this was done to "hide" or cover-up anything to do with this investigation.

On May 2nd, 2018, Marshal Sagel went to both the Morgan County Sheriff's Department and the Brush Police Department in order to take possession of the rifles and the Glock pistols that both officers had at their disposal the night of April 28th, 2018. At Marshal Sagel's request, the Brush Police Department asked Cpl. Blank to bring all of the ammunition for his Glock pistol to the Brush Police Department, and Brush officers then properly packaged the Glock pistol and its ammunition in order to transfer it to Marshal Sagel. This was done in order to ensure Marshal Sagel, and subsequently CBI would have all of the weapons and all of the remaining ammunition available to the two "shooting officers" on the night on April 28th, 2018. On May 3rd, agents with CBI took photographs of all of the weapons and ammunition that Marshal Sagel had taken possession of and placed in his own evidence room at the Log Lane Town Marshal's Office. In addition, CBI did an ammunition count from these weapons and any spare magazines available to both Cpl. Blank and Sgt. Griggs on the night of the pursuit.

6. Interview of the Suspect Done by CBI Agents on April 29th, 2018:

Upon arrest, the suspect was immediately identified by local law enforcement as Christopher Luedtke, as he was an individual who law enforcement had dealt with in the past. He was taken first to a local hospital, which showed he had not sustained any bullet wounds, but rather had either glass and/or shrapnel in his right arm, which led to him being sent directly to a bigger hospital on the Front Range, to ensure there was no nerve damage to his forearm and hand. Once looked at by the doctors at Front Range hospital, they determined that the defendant did not suffer any significant damage to his arm or hand and he was immediately brought back to Ft. Morgan. The photographs taken by the CBI show multiple small cuts to the defendant's neck and head, which was a result of broken glass, and a deeper wound on his right forearm, which was the result of shrapnel from the rifle cartridges. The doctors opted to leave the shrapnel in his arm and simply tend to the wound. The defendant also sustained additional minor cuts to his left arm which were also a result of

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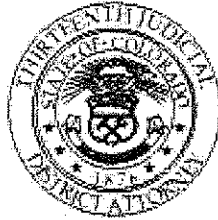
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DISTRICT ATTORNEY



13TH JUDICIAL DISTRICT

Counties of Kit Carson, Logan,
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glass. There were no other wounds sustained by the defendant during the course of this entire incident.

Once back at the Morgan County Detention Facility, at roughly 7 am, the defendant agreed to speak with agents from the CBI. He was given his *Miranda* warnings and chose to waive them in order to speak to Agents Galbraith and Zentner. This interview was audio recorded only. Over the hour-long interview, the defendant explains to the agents that at one time he possessed a Commercial Driver's License or CDL and had been a semi-truck driver by trade, for much of his adult life. He also admitted to using methamphetamine on the day and into the evening of the 27th of April, (after having traded tools to get the drug) and smoking his last "bowl" at roughly 5 am on the morning of the pursuit, April 28th. He explained that he was "stressed out", and depressed, and that he didn't remember much of what had gone on in the pursuit, other than he repeatedly stated "they were shooting at me". For roughly the first half of the interview the defendant is crying and repeated over and over how he doesn't remember most of the day of the 28th of April, including how he got the semi-truck or from where, having been at his cousin's house at 810 N. Custer Street earlier in the day, and again, the pursuit itself. However, about halfway through the interview the defendant's demeanor seems to drastically change. He ceases to cry and instead begins to become very angry, expressing that he isn't sorry for any law enforcement that was injured or hurt during the course of this pursuit. Rather, he states "they all deserved it" and that he was deliberately swerving to hit any law enforcement vehicle he saw. The defendant's justification for these actions was that he just wanted the "cops to leave him alone", and that he didn't start "trying to hit them" until they started to shoot at him. As the interview progresses, the defendant proceeds to get more agitated and hostile as he explains that law enforcement has always "picked on him" and that they are all "crooks" and the just knew how to "push his buttons". He expresses some remorse for any civilians he harmed, but again quickly reverts back to sharing his strong disdain for law enforcement.

Applicable Law:

Under C.R.S. 18-1-707(2), a "peace officer is justified in using deadly physical force upon another person...only when he reasonably believes that it is necessary: (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or (b) to effect an arrest, or to prevent the escape from custody, of a

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person whom he reasonably believes: (I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or (II) Is attempting to escape by the use of a deadly weapon; or (III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.”

Also relevant to this incident, are C.R.S. 16-2.5-301 and C.R.S. 20-1-114 (1). In C.R.S. 20-1-114(1) the legislature declared that the “district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney’s findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website...”

Conclusion:

I have determined that no criminal charges will be filed against Cpl. Ross Blank with the Brush Police Department or Sgt. Christopher Griggs with the Morgan County Sheriff’s Department, for any actions that either law enforcement officer took the night of April 28th or the morning of April 29th, 2018 in Morgan County, CO. My decision is based on the aforementioned findings of fact in this report, but in particular, it is based on the fact that any lethal force used by Sgt. Griggs and Cpl. Blank fits squarely within perimeters as spelled out in C.R.S. 18-1-707(2), under every subsection listed.

The suspect had already committed a series of felony offenses before he ever entered Morgan County. He had trespassed onto agricultural land, which is a class five felony, in order to steal a semi-tractor and trailer, worth over \$20,000, which would be a class four felony, and he had committed reckless vehicular eluding for refusing to stop when Logan County law enforcement attempted to initiate a traffic stop, which is also a class five felony. What is more, there is no doubt that the actions taken by the suspect throughout the pursuit, effectively turned the stolen semi-truck into a deadly weapon. So as he swerved into civilian vehicles and law enforcement vehicles, he was committing multiple counts of felony menacing, which would be an additional series of class five felonies. It became clear from almost the start of this pursuit that the defendant presented both an imminent risk to the public, to law enforcement officers, and was actively attempting to escape and evade arrest.

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Once the suspect reached Morgan County, law enforcement in that county was made aware (via the BOLO) of what this suspect had done on his high speed race through Logan and Washington Counties, and what he was likely going to continue doing now that he was in Morgan County. The suspect was now in pursuit of Logan County Sheriff's Department Sgt. Rockwell, and Cpl. Blank, who was the first additional law enforcement officer to encounter Sgt. Rockwell in Morgan County, had no choice but to try and stop this vehicle before it could enter more populated areas and present an even bigger danger to the public. When the rifle shots fired at the semi-truck by Cpl. Blank had no effect on the suspect or his behavior, and that the suspect was headed directly into Brush, Sgt. Griggs knew at that point that he had an even clearer obligation to try and stop the suspect at any cost.

Just prior to Sgt. Griggs firing on the suspect at the intersection of Morgan County Hwy 22.5 and Hwy 34, the semi-truck had run a civilian van off of the road, which caused the van to crash into the ditch and cause minor injuries to the occupants. In addition, the semi-truck had just tried to swerve into yet another law enforcement vehicle, causing that vehicle to take the ditch as well. However, once more, even after being fired upon by Sgt. Griggs, the suspect continued to escalate the level of disregard he had for human life. He not only attempted to hit Sgt. Griggs and his patrol vehicle, but the suspect then ran directly into a fully marked Fort Morgan Police Department patrol vehicle, with Fort Morgan Police Department patrol Sgt. Miller seated inside of it.

The behavior of the suspect continued like this until the end of the pursuit, and each time Cpl. Blank or Sgt. Griggs used lethal force against the semi-truck and the suspect, they were doing so to try and protect the community, innocent bystanders, other law enforcement, and themselves. These were absolutely justifiable shootings on the part of both the officers.

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