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DISTRICT ATTORNEY



TWENTY-FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE

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May 31, 2023

Chris Kopp
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215 Rice Street, Grand Junction, CO 81501

This letter is notification to the Critical Incident Response Team (CIRT), and the involved officer, Deputy Devrin Sandell, of the decision not to file charges against him in the matter of the officer involved shooting of Emilio Cordova, DOB 05/07/1998, on January 24, 2023. As will be detailed below in the findings of fact and conclusions of law, charges against the officer are not appropriate, as he was acting in self-defense and defense of others. Mr. Cordova was charged with attempted first-degree murder – extreme indifference, attempted first-degree assault – extreme indifference, and aggravated motor vehicle theft.

On January 24, 2023, the 21st Judicial District Critical Incident Response Team was activated at the request of Grand Junction Police Department (GJPD) to investigate an officer involved shooting which occurred on January 24, 2023 at approximately 1952 hours in the Carl's Jr. parking lot, located at 2842 North Ave. Grand Junction, CO. The following agencies were represented: Grand Junction Police Department (GJPD), Fruita Police Department (FPD) Mesa County Sheriff's Office (MCSO), Colorado Department of Corrections Adult Parole, Colorado Bureau of Investigations, and the 21st Judicial District Attorney's Office. Detective Chris Kopp, from the GJPD was assigned as the lead.

The following are my findings of fact, and conclusions of law:

FINDINGS OF FACT

Summary of interviews with witnesses and video evidence:

On January 24, 2023, Deputies with Mesa County Sheriff's Department Major Offender Task Force (MOTF), created a call for service notifying dispatch they were actively attempting to locate and arrest Mr. Cordova. MOTF consisted of Deputy Sergeant Tim Orr, Deputy Devrin Sandell, Deputy Lee Pratt, Deputy Jake Schreiner, and Deputy Andrew Means. However, Deputy Means had left prior to this incident and was not involved.

MOTF started the day with a briefing and were advised that Mr. Cordova had three active warrants for his arrest. MOTF began their surveillance at about 1430 hours at 3222 D ½ Rd #202, which was believed to be Mr. Cordova's sister's residence. During their surveillance, US Marshall Judson Eastes contacted Sergeant Tim Orr to advise that the US Marshall Service had

an active case to locate and arrest Mr. Cordova as well. Agent Eastes emailed an Operation Plan (Ops Plan), to Deputy Sandell listing Mr. Cordova as armed and dangerous and an escapee from parole. MOTF was also advised there was an active "PING," alerting them to the approximate location of Mr. Cordova. Several members of the team reviewed call notes and reports and learned Mr. Cordova had advised he was not going back to prison easily and had made the statement he was going "to go out hard." Deputy Schreiner advised he read call notes where Mr. Cordova had a gun and pointed it at someone.

MOTF continued surveillance of the apartment but did not see any evidence of Mr. Cordova. Around 1730 hours, Sergeant Travis Christensen and Deputy Ben Walton assisted MOTF with surveillance. Around 1930 hours the team had decided to stop their surveillance for the night and start again the next day. While some team members started to drive home, Deputy Schreiner remained in the area for a short time. As Deputy Schreiner was leaving, he witnessed a male walking out of the complex that appeared to be Mr. Cordova. He advised his team of the male, and they started surveillance of the male Deputy Schreiner had seen.

The male matched the physical description of Mr. Cordova, but Deputy Schreiner could not positively identify the male as Mr. Cordova. The surveillance team witnessed the male as he got into the passenger side of a 2013 black Acura, registered to Chelsea Salazar. During surveillance, Deputy Schreiner, who had been in contact with Mr. Cordova's current girlfriend and victim of the robbery, Lyric Padilla, confirmed Mr. Cordova was friends with Ms. Salazar.

The team followed the vehicle into Grand Junction where the vehicle pulled into the C&F Gas Station, located at 2847 North Ave. The female driver, later identified as Ms. Salazar, got out of the vehicle and went into the business. Deputy Sandell parked and attempted to walk into the business in an attempt to identify the male passenger in the car as Mr. Cordova. The female quickly exited the gas station and got back into the vehicle. Ms. Salazar later advised she needed to use the restroom but the restrooms were closed in the business.

Ms. Salazar got back into the driver's seat of the vehicle and left the gas station. The vehicle then pulled into the Carl's Jr. parking lot, located at 2842 North Ave. Grand Junction, CO. The vehicle was parked in the northern space of the parking lot on the east side of the building which is shown in the diagram below. The Acura was parked facing west, and the parking space to the north of it was empty.



The team continued their surveillance as Ms. Salazar got out of the driver's side of the vehicle and went into the business. The team continued to attempt to identify the male occupant but again were not able to. At 1951 hours Ms. Salazar exited Carl's Jr. and returned to the vehicle. She got into the driver's seat again and the vehicle remained parked. At 1952 hours the team decided to conduct a traffic stop with the vehicle to attempt to identify the male occupant believed to be Mr. Cordova. Deputy Pratt, who was in full uniform and in a MCSO marked patrol vehicle entered the lot and activated his emergency lights. He pulled directly behind the Acura. Deputy Schreiner, who was in an unmarked vehicle, equipped with emergency lights and sirens, pulled into the parking lot from the southwest and parked just south of Deputy Pratt. Deputy Schreiner activated his emergency lights and briefly activated his siren. He was wearing plain clothes but had on his department issued uniform outer vest with his badge and duty gear.

Deputy Pratt advised he had activated his "takedown lights," white lights designed to illuminate the front of a patrol car, which allowed him to see inside the Acura. Deputy Pratt could see the male passenger look over his shoulder back at him, and he was able to positively identify the male as Mr. Cordova based on his noticeable neck tattoo and a clear view of his face. Deputy Pratt advised other Deputies by radio that he positively identified the passenger as Mr. Cordova.

Deputy Sandell, who believed that Mr. Cordova was the passenger and therefore could possibly run on foot to the north, parked his unmarked vehicle in the east entrance to the parking lot of Carl's Jr. He parked his vehicle, exited the vehicle, and ran to the north around a large cinderblock walled dumpster enclosure. Deputy Sandell ran around the wall to the north side of the enclosure, north of Deputy Pratt's vehicle and northeast of the Acura.

Deputy Pratt advised he gave verbal commands to the occupants. Deputy Pratt could see Ms. Salazar, who was in the driver's seat, open the driver's door. While she was doing this, Mr.

Cordova started to push her out of the vehicle while he climbed over the center console to sit in the driver's seat of the Acura.

Deputy Pratt's Body Worn Camera (BWC) had not been activated at this time, but his BWC was active when he pulled up to the scene. When Deputy Schreiner exited his vehicle, his BWC showed Ms. Salazar already out of the vehicle with her hands up and she was announcing "he's trying to go, he's trying to drive," indicating Mr. Cordova was in the driver's seat and trying to drive away from the stop.

The engine of the Acura started to rev as if the vehicle was getting ready to take off, which was heard through Deputy Schreiner's BWC. The vehicle then turned right, to the north, and drove onto the sidewalk of Carl's Jr. Deputy Sandell, who had already drawn his handgun from the holster, used the light on his gun to illuminate the Acura. The Acura crashed into the drive thru ordering menu stand, causing the menu stand to shatter to the ground and leave a pile of debris. This caused the Acura to come to a complete stop.

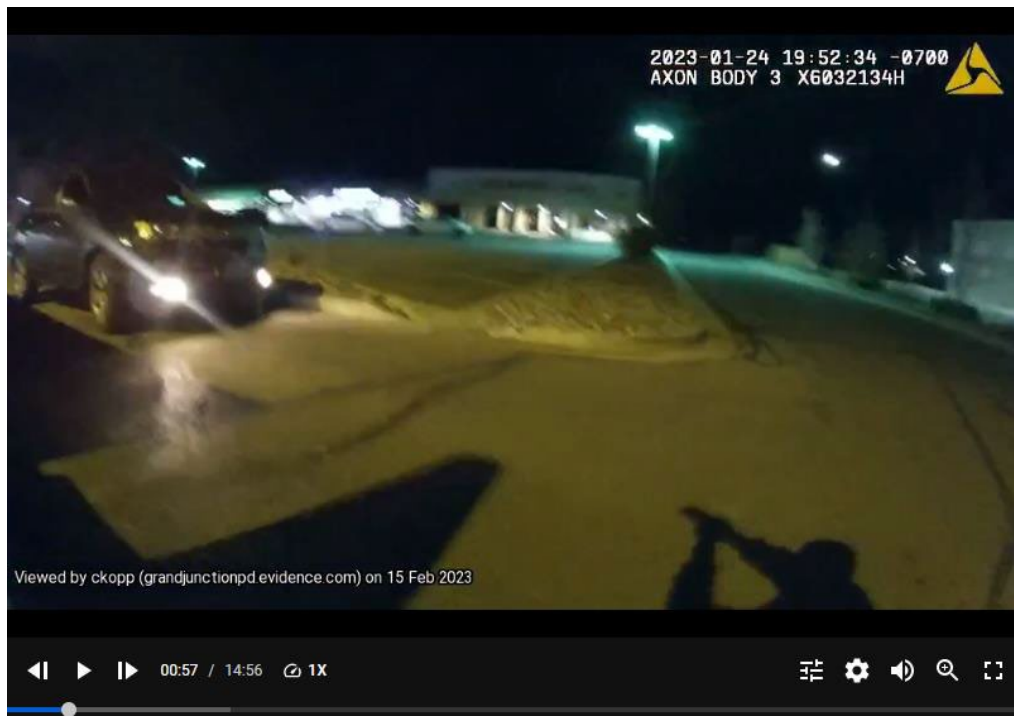
Deputy Sandell advised he could see Mr. Cordova in the driver's seat and advised the crash had caused Mr. Cordova to hit the steering wheel of the vehicle. Deputy Sandell's weapon mounted light was still activated and fixed on the Acura. The Acura's engine revved again and the wheels spun as the vehicle started to pull forward again across the pile of debris and the curbed drive thru lane of Carl's Jr. The vehicle struck the northern curb of the drive thru pulling into a separate parking lot where Deputy Sandell was located. The driver had a choice to turn left, continue straight into the mostly empty parking lot or go right towards Deputy Sandell, who still had his weapon mounted light fixed on the Acura.

Deputy Sandell reported that he recognized the vehicle could potentially start to drive in his direction and he started to retreat backwards away from Mr. Cordova and along the north wall of the enclosure. At this time the vehicle turned towards the direction of Deputy Sandell, who still has his weapon mounted light activated and pointed at the Acura. This would have been directly in view of Mr. Cordova and would have alerted Mr. Cordova there was an officer in front of him. Deputy Sandell advised he made eye contact with Mr. Cordova. Deputy Sandell described Mr. Cordova's facial expression as "evil."



Mr. Cordova's vehicle drove towards the direction of Deputy Sandell who turned away from the vehicle and started to run down the wall in an attempt to get away. When Deputy Sandell turned away from the vehicle his weapon mounted light was deactivated. Deputy Sandell continued to retreat away from the vehicle trying to get around the corner of the wall for protection from the vehicle. Deputy Sandell advised he could hear the engine revving and getting closer. He reported that he believed he was going to be struck and killed by the vehicle before he could get around the corner.

When Deputy Sandell turned to face the vehicle, the vehicle was close to him, and the revving of the engine can be heard through the BWC. Deputy Sandell began to shoot with his handgun into the vehicle at Mr. Cordova. Below is an image just prior to the Deputy Sandell shooting. The BWC shows the wheels turned in Deputy Sandell's direction.



As the Acura continues to drive forward, Deputy Sandell pivoted around the corner of the wall and continued to fire his handgun. Deputy Sandell stated, he was concerned for the life of his partners and other Deputies in the surrounding area.

Deputy Sandell fired 12 rounds at Mr. Cordova in the Acura, confirmed through BWC, and casings located at the scene and a round count from Deputy Sandell's handgun.

As the vehicle continued south, passing Deputy Sandell and driving towards North Ave, Deputy Sandell could hear the engine stop revving, indicating a change in the vehicle's driving. Deputy Sandell stopped firing his handgun as the vehicle slowly continued to drive south and slightly west, crashing into an unoccupied vehicle parked on east side of the Carl's Jr. parking lot near the entrance to North Ave.

Deputies in the area then pinned the Acura to the parked vehicle and gave verbal commands to Mr. Cordova. Mr. Cordova was taken into custody and deputies, officers with the GJPD, and a US Marshall provided aid by locating gunshot wounds and applying a chest seal at the scene until paramedics arrived. Mr. Cordova was transported to St. Mary's Hospital with non-life-threatening injuries.

The crime scene was processed and was consistent in all respects with the description of the officers. The parking lot of Carl's Jr. and the parking lot to the north of Carl's Jr. was secured by GJPD Officers. Members of the GJPD crime scene unit photographed, collected, and documented all evidence at the scene to include the clothing cut off of Mr. Cordova, shell casings, and damage found at Carl's Jr. and several vehicles in the area.

Suspect interview

Emilio Cordova

Mr. Cordova was transported to St. Mary's Hospital where his injuries were treated. Officers with him reported seeing three possible injuries to his left shoulder but were unable to

confirm at that time. Mr. Cordova was moved to a recovery room where Detective Eldridge attempted to interview him. After Mr. Cordova was advised of his Miranda warning, he advised he could only remember getting a vanilla milkshake and then everything went black. The interview ended shortly after because it appeared Mr. Cordova was unable to understand the questions. Mr. Cordova was released from St. Mary's care on 01/25/2023 and eventually transported to the Mesa County Sheriff's Department where Detective Kopp and Detective Rojo attempted to interview him. Mr. Cordova was advised of his Miranda warning and he chose to speak with detectives. Mr. Cordova again advised he remembered getting a milkshake, and then glass breaking, and waking up in the hospital. Mr. Cordova advised he did not have a weapon. Mr. Cordova advised he was aware he had active warrants for his arrest and admitted he had made statements that he was going "to go out hard." He advised that meant he would run. When asked if that meant he would fight he made a face and lifted his head as if he was saying yes. Mr. Cordova admitted he had been using Methamphetamine for the last month, since he walked away from his work release and has been in a paranoid state.

Non-Law-Enforcement Witnesses

Chelsea Salazar

Ms. Salazar works in Glenwood Springs and is friends with Mr. Cordova. She said they do not have an intimate relationship, but rather they are both having legal issues and relate to each other over their difficulties. Ms. Salazar arrived in Grand Junction around 1930 hours and picked up Mr. Cordova at a gas station on 32 Rd. She stated she needed to use the restroom, so they stopped at the C&F on North Ave. She stated the bathroom was closed and they left shortly after. She pulled into the Carl's Jr. to use the restroom. She purchased milkshakes, used the restroom, then went back out to the car. She got into the driver's seat and put the car in reverse. She then noticed the police car with its emergency lights activated. Ms. Salazar put the car in park and got out of the vehicle. While Ms. Salazar was out of the car, the car drove off. Ms. Salazar claimed not to know it was Mr. Cordova who drove the vehicle.

Lyric Padilla

On January 25, 2023, FPD Detective Lisa Dicamillo called Ms. Padilla. Detective Dicamillo explained to Ms. Padilla that she was assisting the Grand Junction Police Department (GJPD) in the officer involved shooting incident from the day before and wanted to interview her. Ms. Padilla agreed to meet on January 26, 2023 at 1000 hours at the Mesa County Sheriff's Department for the interview. On January 26, GJPD Officer Chris Wood and Detective Dicamillo met at the MCSO for the interview. At approximately 1015 hours, Ms. Padilla was late for the interview so Detective Dicamillo attempted to call her, but it went to voicemail. Detective Dicamillo sent Ms. Padilla a text message asking if she was going to make it to the interview, but she received no reply. Officer Wood and Detective Dicamillo attempted to contact Ms. Padilla at her apartment, but there was no answer so Detective Dicamillo left her business card on the front door.

Law-Enforcement Officer Statements

Deputy Ben Walton

MOTF had already begun their surveillance on the apartment. Deputy Walton was out there to help them. They sat for a couple of hours and did not really see anything. They decided

to break things down for the day. Shortly after, Deputy Schreiner saw a guy matching the suspect's description, come out of the back of the apartment, and get into a dark Acura SUV. Deputy Walton turned around to help. The Acura left and went west on D ½ Rd. so they followed it in an unmarked vehicle. They followed the vehicle until it pulled into the C&F gas station at 28 ½ and North Ave. Deputy Walton was in the area and turned around in that parking lot. Deputy Sandell was parked, and he pulled into the gas station parking lot. Deputy Walton thought Deputy Sandell's plan was to get out and walk into the gas station to try and get a positive ID on the suspect or the female. By the time Deputy Walton turned around, Deputy Sandell was barely able to get out of his car before the female got back into the vehicle and drove away. Deputy Walton saw the female walk quickly out of the gas station and get into the driver's side of the car before the Acura starts backing out. Deputy Walton went past again to try and find a place to turn around. In the meantime, she came out to 28 ½ Rd. Deputy Walton recalled hearing on the radio that the female made a quick turn into where Carl's Jr. was. Deputy Walton went down to 28 ¼ Rd. and came around the backside of East Gate Shopping Center. Deputy Walton remembered trying to get in position where someone could get an eye on the car. They covered the exits around the Carl's Jr. Deputy Walton set up in the northwest side of the building.

Deputy Devrin Sandell

Deputy Sandell reported that he started with an intel briefing of Mr. Cordova, who they were trying to locate. Mr. Cordova was wanted and known to be armed and dangerous. It was brought up in the intel meeting that he was not going back to prison. Deputy Sandell reported that he was aware of Mr. Cordova's statements that Mr. Cordova wanted to go out hard, indicating that he did not want to go back safely. Deputy Sandell and the other team members conducted surveillance over the residence where they thought he would be. There was no sign of him until later in the evening after Deputy Sandell began leaving. He received a phone call that someone came out of the complex fitting Mr. Cordova's description, and a female was driving a black Acura SUV. Deputy Sandell turned around and tried pulling into the gas station to be able to walk up to that car and ID Mr. Cordova. He reported that the car backed up and drove away before Deputy Sandell could walk up. Deputy Sandell reported that he pulled into the parking lot and parked. He thought that Mr. Cordova would run on foot, so he took a position to cover in the parking lot. Deputy Sandell peeked around the corner and heard a very loud revving of an engine and tires squealing. He watched the car drive up and destroy the drive thru sign. Deputy Sandell saw Mr. Cordova bounce off the steering wheel and sit up looking around. Mr. Cordova started revving his engine and went forward, jumped a curb, and now was directly facing Deputy Sandell. Deputy Sandell described Mr. Cordova's facial expression as "evil." Mr. Cordova revved the engine and swerved towards Deputy Sandell. Deputy Sandell did not want to be pinned between the barrier and the vehicle, so he ran down towards the end of the wall. Deputy Sandell stated that he stopped and pulled out his firearm. He reported that Mr. Cordova looked directly at him through the windshield. Mr. Cordova started travelling at a high rate of speed towards Deputy Sandell. Deputy Sandell began to discharge his weapon into the vehicle towards Mr. Cordova until the threat was stopped. Deputy Sandell stated, "I wanted to stop this threat and the threat of him being in the car trying to, trying to kill me." Deputy Sandell advised he knew his partners, the other team members of MOTF were near the entrance of Carl's Jr. where the Acura was now driving towards. Deputy Sandell stated, "I know Pratts down here. I know Tim Orr is coming over here. I know Deputy Schreiner's over here. I know Deputy Ben Walton's over here. If he's gonna kill me, he's gonna try to kill them. This guy's not gonna stop. And if he's willing to kill them, he's willing to kill people at Burger king. Driving them over, running them over doing whatever he needs to do in his mind."

Marshall Judson Eastes

Marshall Eastes in his interview discussed the Ops Plan outlining the suspect's criminal history. Marshall Eastes remembered that Mr. Cordova was a parole fugitive and there was concern for his violence. There was a source comment where Mr. Cordova had said that "he was gonna go down hard" and there was reporting of drug use as well. Previously, Mr. Cordova tried to break into the house along with other indications that he was engaging in criminal behavior.

Deputy Lee Pratt

Deputy Pratt has worked for the Mesa County Sheriff's Department since December of 2019. He was currently working on the MOTF for approximately a month. Deputy Pratt stated he was aware that Mr. Cordova was supposedly armed with a handgun and there was information of where he was possibly located. Deputy Pratt had begun surveillance with his team. After it was decided they would attempt to contact the vehicle, he pulled into the parking lot behind the vehicle and activated his overhead and takedown lights. The male passenger turned and looked over his left shoulder, and Pratt could clearly see the male was Mr. Cordova based on his neck tattoos and the clear look he got of the male's face. Deputy Pratt stated he thought he remembered the female opening the door while Mr. Cordova climbed over the center console area to get into the driver's seat. Due to the information about Mr. Cordova possibly being armed with a gun, Deputy Pratt drew his handgun and addressed the car. Mr. Cordova accelerated forward jumping up onto the sidewalk and turning north. Mr. Cordova drove through a drive thru menu sign and turned to the east. Deputy Pratt saw the vehicle driving south while also hearing several gunshots. Deputy Pratt heard Deputy Sandell over the radio say that the vehicle had been coming towards him. Deputy Pratt stated the vehicle while going south had went over the sidewalk and crashed into another parked car. Deputy Pratt stated he pulled up behind the vehicle and with his handgun drawn, he gave verbal commands. Mr. Cordova was given verbal commands to open the door and show his hands which he did. Then Mr. Cordova was removed from the vehicle and provided with medical aid.

Deputy Jake Schreiner

Deputy Schreiner was interviewed on January 24, 2023 at about 2330 hours by Detective Chris Kopp and Agent Ben Russell. Deputy Schreiner recalled the surveillance conducted on Mr. Cordova. Deputy Schreiner drove to the south side of the Carl's Jr. building and parked at an angle on the driver's side of the vehicle. Deputy Schreiner observed Mr. Cordova move towards the driver's side of the vehicle while pushing the female driver out of the vehicle. Deputy Schreiner advised Deputy Pratt "he's trying to drive away; he's trying to drive away." Deputy Schreiner had his service pistol drawn but he never fired the gun. He saw the vehicle drive over the parking place and hit the drive thru sign. The vehicle turned towards the east and Deputy Schreiner heard several gunshots. Deputy Schreiner had been advised that Mr. Cordova was possibly armed with a firearm. Deputy Schreiner quickly got into his vehicle and drove to intercept the vehicle. Mr. Cordova's vehicle crashed into a parked vehicle. He was taken out of the vehicle and team members started to provide him with medical help.

Sergeant Tim Orr

Sergeant Orr has worked for the Mesa County Sheriff's Office for approximately 23 years. He is the current supervisor of the MOTF. He has been in that position for a little over one

year and supervises 4 deputies. Sergeant Orr was parked in the O'Reilly's parking lot facing Carl's Jr. in an unmarked car, but in uniform. He observed Mr. Cordova drive onto the sidewalk and through the drive thru sign. Mr. Cordova attempted to head through the driveway to exit the parking lot onto North Avenue. Sergeant Orr heard shots ringing behind him and he could see muzzle flashes behind him so he thought Mr. Cordova was shooting at them. He described the flashes as being in the area of the enclosed trash dumpsters located at the north west side of the Carl's Jr. parking lot. Mr. Cordova's vehicle hit another vehicle forcing it to stop. Sergeant Orr got out of his vehicle and gave verbal commands to Mr. Cordova to show his hands. At first there was no response or movement, but then Mr. Cordova opened the door and showed his hands. Sergeants Orr and Christensen approached Mr. Cordova's car and were able to pull him out, handcuff him, and provide him with medical aid.

Sergeant Travis Christensen

Sergeant Christensen has been employed by the MCSO for 15 years and is currently the sergeant of the Crime Reduction Unit. During Sergeant Christensen's tenure at the MCSO, he has served in various capacities including narcotics, senior SWAT team leader, and firearms instructor. Sergeant Christensen explained that on January 24, 2023, the MOTF was attempting to locate and arrest Mr. Cordova. Sergeant Christensen was not involved in the efforts to locate Mr. Cordova until later in the evening. Sergeant Christensen was aware Mr. Cordova was wanted by parole for robbery and a "serious" assault. Over the radio, information was given saying Mr. Cordova made statements that he was not going back to prison and was "going down hard." Sergeant Christensen parked his undercover vehicle approximately 25 yards north of the restaurant, with a clear view of the Acura. He saw Mr. Cordova climb over the center console of the Acura, attempting to get into the driver's seat. Based on Mr. Cordova's behavior, Sergeant Christensen knew Mr. Cordova was attempting to flee in the Acura. Sergeant Christensen saw Mr. Cordova as he drove the Acura forward, over the parking block, onto the sidewalk, and running over the drive thru men sign. Mr. Cordova was leaving the parking lot at a high rate of speed. Sergeant Christensen heard the engine of the Acura revving and the tires squealing. Based on the reckless manner Mr. Cordova was driving, Sergeant Christensen feared he may be struck by the Acura and got back into his vehicle. He saw Mr. Cordova driving at a high rate of speed towards Deputy Sandell. Mr. Cordova had other paths to maneuver around Deputy Sandell. However, Sergeant Christensen described seeing the Acura swerve towards Deputy Sandell, nearly striking the wall of the trash enclosure where Deputy Sandell had been standing. Because Deputy Sandell was next to the brick wall of the trash enclosure, he was unable to move away from the speeding vehicle. Sergeant Christensen believed Deputy Sandell was going to be struck by Mr. Cordova's vehicle. As the Acura approached Deputy Sandell, Sergeant Christensen heard several gunshots. Sergeant Christensen did not believe Deputy Sandell could have used a lower level of force. Additionally, Deputy Sandell was unable to move out of the path of the speeding vehicle.

APPLICATION OF THE LAW

Colorado law permits deadly physical force to be used if a person reasonably believes that a lesser degree of force is inadequate, and the actor has reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or receiving great bodily injury. C.R.S. § 18-1-704(2).

In Colorado, deadly physical force used in defense of yourself or others has two equally important components. The first is a subjective component requiring that the actors himself, here Deputy Devrin Sandell, actually believed that he or another was in imminent danger of death or

great bodily injury, and that deadly force or an attempt at deadly force was required. The second component is an objective component; that the actor's actual belief was also a reasonable belief.

Subjective belief of Deputy Devrin Sandell

According to his interview, Deputy Sandell subjectively believed that he, other officers and citizens were in imminent danger of being killed or receiving great bodily injury, and that it was the level of force necessary to stop an imminent threat. During his interview he described Mr. Cordova coming right at him. The car was turning towards him and he heard the engine revving. Deputy Sandell was staring at the windshield at Mr. Cordova and reported remembering the evil look on Mr. Cordova's face. Deputy Sandell tried to get out of the way and head towards the cover which was a six-yard dumpster cover. He was running next to a wall where he was trying to get out of the way. Deputy Sandell reported that he looked at Mr. Cordova as he was running thinking that Mr. Cordova was going to kill him. Deputy Sandell made it to the end of the wall where he stopped to pull out his firearm. He reported wanting to stop the threat. Deputy Sandell assessed in the moment that Mr. Cordova was traveling at a high rate of speed and was coming right towards him. He began to discharge his weapon into the vehicle towards Mr. Cordova. His specific quotes as it relates to defense of himself included: "I wanted to stop this threat and the threat of him being in the car trying to, trying to kill me."

Deputy Sandell also was had a subjective belief that he needed to act in defense of others. He Deputy Sandell described that there were several officers in the area that could have been injured. Deputy Sandell stated that he was worried that if Mr. Cordova was going to kill him then he was going to try and kill the nearby officers. His report included advising that he knew his partners, the other team members of MOTF were near the entrance of Carl's Jr. where the Acura was now driving towards. Deputy Sandell stated, "I know Pratts down here. I know Tim Orr is coming over here. I know Deputy Schreiner's over here. I know Deputy Ben Walton's over here. If he's gonna kill me, he's gonna try to kill them. This guy's not gonna stop. And if he's willing to kill them, he's willing to kill people at Burger King. Driving them over, running them over doing whatever he needs to do in his mind."

Objective reasonableness of the belief

Turning now to the objective reasonableness of this belief, it is readily apparent that any jury would conclude that a reasonable person would believe that these officers and the nearby citizens were in imminent danger of being killed by Mr. Cordova in this situation. This situation began with MOTF actively attempting to locate and arrest Mr. Cordova, who had three active warrants for his arrest. MOTF conducted surveillance of the apartment which was believed to be Mr. Cordova's sister's residence. The team matched the male to the physical description of Mr. Cordova, but they could not positively identify the male as Mr. Cordova. The surveillance team witnessed the male get into the passenger side of a black Acura. The team followed the vehicle into Grand Junction where it pulls into the C&F Gas Station then the Carl's Jr. parking lot. The team decided to conduct a traffic stop with the vehicle to attempt to identify the male occupant believed to be Mr. Cordova. Deputy Pratt gave verbal commands to the occupants. He could see Ms. Salazar open the driver-side door. Mr. Cordova started to push Ms. Salazar out of the vehicle, while he climbed over the center console to sit in the driver's seat of the Acura. Mr. Cordova attempted to drive away from the stop. Mr. Cordova started to rev the engine of the vehicle as if it was getting ready to take off. The Acura crashed into the drive thru ordering menu stand, causing the Acura to come to a complete stop. Deputy Sandell could see Mr. Cordova in the driver's seat. The Acura's engine revved again and the wheels spun forward again pulling into a separate parking lot where Deputy Sandell was located. Deputy Sandell recognized the

vehicle could start to drive in his direction and he started to retreat backwards away from Mr. Cordova along the north wall of the enclosure. Deputy Sandell had his weapon mounted light activated and pointed at the Acura which alerted Mr. Cordova there was an officer in front of him. Mr. Cordova had other paths he could have taken to evade the officer. However, Mr. Cordova continued to drive forward in the direction of Deputy Sandell, which also put the nearby team members of MOTF at risk. Any objective observer, upon seeing Mr. Cordova coming at a high rate of speed towards the officer would believe that the officer was in imminent risk of being killed or receiving great bodily injury. Thus, the belief that the officer or others were facing the threat of deadly force, was reasonable, and that belief that no lesser degree of force was appropriate to respond to the threat of Mr. Cordova in the vehicle would be adequate and reasonable. It is also noteworthy that Sergeant Christensen, who has extensive experience in high risk situations also reported that he believed that Deputy Sandell was going to be struck by the vehicle and that no lesser degree of force would have been adequate, further confirming the objective reasonableness of Deputy Sandell's belief.

Finally, it is appropriate to consider whether the officers have specialized training that would allow them to make decisions more calmly, or otherwise be able to assess threats properly, without mental distortion due to stress. Deputy Sandell has been with the Mesa County Sheriff's Office for 8 years and is currently assigned to MOTF. MOTF is tasked with fugitive apprehension and dealing with violent offenders.

In summary, team members of MOTF were actively attempting to locate and arrest Mr. Cordova who had three active warrants out for his arrest. They were aware of his stated intentions to "go out hard." The team conducted surveillance over a residence where Mr. Cordova was believed to be. They observed a male that matched the physical description of Mr. Cordova. They followed this male to a Carl's Jr. parking lot where they decided to conduct a traffic stop. Mr. Cordova forcefully put himself into the driver's seat of the vehicle attempting to drive away. The vehicle crashed into the drive thru ordering menu stand, but this did not stop Mr. Cordova from revving the vehicle's engine and entering a separate parking lot where the deputy was located. Mr. Cordova had other paths he could have taken to evade the deputy. Mr. Cordova continued to drive in the direction straight towards the deputy on foot, even with him holding a flashlight to illuminate himself. Deputy Sandell, who fired, reasonably believed that he, other law enforcement officers, or other citizens were in imminent danger of Mr. Cordova. He responded lawfully and appropriately in defense of himself and others. Accordingly, it is not appropriate to file charges against him, as his actions were fully justified. As previously referenced, this office has charged Mr. Cordova with attempted first-degree murder – extreme indifference, attempted first-degree assault – extreme indifference, and aggravated motor vehicle theft.

Respectfully,

/s/ Daniel P. Rubinstein

Daniel P. Rubinstein
District Attorney