



**OFFICE OF THE DISTRICT ATTORNEY**

**Jefferson and Gilpin Counties**

**Peter A. Weir, District Attorney**

December 15, 2020

Arvada Police Department  
Link Strate, Chief of Police  
8101 Ralston Road  
Arvada, CO 80002

**Re: Critical Incident Team Investigation 20-02 (Officer Involved Police Shooting of Jon Phillip Bryant DOB 10/04/1979 on January 22, 2020)**

Dear Chief Strate:

The Critical Incident Response Team (CIRT) for the First Judicial District was activated pursuant to protocol on January 22, 2020 to investigate the fatal shooting of Jon Phillip Bryant by Arvada Officers Paul Carroll, Travis McKenna, Cordell Wintz, Donato Santos, Sean Ames, and Zachary Tickel. The CIRT was formed to investigate incidents in which any law enforcement officer within the First Judicial District uses deadly force, or attempts to use deadly force, against a human being while acting under the color of official law enforcement duties. A CIRT investigation was completed for determining whether criminal charges are warranted with respect to the conduct of any of the Arvada Police Officers involved in the incident.

At the time of CIRT activation in this case, I dispatched a Senior Chief Deputy District Attorney to respond and work in coordination with CIRT investigators and lend legal assistance as necessary. He observed key interviews of witnesses including officers Carroll, McKenna, Wintz, Santos, Ames, and Tickel along with other sight and sound witnesses.

CIRT investigators interviewed all witnesses, law enforcement and civilian, processed the scene of the shooting, conducted forensic examinations, and completed a background of Jon Phillip Bryant as part of a thorough and complete investigation into this incident. The investigative file is voluminous and includes transcripts of

witness interviews, numerous reports, diagrams, and digital media containing recorded interviews, police communications, photographs, drone photographs, laboratory analysis, and surveillance video provided by private citizens.

A review of the investigative file, including all CIRT reports and documentation has been completed by my office and I, along with members of my staff, have been fully briefed regarding this incident by CIRT Commanders in charge of the investigation.

My findings, analysis, and conclusions of law with respect to the use of deadly force or attempted use of deadly force in this incident by officers Carroll, McKenna, Wintz, Santos, Ames, and Tickel:

### **Applicable Law**

The legal framework for analysis in this case is found in the following sections of the Colorado Revised Statutes.

#### **§ 18-1-704, C.R.S. Use of physical force in defense of a person**

(1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

(2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) The actor has reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury.

#### **§ 18-1-707, C.R.S. Use of physical force in making an arrest or in preventing an escape**

(1) Except as provided in subsections (2) and (2.5) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section 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 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.

### **§18-1-901, C.R.S. Definitions**

(3)(d) "Deadly physical force" means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

### **§ 18-1-407, C.R.S. Affirmative defense**

(1) "Affirmative defense" means that unless the state's evidence raises the issue involving the alleged defense, the defendant, to raise the issue, shall present some credible evidence on that issue.

(2) If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the offense.

### **§ 18-1-710, C.R.S. Affirmative defense**

The issues of justification or exemption from criminal liability under sections 18-1-701 to 18-1-709 are affirmative defenses.

## **Summary of Opinion**

Applying these statutes to the facts presented in this investigation, I find that the involved law enforcement officers are not subject to criminal prosecution for their actions on January 22, 2020.

In all cases, the law and ethical rules require that there is a reasonable probability of proving each and every element of an offense beyond a reasonable doubt in order to lodge criminal charges. Moreover, in cases where the evidence supports an affirmative defense of self-defense or use of physical force in making an arrest there must also be a reasonable probability of disproving the affirmative defense beyond a reasonable doubt before criminal charges will be brought against an individual.

The evidence in this case establishes that at the time officers Carroll, Wintz, McKenna, Ames, Santos, and Tickel shot or attempted to shoot lethal and less than lethal rounds at Jon Bryant it was reasonable to believe that Bryant posed an imminent threat of death or serious bodily injury to Arvada officers and the community at large. The evidence also establishes that the officers were justified in using physical force upon Jon Bryant to apprehend a person they knew was a clear and present danger to the community as well as Arvada officers and Bryant repeatedly failed to comply with Arvada officers clear unequivocal orders. Rather than comply Jon Phillip Bryant charged at officers, sprinting with a large knife held in a thrusting position. This came after numerous attempts to calm or deescalate the situation.

Therefore, there is no reasonable probability of disproving the affirmative defenses in the shooting of Jon Phillip Bryant and no criminal charges are appropriate against officers Carroll, Wintz, McKenna, Ames, and Santos, Furthermore, Officer Tickel was also justified in using less than lethal force against Jon Phillip Bryant.

## **Summary of Facts**

On January 22, 2020 the deceased, Jon Phillip Bryant and his significant other Suzanne Stoffel got into an argument which led to Jon Bryant leaving the residence at 5562 Newland Way Arvada. According to Suzanne Stoffel, Jon Bryant indicated that he was going "downtown" driving his truck.

Suzanne Stoffel soon departed the residence to locate Jon but she was unsuccessful and Suzanne Stoffel returned to the Newland street address. Ms. Stoffel was followed shortly thereafter by Jon who at this point had been gone for approximately two

hours. Ms. Stoffel parked her car on Newland Street in front of her apartment complex while Jon parked his work truck in an ally adjacent to the Solana Apartments off 52<sup>nd</sup> avenue.

Another argument ensued with Jon indicating that he could not find his keys and demanding the keys to Ms. Stoffel's car. At about 10:00pm Suzanne Stoffel attempted to go back into her residence when she was tackled by Jon Bryant causing Ms. Stoffel injuries. Jon Bryant then forcefully took the keys from Suzanne. Mr. Bryant proceeded to Ms. Stoffel's car and he got into the driver's side and Ms. Stoffel got into the front passenger seat to prevent Jon Bryant from leaving in her car. Suzanne Stoffel and Jon Bryant are then observed to be engaged in a struggle in the car.

At 10:02 Suzanne Stoffel was able to get out of her car and run back into her apartment locking the door behind her. Jon Bryant got out of the driver's side of Suzanne's car and walk to the front of Suzanne's car where he proceeded to stomp on the hood of the car. He then proceeded to charge the front door of the residence ramming his shoulder into the door. Jon Bryant then steps back and begins to kick the front door in an apparent attempt to break the door down. After several attempts to break in the front door he breaks the window next to the front door and he reaches into Suzanne's residence. Approximately at this time a neighbor steps out of his apartment door to confront Mr. Bryant regarding the disturbance. At this point in time Jon Bryant turns his attention to this neighbor while also periodically pounding on the front window of Ms. Stoffel's apartment. Jon Bryant can be seen aggressively confronting the neighbor to the point where the neighbor grabs a sledge hammer. Jon Bryant responds by attacking the neighbor with a large potted plant picking the plant over up over his head and throwing it at the neighbor and into the neighbor's residence. The neighbor retreats into his home and closes the door.

Another neighbor, Bram Barker, who is across the street, heard Ms. Stoffel's screams and the commotion. Mr. Barker was so concerned by what he heard that he grabs his handgun on his way to help Suzanne Stoffel. Once outside he proceeds to yell at Jon Bryant. Jon Bryant then discontinues attempting to break into Ms. Stoffel's residence and Bryant grabs a broom handle and a large piece of glass and goes after Bram Barker. Jon Bryant confronts the good Samaritan Bram Barker in the street, eventually going back to Ms. Stoffel's residence where he then climbs into the home through another window he broke out. Once inside the residence Jon engages in destructive behavior and then grabs a large butcher type knife and saying, "I'll use it before police can take me". Jon then proceeds to leave the residence and he heads in

the direction of his truck that is parked an alley.



On his way to his truck Jon Bryant is contacted by a fully uniformed Arvada police officer who requests to speak with him. One of the first officers to contact Jon Bryant was Officer Travis McKenna who can see a blunt object in Bryant's hand. Officer McKenna orders Bryant to stop and Bryant responds to effect "you better get your cameras ready, going to be a suicide by cop". Officer McKenna ordered Jon to drop the item in his hand and Jon responded by advising the officer that he would have to shoot him.

A number of Arvada officers responded to the location and numerous attempts were made to deescalate the situation and to get Jon Bryant to come out of his truck.

At one point, Jon Bryant got out of his truck with his fists clinched and proceeded to approach the officers in an aggressive manner at which point Officer Tickel hit Jon Bryant with a less than lethal 40mm foam round. Jon Bryant shows little reaction after being hit and, rather than complying with orders, he went back into his truck. Once back in his truck Jon advises that officers that he will stab himself and that officers will have to kill him. Jon then proceeds to break the driver's door window of his truck.

Jon then gets out of the truck with a fire extinguisher and a knife at hip level. Officers order Jon to drop the knife and show his hands but he refuses to comply. No force is used against Jon at this time and he proceeds to get back into the truck where he once again threatens to kill himself and advise officers that he will not go back to prison.

Jon Bryant once again steps out of the truck and places the knife to his own throat. Officers continue to give Jon commands to drop the knife. Jon continues to ignore the officers' orders getting back into the truck. Jon then starts throwing items out of the window at the same time referring to the officers as "fucking pigs". Officers continue to order Jon to get out the truck with his hands up and advising him that the officers are trying to help him.

Then without warning Jon instantly jumps out of his truck and with the knife raised above his head and charges at the officers. Additional 40mm less than lethal rounds are shot striking Jon. However, he continues and lethal force is used, eventually stopping Jon within eight feet of officers. Jon Bryant was pronounced deceased on scene.

**Use of Force Officer Interview Summaries:**







but besides maybe his head and the top of his shoulders until he came um past the rear of his truck.

That's when I could see his whole body and I could see that he had something shiny, silvery in his right hand which at that point resembled what looked like a knife ..." (transcript page 11)

"...but besides maybe his head and the top of his shoulders until he came um past the rear of his truck. That's when I could see his whole body and I could see that he had something shiny, silvery in his right hand which at that point resembled what looked like a knife ..." (transcript pg. 120)

### **Officer Cordell Wintz:**

Officer Wintz was in his third week of the Field Training program at the time he received a "toned" out call of a man trying to break into a home and further reporting and that the party had a gun. Officer Wintz agreed to a consensual interview and he related the following observations and information:

"...The first thing I noticed was that he was wearing a, just a reflective jacket. One that, like a road worker would wear. It was very reflective, um, we walked across the street to try to attempt to contact him and he also had a hard hat, um, and he was walking to his work truck, looked like one of the ones that CDOT drives, just like all the equipment in the back and the lights on top and stuff like that..." (transcript page 4)

"...Um, so we attempt to contact him, um, I think my FTO said something to him first, just something along the lines of hey can we talk to you? I also said, hey man, can we talk to you for a second? Um, that was pretty much all I got out he was, I can't even remember exactly what he said to us, um, it was just something along the lines of like, you know, get away from me, FU, or F off, you know he was kind of verbally non-compliant, he obviously didn't want to talk to us. Um, and he just continued to walk to his truck..." (transcript page 5)

"...but they were eventually there backing us up and then he steps out of this vehicle and he has some sort of pipe or tool, I'm guessing it was some sort of work tool or something like slung over his left shoulder um, and he just starts walking towards us. We were issuing commands to, we were telling him to show us his hands and to drop whatever is in his left hand, drop the pipe, I think we were saying um, told him to drop that and show us his hands. He probably walked half the distance between his car door and us. And then he stopped. And at that time we're just still issuing commands to drop whatever's in his hands, show us his hands, and to stop walking towards us. Once he stops, we're still telling him to drop whatever's in his hands and then he still is not complying and he's gotten closer, so we were, where at he would, we didn't know if he was going to run at us, we were a little worried there about that..." (transcript page 6)

"...Not complying. Um, again I think it was more of just you know, the only things that I really remember him saying were basically fuck you pigs, he said that was kind of saying that throughout the entire thing. Just in that moment when he was walking and stopped, I don't remember exactly what he said. I was just kind of concentrating on, on him and it was during that time that another officer had a less than lethal forty millimeter and he was um, he fired two rounds with the less than lethal and it didn't really have any effect, he just kind of stood there and got hit with them and then he turned around and went back into, got into his vehicle..." (transcript page 7)

"...hit him two times, he didn't really react much at all, he just um went back and got into his truck on the driver's side. It was around this time that he started kind of going crazy in his vehicle I heard him just pounding something in there um, the truck was kind of shaking. He ended up, I don't know how

he did it because I didn't see, but he busted out the front windshield, um, I don't know if it was all the way out, but I saw at least part of the front windshield kind of like collapse and fall out onto the front hood..."

"...he then started throwing the contents of his truck out the driver's side window, just tossing them...like everything..." (transcript page 8)

"... So at this time we're kind of trying to talk to him trying to find out what his name is saying hey man we just want to talk to you find out what is going on um, but we didn't know his name or anything like that at the time. He when asking for his name, we did ask him for his name, um, I can't recall who exactly asked him for his name, but um, just told, let him know that we want, just we just want to talk and um, the only things he would really say are you know, fuck you pigs, um, he said that multiple times. And um, you're just gonna have to kill me. He, that was pretty much, he said that a few times..."

"...Um, yeah and that was really the only statement I heard him say was that you're pretty much gonna have to kill me, he also said you know, leave me alone, um, things like that, um... Then ended up getting out a second time, this time with a fire extinguisher in his left hand and a knife in his right hand. This was the first time that we had um seen any sort of, we had seen the knife, um, he gets out and just walks a few feet um, away from his truck, not really towards us at all, um..."

"...Towards the wall, yeah. Kind of just steps out a little bit, um, we're tellin' him, drop the knife, drop the knife, said that multiple times. You know, clear, loud, verbal commands..."

"... kind of looked just like a big kitchen knife, I um, yeah at least six inches. It was a pretty big knife. Yeah, my best guess would be some sort of kitchen knife or something. It just looked..."

"...And then the fire extinguisher in his left hand he's holding those two things as he steps out. You know we were yelling at him, drop the knife, he doesn't really comply with anything and then just gets back in his vehicle again. Um..." (transcript page 9)

"...So he gets back in his vehicle, um and then the next thing I remember him throwing out was the fire extinguisher, he chucks that out, um, while he's in there, we're telling him to you know, throw out the knife, um, get rid of the knife, throw the knife out the window, um, he never throws the knife out, we never see anything about the knife thrown out, we're kind of watching the stuff..."(inaudible)

"...just tossing it out, right to his left there, um, and then around this time, officers had gone to the apartments that he had supposedly broken into and gotten information about who he was, his name and phone number and um, they aired that out, so, one of the, one of our sergeants that was on scene, he ended up using his name to call him out and say hey, we just wanna talk, you know? What's going on? Let's talk about this. Um, and that was kind of the last thing that I remember happening before he stepped out of the vehicle for the last time Just the knife in his right hand..."

"... I'm not sure, he, he took, I know he had the knife in his right hand, however he had it. I remember him like taking like a couple quick steps and then him just running. Running at us and um, I don't know, I just, it seemed like he closed the distance so fast, it was, I just, I just knew he had the knife in his right hand, and yea takes a couple quick steps and starts running and um, by the time he hits the back of the truck, I'm thinking like, this it was already happening so fast you know, I'm just processing it and um, I knew he couldn't get any closer to us, I couldn't let him, let that happen, so I um, I aimed, was aiming center mass and I just fired my weapon until he was on the ground and not coming at us anymore and a threat. There's no more threat to us..." (transcript page 10)

## **OFFICER SANTOS:**

Officer Donato Santos was on duty and at the Arvada Police Department when a "tone" alert was sounded. The "tone" alert or call was regarding an individual who was breaking into a home and further that the reporting party was armed with a gun. Prior to arriving on scene Officer Santos was further advised that the male subject, later determined to be Jon Bryant, was armed with a pole or pipe. Officer Santos also learned Jon Bryant was making statements consistent with wanting officers to kill him.

Officer Santos related the following during his consensual interview with CIRT detectives:

"...Um, where was I? Okay, so Sergeant Carroll is giving commands. Um, the suspect is yelling at us to leave. He tells us that he wants to fuckin' die. Sergeant Carroll is telling him that we don't wanna kill him. We just wanna talk to him. Um, in order for that to happen, he's gotta throw the - the knife out the window and come out with his hands up. Um, he keeps callin' us fuckin' pigs. He's not comin' out. He keeps tellin' us to leave. Urn, again, Sergeant Carroll tells him to step out of the truck, "And we can talk face-to-face." At that point, urn, I start seeing items getting thrown out miscellaneous items. I'm not sure what they were. They're getting thrown out of the, uh, driver window." (Transcript Page 14)

"...As he's running, I remember thinking, "I'm glad I turned on my, uh, takedown lights and have my spotlight on the, uh - the vehicle itself." 'Cause as he's running, I can see him - uh, in his right hand, the - um, glare from my lights off of the knife that's in his right hand. Urn, and he's holding it in like a - a downward or stabbing motion. Um, so I see the - the glare of the - of the knife in his right hand. I yell out, "Knife." And Sergeant Carroll who's right on my left, yell out, "Knife." I tell him to stop. I yell out, "To drop it." And he gets to - he's coming directly at Sergeant Carroll and I. Urn, he gets to the end- the edge of the truck - the back of the truck as he's continuing to run at us -or sprint at us. And he starts to veer off to my right, or his left towards, um, the officers that are on my right side on the other side of the pole. Um, at that point, uh, I fired from my rifle. I believe four times, at the suspect. Uh, I see him go down. Urn, I yell out - or I - I can hear multiple pops coming from my left and my right. Urn, I remember thinking, "Well it wasn't really that loud."

"Urn, he goes down to the ground and he's laying on his back. Head is facing -or head is on the apartment side. His feet are towards, um, the business side, so, East, urn - I remain on lethal. Urn, I said, "Standby." Everybody's - there's no more fire, um, rounds or gunshots. Urn, Sergeant Carroll is telling us to stop. Um, he asked if everybody's okay. We get verbal confirmation from, uh, a few officers near the immediate saying, "We're okay." Urn, I remember hearin' on the radio, "Shots fired", and Sergeant Carroll asking for fire emergent, urn, for a suspect who's down. Sergeant Carroll then says, "We need to secure the" - not - or "The knife." Urn, since I'm right next to him, I told him I'll come up with him. We both go, uh, towards the head of the suspect. Um, I still have my rifle out for lethal cover. Urn, Sergeant Carroll says, "There's the knife." And I don't see it right away. Um, I say, "Where is it?" And he aims his flashlight down to the torso of the subject. Um, I see clear as day, a - a kitchen knife - a large kitchen knife on his chest. Urn, his hands weren't near it and he wasn't moving. Um, I told him, "Don't reach for the knife." I then reached down and grabbed the knife with my - my left hand and take a few steps back. Um, I then discard the knife onto the ground a few feet away. And, um, Sergeant Carroll says, "Okay, the knife is secured." And he asks for fire to come into the scene for, urn - um, rendering aid. Urn, I see paramedics coming up, um, towards us. We're still standing right next to the suspect. Urn, once they start rendering aid, uh, they, uh - the supervisors that were there requested that we - the sh- "The people that had shot, go over to this corner here and just standby." Um, we stood there, um, as the supervisors kinda dictated

and ran the scene. Um - oh, I forgot. I remember, once the paramedics got over to the body, um, they asked for a flashlight. And I have a small flashlight that I keep on my, uh - uh, belt. I hand it to the paramedic so he could light up, um, uh, the immediate area around the body. And then, um, I was told to come over to here. Um, I stood there and waited for, uh - uh, officers, uh, that were not on the - the scene itself to respond to drive us — um, to transport us to headquarters. I, uh, remained right here. Um, Officer Boom, urn, was, uh, directed to transport me back to headquarters. His vehicle was parked, uh, farther west on 56th Avenue. Um, I still have my rifle and my sidearm with me. We responded over to his vehicle. I got into the passenger seat and he drove me to headquarters, um, where I've been since..." (transcript pp. 15,16)

## **OFFICER McKENNA:**

Officer McKenna was one of the first officers to arrive on scene. Officer McKenna upon arriving on scene observed Jon Bryant walking across West 56 Ave. away from Suzanne Stoffel's apartment. Officer McKenna yelled at Jon Bryant "stop police". Officer McKenna observed that Jon Bryant had a "blunt object". In an apparent response to the orders given by Officer McKenna Jon Bryant stated, "you better get your cameras ready, going to be a suicide by cop". Officer McKenna ordered Jon Bryant to drop the object. However, Mr. Bryant refused and instead walked towards his truck and got in. Mr. Bryant indicated that he would not drop the object and that the officers would have to shoot him. Officer McKenna in the final moments before lethal force was used described what he saw as follows:

"... So, he opens the door, exits the vehicle, very aggressively, um, and at that point, I saw that he had what looked like the knife in his hand and this time it was pointing, the blade was coming out the bottom. Um, so he had it held up this way kind of near his right cheek, um up over his right shoulder and the blade was coming out this way, you could see his charging at us, appearing like he was going to stab somebody..." (transcript page 11)

"... the first time that he got out holding it, he had it down here next to his side and it was coming out the top of his hand I guess you could say by his thumb, the blade was and he was just holding it down here. Um, the second time, he was holding it with the blade coming out by his thumb again, holding it up by his throat and then this time, he had it held up here like coming out by his pinky and was charging at myself and my trainee and my sergeant. Um...

Coming very quickly, closing that gap, very quickly. Um, at that point he reached about the rear bumper of his truck, kind of getting into that, that window of, ok he's getting' close. Um, and at that point, I ended up pulling the trigger on my weapon, um to fire rounds, um, I was aiming at center mass the entire time and pulled the trigger I believe at least two or three times. On the second or third pull of the trigger, I realized that the trigger was stuck back so I was having a malfunction. Um, I step, stepped to the side one step to my left, tapped racked to clear the malfunction I saw a round come out um, when I came back up on target, um, I had seen that he was down on the ground, so I just maintained that lethal cover, until we um, could basically secure it. And um, just to make sure that he wasn't going to reach for a weapon or anything like that again. Um, and then all the while I had heard other officers fire their weapons as well.

I maintained cover while, I believe it was myself, Sergeant Carroll and another officer, I'm not sure which officer, um maneuvered closer to the male as he was laying on the ground. Um, I maintained

that lethal cover while other officers moved the knife away from him. The knife was laying next to him right on his left side at that point. Um, so they grabbed the knife, moved it away and called for emergent medical who was staged across the street um, I then saw a paramedic come runnin' across the street and they began rendering aid at that point...' (transcript pg.12)

### **SERGEANT CARROLL:**

Sergeant Carroll responded to the "toned" call of a disturbance with the reporting person indicating he had a gun. Sergeant Carroll attempted to de-escalate the situation and engage in a conversation with Jon Bryant. Sergeant described his interaction with Jon Bryant in part as follows:

"...When I was talking to him, once I found out his name, um and I told Sergeant Nesladek, why don't you go ahead and try calling him on the phone see if we can't get ahold of this guy. As he's doing that, um I then start calling his name and say, hey Jon, you know just come out and talk to us, we don't wanna hurt you. And as soon as I said that he's like, you know fuck you bitch, fuck you pig, um you're gonna have to fucking shoot me, just kill me, just shoot me. And I told him then I don't wanna hurt you, I don't wanna kill you, I don't wanna shoot you. Just come out of the truck, keep your hands where I can see 'em, walk back and talk to me, we'll figure this piece out. You know he's like fuck you, fuck you motherfucker, fuck you bitch. And, and that's pretty much what he's saying to me um as I'm trying to talk this guy out, out of the truck. Ah it's hard, I can't really see him because this truck is like a um ... I think ... I don't know if he works for a barricade company but that's the kind truck. If you've seen those kind of trucks they have these big almost like a (inaudible) cage kind of insert into the bed of the truck where they hang signs and that kind of ... traffic control signs. So his whole back window is, is, is covered with, you know, this kind of, I don't know, it's just like this wrought iron metal kind of insert that goes into the back of these trucks where they put this stuff. So I can't really see him, um I just know he's throwing stuff out the driver's side window. It looked like can goods you know and other stuff that's he's throwing out the window. I remember seeing a fire extinguisher laying on the ground, um and he's just cussing at me. He's just, you know, he's not, he's not listening to anything I'm telling him. I'm, I'm, I'm trying to be calm, I'm trying to talk him out, and he was just not hearing it..." (transcript page 12)

### **Less Than Lethal Officer Zachary Tickel**

Officer Tickel responded to 52<sup>nd</sup> avenue and Garrison Street after receiving as a "toned" out disturbance call. Officer Tickel was advised that there was a disturbance and the reporting party was armed with a gun. Initially, Officer

Tickel responded to the Solana Apartments. In short order Officer Tickel determined that the Salona Apartments was not the correct location. Officer Tickel pulled his fully marked Arvada patrol car further east on 52<sup>nd</sup> avenue when he saw a flashlight.

After seeing a flashlight Officer Tickel heard Officer McKenna contacting Jon Bryant. Officer Tickel took note of a comment by Jon Bryant indicating that he, Jon Bryant desired, "suicide by cop." In addition, Officer Tickel was made aware that Jon Bryant was armed with a metal pipe. Officer Tickel then got back into his car and pulled the car to a location just west of Newland Way.

Because of the suicidal statements Officer Tickel, after parking his car, grabbed his less than lethal 40mm. Officer Tickel indicated in a consensual interview that he took position behind a post just north of 56<sup>th</sup> Avenue. After taking this position behind a post Officer Tickel indicated that he saw the suspect slowly start walking towards him and fellow officers. Arvada officers, in full uniforms and clearly visible, gave Jon Bryant multiple commands to put the pipe down.

According to Officer Tickel's description Jon Bryant held the pipe up near his head in cocked position. Officer Tickel described hearing numerous commands directed at Mr. Bryant "Drop it." When the suspect got within 15 feet of officers Officer Tickel yelled "forty" about 3 times prior to deploying a 40mm round.

According to Officer Tickel Jon Bryant was struck by the 40mm baton round. However, Jon Bryant continued to take a step or two toward the officers, so Officer Tickel deployed a second foam round.

The 40mm foam round is a less than lethal pain compliance tool. In this instance after being struck twice according to Officer Tickel, "It didn't seem to do anything." Jon Bryant, after being hit below the waist in the thigh by the foam round, proceeded back into his truck. According to Officer Tickel Mr. Bryant then yelled, "You're going to have to kill me, I'm not coming out." Jon Bryant continued to make statements consistent with a desire to have police kill him.

Officer Tickel indicated that while Mr. Bryant was inside his truck Mr. Bryant began to pound on something inside the truck, and then he saw the driver's side window "smashed out."

Officer Tickel further indicated officers were trying to talk with Mr. Bryant, and at one point, Jon Bryant requested a cigarette. Jon Bryant continued to make suicidal statements, and then he got out of the truck for a short period and then he got back in. Officer Tickel recalled asking Jon Bryant, "What can we help you with." In response Jon Bryant stated, "Nothing, you are just going to have to shoot me." Jon then stated, "I just don't want to live anymore." In addition to the

suicidal statements Officer Tickle recalls Jon Bryant yelling derogatory names at the officers.

Officer Tickel advised that Jon Bryant got out of the truck displaying a large knife in his hand. Officer Tickel described the knife blade to be approximately five inches in length. According to Officer Tickel officers began giving direct commands when Jon Bryant got back into the truck only to get out of the truck, and start running at the officer. Officer Tickel stated that when he saw Mr. Bryant running he fired another 40 mm less lethal round. Officer Tickel stated he heard a bunch of gunshots, and then he fired another less lethal round. Officer Tickel stated that the suspect was down, and laying on his back. Officer Tickel stated that he believed the suspect had the knife in his left hand. Officer Tickel stated the 40mm was slung to his side, and then he provided cover with his pistol. He stated that other officers took the knife off him.

### **Sight and sound Officers:**

#### Arvada Police Sergeant Ken Huff

Sergeant Huff also responded to the “toned” disturbance call that was currently in progress. When Sgt. Huff approached the aired-out location he took note of three other Arvada police cars turning onto 56<sup>th</sup> in front of him. Sgt. Huff observed that two of the fully marked Arvada police cars turned into the Solana Apartments parking lot. Sgt. Huff followed Officer McKenna in the direction of Newland Street. Sergeant Huff saw Officer McKenna park his car got out and began to follow Jon Bryant who was now walking across 56<sup>th</sup> Avenue in the direction of his parked work truck.

Sergeant Huff could clearly hear Officer McKenna giving verbal commands to Jon Bryant. Sergeant Huff heard Officer McKenna command Jon Bryant to stop only to get a response of “fuck you”, “get away from me”, and “stop talking to me”. Sergeant Huff advised that Mr. Bryant got into his work truck and at this point other officers came to assist Officer McKenna.

Once the additional officers arrived Sergeant Huff went to talk with the reporting party. At the point in time Sgt. Huff was speaking with the reporting party Sgt. Huff heard what he recognized to be the deployment of less lethal shots. Sgt. Huff decided to leave the reporting party and return across the street. At this point, Sgt. Huff was advised by Officer Tickel that Jon Bryant had gotten come out of his truck and was

holding a pipe and began approaching officers. Jon Bryant ignored commands and it was at this time that Officer Tickel fired the less lethal baton round striking Mr. Bryant in the legs. Sgt. Huff was further advised that Mr. Bryant returned to his truck and was now banging items while ranting.

Sgt. Huff requested a K-9 to assist with the situation but none were available from any nearby city. After a short period of time, Sgt. Huff heard the Mr. Bryant shout, "fuck this". Then Jon Bryant threw his truck door open and Sgt. Huff observed Jon Bryant at "straight dead sprint as fast as he can with his right arm up and a knife in it".

Sgt. Huff had a taser but was unable to deploy it because Mr. Bryant was too far away for effective deployment.

Sgt. Huff indicated that he sensed that fellow officers would fire their weapons so he stepped back. Sgt. Huff advised fellow officers did shoot and he was close enough to have an expanded casing strike him. After Jon Bryant was on the ground officers approached Mr. Bryant to make sure the knife was moved and to get Mr. Bryant medical care.

### **Lay Witnesses:**

#### **Suzanne Stoffel:**

Suzanne Stoffel was the girlfriend of Jon Bryant and was the victim of Jon Bryant on the night of January 22, 2020. Ms. Stoffel provided background information and details of what transpired leading up to Jon Bryant's confrontation with law enforcement.

In summary Ms. Stoffel advised that she and Jon Bryant were arguing on the night in question. Suzanne further noted that on the night of January 22<sup>nd</sup> Mr. Bryant seemed "out of it" and paranoid. Suzanne believed that Jon had been drinking alcohol as well. During their arguments and conversations, Jon Bryant would mention he wanted to kill himself.

Suzanne also advised when the two of them were arguing by his truck Jon would not let her leave. She was eventually able to break free only to have him tackle her as she was running back to the apartment. Ms. Stoffel noted she was injured because of being tackled by Jon Bryant. Ms. Stoffel was again able to get free and she escaped



into her home. Mr. Bryant then pounded on her door and broke a kitchen window while yelling at her from outside. Jon also threw a large potted plant at the neighbor while the neighbor was inside his house with the door open after confronting Mr. Bryant.

According to Ms. Stoffel, Mr. Bryant also got into Suzanne's car and she ran outside and got into the passenger side of the car to prevent him from driving away in her car. Suzanne, after a struggle, eventually got out of her car and ran back inside the apartment. Jon Bryant got out of Ms. Stoffel's car at which time he began kicking the hood of Ms. Stoffel's car before walking back to Ms. Stoffel's apartment. Once back at the apartment Jon Bryant broke out another window and gained entry into the dwelling. Once inside Mr. Bryant continued yelling, moving things around and eventually grabbing a large kitchen knife with a blade length of approximately 6-8". After arming himself with the knife Mr. Bryant began making suicidal statements indicating that he would "use it before police can take me". It should be noted these events were confirmed by video surveillance.

### **Bram Barker:**

Mr. Barker is the primary reporting party of this incident. Mr. Barker is a neighbor of Ms. Stoffel. Mr. Barker advised that his attention was aroused by a woman screaming loudly. Mr. Barker heard a woman screaming for help and yelling for someone to call 911.

In response, Bram grabbed his gun and walked up the street to aid the woman who was in distress. Mr. Barker advised that he saw a male, Mr. Bryant, and a female in a car parked on the street. Mr. Barker advised that the female was able to get out of the car and retreat inside an apartment. Mr. Barker could observe Mr. Bryant break a window of the apartment while standing outside. At this point Mr. Barker advised that he verbally contacted Jon Bryant indicating to Jon Bryant that he, Mr. Barker, had a gun. Mr. Bryant, undeterred, grabbed a piece of broken glass and a broom and approached Mr. Barker while yelling vulgarities. According to Mr. Barker, based upon what he observed, he opined that, "it seemed like he wanted to get shot". For an unknown reason Jon Bryant left his confrontation with Mr. Barker and went back to the apartment where Ms. Stoffel was hiding.

Once back at the Ms. Stoffel's apartment Mr. Barker observed Jon Bryant trying to break into the apartment again. At this time, according to Mr. Barker, the next-door neighbor to Ms. Stoffel came out and confronted Mr. Bryant indicating that there were children in the home and they were trying to sleep. Mr. Barker indicated that Jon Bryant picked up a planter and threw it at the neighbor. After throwing the

planter Mr. Bryant is observed breaking another window that was larger and eventually entering the apartment.

Mr. Barker could observe Jon Bryant leave Ms. Stoffel's apartment and walk across 56<sup>th</sup> Avenue to the north to where his truck was parked. Mr. Barker's view of police contact was obstructed but Mr. Barker advised that he could hear Jon Bryant telling the officers to "shoot him".

**Warrants, Protection Order, and Background**

Two State Offender (Arrest Highlights)

- Texas

Since 18 YOA, 5x Theft (two felonies), 5x times driving under suspension

- Colorado

2x Menacing (one is felony), Burglary, 3x Criminal Mischief, Child Abuse, DV Harassment/Stalking, Disorderly Conduct, 2x DUI & Hit and Run

6x Violation of Protection Order, Probation Violation, Parole Violation, Escape from Pending Felony, FTA/FTC Multiple Times, Obstruction, Resisting

**AUTOPSY:**

AUTOPSY REPORT

- 4 -

JON BRYANT

20-00326

TOXICOLOGY

REFERENCE LABORATORY: National Medical Services, Inc.  
Horsham, PA

Expanded peripheral blood (postmortem iliofemoral) panel results:  
Ethanol ----- 154 mg/dL  
Blood Alcohol Concentration (BAC) ----- 0.154 g/100 mL  
Caffeine ----- Positive  
(mcg/mL)  
Cotinine ----- Positive  
(ng/mL)  
Cocaine ----- 290 ng/mL  
Cocaethylene ----- 89 ng/mL  
Benzoylecgonine ----- 610 ng/mL  
Atomoxetine ----- 180 ng/mL  
Mitragynine ----- 120 ng/mL

OPINION

The cause of death of this 40-year-old Caucasian male, Jon Bryant, is due to multiple gunshot wounds. The manner of death is homicide (see "NOTE" below).



Dawn B. Holmes,  
M.D. Forensic  
Pathologist

### **Crime Scene Processing:**

On January 22, 2020 pursuant to CIRT protocol a multi-jurisdictional team was called upon to process and collect evidence in the shooting of Jon Bryant.

Officers, agents, and crime scene technicians employed the latest technology available.

Hundreds of photographs were taken, and a drone was utilized as well as the FARO system.

It was determined that the Lakewood Police Department would oversee the diagramming of the scenes.

In addition, officer and agents collected video surveillance from surrounding locations.

### **Legal Analysis**

This office's review of the shooting of Jon Phillip Bryant is limited to an analysis of applicable criminal statutes and affirmative defenses which apply to the facts.

As is frequently the case and as documented in scientific literature, individuals involved in high-stress events such as a shooting may experience wide-ranging emotions and perceptual distortions. It is not unusual for those involved to have incomplete recollections and for witness accounts to have some inconsistencies. Often, recall of details will differ from witness to witness, and those interviewed may not recall all the same events in the same chronological order. Witnesses have different perspectives to an event and their statements will so reflect. In this case, each of the witnesses offered versions of the event from their perspective and some minor inconsistencies are apparent. While there are some inconsistencies regarding some recollections of this incident, there are no inconsistencies which are relevant to

my determination of criminal culpability. The inconsistencies here are not consequential in the analysis.

Based upon the investigation conducted by investigators and detectives assigned to the CIRT, there is no question that Officers Carroll, Wintz, Ames and Santos intentionally shot Jon Phillip Bryant with lethal rounds. In addition, there is no question that Officer Tickel shoot Jon Phillip Bryant with less than lethal rounds and Officer McKenna attempted to shot Bryant. Their statements and the evidence support that conclusion. Jon Phillip Bryant refused lawful and direct commands of the officers and that he attacked officers with a large knife in a ready to stab position. The Arvada officers were without any meaningful cover and in the way Jon Bryant attacked the officers reasonably placed all officers in fear for their own lives and the lives of fellow officers. Jon Phillip Bryant's actions gave every indication he was attempting to stab the officers and not submit to direct and unequivocal commands. The legal analysis then shifts to a consideration of Colorado law regarding the affirmative defenses and self-defense.

In Colorado, all citizens including police officers have the right to self-defense, including the right to use "deadly physical force" under certain circumstances. A person may use deadly physical force in self-defense when (1) he has reasonable grounds to believe, and does believe, that he, or another, is in imminent danger of being killed or of receiving great bodily injury; and (2) he reasonably believes a lesser degree of force is inadequate. A critical issue in self-defense is whether, from the standpoint of the person exercising his right to self-defense, the belief that he was in imminent danger of being killed or receiving great bodily injury was reasonable. Absolute certainty is not required under the law and what is reasonable is based upon all known information and circumstances.

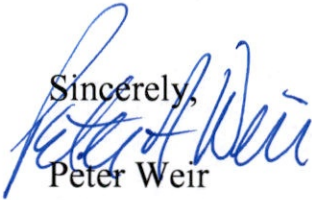
A peace officer is also justified in using deadly physical force upon another person as specified in § 18-1-707, C.R.S (2) only when he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or to effect an arrest of a person whom he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or is attempting to escape by the use of a deadly weapon.

Jon Phillip Bryant was armed with a deadly weapon, a knife, and he threatened Arvada officers. Mr. Bryant's final charge at officers was captured on video surveillance. Bryant's conduct not only at the time he charged at officers but in the preceding period demonstrated that he was not only a threat to officers but also engaged in acts of domestic violence and violence to others. At no time did Bryant demonstrate a willingness to surrender or comply in the slightest with orders. Every

effort was made to deescalate the situation and calm Jon Bryant down however, his behavior continued to pose a threat.

I find in the review of this shooting, based upon the facts as determined in the investigation and the applicable law, that the actions taken by Officers Carroll, Ames, McKenna, Wintz, Santos and Tickel during this incident meet the legal requirements of the affirmative defenses as contained in C.R.S. Sections 18-1-704 and 18-1-707. I am certain there is not a reasonable likelihood that the District Attorney's office could disprove the affirmative defenses available to Officers Carroll, Tickel, Wintz, Santos, Ames, and McKenna beyond a reasonable doubt. Therefore, I conclude that the conduct by Officers Carrol, Wintz, Santos, Ames, Tickel, and McKenna did not violate any criminal statutes nor involve criminal conduct.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Weir", is written over the typed name.

Peter Weir

District Attorney

First Judicial District Attorney