



**OFFICE OF THE FIRST JUDICIAL
DISTRICT ATTORNEY OF COLORADO
District Attorney Alexis King**

May 30, 2023

Sheriff Jason Mikesell
Teller County Sheriff's Office
11400 US Highway 24
PO Box 27
Divide, CO 80814

Dear Sheriff Mikesell,

The First Judicial District Critical Incident Response Team has completed its investigation into the attempted shooting of Jeremiah Taylor by Teller County Deputy Cline on June 20, 2022, just after a quarter past six in the morning, in the area of Colorado Road 211 (Matukat Road) approximately 10.3 miles north of the intersection with County Road 77 (Tarryall Road). Jefferson County Sheriff's Office Division Chief Del Kleinschmidt presented the investigation to my office on November 29, 2022 and this letter was drafted after the completion of the related criminal case that was not filed in the First Judicial District.

After a thorough review and analysis of the evidence, I find that Deputy Cline's attempted use of deadly physical force was legally justified to defend others from the threat posed by Mr. Taylor. Given my conclusion, no criminal charges will be filed against Deputy Cline. I am issuing this letter to you pursuant to § 20-1-114(1), C.R.S.

The First Judicial District Critical Incident Response Team (CIRT) investigates any incident in which a law enforcement officer within the First Judicial District uses deadly force, or attempts to use deadly force, against a person while acting under the color of official law enforcement duties. The CIRT team is comprised of highly trained and skilled investigators working under my authority and appointed from multiple law enforcement agencies, including my office. This multi-jurisdictional team of objective, dispassionate professionals protect the integrity of the investigation by exercising independent judgment in conducting a thorough investigation. To maintain transparency and reduce conflict of interest, officers from the involved agency do not perform critical duties related to the investigation.



Here, the Teller County Sheriff's Office ("TCSO") activated the First Judicial District's CIRT team to investigate the attempted use of deadly force by Deputy Cline. Consistent with CIRT policy, TCSO did not participate in the substantive portions of the CIRT investigation. The CIRT team promptly responded to investigate, led by Division Chief Kleinschmidt. Under his direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. The involved officers provided voluntary statements and submitted to questioning. These interviews were recorded, reviewed as part of the investigation, and included within the file. Division Chief Kleinschmidt briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 750 photographs and approximately 260 pages of reports by the Lakewood Police Department, Jefferson County Sheriff's Office, and Wheat Ridge Police Department. I reviewed the recorded interviews of the officers and witnesses who heard or saw the events and the evidence collected from the scene and evaluated by independent examiners.

As District Attorney, my role is to determine whether Deputy Cline committed a criminal offense. No charges may be legally or ethically brought unless a crime can be proven beyond a reasonable doubt, a standard that applies to officers and civilians alike. Because this shooting was justified under Colorado law, no criminal charges can or should be filed against Deputy Cline.

A person may be held criminally liable under Colorado law only when the evidence proves beyond a reasonable doubt that they committed every element of an offense defined by Colorado statute. Generally, when a person attempts to intentionally shoot at another person, regardless of injury, they commit the crime of attempted murder unless a legally recognized justification exists. If a justification exists, the shooter is not criminally liable. Generally, acting in self-defense or self-defense of others is one such justification. These defenses are available to all Coloradoans, including deputies. A deputy is also specifically authorized to use deadly force under certain circumstances.

As relevant here, a peace officer is justified in using deadly force if: 1) the officer has objectively reasonable grounds to believe that the officer or another person is in imminent danger of being killed or suffering serious bodily injury; 2) the officer does in fact believe that the officer or another person is in imminent danger of being killed or suffering serious bodily injury; and 3) the officer has an objectively reasonable belief that a lesser degree of force is inadequate. § 18-1-707(4.5), C.R.S. Acting in self-defense or defense of others is subject to the same analysis. § 18-1-704(1)-(2), C.R.S. By law, in deciding whether Deputy Cline was justified in acting in self-defense or defense of others, it does not matter whether Mr. Taylor was actually trying to injure Deputy Cline or another person, so long as a reasonable person, under like conditions and circumstances, would believe that it appeared that deadly physical force was necessary to prevent imminent harm. The facts must be viewed as they appeared to Deputy Cline at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time Deputy Cline attempted to shoot Mr. Taylor, he had objectively reasonable grounds to believe, and did in fact believe, that he or another person was in imminent danger of being killed or suffering great bodily injury, and whether he reasonably believed a lesser degree of force was inadequate. In other words, would a reasonable person, confronted with the

same facts and circumstances, believe that it was necessary to use or attempt to use deadly physical force to defend himself or others from Mr. Taylor? If so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.

Facts Established by Investigation

On Monday, June 20, 2022, at 3:02 a.m., three Teller County deputies, including Cline, responded to 1794 Vagabond Creek Drive, Florissant, CO, regarding a domestic violence dispute. The original call involved a man with a shotgun who was threatening to shoot a female at the house. Prior to arrival, the deputies received updated information that, apparently, a Park County Sheriff's Office Deputy was on scene, but he appeared to be intoxicated and the vehicle he was driving was damaged.

Upon arrival on Vagabond Creek, the deputies met with the reporting party at the end of the driveway. They learned that the apparent Park County Sheriff's Deputy and the other party to the domestic call were further up the driveway at the house. The Teller County deputies proceeded up the driveway on foot, some with long guns from their patrol vehicles. As they approached the residence, the deputies observed a Park County patrol vehicle in motion. The deputies used their flashlights to illuminate the interior of the vehicle and saw that the driver was a white male with long hair, dressed in civilian clothes. No one else was in the Park County patrol vehicle. Deputy Cline and another deputy gave the driver commands to get out of the vehicle. The driver of the Park County Sheriff's vehicle ignored the commands, "gunned" it, and went down the driveway and onto Vagabond Road at a high rate of speed.

Due to the nature of the initial call for service, the Teller County Sheriff deputies stayed on scene as a corporal learned from dispatch that there were no Park County deputies on duty at the time, meaning that the driver of the Park County patrol vehicle was probably not an officer. After wrapping up the domestic disturbance call, the deputies tried to determine if the Park County Sheriff vehicle had been stolen. Deputy Cline, who had left the house, then aired on the radio that he had seen the Park County Sheriff's vehicle and tried to use stop sticks, but the driver avoided them and he, Deputy Cline, was in pursuit of the vehicle.

A Teller County Sheriff's Deputy and Corporal then joined in the pursuit in their patrol cars. The pursuit was approximately 39 miles long and spanned over three counties, Teller, Park, and Jefferson. The road conditions consisted mostly of winding dirt roads with ruts and rocks. The Park County Sheriff's vehicle's speed fluctuated between 35-100+ miles per hour. Due to the road conditions and speed, the pursuing deputies allowed greater distance between their vehicles and sometimes lost sight of the suspected Park County vehicle as dust and debris from the road's surface flew into the air. As the deputies rounded a corner, they saw the suspected Park County Sheriff's vehicle crashed on the side of Colorado Road 211 (Matukat Road). The pursuing officers found Park County Sheriff's vehicle with the driver's door open and unoccupied.

As deputies began to search the area for the driver, later determined to be Mr. Taylor, the corporal noted a disturbance in the dirt going up the north hillside away from the Park County Sheriff's vehicle. The corporal also saw a marijuana container on the ground near where he believed Mr. Taylor ran. The corporal and a deputy started to search for Mr. Taylor along the north hillside while Deputy Cline provided overwatch with his rifle. During the time of this initial search, Deputy Cline was positioned at his patrol vehicle which was parked on Colorado Road 211 (Matukat Road). He used his patrol vehicle as a shooting platform as he watched the corporal and deputy search for Mr. Taylor.

A short time later, deputies found Mr. Taylor crouched down behind a rock on the hillside. One of the deputies could see Mr. Taylor as he reached for this waistband. In response, the deputy gave loud verbal commands and said, "Stop reaching or I'll shoot you!" Mr. Taylor responded by slapping his own face and making nonsensical statements like, "this ain't real, this ain't real, wake up" and "initiate protocol." Then the deputy moved closer to see Mr. Taylor's hands and commanded him to put his hands up or he would be shot.

Mr. Taylor responded, "do it, hit me right between the eyes." The deputy then saw the male pull out a knife, later described as a dagger with a four-inch blade and a curved skull shaped handle. The deputy yelled "knife" loudly so that the corporal and Deputy Cline could hear. Again, the deputy gave commands and this time repeatedly ordered Mr. Taylor to drop the knife. Mr. Taylor did not drop the knife, rather, he turned the knife towards his stomach. At this point, the deputy thought the male might stab himself.



Knife seized from Mr. Taylor.

Moments later, the deputy on the hill was joined by a Park County Sheriff's deputy who was armed with a taser. The Teller County deputy and the Park County deputy devised a plan to deploy the taser in order to subdue Mr. Taylor and take the knife. The two deputies moved closer to Mr. Taylor and the Teller County deputy warned Mr. Taylor he would be tased. Then the Teller County deputy announced "taser, taser, taser" and deployed the taser at Mr. Taylor. At first, the officers believed the taser struck Mr. Taylor because he fell to the ground but then Mr. Taylor rose and began to advance towards the deputies, no longer concealed by the rock. At that moment, Deputy Cline fired a single gunshot, missing Mr. Taylor, and his fellow deputies. After the gunshot, the deputies quickly moved in to handcuff Mr. Taylor. A struggle ensued and it took some time to get him into custody. Once in custody, Mr. Taylor was checked for



Park County vehicle on the right, abandoned.



Incline from the road up the hill.

injuries and the deputies only found a superficial scrape mark on Mr. Taylor's chest. The deputies were unsure if the taser had struck Mr. Taylor at all.

The corporal, who was not part of the taser approach but could see all the people on the hill, also saw Mr. Taylor's movement and stated he was going to shoot Mr. Taylor because he thought Mr. Taylor was lunging toward the deputies with a knife. The corporal did not shoot his drawn weapon but stated he heard a single gunshot shortly after the taser deployment.

Deputy Cline was the officer who shot one round with his Smith & Wesson AR-15 rifle. Once Deputy Cline heard the deputies and corporal engage the suspect, he moved from his initial position on the roadway to the hillside in order to have a clear line of sight. Deputy Cline had his rifle in a low ready position with the safety on and could hear the deputies giving Mr. Taylor commands like, "drop the knife," and "come from behind the rock," and also heard the deputies observe that Mr. Taylor "reach[ed] for his waistband."

Deputy Cline heard that the deputies plan to use a taser and he then heard the "pop" of the taser as it deployed. At that moment, Deputy Cline brought his rifle up and took the safety off because he saw Mr. Taylor get up and lunge forward toward the deputies. Simultaneously, Deputy Cline heard more commands to drop a knife and at that time (approximately 5 seconds after the taser pop) he fired one round at Mr. Taylor.

Deputy Cline is a veteran officer with over 20 years of experience. Deputy Cline was assigned to night shift, from seven o'clock at night to six o'clock in the morning. He was dressed in full uniform and drove a marked Teller County Sheriff's Office vehicle. He was carrying a Smith & Wesson M&P AR15 rifle loaded with .223 caliber rounds. The AR15 was equipped with a red dot optic sight which did not have magnification. When Deputy Cline shot the AR15, the red dot was on the left side of Mr. Taylor's midsection.

The Scene

CIRT detectives and analysts from the 1st Judicial District processed the scene, coordinated the preservation and analysis of physical evidence, and obtained statements from all witnesses who saw or heard parts of the event.

The location of this event was in the area of Colorado Road 211 (Matukat Road) approximately 10.3 miles north of the intersection with County Road 77 (Tarryall Road). Co Rd 211 was a winding dirt road running generally north to south. The terrain consisted of a hillside on the west side of the roadway and a hilled drop-off or cliff on the east side of the roadway. The hillside was partially barren with several dead burnt trees as well as new growth trees and bushes on the terrain. This allowed for visibility up the hillside from the roadway and of the roadway from the hillside. While northbound on Co Rd 211, the road came to an S turn where a driver would turn to the east, round a hillside and hairpin to the west, back into an alcove in the hillside before turning back to the east and continuing generally north.

Opposite the hillside, at the hairpin turn, the Park County Sheriff's Vehicle, which had been determined to be stolen from the Park County Sheriff Substation, was located on the east side of the roadway where it had crashed. The vehicle was partially down the hill at the edge of the east side of the roadway, facing generally north.

Two areas of note were processed. One area, further up the hillside, had several boulders, where the suspect had been hiding. In this area, items were collected to include a Taser cartridge with the wires attached. The second area was lower on the hillside and further to the north and east, where Deputy Cline had fired his weapon. A .223 REM fired cartridge case was located on the ground in the same area.

The CIRT team utilized digital documentation to memorialize the scene. The distance from Deputy Cline's position at the time of the shooting and the suspect was approximately 61.67 yards.

It was determined Deputy Cline shot in an upward direction and the approximate elevation change between Deputy Cline and the suspect was 41.593 feet.



Overview of the scene.

The corporal took possession of the knife Mr. Taylor had in his hands during the event. The knife was a dagger with a four-inch blade and a curved handle in the shape of a skull.

Deputy Cline was relieved of his Smith and Wesson M&P AR15 rifle loaded with .223 caliber rounds by the corporal and secured. The weapon was photographed, and the ammunition counted. The impact of the round was not found.

All of the law enforcement on the hillside that engaged with Mr. Taylor were in full uniform.

Analysis

Deputy Cline had objectively reasonable beliefs that a lesser degree of force was inadequate to resolve the threat posed by Mr. Taylor. From both of his positions at the bottom of the slope, Deputy Cline could see and hear the deputies engage with Mr. Taylor on the side of the hill. He could hear their commands, as

well as their plan to use less lethal force, and ultimately the presence of the knife as Mr. Taylor lunged forward at the deputies.

Considering what Deputy Cline could see and hear, he had objectively reasonable grounds to believe, and did believe, that the deputies on the hill were in imminent danger of being killed or suffering serious bodily injury, therefore, the attempted use of deadly force by Deputy Cline at Mr. Taylor was legally justified. No lesser use of force could reasonably ameliorate that danger. Moreover, a reasonable person, under like conditions and circumstances, at the time Mr. Taylor was shot at, would believe that it appeared that deadly physical force was necessary to prevent imminent deadly harm to the deputies. As there is no evidence proving, beyond a reasonable doubt, that a legally unjustified attempted homicide occurred, no criminal charges can or should be brought against Deputy Cline under Colorado law.

Please do not hesitate to contact me with questions or concerns regarding my determination of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alexis D. King". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Alexis D. King
District Attorney
First Judicial District