



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

June 21, 2024

Sheriff Regina Marinelli  
Jefferson County Sheriff's Office  
200 Jefferson County Parkway  
Golden, CO 80401

Re: *Deputy Involved Shooting, February 13, 2023, at 19<sup>th</sup> & Elm Street, City of Golden*

Dear Sheriff Marinelli,

The First Judicial District Critical Incident Response Team has completed its investigation into the attempted shooting of Eduardo Romero by Jefferson County Sheriff Deputy Chris Shine (the "Deputy") around midnight of February 13, 2023, 19<sup>th</sup> Street and Elm Street in the City of Golden. Arvada Police Sergeant Kate Herrlinger presented the investigation to my office on April 25, 2023. The corresponding criminal case was resolved on April 14, 2024.

After a thorough review and analysis of the evidence, I find that Deputy Shine's attempted use of deadly physical force was legally justified to defend himself and others from the threat posed by Mr. Romero. Given my conclusion, no criminal charges will be filed against the Officers. 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 Jefferson County Sheriff's Office ("JCSO") immediately activated the CIRT team to investigate the use of deadly force by the Officers. Consistent with CIRT policy, JCSO did not participate in the substantive portions of the CIRT investigation. The CIRT team promptly responded to investigate, led by



Commander Baros and Sergeant Herrlinger. Under their 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. Commander Baros and Sergeant Herrlinger briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 1,200 photographs and approximately 555 pages of reports by the Golden Police, Colorado State Patrol, Lakewood Police, the School of Mines Police, Arvada Police, and Wheat Ridge Police. I reviewed the 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 the Deputy 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 Shine.

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 Shine was justified in acting in self-defense or defense of others, it does not matter whether Mr. Romero was actually trying to injure Deputy Shine 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 Shine at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time Deputy Shine attempted to shoot Mr. Romero, 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 they 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 deadly physical force to defend himself or others from Mr. Romero? If so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.

## **Facts Established by Investigation**

On Monday, February 13, 2023, just after midnight, a Colorado School of Mines Police Officer was working patrol and around 19th Street and Elm Street, in the City of Golden. He found a 2015 white Jeep Wrangler stopped in the intersection, blocking traffic.

A Golden Police Officer responded to help and the School of Mines Officer. They tried to contact the driver who was alone in the Jeep. The School of Mines Officer saw the driver slumped over at the steering wheel. Law enforcement pounded on the driver's window and startled him awake. The driver was later identified as Mr. Romero. The Golden Officer saw that the Jeep was in gear and Mr. Romero's foot was on the brake, despite the fact he had been asleep at the wheel. As a precautionary measure, the Golden Officer told Mr. Romero to shift the Jeep into park.

At approximately 12:13 a.m. the officers aired that the Jeep was moving at about six miles per hour and attempting to elude them. Mr. Romero was traveling westbound on 19th Street. The Jeep was described as weaving all over the roadway, and into on-coming traffic lanes while other cars were on the road. The officers followed the Jeep, in their respective police vehicles, until a Corporal from Golden Police called the officers off.

Three minutes later, the officers saw the Jeep stopped in the middle of the roadway at the intersection of 19th Street, and Tangent Way. They made the decision to use a "pinch" maneuver, which consisted of utilizing their police cruisers, to lock the vehicle between their two cars, with one car at the front of the Jeep and the other at the back. Their goal was to keep the Jeep from moving.

After setting up the pinch maneuver, the officers got out of their cars and tried to talk to Mr. Romero who was still in the Jeep's driver's seat. The officers observed that Mr. Romero appeared to be passed out, his window closed. Both officers were in full police uniforms and the Golden Officer identified himself as a police officer, while standing at Mr. Romero's window. Mr. Romero awakened, seemed startled, but would not comply with their directions to stop and get out of the car.

Mr. Romero revved the engine of the Jeep and rammed the police vehicles parked in front of him and behind him. The officers then attempted to break out the driver's side window to contact Mr. Romero and stop him from ramming their vehicles or driving away. The Golden Officer broke out the window with an expandable asp. With the window gone, the Golden Officer reached into the cab and tried to shift the Jeep in park. The School of Mines Officer was able to reach through and unlock the Jeep driver's door, throwing it open.

The Golden Officer tried to grab Mr. Romero. The Golden Officer was able to get ahold of Mr. Romero's left arm, briefly, but Mr. Romero kicked at the officers and pulled away from the Golden Officer. Mr. Romero then got out of the Jeep through the passenger door. Mr. Romero ran eastbound on West 19th Street. The officers followed him on foot while relaying information to the dispatch channel. The School of Mines Officer realized that the Jeep was still operable, so he turned around and secured the Jeep and patrol cars.

As they reached West 19th Street and Pinal Road, the Golden Officer was within an arm's length of Mr. Romero and grabbed his shoulder. When Mr. Romero turned toward the Golden Officer, Mr. Romero had a handgun in one hand and pointed it at the Golden Officer's upper torso. In response, the Golden Officer dove away from Mr. Romero and fell to the ground, in fear he would be shot. The Golden Officer aired that Mr. Romero had a gun and pointed it at him, warning other officers who were responding to assist. Mr. Romero continued running east.

In the interim, the Corporal moved toward the Jeep and patrol vehicles. From the Golden Officer's radio broadcasts, the Corporal was aware that Mr. Romero was running away from the officers, eastbound on West 19th Street. The Corporal was in a full police uniform and drove a fully marked police cruiser and when he arrived in the area of West 19th Street, near Parfet Estates Drive, (slightly west of 6th Avenue, paralleling the eastbound exit ramp of 6th Avenue), he stopped and turned off his emergency lights and siren. He observed West 19th Avenue and saw Mr. Romero running toward him. He could see a grey handgun in Mr. Romero's hand. The Corporal pointed his handgun at Mr. Romero, identified himself as a police officer, and ordered him to stop running and drop the gun. Mr. Romero did not respond to the Corporal's commands and continued running eastbound, eventually entering the area that covered the overpass on West 19th Street, which extends over the lanes of 6th Avenue.

That specific area is comprised of broad biking paths, a stone gazebo-style structure with hilly terrain surrounded by grass, weeds, natural shrubs and rocks. To the northwest of the gazebo is a large hill which provides concealment. Streetlamps border the paths on the south edge of the overpass while the north edge lacks lighting, leaving it extremely dark.

The Golden Officer resumed his pursuit and caught up with the Corporal, who had joined the chase on foot. They continued giving orders to Mr. Romero to stop running and to drop his weapon. Mr. Romero

Photos Taken by Inv. Jenkins 6.18.23 0015hrs



View from W.19th St., looking east, into the covered 6th Ave., overpass area.



View from the overpass entry, looking N/E at gazebo and adjacent hill where Suspect disappeared.

Photos Taken by Inv. Jenkins days later at approximately the same time as the shooting.



View looking N/E from the east overpass area, looking at bike-path paralleling 6th Ave., entrance ramp on east side: the area where K-9 Graffit entered brush, left, (north), of the pedestrian sign.



View from the bike-path paralleling 6th Ave., entrance ramp on the east side of 6th Ave., the ridge where K-9 Graffit entered the high brush and disappeared.

did not stop or drop his weapon and ran to the west, through the overpass. Mr. Romero disappeared in the natural growth over the swell of land, along the north side of the overpass.

Once on the on the overpass, law enforcement stopped their pursuit, as there was no way to safely traverse that area and without additional units. Updated information was communicated over the radio and additional police were requested to assist. Soon units from Jefferson County Sheriff's Office responded including Deputy Chris Shine and a K-9 Officer with K-9, Graffit.

When Dep. Shine's arrived, he connected with the Golden Officer and Corporal. They gave him updated and detailed information, including the fact that Mr. Romero had pointed a gun at the Golden Officer and that Mr. Romero disappeared behind the hill on the overpass area, his location unknown.

At about 12:44 a.m., law enforcement made the decision to begin a K-9 track from the white Jeep. The Golden Officer, the K-9 team, and Deputy Shine were tasked with leading the track. Deputy Shine provided lethal cover for the K-9 Officer and K-9 Graffit as they worked.

Dep. Shine carried his departmental issued Colt AR-15A3 rifle, .223 caliber, that was equipped with a Trijicon red dot sight and mounted flashlight. He also had a duty Glock Model 17, 9mm handgun in his holster. The Golden Officer was armed with a Colt M4-LE .223 caliber rifle, equipped with iron sights and an LED light mounted under the barrel.

The K-9 team followed the path Mr. Romero had taken. The K-9 Officer allowed Graffit approximately twenty feet of a twenty-five-foot lead to work. Graffit entered the overpass area where law enforcement had lost sight of Mr. Romero and continued over the same hill the suspect disappeared behind. Mr. Romero's track continued easterly, beyond the overpass, and across the westbound entrance ramp onto 6th Avenue. From

19th Street, Graffit continued over a small grassy area, onto a broad sidewalk that paralleled 6th Avenue, on the east side. The area was covered in high grass and weeds. The terrain moved downward into a culvert, with an overgrowth of mature trees and weeds. The area was extremely dark due to the lack of artificial and natural lighting. K-9 Graffit signaled his interest as the land sloped downward and he disappeared into the heavy growth, still on the twenty-foot lead. The K-9 Deputy, Deputy Shine, and the

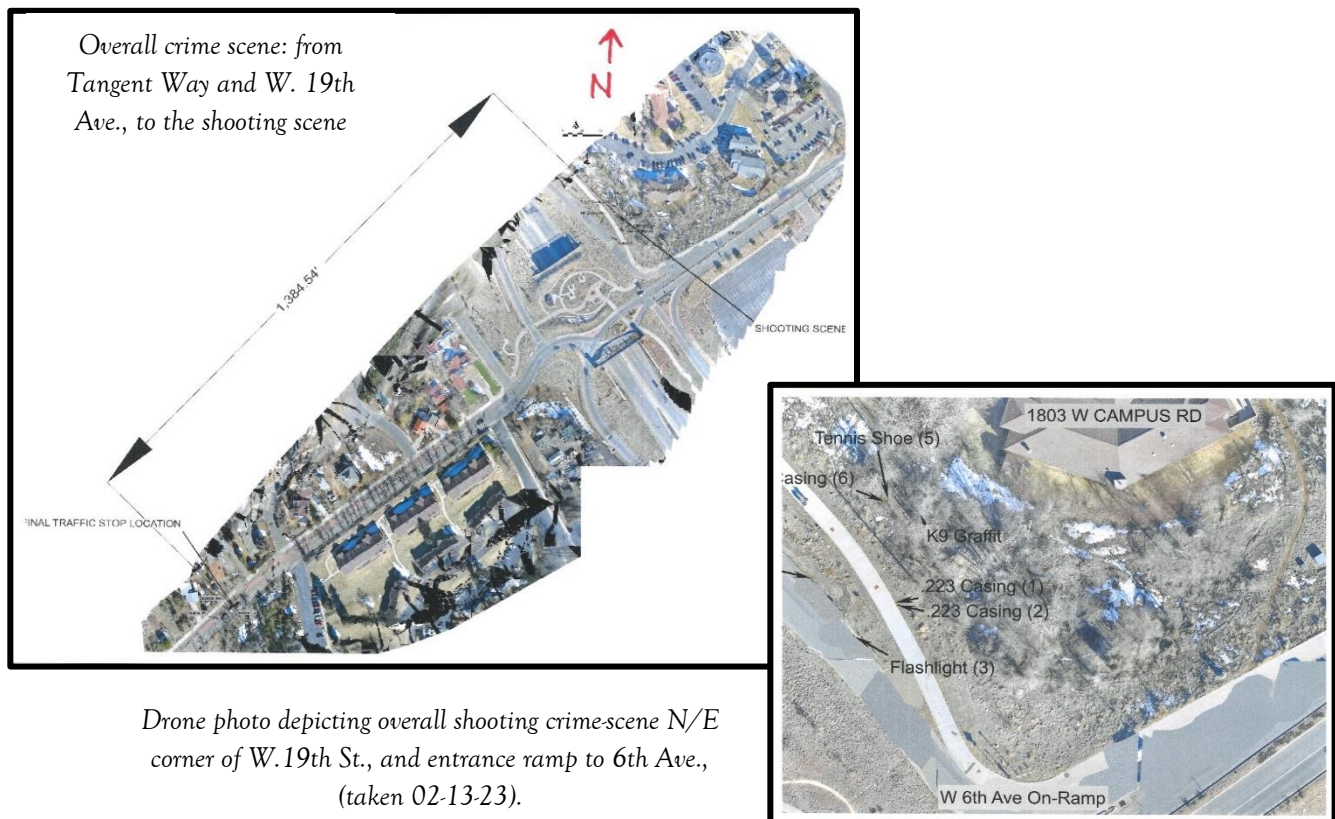
Golden Officer followed until they reached the edge of the sidewalk and the beginning of the heavy growth. Despite their flashlights, Graffit disappeared from view.

At about 12:51 a.m., two gunshots were heard down the embankment and a possible “yelp” from Graffit. Dep. Shine saw a muzzle flash in sync with the sound of gunshots and immediately fired two shots into the culvert from his rifle, toward the sounds and the flash of light. Simultaneously the K-9 Deputy dropped Graffit’s lead and began giving commands to K-9 Graffit, who did not respond. The officers realized that as they stood at the top of the slope, they were exposed, backlit, and highly visible to anyone below them. The officers moved back from the ridge as Deputy Shine and the Golden Police Officer continued to provide lethal cover. More law enforcement arrived on scene and attempted to secure a perimeter to limit Mr. Romero’s escape.

At about 4:52 a.m., Mr. Romero tried to leave the secured western-most perimeter. Mr. Romero had scratches on his face, no coat and no shoes. He was in possession of a loaded 9mm handgun and was taken into custody.

### The Scene

CIRT detectives and analysts from the Jefferson County Regional Crime Lab (JCRCL) 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, which were minimal given the location and time of night.



At JCSO, Deputy Shine was relieved of his firearms, photographed, and processed. Deputy Shine fired a total of two rounds.

In the culvert where law enforcement saw the muzzle flash, CIRT found evidence directly related to the

suspect, and in close proximity to the deceased body of K-9 Graffit.

9mm Canik TPSF semi-automatic handgun, recovered from Romero.



Mr. Romero's firearm was also recovered. JCRCL tested the firearm and it was found to be operational.

### Analysis

When Deputy Shine arrived to assist the police from Golden and the School of Mines, he was aware of Mr. Romero's erratic driving, unwillingness to respond to law enforcement, and his decision to run away. Deputy Shine also knew that during Mr. Romero's foot chase, he took out a handgun and pointed it at the Golden Officer before he disappeared. Thus, when Deputy Shine followed Graffit to the edge of a darkened slope, heard gunshots, saw a muzzle flash, and heard a dog yelp, he had reason to believe Mr. Romero posed a deadly threat to himself and others.

Deputy Shine had an objectively reasonable belief that a lesser degree of force was inadequate to resolve the threat posed by Mr. Romero. Because the Deputy had objectively reasonable grounds to believe, and did believe, that they were in imminent danger of being killed or suffering serious bodily injury, attempting to shoot at Mr. Romero 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. Romero was shot at, would believe that it appeared that deadly physical force was necessary to prevent imminent deadly harm to the Deputy or other persons. As there is no evidence proving,

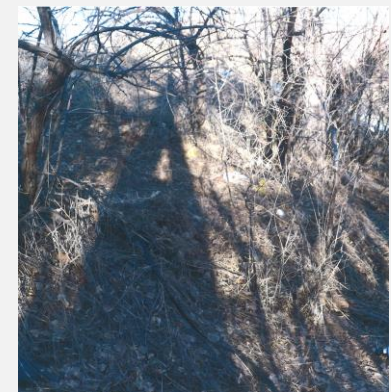
Photos Taken by taken by CSI Durand, 02-13-23



Crime scene photo #5491: approximate area where K-9 Graffit entered heavy brush and disappeared



Crime scene photo #5547: view from the culvert where shooting occurred, up the embankment, to the ridge where Graffit entered and where Det. Shine returned fire



View from the culvert: Graffit's lead in the foreground with yellow evidence placard #5, (shoe) and #6, (empty 9mm casing), in the background

beyond a reasonable doubt, that a legally unjustified attempted homicide occurred, no criminal charges can or should be brought against the Deputy 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