



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

September 27, 2024

Chief Phil Smith
445 South Allison Parkway
Lakewood, CO
80226

Re: *Officer Involved Shooting, March 9, 2024, at 7190 West Hampden Avenue, Lakewood*

Dear Chief Smith,

The First Judicial District Critical Incident Response Team (CIRT) has completed its investigation into the fatal shooting of Zacariah Devore, by Lakewood Police Agents Connor Gooch, Kyle Burdzinski, and Mark Bronzini March 9th, 2024, at approximately 7:15 a.m., in the fifth-floor hallway at the La Quinta Inn, located at 7190 West Hampden Avenue, in State of Colorado. The Jefferson County Sheriff's Office's Commander Purity presented the investigation to my office on April 30, 2024.

After a thorough review and analysis of the evidence, I find Agents Gooch, Burdzinski, and Bronzini (the Agents) use of deadly physical force was legally justified to defend themselves from the threat posed by Mr. Devore. Given my conclusion, no criminal charges will be filed against the Agents. 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 police officer uses deadly force, or attempts to use deadly force, against a person while acting under the color of official law enforcement duties within the First Judicial District. CIRT 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 Lakewood Police Department (LPD) immediately activated the CIRT team to investigate the use of deadly force by Agents Gooch, Burdzinski, and Bronzini. Consistent with CIRT policy, the LPD did not participate in the substantive portion of the CIRT investigation. The CIRT team promptly responded to investigate, led by Commander Purity. Under his direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. Agents Gooch, Burdzinski, and Bronzini provided a voluntary statement and submitted to questioning. The interviews were recorded, reviewed as part of the investigation, and included within the file. Commander Purity briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 1,186 photographs, numerous body-worn camera videos, and approximately 385 pages of reports by the Arvada Police Department, Lakewood Police Department, Jefferson County Sheriff's Office, and my office. We reviewed the recorded interviews of the officers and witnesses who heard or saw the events and evidence collected from the scene and evaluated by independent examiners.

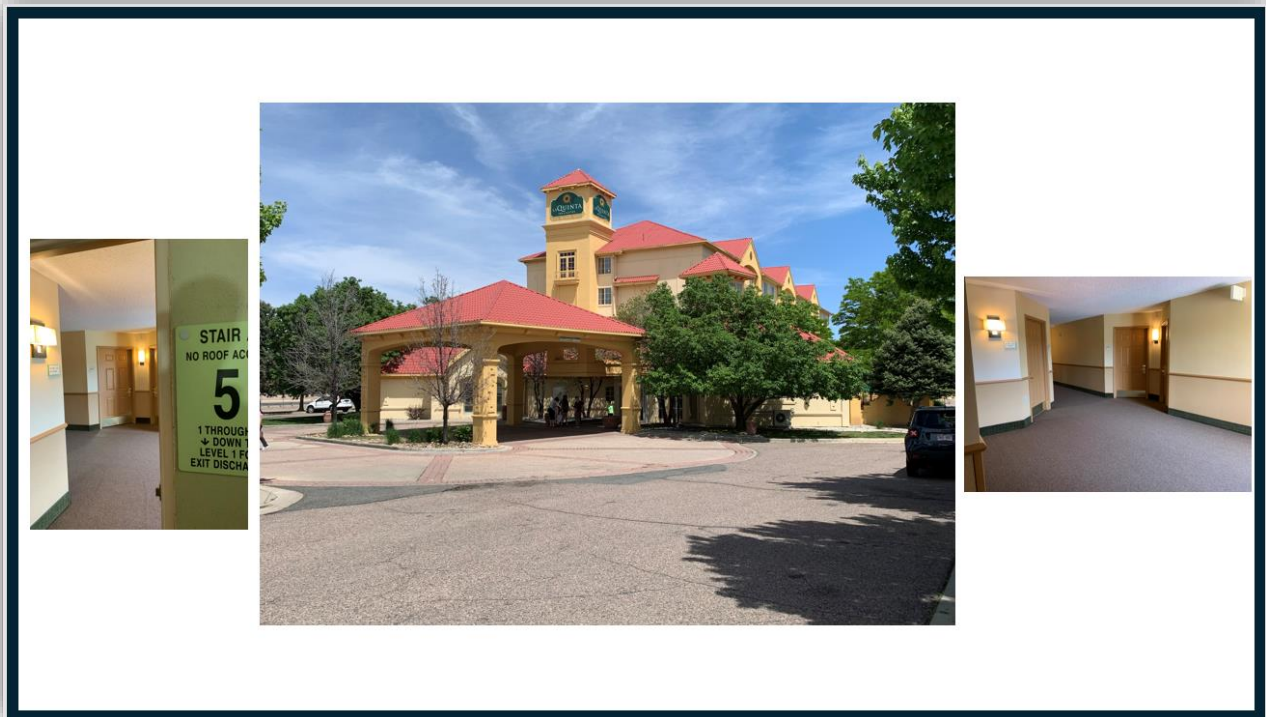
As District Attorney my role is to determine whether the Agents committed a criminal offense. No charges may be legally or ethically brought unless a crime can be proven beyond a reasonable doubt, a standard that applies to officers and civilians alike. Because this shooting was justified under Colorado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

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. When a person intentionally shoots another person, resulting in that person's death, they commit the crime of murder, unless a legally recognized justification exists. If a justification exists, the shooter is not criminally liable. Generally, acting in self-defense is one such justification. This defense is available to all Coloradans, including officers. An officer is also specifically authorized to use deadly physical 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 is in imminent danger of being killed or suffering serious bodily injury; 2) the officer does in fact believe that the officer 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 is subject to the same analysis § 18-1-704(1)-(2), C.R.S. By law, in deciding whether Agents Gooch, Burdzinski, and Bronzini were justified in acting in self-defense, it does not matter whether Mr. Devore was actually trying to injure them, 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 Agents Gooch, Burdzinski, and Bronzini at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time Agents Gooch, Burdzinski, and Bronzini shot Mr. Devore, they had objectively reasonable grounds to believe, and did in fact believe, that they were in imminent danger of being killed or suffering great bodily injury, and whether they 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. Devore? If so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.



The picture in the center is the exterior of the La Quinta Inn on West Hampden Avenue. On the left side is a picture of the door that leads from the stairwell to the fifth-floor hallway. On the right side is a picture of a small, open area, just past the stair door, with the fifth-floor hallway going off to the left. This is where the Agents gathered and encountered Mr. Devore.

Facts Established by Investigation

On Saturday, March 9th, 2024, at approximately 7:15 a.m., LPD Agents Gooch, Burdzinski, and Bronzini were dispatched and responded to the La Quinta Inn, because someone reported that shots

were fired and there was a male with a gun on the fifth floor of the hotel. The La Quinta Inn is a five-story hotel containing approximately 129 rooms. When the call came out, the Agents were assigned to the patrol division. They drove to the La Quinta in marked Lakewood Police Department patrol vehicles and were wearing Lakewood Police Department uniforms clearly identifying them as police officers at the time of the incident.

As they arrived at the La Quinta, Agent Gooch knew someone within the hotel heard up to three (3) gunshots and a person with a gun was reported on the fifth floor near the stairwell. Likewise, Agent Burdzinski knew shots were occurring somewhere in the hotel and additional people reported hearing more shots. For Agent Burdzinski, the reports led him to believe he was responding to an active shooter situation. Agent Bronzini said dispatch communicated that the call involved a man with a gun. Agent Bronzini also learned there was a man on the fifth floor with a gun, someone heard three gunshots, and a “potential active shooter situation.”

Agent Gooch was first to arrive on scene and deployed his Noveske patrol rifle. Agent Gooch did not observe any disturbances or hear any gunshots at the time of his arrival, so he entered the main entrance to the La Quinta to check for injured people. He briefly spoke to an employee at the front desk who advised people called about hearing gunfire. Agents Burdzinski and Bronzini arrived shortly after, deployed their Aero Precision and Daniel Defense patrol rifles, and entered through the main entrance to assist Agent Gooch.



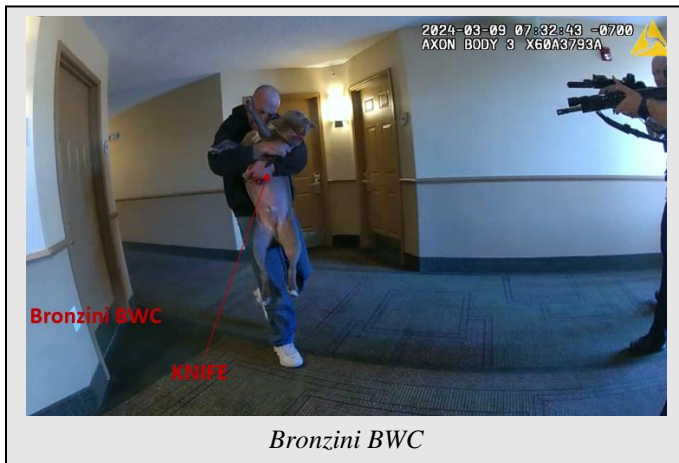
First contact with Devore by Agents Gooch, Burdzinski, and Bronzini.

Agents Gooch, Burdzinski, and Bronzini were concerned about a person on the fifth floor with a gun, an active threat, and potential victims, so they immediately responded to the fifth floor utilizing the north stairwell. As soon as they reached the fifth floor, they heard someone yelling. Agents Gooch, Burdzinski, and Bronzini entered the fifth-floor hallway and encountered Mr. Devore approximately 10 to 15 feet in front of them on the ground in front of Rooms 502 and 503 holding a medium sized dog.

Agent Burdzinski recalled the “distinct smell of gunpowder” and observed a knife approximately two feet from Mr. Devore. Agents gave Mr. Devore verbal commands to put his hands out and lay on the ground. However, Mr. Devore did not comply with the Agents’ commands. Agent Gooch described Mr. Devore as acting “extremely frantic.” Agent Bronzini described Mr. Devore as “acting erratic” and had concerns regarding a gun. Agent Burdzinski noted that Mr. Devore was shifting between “herky-jerky movements to like laying on his dog and squeezing his dog.”

Agents Gooch, Burdzinski, and Bronzini observed Mr. Devore grab the knife from the floor and hold it in his right hand. Agent Gooch and Burdzinski also observed a silver revolver on the floor approximately three feet from Mr. Devore. Mr. Devore stood up holding the knife in his right hand and his dog in his left hand. The dog hung across most of his torso. Mr. Devore repeatedly told Agents that he was not going back to prison so Agents were going to have to kill him. The Agents continued to give Mr. Devore verbal commands; however, Mr. Devore disregarded their commands and walked towards the Agents. Mr. Devore’s walk toward the Agents was described as “brisk.”

Agent Gooch feared Mr. Devore was going to stab him or his partners, or Devore was going to release his dog, and then possibly stab him or the other Agents. Agent Gooch shared that Mr. Devore was incredibly close to him and he did not have a way to stop him. Agent Burdzinski said he was scared of serious bodily injury or death because of how close Mr. Devore was to them and was concerned that Mr. Devore was making a lunging motion towards Agent Gooch. Agent Bronzini stated he believed his life was in danger and if not his life, the life of the other Agents.



As Mr. Devore continued to approach the Agents, ignoring of their commands, Agents Gooch, Burdzinski, and Bronzini fired their rifles at Mr. Devore stopping his advancement towards them with the knife. Agents estimated Mr. Devore was three to five feet away from them and still advancing, when they fired their rifles. Mr. Devore sustained immediate fatal wounds and did not

have a pulse when lifesaving measures began. The dog died on scene. Agents immediately checked the surrounding rooms and area for additional threats and potential victims but none were found.

Agents Gooch, Burdzinski, and Bronzini were in possession of less lethal options during their encounter with Mr. Devore; however, they did not use them due to the immediate lethal threat presented by Mr. Devore, within the confined space, and given the close proximity of Mr. Devore to the Agents.

The Scene

CIRT investigators and crime scene analysts from the Arvada, Golden, Lakewood, Wheat Ridge Police Departments, and the Jefferson County Sheriff's Office, coordinated the preservation and analysis of physical evidence, and obtained statements from witnesses who saw or heard parts of the event. CIRT utilized digital documentation to memorialize the scene and recovered seventeen (17) .223 caliber rifle casings that matched the ammunition provided to Agents Gooch, Burdzinski, and Bronzini by the LPD.

Agents Gooch, Burdzinski, and Bronzini were relieved of their patrol rifles and their rounds were counted. The rifles were photographed and processed. During the ammunition inventory, it was determined Agent Gooch fired six (6) rounds from his Noveske rifle, Agent Burdzinski fired two (2) rounds from his Aero Precision rifle, and Agent Bronzini fired nine (9) rounds from his Daniel Defense rifle. CIRT determined the Agents did not discharge their handguns during the incident. Agents Gooch, Burdzinski, and Bronzini's body worn cameras were collected, downloaded, and analyzed as a crucial component of the CIRT investigation.

Crime scene analysts recovered a .357 caliber revolver on the 5th floor hallway in close proximity to where Agents initially contacted Mr. Devore. The revolver contained one (1) spent shell casing. Furthermore, crime scene analysts recovered three (3) additional .357 casings on the floor in front of Room 505 and behind the closed door to Room 507. Scene investigators recovered a .357 bullet from the door handle to Room 506, a .357 bullet defect in the door to Room 506 indicating a round was fired through the door from the hallway into Room 506, and evidence a third .357 round was fired from within the Room 506. Records showed that Mr. Devore checked into Room 506 on March 9th at approximately 2:00 a.m.

LPD and CIRT investigators identified and conducted interviews with civilian witness, and body worn camera analyzed by the CIRT corroborated statements from Agents Gooch, Burdzinski, and Bronzini, other law enforcement witnesses, civilian witnesses, and the crime scene analysis.

Analysis

Agents Gooch, Burdzinski, and Bronzini were dispatched to the La Quinta ready to encounter an active shooter on the fifth floor of the hotel. When they arrived, they trekked up the stairwell to the fifth floor and opened the door to a small area at the end of the hallway and immediately saw Mr. Devore. The Agents tried to engage with Mr. Devore but found that he did not respond to their requests or commands. His actions were unpredictable and they saw a knife and a gun near him on the floor. Despite the Agents having their rifles at the ready, Mr. Devore picked up the knife, and came at the Agents who stood about an arms-length apart. Mr. Devore continued to ignore the Agents' commands. Mr. Devore used the dog like a shield as he approached the Agents with his knife in hand. Once Mr. Devore was three to five of feet from the Agents and pressing forward, the Agents decided that he posed a risk to themselves and the other Agents when they shot at Mr. Devore.

While the Agents were standing in different places, their proximity and observations make the analysis and relevant facts consistent between them. All three Agents had objectively reasonable grounds to believe, and did believe, they or their colleague was in imminent danger of being killed or suffering serious bodily injury, thus shooting Mr. Devore 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. Devore was shot, would believe it appeared that deadly physical force was necessary to prevent imminent deadly harm to Agents Gooch, Burdzinski, and Bronzini. As there is no evidence proving, beyond a reasonable doubt, that a legally unjustified homicide occurred, no criminal charges can or should be brought against the Agents under Colorado law.

Coroner's Report

Forensic Pathologist Dr. Carver completed Zacariah Devore's autopsy on March 10, 2024, at 9:00 AM. Dr. Carver determined the cause of death was multiple gunshot wounds and the manner of death was homicide. Dr Carver noted the following findings:

- Sixteen (16) indeterminate range gunshot wounds to the face, jaw, back, shoulder, elbow, buttock, abdomen, arm, hand, and thigh.
- One (1) self-inflicted contact range gunshot wound to the palm of the left hand.
- Bullet fragments of varying sizes in the neck, chest, shoulder, elbow, arm, pelvis, and thigh.
- Perforations to the lungs and heart.

Dr. Carver reported highly elevated levels of methamphetamine with the toxicology report by NMS Labs reporting the following:

- Chest cavity blood methamphetamine: 5800 ng/mL; amphetamine: 100 ng/mL
- Chest cavity blood oxycodone-free: 20 ng/mL; oxymorphone: 1.4 ng/mL

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

Regards,

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
Colorado