



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

April 28, 2025

Chief Dustin Olson
Colorado School of Mines Police Department
100 Maple Street, Suite 118
Golden, CO 80401

Re: *Officer Involved Shooting, Sunday, October 22, 2023, at the Lot F parking area, School of Mines, Golden*

Dear Chief Olson,

The First Judicial District Critical Incident Response Team (CIRT) has completed its investigation into the shooting at Emil Bloshenko, by Mines Police Officer Steve Tomberlin on October 22, 2023, in the Lot F parking area, in the City of Golden, just before midnight. Arvada Police Commander Melanie Thornton presented the investigation to my office on December 14, 2023, and the corresponding criminal case resolved on January 22, 2025. I apologize for the delay in issuing this letter.

After a thorough review and analysis of the evidence, I find Officer Tomberlin's use of deadly physical force was legally justified to defend himself from the threat posed by Mr. Bloshenko. Given my conclusion, no criminal charges will be filed against Officer Tomberlin. 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 an 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. The 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 Colorado School of Mines Police Department immediately activated the CIRT team to investigate the use of deadly force by Officer Tomberlin. Consistent with CIRT policy, the Mines Police Department did not participate in the substantive portion of the CIRT investigation. The CIRT team promptly responded to investigate, and was led by Commander Thornton. Under her direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. Officer Tomberlin provided a voluntary statement and submitted to questioning. The interview was recorded, reviewed as part of the investigation,



and included within the file. Commander Thornton briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 630 photographs, numerous body-worn camera videos, and approximately 2930 pages of reports by the Arvada Police Department, Golden Police Department, the Jefferson County Sheriff's office, Wheat Ridge Police Department, Colorado School of Mines Police Department 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.

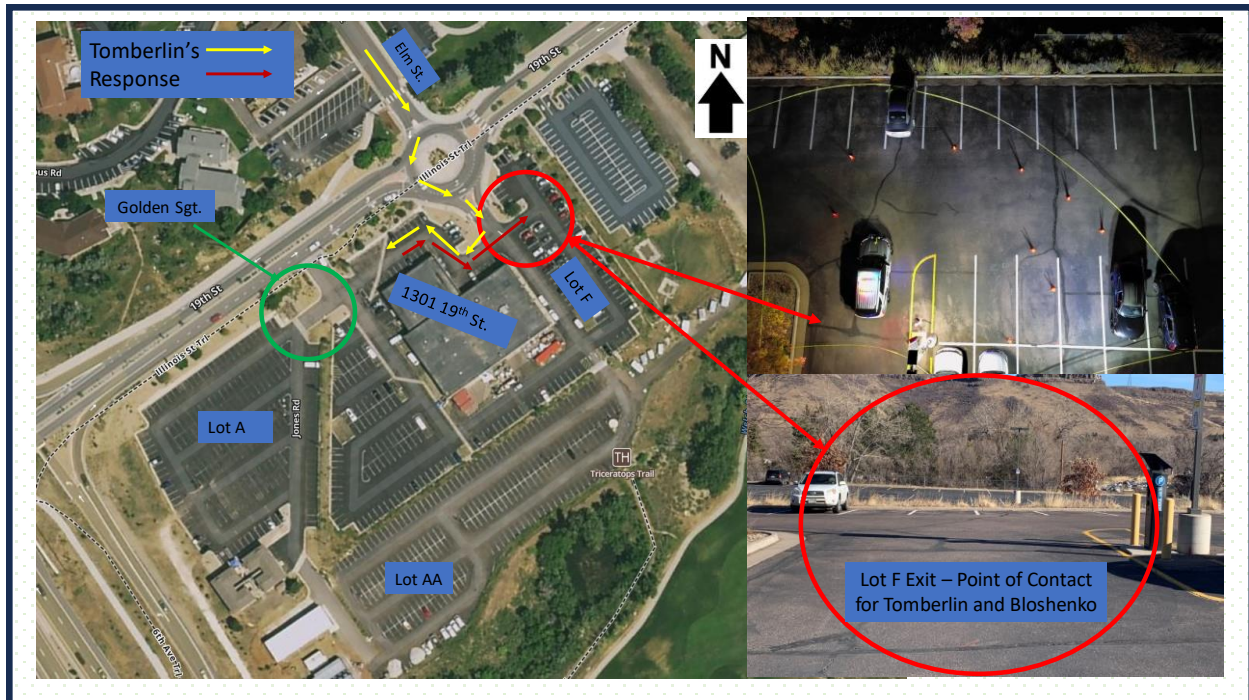
As District Attorney my role is to determine whether Officer Tomberlin committed a criminal offense. No charges may be legally or ethically brought unless a crime can be proven beyond a reasonable doubt, a standard that applies to officers and civilians alike. Because this shooting was justified under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

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, even if it results in no 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 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 Officer Tomberlin was justified in acting in self-defense, it does not matter whether Mr. Bloshenko was actually trying to injure Officer Tomberlin, 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 Officer Tomberlin at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time Officer Tomberlin shot at Mr. Bloshenko, he had objectively reasonable grounds to believe, and did in fact believe, that he was in imminent danger of being killed or suffering great bodily injury, and whether he 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 attempt to use deadly physical force to defend himself or others from Mr. Bloshenko? If so, the attempted shooting is justified under Colorado law, and no criminal charges can or should be filed.

Location of Incident – 1301 19th Street – Lot F



Facts Established by Investigation

On Sunday, October 22, 2023, at approximately 11:37 PM, Officer Steve Tomberlin from the Colorado School of Mines Police Department was at the station monitoring live surveillance videos of parking lots on the Colorado School of Mines Campus, specifically the area of 19th Street and Elm Street. Officer Tomberlin was hired by the Colorado School of Mines Police Department in 2013 after working several years as a government contractor and eleven years as a police officer for the Colorado Springs Police Department. Officer Tomberlin observed three cars pull into the Lot A parking area at 1922 Jones Road, commonly utilized during school hours for student parking that was almost empty.

The cars pulled into the parking lot as a group and did not park in the relatively empty lot. Officer Tomberlin observed the passengers switching places in the vehicles. Officer Tomberlin was concerned the cars were not associated with the campus and noted the parking lot was a high crime area for vehicle thefts and break-ins between the hours of 11:30 PM and 3:00 AM. Officer Tomberlin believed the cars were not legitimately parked in the lot, and it “raised some red flags,” so he responded in a marked Colorado School of Mines Police Department car to investigate.



Dash camera video depicts Officer Tomberlin's initial contact with the white BMW at the exit to Lot F.

As Officer Tomberlin was responding, a Sergeant from the Golden Police Department aired over the radio that there were people driving doughnuts in their vehicles in the Lot A parking lot. Officer Tomberlin aired over the radio that he would respond to cover the Sergeant.

As Officer Tomberlin entered the 1301 19th Street parking lot from, the 19th Street and Elm Street roundabout, the Sergeant advised that a white BMW was fleeing the lot, and Officer Tomberlin's "threat level kind of went up." Officer Tomberlin knew the layout of the parking lot and directed his response to the entrance/ exit of Lot F because he knew the BMW would have to use this exit to access the main roadway and flee.

Officer Tomberlin encountered Mr. Bloshenko in a white BMW head-on in the entrance/ exit to Lot F. He pulled up to Mr. Bloshenko, parking his patrol car several feet from Mr. Bloshenko's front bumper with the emergency lights activated essentially blocking Mr. Bloshenko into Lot F (*see dash camera image above*). Officer Tomberlin described Mr. Bloshenko as trying to back up, but there was another car parked in a space behind Mr. Bloshenko.

Officer Tomberlin, dressed in a police uniform, got out of his patrol car, and intended to talk with Mr. Bloshenko; however, the Sergeant advised a black BMW was now fleeing Lot A, driving around to Officer Tomberlin's location in Lot F via radio. Officer Tomberlin was alone and on foot in Lot F, dividing his attention between Mr. Bloshenko and a black BMW heading to his location. Officer Tomberlin then saw the black BMW driving towards him from the southeast portion of Lot F.

Still on foot, Officer Tomberlin contacted the black BMW and ordered it to stop. The black BMW drove towards him, so he drew his duty handgun and pointed it at the black BMW. The black BMW stopped, and Officer Tomberlin holstered his handgun. In Officer Tomberlin's peripheral vision, he saw the left front wheel on the white BMW, driven by Mr. Bloshenko, turn towards him and begin rolling forward.

Officer Tomberlin shifted his attention to Mr. Bloshenko because he was maneuvering his white BMW in a "fairly tight environment." Officer Tomberlin told Mr. Bloshenko, "Don't move your car." Mr. Bloshenko did not acknowledge or respond to Officer Tomberlin's verbal command. Rather, Mr. Bloshenko drove the white BMW around Officer Tomberlin's patrol vehicle, and directly towards Officer Tomberlin. Officer Tomberlin estimated the white BMW's speed was about



Officer Tomberlin giving Mr. Bloshenko verbal commands not to move his car after noticing the front wheels turning towards him.



BMW driving directly at Tomberlin.



BMW colliding directly into Officer Tomberlin.

10 to 12 miles-per-hour and thought he would go under the white BMW which would kill or seriously wound him.

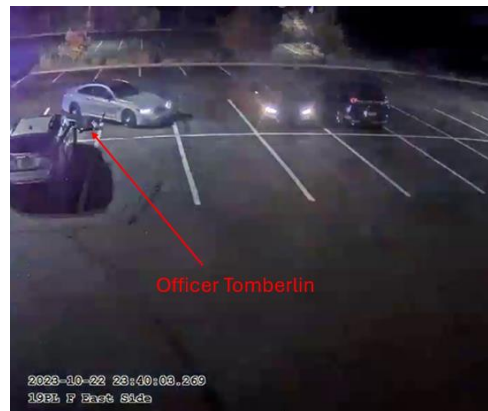
Believing this was a life or death situation, Officer Tomberlin drew his handgun and advanced towards the white BMW and fired his duty handgun into the driver's compartment to stop Mr. Bloshenko. However, Mr. Bloshenko struck Officer Tomberlin with his white BMW causing Officer Tomberlin to collide with the hood between, the front emblem and right headlight. Officer Tomberlin fell forward onto the hood and then backwards onto the pavement causing an injury to his head.

The Scene

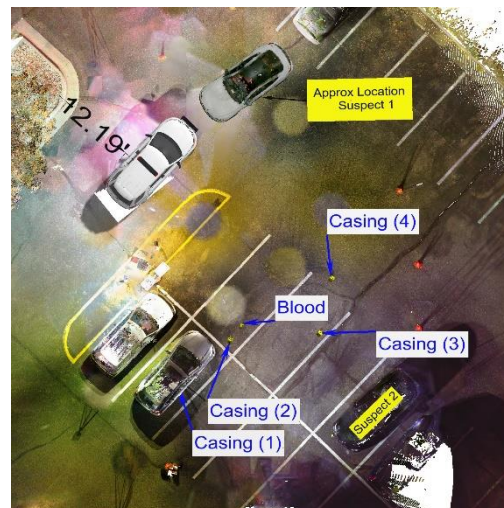
CIRT investigators and crime scene analysts from the Arvada, Golden, Lakewood, and Wheat Ridge Police Departments, along with the Jefferson County Sheriff's Office, and District Attorney's Office processed the scene, coordinated the preservation and analysis of physical evidence, and obtained statements from witnesses who saw or heard parts of the event. The CIRT utilized digital documentation to memorialize the scene and recovered four shell casings matching Officer Tomberlin's issued duty ammunition within the scene.

Officer Tomberlin was relieved of his Glock Model 23 .40 caliber duty handgun. The handgun was photographed and processed. During the ammunition inventory, it was determined Officer Tomberlin was missing four rounds of ammunition from his handgun. Officer Tomberlin's body worn camera and dash camera were collected, downloaded, and analyzed as a crucial component of the CIRT investigation.

Law enforcement quickly identified an address for the white BMW. At 3:03 AM on October 23, 2023, officers from the Arvada Police Department located and arrested Mr. Bloshenko from the address and the 2018 white BMW M4 driven during the incident was in the garage of the house. Mr. Bloshenko did not sustain any injuries during the incident and was not struck by Officer Tomberlin's gunfire. Mr. Bloshenko's BMW was processed, and two bullet



Officer Tomberlin thrown to the pavement after the BMW struck him. He landed on the passenger's side of the BMW. The BMW did not stop and left southeast through parking Lot F.



Two bullet impacts to the BMW from Officer Tomberlin's handgun.

impacts were located in the hood. One impact was low, above the driver's side headlight, and the second impact was near the center of the hood, striking the bottom portion of the windshield.

The time from Officer Tomberlin's initial contact with Mr. Bloshenko at the exit to Lot F to when Officer Tomberlin was struck by the BMW and landed on the pavement was approximately 78 seconds or 1.3 minutes.

Independent video, witness statements, and body worn camera analyzed by the CIRT were consistent with accounts given by Officer Tomberlin, other law enforcement witnesses, and crime scene analysis. Witnesses stated Officer Tomberlin was clearly identifiable as a police officer that evening.

Analysis

Officer Tomberlin and a Golden Sergeant arrived in the campus parking area to contact a handful of vehicles that did not appear to have a connection to The School of Mines. The parking area included three different lots with a building separating Officer Tomberlin and the Golden Sergeant. Officer Tomberlin's initial contact with the white BMW seemed to successfully limit the white BMW's path as the car was crammed between Officer Tomberlin's patrol vehicle and a parked car. Limiting the movement of the white BMW was helpful because the black BMW left the Golden Sergeant's view, driving around the building, and towards Officer Tomberlin. Still on foot, Officer Tomberlin turned his attention to the black BMW as it came around into Lot F. The black BMW was responsive to Officer Tomberlin as he saw the white BMW turn towards him, presumably to try to leave the lot.

As the white BMW came towards Officer Tomberlin, he drew his weapon to deter or stop the white BMW as it had the black BMW. However, the white BMW continued to come towards Officer Tomberlin who decided to shoot as he was struck by the white BMW. The time between when the wheels turned toward Officer Tomberlin, his command to not move the car, to shots fired, and ultimately, Officer Tomberlin landing on the pavement was about 21 seconds. The time between Officer Tomberlin pointing his handgun at Mr. Bloshenko in the BMW and Officer Tomberlin landing on the pavement was about 5 seconds.

For Officer Tomberlin, with a car coming towards him, he had objectively reasonable grounds to believe he was in imminent danger and did believe he was in imminent danger of being killed or suffering serious bodily injury. Other than his firearm, Officer Tomberlin had no comparable means, other than his firearm, to try to ameliorate the threat of Mr. Bloshenko driving at him while he stood in the parking lot. Officer Tomberlin reasonably acted in self-defense when he shot at Mr. Bloshenko. In other words, a reasonable person, confronted with the same facts and circumstances, would believe that it was necessary to attempt to use deadly physical force to defend himself or others from Mr. Bloshenko and his car. Therefore, no criminal charges can or should be filed.

Please contact me with any questions or concerns.

Sincerely,



Alexis King
District Attorney
First Judicial District
Colorado