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

August 31, 2026,

Chief McNitt
1800 N. Harlan St.
Edgewater, CO 80214

RE: Officer Involved Shooting, January 24, 2026, 3212 Pierce Street, Wheatridge, CO

The First Judicial District Critical Incident Response Team has completed its investigation into the fatal shooting of Barry Sullivan by Edgewater Police Sergeant R. Brink on Saturday, January 24, 2026, at approximately 10:39 am at 3212 Pierce Street in the City of Wheat Ridge. CIRT Investigator Shawna Bechina of the Jefferson County Sheriff's Office presented the investigation to my office on April 16, 2026.

After a thorough review and analysis of the evidence, I find that Sergeant Brink's use of deadly physical force was legally justified to defend himself and others from the threat posed by Mr. Sullivan. Given my conclusion, no criminal charges will be filed against Sergeant Brink (the "Officer"). 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 conflicts of interest, officers from the involved agency do not perform critical duties related to the investigation.

Here, the Edgewater Police Department ("EPD") immediately activated the CIRT team to investigate the use of deadly force by the Officer. Consistent with CIRT policy, EPD did not participate in the substantive portions of the CIRT investigation. The CIRT team promptly responded to investigate, led by Jefferson County Sheriff's Office Commander Gompert. Under his direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. The Officer involved provided voluntary statements and submitted to questioning. These interviews were recorded, reviewed as part of the investigation, and are included within the file.

Investigator Shawna Bechina briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review. My team reviewed over 1486 photographs and videos, approximately 656 pages of reports, 161 body worn cameras, and 43 recorded interviews by the Arvada Police Department, Jefferson County Sheriff's Office, Lakewood Police Department, Wheat Ridge Police

Department and other CIRT agencies throughout the First Judicial District. 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 the Officer 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 Officer. 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 or defense of others is one such justification. These defenses are available to all Coloradans, including an officer. 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 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 the Officer was justified in acting in self-defense or defense of others, it does not matter whether Mr. Sullivan was actually trying to injure the Officer 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 the Officer at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time the Sergeant Brink shot Mr. Sullivan, 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 deadly physical force to defend himself or others from Mr. Sullivan so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.

Facts established by the Investigation

On Saturday, January 24, 2026, at 10:38 a.m., EPD Sergeant Robert Brink, the assigned shift supervisor, was patrolling in the City of Edgewater in a maroon Ford Explorer that was unmarked, a full EPD uniform, and wearing a body worn camera. The Explorer had spotlights on each side and red and blue police lights nestled around the grill and windshield of the vehicle.

Sergeant Brink's patrol car.

Sergeant Brink was patrolling in the area of West 24th Avenue and Pierce Street looking for abandoned

or stolen cars and possible drug activity. He saw a tan GMC Yukon with no front license plate. The Yukon was backed into a parking spot connected to an apartment building. Sergeant Brink saw a woman in the driver's seat smoking something. The male in the front passenger's seat was later identified as Mr. Sullivan.

Sergeant Brink drove to an adjoining parking lot to watch the Yukon, but it immediately left the apartment parking lot. Sergeant Brink pulled out behind the Yukon and noticed it also had no rear license plate. Sergeant Brink planned to pull the Yukon over because it had no plates. Sergeant Brink activated the Star Chase GPS tracking system in his Explorer. Star Chase is a device that can deploy a sticky dart with GPS onto a moving vehicle in order to track a car that runs from a traffic stop. Sergeant Brink knew the Star Chase system required time to warm up prior to deployment and a green light would notify him when the Star Chase was ready to be used.

The female driver of the Yukon stopped at the traffic light northbound on Pierce Street at 26th Avenue. Sergeant Brink was behind the Yukon at the traffic light. When the light turned green the Yukon accelerated rapidly northbound on Pierce Street through a residential neighborhood and then veered into the southbound lanes to get around other cars. When the Yukon accelerated, Sergeant Brink had not activated his emergency lights on the Explorer. Sergeant Brink lost sight of the Yukon for a very short time (approximately 2-5 seconds) at the crest of the hill at West 31st Avenue. At the crest of hill, just before West 32nd Avenue and Pierce Street, Sergeant Brink saw a traffic light falling over, smoke, and a damaged white SUV on the northeast corner yard of W 32nd Avenue on Pierce Street. He also saw the Yukon sliding backwards, out of control, and into the garage at 3212 Pierce Street. The Yukon stopped inside the garage, facing Pierce Street, with the driver's side door on the south side of the garage and the passenger side on the north side of the garage. The Yukon was heavily damaged and stationary inside the garage on a diagonal angle, facing the street, with the air bags deployed.

This drone image captures the intersection on the right side, the white Honda at the corner, along with the fallen silver light pole. On the left side of the image, you can see Sgt. Brink's maroon Explorer in front of the open garage where the Yukon ultimately crashed.

Sergeant Brink called out on the radio that the Yukon failed to yield and that it had been involved in a crash at West 32nd Avenue and Pierce Street. Sergeant Brink then aired that the Yukon was at 3212 Pierce Street and he parked his Explorer in the driveway.

Outside the garage, on the street, the driver of a red pickup told Sergeant Brink that the Yukon ran a red light. Sergeant Brink went to check on the occupants of the white Honda SUV in the northeast yard of West 32nd Avenue and Pierce Street, near the downed light pole.

Sergeant Brink contacted a man standing near a white Honda SUV that was heavily damaged. The male was shaken up and said he just had his dog in the car. Sergeant Brink asked him to sit down while he checked on the Yukon. He advised dispatch of the crash and asked for another patrol car to respond, medical for the driver of the Honda, and electrical to respond for the downed power lines.

Sergeant Brink returned to the garage at 3212 Pierce Street to check on the occupants of the Yukon. He approached the front of Yukon and went to the front driver's side with his flashlight in his right hand. He saw the airbags deployed and the driver's side door shut. He contacted the occupants through the front windshield who were facing the street. Through the window he asked the occupants if they were okay. The female driver appeared dazed. Mr. Sullivan, responded, "Ya." Sergeant Brink confirmed by asking again and Mr. Sullivan responded, "Ya." Mr. Sullivan reached toward his right side for a second time and Sergeant Brink saw a gun in his right hand.

When Sergeant Brink saw the gun, he stepped back from the Yukon and pulled his duty weapon with his right-hand yelling, "You're gonna get shot!" Sergeant Brink yelled, "Don't!" as he retreated from the garage, still pointing his duty weapon at the passenger side and Mr. Sullivan. Sergeant Brink was unsure if Mr. Sullivan pointed the gun at him, because he was looking for a safe place to stand. Sergeant Brink quickly moved just outside the garage on the northwest corner behind a brick wall for cover and concealment. He radioed for additional support.

Sergeant Brink put his flashlight in his left cargo pants pocket as Mr. Sullivan started kicking the passenger door to get it open. At some point, Sergeant Brink also deployed his taser in his left hand. He did not know if Mr. Sullivan was going to come out with the gun. Mr. Sullivan kicked the door open enough to slide out of the car and stand up. Mr. Sullivan looked towards Sergeant Brink but only his right side was visible behind the passenger door. Mr. Sullivan had the gun in his right hand; it was pointed at and canted away from him towards the ground to his right. Sergeant Brink continued giving loud verbal commands to Mr. Sullivan to drop the gun, but Sergeant Brink saw Mr. Sullivan point the gun at him and believed he fired. Sergeant Brink ducked and came back on target with his weapon. Sergeant Brink fired his gun because he believed if he did not, he would be dead. At that moment, Sergeant Brink did not know if he had been shot. When he returned fire, Mr. Sullivan fell backwards and stopped moving.

Sergeant Brink stayed in his position and kept his eye on the woman. She was leaning over and he told her to get her hands up. The woman put her hands up and said she didn't know what was going on and asked what was happening. The woman kept putting her hands down and he had to keep telling her to put her hands up. Mr. Sullivan was on the ground on the garage floor, his legs and lower torso were visible, but Sergeant Brink could not see the gun. Sergeant Brink heard Mr. Sullivan moving and grunting and gave loud verbal commands for him to crawl out of the garage on his stomach.

Sergeant Brink believed another round went off from Mr. Sullivan's gun. Sergeant Brink could not see the gun or where the shot went. Sergeant Brink did not think he could shoot the male through the door of the Yukon, so he pointed his weapon to the ground and skipped rounds at Mr. Sullivan in response. Sergeant Brink thought he shot Mr. Sullivan again. Sergeant Brink said he stopped shooting when he heard Mr. Sullivan grunt and throw the gun out on the north side of the garage by the large blue trash cans on the north wall of the garage. Sergeant Brink described Mr. Sullivan's firearm as a smaller caliber, silver handgun, that reminded him of an old Colt Stallion .38 semi-automatic weapon.

Wheat Ridge and Arvada Police Officers, Jefferson County Sheriff Deputies, and others begin arriving on scene to assist. Officers rendered aid to Mr. Sullivan. They found Mr. Sullivan was bleeding from his right

side. Officers were holding pressure on the wound and preparing a chest seal when the ambulance arrived and took over medical aid for Mr. Sullivan. Sergeant Brink was not shot or physically injured by Mr. Sullivan during this incident.

The Scene

Evidence revealed that Sergeant Brink had 15 live rounds remaining in his 21 round magazine. Six shots were heard being fired and six shell casings were found on scene from Sergeant Brink's duty weapon. While Sergeant Brink saw Mr. Sullivan raising the gun and perceived a flash or shot, the BWC suggests that Sergeant Brink shot first and then Mr. Sullivan returned fire. Crime scene evidence revealed evidence of a single shot being fired by Mr. Sullivan. Evidence indicates that twenty-six seconds elapsed between Sergeant Brink's first shot and when Mr. Sullivan's shot back at the Sergeant.

In the garage, the CIRT team found bullet fragments fired from Mr. Sullivan's gun in the west wall on the north side of the garage at chest or head level just feet away from where Sergeant Brink took cover. CIRT found the gun between the two trashcans on the north wall of the garage a few feet from where Sergeant Brink was at the time of the shooting.

The gun was found out of battery with the slide partially back and a live round in the magazine visible through the ejection port. Two live .380 caliber rounds were found in the magazine. Several more bullets spilled out of Mr. Sullivan's pockets as he was taken into custody and officers rendered aid. One Federal 380 Auto fired cartridge was located near the back of the garage by the coat rack. No other .380 caliber shell casings were located on scene.

This weapon was test fired by the Jefferson County Regional Crime Laboratory (JCRCL). The FEG-PMK-380 pistol (Item 001) was examined and successfully test-fired. Upon test firing with standard ammunition, the slide would lock back unexpectedly after each shot. However, after additional test-firing, the slide would function as expected and semiautomatic action was confirmed. The report also found, "[the] Slide malfunction was likely due to magazine spring and quantity of cartridges loaded at the time of firing."

Mr. Sullivan was taken to Lutheran Medical Center. He had a gunshot wound to his right side (rib cage back area) and his right foot. Mr. Sullivan refused to receive any lifesaving medical care. Mr. Sullivan succumbed to his injuries at 01:40 am on January 25, 2026. The driver was treated, released, and charged.

Analysis

On the morning of January 24, 2026, Sergeant Brink observed two people in a Yukon that had no front plate at an apartment complex parking lot in Edgewater. Once Sergeant Brink observed the Yukon and found a place to observe the occupants from a distance, the Yukon left the parking lot, increasing its speed and erratically driving through a residential neighborhood. The Yukon then ran a red light, smashing into the Honda SUV, losing control, and crashing into a garage that did not belong to either the driver or Mr. Sullivan. When the Yukon was approached by Sergeant Brink, Mr. Sullivan pulled out a handgun while he sat in the passenger's seat. Sergeant Brink retreated for cover, drawing both his duty weapon and his taser, while giving commands to Mr. Sullivan. Instead of responding, Mr. Sullivan proceeded to kick the passenger door open. Upon standing, Sergeant Brink could see the gun in Mr. Sullivan's hand and his additional commands went unheeded. Sergeant Brink saw Mr. Sullivan raise the gun and believed it went off, prompting him to return fire. Mr. Sullivan fell to the floor and was then commanded to throw the gun and come out of the garage. Mr. Sullivan did neither and the investigation shows Mr. Sullivan then shot directly toward Sergeant Brink, who had taken cover just outside the garage. Sergeant Brink then returned fire and eventually, Mr. Sullivan threw his gun toward Sergeant Brink and was then attended to medically.

I find that based on the evidence presented and the applicable law, Sergeant Brink had objectively reasonable grounds to believe that he was in imminent danger of being killed or suffering serious bodily injury when Mr. Sullivan pulled a gun out initially, and ultimately exited the Yukon pointed a firearm at him without responding to any of the verbal commands. Further, Sergeant Brink's decision to shoot a second time was also objectively reasonable given that Mr. Sullivan shot at Sergeant Brink. Thus, in both circumstances a lesser degree of force would be inadequate. In other words, a reasonable person, confronted with the same facts and circumstances, would believe that it was necessary to use deadly physical force to defend himself or others from Mr. Sullivan. No lesser degree of force would have the potential to ameliorate the threat posed by Mr. Sullivan. Therefore, no criminal charges can or should be filed.

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

Regards,

Alexis D. King
District Attorney
First Judicial District
Colorado