



## OFFICE OF THE DISTRICT ATTORNEY

JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

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Feb. 23, 2022

Doug Stephens  
Chief of Police  
Littleton Police Department  
2255 W. Berry Avenue  
Littleton, CO 80120

RE: Officer Involved Shooting at 183 W. Powers Circle, Littleton, CO

Chief Stephens,

The 18th Judicial District Critical Response Team has completed the investigation into the Sept. 20-21, 2021, use-of-force incident by Littleton Police Department Officer David Snook and Corporal Jeffrey Farmer. The incident was investigated by the 18th Judicial District Critical Response Team; the lead investigator was Investigator Andrew Fehringer of the Arapahoe County Sheriff's Office. Our office was asked to review the case for any possible issues related to the use of force by law enforcement officers. I have completed my review of the investigation. Below are my summary of the facts, investigation, legal analysis and conclusion.

### **EXECUTIVE SUMMARY**

On Sept. 20, 2021, at 2320 hours (11:20 p.m.) several Littleton officers responded to a call of "shots fired" in the area of 183 W. Powers Circle and 5400 Delaware St. One of the 911 callers reported the shots were fired from a Chevrolet Impala with the Colorado License plate ETQ-565. Officer Snook located the car on the north side an apartment building located at 183 W. Powers Circle. A male (Rigoberto Valles-Dominguez) and female (Blanca Arrieta) were walking away from the vehicle when Ofc. Snook approached. Knowing that Corp. Farmer was in the area, Ofc. Snook requested that he contact the couple while Ofc. Snook approached. Corp. Farmer asked the couple if they had heard anything; the male answered that he had about 20 minutes earlier. Ofc. Snook approached and attempted to contact the male, who ran towards the apartment building.

As Ofc. Snook followed the male, Corp. Farmer saw that the male now had a gun in his hand. He yelled this to Ofc. Snook in an attempt to warn him. As Ofc. Snook entered the apartment building, he was shot in the abdomen under his vest and fell onto his back out of the doorway. The male continued to shoot at Ofc. Snook, eventually discharging 27 rounds in total and hitting Ofc. Snook at least eight times. At some point Ofc. Snook drew his duty weapon and returned fire, shooting 18 times and not striking the male. Ofc. Snook eventually passed out from his injuries. Corp. Farmer initially asked Ofc. Snook to crawl towards him, but when he did not receive a response, he went forward to pull Ofc. Snook to safety. As Corp. Farmer was attempting to rescue Ofc.

Snook, the male fired at Corp. Farmer, striking a wall near his head. Corp. Farmer held on to Ofc. Snook and returned fire with his other hand, discharging four rounds and not hitting the male. The male fled the scene.

Littleton Officers Williams and Choate had arrived at this point. Since Ofc. Snook was nonresponsive, they loaded him into a patrol vehicle and transported him to the hospital. While Ofc. Snook's ballistic vest and the actions of his fellow officers saved his life, he suffered multiple gunshot wounds and multiple broken bones.

My review is limited to the question of whether or not law enforcement officers violated Colorado criminal law. Applying our law to the facts of this incident, as described in detail below, I conclude there is no evidence that Ofc. Snook or Corp. Farmer committed a violation of Colorado criminal law on Sept. 20, 2021.

### **MATERIALS REVIEWED AND INFORMATION CONSIDERED**

I reviewed all materials provided by Investigator Andrew Fehringer, including all recorded interviews, 911 calls, written reports, scene videos, interviews and photographs.

### **SUMMARY OF THE FACTS**

On Sept. 20, 2021, at 2320 hours (11:20 p.m.) Littleton Police 911 Communications Center received two calls reporting possible gunshots in the area of West Powers Avenue and South Bannock Street in Littleton, Colorado. One of the callers reported seeing an arm reach out of a parked car and fire three shots. The car was described as a brown Impala having Colorado License plate ETC-565. Three Littleton Officers responded to the scene: Ofc. Therese Williams, Ofc. David Snook, and Corporal Jeff Farmer. Ofc. Snook was the first person to observe the Impala. A male and female were standing next to the sedan and starting to walk away. Ofc. Snook requested Corp. Farmer contact the occupants as Corp. Farmer was in the direction the people were walking. Corp. Farmer contacted the male and female near the concrete walkway leading up to the apartment building.

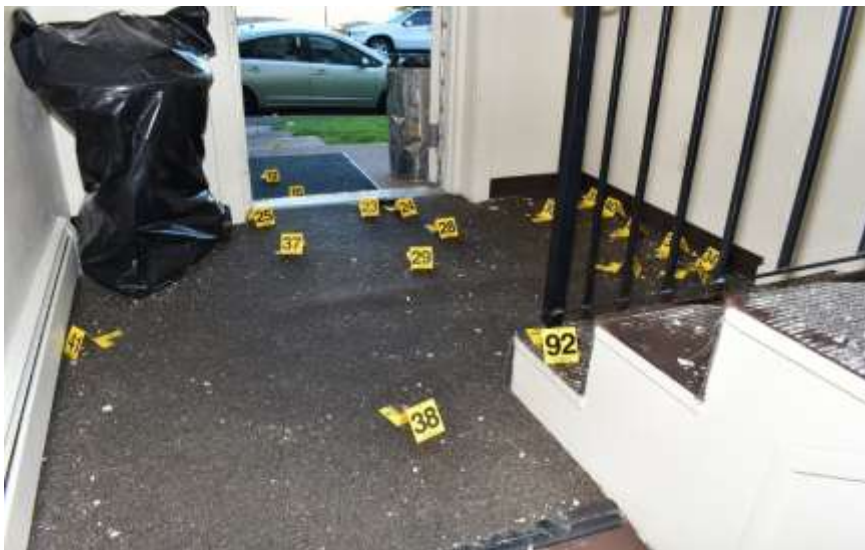
Corp. Farmer asked the male and female if they had heard any gunshots. Ms. Arrieta did not answer. Mr. Valles-Dominguez said he had heard some about 20 minutes ago. Ofc. Snook approached the pair at this point. Ofc. Snook recalls telling Mr. Valles-Dominguez that he was going to pat him down for weapons. Corp. Farmer recalls Ofc. Snook telling him that these two were the suspects and then telling Mr. Valles-Dominguez that he was under arrest. At this point, neither officer had touched either party. Mr. Valles-Dominguez immediately started running towards the apartment building. Corp. Farmer saw him pull a handgun from his waistband while running. Corp. Farmer yelled to Ofc. Snook that Mr. Valles-Dominguez had a gun and he was not to enter the building. Ofc. Snook did not see the gun and only heard the warning moments before he entered the apartment building.

Immediately upon entry to the apartment building, Ofc. Snook was shot in the abdomen below his protective vest. He fell outside the doorway onto the walkway. He saw Mr. Valles-Dominguez proceed up the stairway to the first landing. On the first landing, Mr. Valles-Dominguez continued

shooting Ofc. Snook. Corporal Farmer attempted to follow but tripped moving up the stairs on the walkway to Ofc. Snook's position. As Corp. Farmer reached the doorway, he and Ofc. Snook were under fire. Corp. Farmer took cover while yelling for Ofc. Snook to crawl to him. While this was happening, a bullet hit directly to the left of Corp. Farmer's head, causing debris to hit his face. Mr. Valles-Dominguez was shooting at both officers, repeatedly hitting Ofc. Snook.

At some point Ofc. Snook recalls looking at his left side and seeing blood. Being unable to stand up and pinned down by fire, he drew his duty weapon, a Glock 17, and fired 18 rounds while wounded and laying on the ground. None of the rounds hit Mr. Valles-Dominguez. Corp. Farmer was able to grab Ofc. Snook with one hand and fire four shots from his duty weapon, a Glock 41, none hit Mr. Valles-Dominguez. Ofc. Snook at this point was not responding to Corp. Farmer.

As Mr. Valles-Dominguez stopped firing at the officers and fled the scene (a 27 round magazine was later found at the scene), Ofc. Williams arrived on scene. Corp. Farmer's radio had been knocked off during the exchange, so he requested that Ofc. Williams air "shots fired" and "officer down." She looked into the building as Corp. Farmer grabbed Ofc. Snook by his vest to drag him into the street. Officer Choate arrived at this point and the three officers loaded Ofc. Snook into a patrol vehicle. In an interview, Corp. Farmer stated that he was scared for Ofc. Snook's life and his own during the encounter. Mr. Valles-Dominguez had fired 27 rounds.



Documentation of shell casings and evidence at the scene



Shell casings and other evidence leading out of the door.



Bullet impacts around where Ofc. Snook and Corp. Farmer were positioned.



Shell casings in the hallway where Mr. Valles-Dominguez was shooting at the officers.

Ofc. Snook was shot a total of eight times, not including any shots that might have hit his vest, and he suffered the following gunshot wounds: Left Anterior Distal Clavicular, Left Low Thoracic paraspinal, L Anterior Wrist, Left Anterior Thigh, Left tibial fibula, Left ankle twice, Right Medial Proximity Thigh. He had fractured ribs, a tibial fracture, and a femoral fracture.

Mr. Valles-Dominguez fled after shooting both officers. He was later arrested hiding in an attic in a house near Brighton, Colo., along with what is believed to be the gun he used. Mr. Valles-Dominguez is a previously convicted felon; he was convicted of “possession of a controlled substance” three times (twice in Colorado and once in California) and “possession of a weapon by a previous offender” twice in California. He has charges pending including: Criminal Attempt to Commit Murder in the First Degree, Aggravated Robbery, and Possession of a Weapon by a Pervious Offender.<sup>1</sup>

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<sup>1</sup> The filing of a criminal charge is merely a formal accusation that an individual committed a crime under Colorado law. A defendant is presumed innocent until and unless proven guilty.

## **APPLICABLE LAW**

The District Attorney's review of this event is guided by the following statutes pertaining to the use of force – both generally and by peace officers.

Section 18-1-704 C.R.S. states in relevant part:

(1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonable believes to be necessary for that purpose.

Section 18-1-707 C.R.S. states in relevant part:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

(2) When physical force is used, a peace officer shall:

...

(b) Use only a degree of force consistent with the minimization of injury to others . . .

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

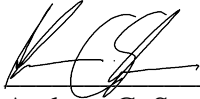
## **ANALYSIS AND CONCLUSION**

Based on my review of all the evidence in this case, it is my conclusion that neither of the involved Littleton officers violated Colorado Law in discharging their weapons. As a threshold matter, neither of the officers initiated the use of force in this incident. Neither Officer Snook nor Corp. Farmer drew their weapons or fired any shots prior to the male drawing his weapon and shooting Ofc. Snook in the abdomen and then continuing to shoot at both of them. The male was doing this at night in an occupied apartment building. His actions created a grave risk of death to both officers

and to any other person who was in the area where he was shooting. In fact, Ofc. Snook was gravely injured and suffered injuries that met the legal definition of Serious Bodily Injury. Doctors indicated that he faced a substantial risk of death, had to intubated, and was placed on a ventilator.

As a result, I conclude there is no evidence that Officer David Snook and Corporal Jeffrey Farmer violated Colorado Criminal Law. They were justified in their use of deadly force in an effort to stop the use of deadly force against them by Mr. Valles-Dominguez.

Respectfully,

A handwritten signature in black ink, appearing to read 'ACS', is written over a horizontal line.

Andrew C. Steers  
Chief Deputy District Attorney  
18<sup>th</sup> Judicial District Attorney's Office  
720-874-8500