



## OFFICE OF THE DISTRICT ATTORNEY

JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

---

April 24, 2024

Sheriff Darren Weekly  
Douglas County Sheriff's Department  
4000 Justice Way  
Castle Rock, Colorado 80109

**Re: Report of findings for the officer-involved shooting on October 11, 2023,  
Douglas County Sheriff's Office # 22-5379, CIRT # 23-01**

Dear Sheriff Weekly,

On October 11, 2023, the Douglas, Elbert, and Lincoln Critical Incident Response Team (CIRT) responded to investigate an officer-involved shooting at 80 Plum Creek Parkway, Castle Rock, Colorado.

The incident began on October 11, 2023, at approximately 4:37 a.m. when Thornton Police Impact Officers observed a suspicious black Chevrolet truck. The truck had red spray paint on it. The license plate for the truck was run by officers and found to be misused. The driver of the truck was later identified as Kyle Williamson. Mr. Williamson doubled back and began following officers in an aggressive manner and almost struck one of their vehicles. Mr. Williamson drove the truck into oncoming traffic before stopping. Mr. Williamson got out of the truck and began yelling at Officers. Officers attempted to contact Mr. Williamson, but he got back into the truck and fled. Thornton Police attempted to deploy a GPS system to track the truck. While this was being attempted, Mr. Williamson pointed a gun at officers through the driver's side window and fired two to three rounds at them. Thornton officers pursued Mr. Williamson in the truck to southbound I-25. During the pursuit, Mr. Williamson fired additional times at officers and displayed the gun out the window. Thornton Police stopped pursuing Mr. Williamson at Castle Pines Parkway and I-25.

The Douglas County Sheriff's Office was notified of the pursuit and the fact that the driver (Mr. Williamson) had fired at police officers. Members of the Douglas County Sheriff's Department attempted to stop the vehicle with stop-sticks. Mr. Williamson continued to elude deputies and ultimately drove through the front entrance of the 7-Eleven convenience store at 80 Plum Creek Parkway, Castle Rock, Colorado, lodging the truck inside the store next to the clerk's counter blocking the entrance. Mr. Williamson exited the truck and pointed a black handgun at Douglas County Sheriff Deputies Marc Werder and Brad Burek who were approaching the crash at the 7-Eleven. Deputies Werder and Burek fired a combined 31 shots at Mr. Williamson. Mr.

Williamson was struck approximately 6 times and survived his injuries. Deputies Werder and Burek were not injured.

I reviewed all of the evidence provided by the Critical Incident Response Team (CIRT) investigation in order to determine whether there was any illegal use of force by the DCSO deputies who fired their weapons.

## **SUMMARY**

Applying the law to the facts of this incident, as described in more detail below, I conclude that the DCSO deputies who fired their weapons were legally justified in using lethal force against Mr. Williamson. The deputies' use of force was reasonable, necessary, and appropriate in order to defend themselves and the public from the threat posed by Mr. Williamson.

## **STATUTORY FRAMEWORK**

C.R.S. § 16-2.5-301 governs investigations into police officer-involved shootings. This statute provides, in relevant part: "Each police department, sheriff's office, and district attorney within the state shall develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff's office, or the Colorado Bureau of Investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district." C.R.S. § 16-2.5-301(1).

The investigation into this shooting incident was conducted by the Douglas, Elbert, and Lincoln County CIRT. The lead investigators were Detectives Beverly Wilson and Ryan Yowell with the Parker Police Department. Other investigators participated from the District Attorney's Office as well as numerous police departments throughout the jurisdiction, the Douglas County Sheriff's Office, and Colorado State Patrol.

C.R.S. § 20-1-114 provides, in relevant part: "The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request." C.R.S. § 20-1-114(1).

This document constitutes a report of the findings of the District Attorney for the 18<sup>th</sup> Judicial District, and includes the basis of the decision not to charge the involved deputies with any criminal conduct.

## **MATERIALS REVIEWED AND INFORMATION CONSIDERED**

I reviewed all materials provided by the lead investigators and members of the CIRT investigation, including body-worn camera video, dispatch notes, radio traffic, reports of investigating officers and crime scene technicians, interviews of the involved deputies, all reports and recorded interviews with witnesses, and photographs and video of the scene.

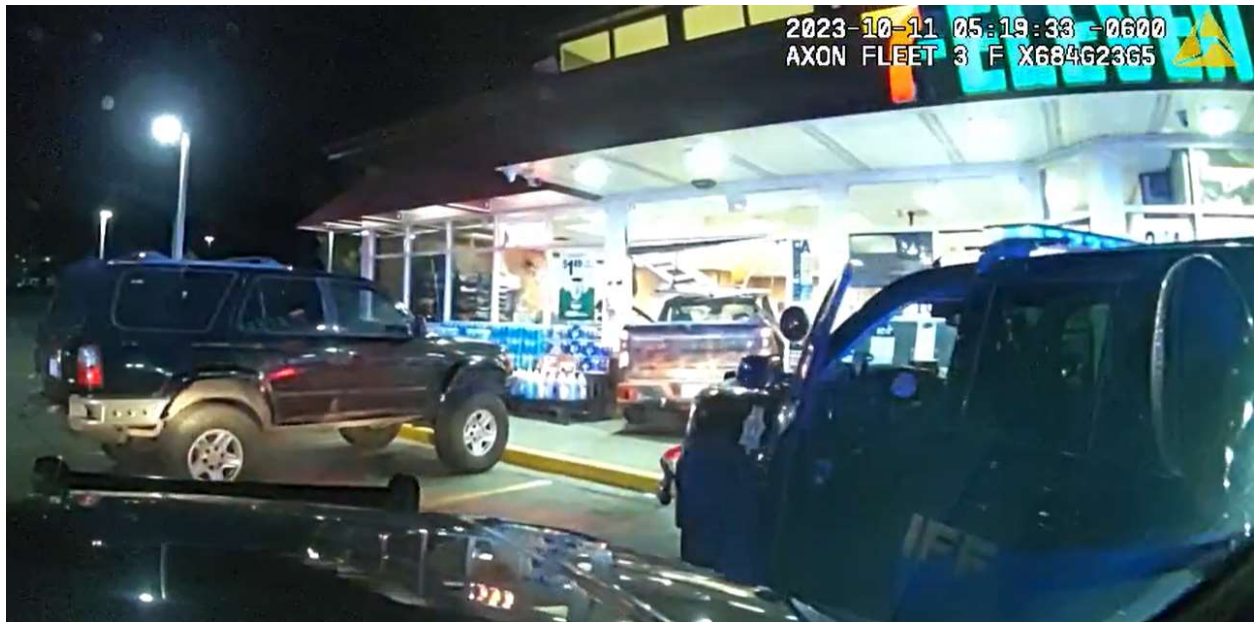
## **SUMMARY OF THE FACTS**

On October 13, 2023, 4:37 a.m. Thornton Police Impact Officers observed a suspicious vehicle. A black Chevrolet truck that had red spray paint on it. The license plate for the truck was run by officers and found to be misused. The driver of the truck was later identified as Kyle Williamson. There was a female passenger in the truck who was later identified as Hannah Woolard. Mr. Williamson began following officers in an aggressive manner and almost struck one of their vehicles. Mr. Williamson drove the truck into oncoming traffic before stopping. Officers attempted to contact Mr. Williamson, but he got back into the truck and fled. Thornton Police attempted to deploy a GPS system to track the truck. While this was being attempted Mr. Williamson pointed a gun at officers through the driver's side window and fired two to three rounds at them. Thornton officers pursued Mr. Williamson in the truck on to I-25 southbound. During the pursuit Mr. Williamson fired additional times at officers and displayed the gun out the window. Thornton Police stopped pursuing Mr. Williamson at Castle Pines Parkway and I-25.

Douglas County Sheriff's Deputy Marc Werder routinely scanned Colorado State Patrol's radio traffic. It was reported that shots had been fired at pursuing officers and emergent cover from the Douglas County Sheriff's Department was requested. Deputy Werder advised Douglas County Regional Dispatch Center of this radio traffic. While attempting to deploy stop sticks Douglas County Sheriff's Corporal Christopher Brown advised via radio that Mr. Williamson had attempted to run him off the road. Douglas County Sheriff's Deputy Arturo Rojas was on his way home from work in his personal vehicle when the truck Mr. Williamson was driving struck his vehicle. Deputy Burek witnessed this as he was pursuing Mr. Williamson at a distance and attempting to confirm that it was the same vehicle that had been involved in the shooting. Pursuit of the vehicle was authorized due to the substantial risk of death or serious bodily injury to another person and that if allowed to escape Mr. Williamson posed a danger to the public.

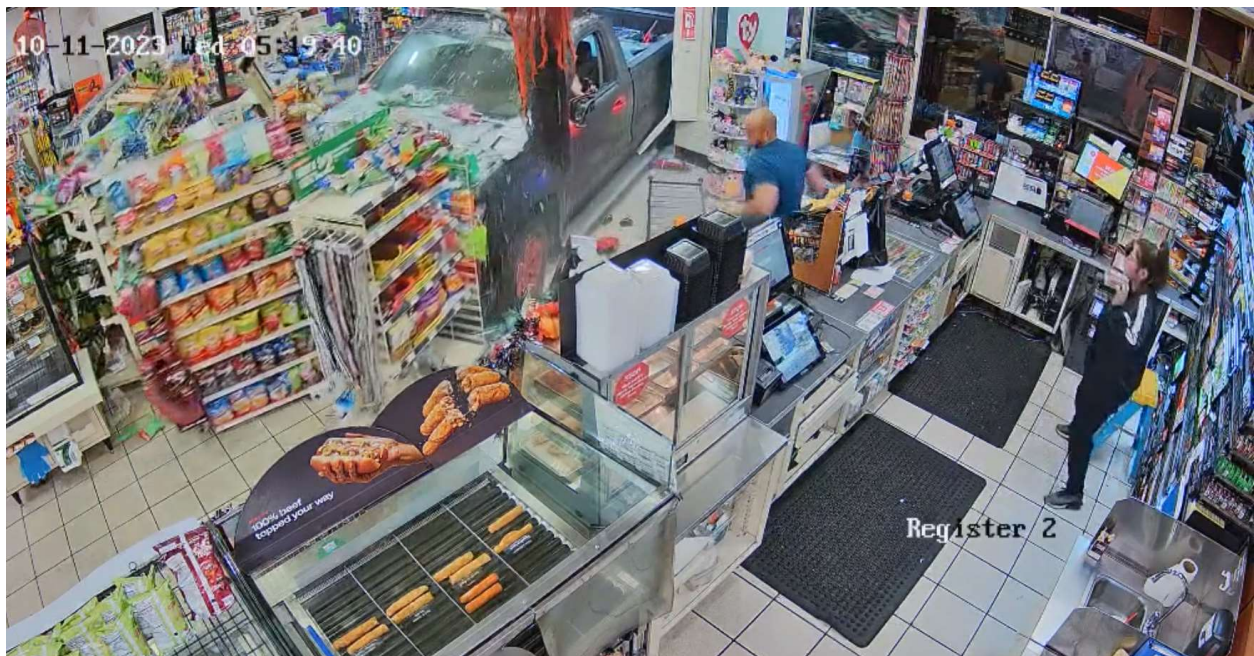
Douglas County Sheriff's Deputy LaVelle prepared to deploy stop sticks as the truck was being pursued by Deputy Burek, Deputy Werder and Deputy Seeley. As the truck passed Deputy LaVelle it appeared to both Deputy Werder and Deputy Burek that Mr. Williamson swerved towards Deputy LaVelle.

Mr. Williamson hit the stop sticks and continued to drive. Deputy Werder, Deputy Burek, Deputy Seeley, and Trooper Yoshimiya continue their pursuit of Mr. Williamson. Mr. Williamson approached entrances to I-25 which were blocked by police. Mr. Williamson ran a red light at Plum Creek Parkway and ran another red light at Wilcox Street with civilian vehicles in and near the intersection. Mr. Williamson then slowed and turned into a driveway for the First Bank and 7-Eleven parking lots. Mr. Williamson drove over the sidewalk and over a grassy area towards the front doors of the 7-Eleven and crashed through the front doors blocking the entrance to the 7-Eleven. These actions appeared deliberate to Deputy Werder and Deputy Burek. The actions of Mr. Williamson's driving are recorded on dash cameras of the Douglas County Sheriff's Department and Mr. Williamson appears to be in control of the truck when leaving the main road, going over the landscaping, and driving through the front of the 7-Eleven.



Deputy Werder immediately noted there was another car in the parking lot of the 7-Eleven causing concern that there was at least one other person inside the store and that based on the actions of Mr. Williamson he may have been attempting to barricade himself and take hostages.

Two civilians were present in the 7-Eleven when Mr. Williamson crashed through the front of the store. A customer was at the counter and an employee was behind the counter. Miraculously, both were able to escape without any serious injury.



As the two civilians were fleeing out the back, Deputy Burek had drawn his duty weapon. Deputy Burek observed the driver of the truck, Mr. Williamson, a bald white male and one other passenger

initially thought to be another male (this person was later determined to be a white female) exit the truck inside of the 7-Eleven. Deputy Burek shouted commands to “show me your hands, show me your hands.” This is confirmed on body camera recordings. Deputy Burek saw that Mr. Williamson had a black handgun and yelled, “gun, gun, gun,” to the other officers present. Deputy Burek saw the gun disappear and Mr. Williamson moved toward the back of the store where Deputy Burek had seen a civilian flee. Deputy Burek had information at this time that Mr. Williamson had a firearm, had already fired on police, had displayed repeated disregard for the safety of other vehicles and law enforcement, and was moving toward a civilian, and feared that Mr. Williamson would use that firearm on the civilian or himself and other deputies. Deputy Burek had a clear line of sight and fired his weapon to stop Mr. Williamson.

Deputy Werder rapidly approached the crash and drew his handgun. Deputy Werder observed Mr. Williamson inside the store turned towards him. Deputy Werder observed that Mr. Williamson had a handgun which was pointed almost directly at himself and Deputy Burek. Deputy Werder stated that he immediately started shooting out of fear for himself and everyone inside the store. Deputy Werder stopped shooting as soon as the suspect started to go down and issued verbal commands. Mr. Williamson and the passenger in the truck, Hannah Woolard, did not comply with commands and began moving to the back of the store concealing themselves behind shelves. Deputy Werder yelled that he wanted to get them help and to come out with their hands up. No additional shots were fired.

A combination of law enforcement officers from different agencies entered through the back of the store and were able to take Mr. Williamson and Ms. Woolard into custody. Deputy LaVelle provided medical aid to Mr. Williamson. Deputy Burek observed a black handgun on the floor of the 7-Eleven.

Hannah Woolard was interviewed on October 11, 2023, by law enforcement. During the interview Ms. Woolard confirmed that Mr. Williamson shot the gun out of the windows and that he shot at police during the middle of the chase. Mr. Williamson had given her the gun and told her to reload it. She was not able to figure out how to reload it so she handed it back to Mr. Williamson. Mr. Williamson then told her to gather loose ammunition so he could reload the gun. Ms. Woolard ultimately admitted that she had shone the flashlight at police in an attempt to blind them. Ms. Woolard additionally said that Mr. Williamson repeatedly told her that he would not go back to prison.

The 7-Eleven cashier was interviewed. She was at the checkout stand with a customer who was making a purchase. She saw the truck pull into the parking lot slowly with police following it and assumed it was being pulled over. The truck pulled in front of the store and “floored it” crashing through the front of the store. She stated that the driver of the truck was a bald, white male, with facial hair, possibly a goatee. The driver (Mr. Williamson) exited the truck with a black handgun which he held over his shoulder and pointed towards the ceiling. Mr. Williamson made eye contact with her and told her to “come here.” She believed she was going to be taken hostage or shot and ran out the back door where other officers were waiting.

The customer in the 7-Eleven was interviewed. He stated he was at the checkout counter when the truck crashed through the front of the store. He ran to the back of the store near the restroom



and hid. He did not see anyone exit the truck. He did state that he (Mr. Williamson) came through the store and then he heard cops right afterwards and that they “saved the day.”

The CIRT investigation determined that Deputy Burek fired a total of 14 times. Deputy Werder fired a total of 17 times. Mr. Williamson was struck approximately 6 times, twice in the right side, once in the upper right arm, once in the hip, once in buttocks cheek, and a graze to his left knee. It did not appear that Mr. Williamson fired his weapon in the 7-Eleven. However, 2 live rounds with “NFCR 9mm Luger” stamped on them were located near the condiment station not far from where Mr. Williamson was located. An additional live round with the same “NFCR 9mm Luger” stamp was found on the floor of the 7-Eleven in the area in front of the condiment station. When a search warrant for the Silverado truck driven by Mr. Williamson into the 7-Eleven was executed additional ammunition and casings were located. This included 5 live rounds from the cab and bed of the truck with “NFCR 9mm Luger” stamped on them the same as on the floor of the 7-Eleven. As well as a live round with “NFCR 9mm Luger” stamped on it located inside a Smith and Wesson magazine found under the driver side door frame panel. A live round with the stamp “NFCR 9mm Luger” was located inside a purse along with two fired casings with the “NFCR 9mm Luger” stamp. An additional fired casing with the “NFCR 9mm Luger” stamp was located inside the cab of the truck. Additionally, multiple bags of a substance that tested presumptive positive as methamphetamine and a bag that tested presumptive positive as diazepam were found during the search.

### **APPLICABLE LAW**

The ethical obligation of prosecutors and the policy of the District Attorney’s Office is to only prosecute a case when 1) there is a good faith basis to believe the individual to be prosecuted has committed the crime, and 2) there is a reasonable likelihood of conviction at trial. This is a higher standard than the probable cause standard used by police officers making arrest decisions. Criminal liability for charging is established when there is a good faith basis to believe the individual committed the crime, and there is sufficient evidence to prove all the elements of the crime beyond a reasonable doubt, to include the criminal conduct and the criminal mental state. Additionally, the prosecution must disprove any statutorily recognized justification or defense beyond a reasonable doubt.

The District Attorney’s review of an officer-involved shooting event is guided by the statutes pertaining to the affirmative defenses applicable to use of force by peace officers, specifically the relevant portions of C.R.S. § 18-1-707 in this case are:

- (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 serious bodily injury or death to the peace officer or another person.
- (2) When physical force is used, a peace officer shall:
  - (a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
  - (b) Use only a degree of force consistent with the minimization of injury to others;
  - (c) Ensure that assistance and medical aid are rendered to any injured or affected

persons as soon as practicable; and (d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and (a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force; (b) The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person; (c) The force employed does not create a substantial risk of injury to other persons.

(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**

The question presented to the District Attorney's Office for the 18th Judicial District is whether the Douglas County deputies who fired their weapons at Mr. Williamson reasonably believed their use of deadly physical force was necessary to defend themselves or others from what they believed to be the imminent use of deadly physical force by Mr. Williamson.

Parker Police Detectives Beverly Wilson and Ryan Yowell co-led the CIRT investigation and interviewed Deputy Burek.

**Deputy Burek** stated that he is employed by the Douglas County Sheriff's Office as a deputy assigned to the patrol division. He regularly arrives early to the office, prepares for the shift, goes out and does traffic enforcement, crime deterrence, and responds to calls. His regular uniform includes a polo shirt with a collar or a thicker long sleeve with shoulder patches that are for the Sheriff's Office. There is a first initial, middle initial, and badge that is sewn on clearly identify him as a Sheriff's Deputy, a nylon duty belt including cuffs, sidearm, taser and baton. He drives a 2000's model Chevy Tahoe black SUV with Sheriff's markings on the side, on the rear it has red and blue exterior lights including the light bar on top and a siren.

On October 11, 2023, at about 5:00 a.m. Deputy Werder aired that Denver was possibly pursuing a car on I-25. They learned that it was Thornton PD that was chasing a car involved in a shooting that was a black pickup truck. Deputy Burek went to Meadows and I-25 to try to set up stop-sticks. At that time, they learned that Thornton was discontinuing their pursuit. He put his stop sticks back in his car. At that time Deputy Burek learned that the truck had tried to sideswipe

Corporal Brown. Deputy Burek saw a truck go by and was pretty sure it was the same truck. He followed, keeping it in sight from about 20 car lengths. The truck approached a car in front of it as he was trying to figure out if this was the same truck, as he watched it looked like it sideswiped that car, he could see damage to the car as he passed it. During that interaction, he briefly lost sight of the truck, but saw what he believed to be the truck exit and roll through a light. He continued to follow about 10 car lengths behind the truck and update dispatch. Seeing all of this happen he believed that it was appropriate to pursue this vehicle. He confirmed with his supervisor who approved it so long as there were stop sticks or some tactical means to stop the truck.

They continued to follow and had Deputy LaVelle in a position to use stop sticks on the truck. Deputy Burek was about ten cars behind him still and he did not believe the suspect knew that he was behind him. The plan was once the suspect hit the stop stick to initiate lights and sirens. Deputy Burek observed the suspect veer towards Deputy LaVelle's patrol car, he was afraid at first that he was going to hit Deputy LaVelle's patrol car. It was aired that the stop sticks were successful. Deputy Burek activated his lights and siren. His siren was not working and he had to hold down the siren button while engaged in the pursuit. They followed the suspect and observed him swerve into an oncoming lane as they followed. Deputy Burek continued following and saw the suspect run multiple red lights as they were following. There was a bank and a 7-Eleven the truck took the access to those and went over the sidewalk and grassy area towards the 7-Eleven. The suspect just missed a black SUV that was parked there. He saw the suspect driving straight toward the 7-Eleven.

Deputy Burek described that his heart sank to his stomach because he was just hoping no one was right by those doors. The truck deliberately drove straight through the doors. There were no efforts to avoid or stop the truck from driving into the 7-Eleven by the driver. Deputy Burek stopped, got out, drew his pistol, and saw a bald white male with a black tank-top exit the driver's side and what he initially thought was a white male in a black hoody trying to exit the truck (later determined to be a female). He started giving commands for them to show their hands. As they exited, he saw who he believed to be the store clerk running toward the back of the store. He then he saw the white male who he believed was the driver hold up a black handgun and he yelled gun, gun, gun. He then saw the gun disappear and the suspect started to move toward the back.





Deputy Burek knew the driver had already fired at police and that he had disregarded the safety of others. Deputy Burek feared he was going to use the firearm on them or the civilian in the store because he was moving in that direction. He had a clear line of sight and no one behind him and he decided to shoot his pistol to try to stop him from causing harm to anyone else. After that he believed that Deputy Werder also fired.

Deputy Burek got on the radio to get out information about the suspect description in case he made it out the back door so anyone back there would know what the suspect looked like and that he was armed. Deputy Burek moved to the back of his car and retrieved his rifle. He then ran back to provide coverage for Deputy Werder. They were calling out commands to show their hands. They could only see one person so there was still an unknown person behind the shelves. Deputy Burek and Deputy LaVelle ran to the back side where there was a Castle Rock Police Officer. They gave commands to the person inside, there was a male inside moaning in pain and the female said that he was shot. Deputy Burek still did not know who was shot. They did a coordinated entry from the back of the store and made contact with two people who were just to the right while Deputy Burek stayed in the back hallway. He was then able to move forward and observed a female in a black sweatshirt. They had the female exit. Deputy LaVelle started providing aid to the male on the floor. At that point Deputy Burek observed the black handgun on the floor and he observed that the male who was shot was the same male he saw exiting the truck with the gun. Deputies then asked the fire department to come in and treat the suspect and transport him.

Parker Police Detectives Beverly Wilson and Ryan Yowell also interviewed Deputy Werder. **Deputy Werder** stated that he is employed by the Douglas County Sheriff's Office as a deputy assigned to the patrol division. He regularly wears a law enforcement duty belt, a sheriff shirt that has patches on the right and the left arm, with an outer vest which has a soft patch. That uniform is what he was wearing on October 11, 2023. The vehicle that Deputy Werder operates is a 2019 Chevrolet Tahoe that is marked on both sides with Sheriff decals, it has a push bumper, and a light bar. This is the vehicle he drove on October 11<sup>th</sup>, 2023, and it was working properly.

On October 11<sup>th</sup>, 2023, Deputy Werder arrived at work at his normal time and attended briefing. He performed some routine traffic stops and calls. Around 4:50 a.m. he was in contact with a car for an expired tag. He was writing the ticket in his vehicle while scanning other law enforcement channels, he heard that Denver PD was in pursuit of a spray-painted Silverado that had been shooting at officers and was southbound on I-25. He advised his dispatch of what he heard, he finished issuing the ticket and cleared the traffic stop.

Deputy Werder moved locations in an effort to be of assistance if possible. Someone aired that they were asking for assistance with this chase. He aired that he would try and get stop sticks. While en-route he learned Denver had terminated their chase. At that time his supervisor terminated their chase. He then heard from a Corporal that he had almost been run off the road by the suspect. At that point in time, he did not believe anyone was pursuing or they would have just been following and trying to keep the suspect in sight while following traffic laws. He tried to get eyes on the vehicle and learned that the vehicle had exited at Wolfensberger Street. There was a Douglas County marked car and a Colorado State Trooper who were following behind the suspect vehicle. Deputy Burek asked for permission from the supervisor to engage the vehicle. It was approved as long as they could do stop-sticks or a tactical means to end the pursuit. He aired for

Deputy LaVelle to deploy stop-sticks and communicated with him about when to deploy the stop-sticks. He saw that the stop-sticks were effective, and it looked like the suspect vehicle swerved to hit Deputy LaVelle. Deputy Werder believes the suspect was trying to run Deputy LaVelle over. At that point he turned on his emergency lights and aired that he was in pursuit of the vehicle, they were going at speeds of approximately 60 miles an hour.

As Deputy Werder pursued the suspect vehicle, the suspect ran multiple red lights and approached the 7-Eleven parking lot and drove up on the sidewalk over the grass. As the suspect passed the pumps he realized that he was not going to stop. Deputy Werder has seen stop sticks used in other chases. Based on his prior experiences and his observations of the suspect vehicle, it was readily apparent that he could brake and control the car and he intentionally drove into that store. He was immediately worried that this would be an attempt to barricade or gather hostages.

Deputy Werder immediately closed the distance after stopping his car. He ran towards the front door while drawing his weapon and yelling commands (he could not recall specifically what was yelled). As he approached, he saw the suspect standing towards him with a gun that was pointed almost directly at him and Deputy Burek who was slightly behind him to the right. At that point he immediately began shooting at the suspect. He feared for his safety and the safety of everyone inside. With the gun pointed at them and the belief that he had already shot at Denver police based on the radio traffic, he thought the suspect was going to try to kill him or Deputy Burek and he thought he was going to try to take someone hostage in the store. He believes he shot around 15 or 16 times. Deputy Werder was focused on the suspect and does not recall what was being said or other sounds due to auditory exclusion. As soon as he saw the suspect go down he stopped shooting and gave verbal commands. The male was on the ground and the female was panicking. The male and female slid back to a position of concealment and were ignoring commands. He was yelling that he wanted to get them help and to show their hands.

Deputy Werder moved packs of water in front of the store to get an elevated position and be able to see into the store. He gave additional commands and broke out the window to try to have a better line of sight. The male and female continued to not follow commands including for the female to show her hands. She put her hands up for a moment and then they went back down. At that time, he did not know where the gun was or if there was possibly a civilian still in the store or if the female was going to be compliant. Deputies entered through the front and the rear of the store and other deputies were able to take them into custody. He holstered his weapon. He had previously asked the fire department to get staged at the bank. He saw a Castle Rock officer and asked him to get fire (the fire department) and bring them in to get the suspect medical aid.

Deputy Burek and Deputy Werder had information through dispatch that Mr. Williamson had been involved in a chase down I-25 with law enforcement, that Mr. Williamson had fired on police officers during that chase. Additionally, they had aired to them and personally observed dangerous driving behavior by Mr. Williamson including him trying to drive Corporal Brown off the road, side swiping another vehicle, veering into oncoming traffic, veering toward Deputy LaVelle, and running multiple red lights with civilian vehicles present. This information is supported by dispatch and dash cameras.

Deputy Burek and Deputy Werder then observed Mr. Williamson intentionally drive through the front entrance of the 7-Eleven creating a barricade into the store. As the deputies approached and

shouted commands they observed Mr. Williamson in possession of a handgun that was pointed in their direction. At this same time the clerk and customer inside the 7-Eleven were fleeing to the back of the store.



The actions of Deputies Werder and Burek, in firing their weapons at Mr. Williamson, were reasonably justified. Mr. Williamson had fled from police, driven in a dangerous manner both with police in pursuit and not in pursuit, fired at police, and drove a truck into an open 7-Eleven with civilians inside. Mr. Williamson after driving into the 7-Eleven exited the truck with a handgun disregarded the commands of the deputies, and pointed the gun in the direction of the deputies. Due to the actions of Mr. Williamson, there was no opportunity for the officers to use a lesser amount of force beyond the commands issued. Mr. Williamson, by his actions, appeared willing to seriously injure or kill the deputies. Mr. Williamson's actions were the proximate cause for the immediate use of deadly force by the deputies. The deputies only fired at Mr. Williamson to defend themselves and others in the vicinity and stopped firing as soon as Mr. Williamson was stopped.

I find that Deputies Werder and Burek reasonably believed that Mr. Williamson posed an imminent threat of deadly physical force to the deputies and others in the area. The deputies did not have the time or the ability to use lesser force or attempt to deescalate the situation. Deputies Burek and Werder were justified in using deadly physical force against Mr. Williamson to defend themselves from the unlawful, imminent and attempted use of deadly physical force against them. Deputies Werder and Burek did not commit any crime and criminal charges will not be filed against them.

*/s/ Brian Eckhardt*

Chief Deputy District Attorney

18th Judicial District