

Gordon P. McLaughlin
District Attorney



201 LaPorte Avenue, Suite 200
Fort Collins, Colorado 80521-2763

Phone: (970) 498-7200
Fax: (970) 498-7250

Re: Opinion Concerning --- LCSO #22-3017, FCPS #22-5071, LPD #22-2642, WPD #22-6595,
CSP #22-IS-317, CSUPD #22-469

Dear Sheriff Justin Smith,

The District Attorney's office has been asked to review the shooting of Aerie Sadler on April 14, 2022, at the Larimer County Landfill located at 5887 S. Taft Hill Road, Fort Collins, Colorado, to determine whether Larimer County Sheriff's personnel violated any Colorado criminal statutes with respect to the shooting. My determination includes an assessment of whether there is a reasonable likelihood that any criminal charges, if filed, could be proven unanimously beyond a reasonable doubt.

I. EXECUTIVE SUMMARY

Applying the law to the facts of this incident, as described in greater detail below, I conclude Deputy Ryan Gebhardt and Investigator Jeremy Coleman were legally justified in their use of deadly force to defend themselves, other officers, and the public from the threat posed by Aerie Sadler on April 14, 2022. Because I have concluded that Deputy Gebhardt and Investigator Coleman were legally justified in their use of deadly force, no criminal charges will be filed against them or any other peace officer.

II. THE STATUTORY FRAMEWORK FOR OFFICER INVOLVED SHOOTING INVESTIGATIONS

C.R.S. §16-2.5-301 governs investigations into peace officer-involved shooting investigations. It 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.

The investigation into this shooting incident was conducted by a multi-agency team consisting of personnel from agencies within the jurisdiction who are members of the district's Critical Incident Response Team (CIRT). Specifically, Fort Collins Police Services was the lead agency, and they were aided by other agencies including, the Loveland Police Department, Windsor Police

Department, Larimer County Sheriff's Office (in a capacity limited by CIRT protocol), Colorado State University Police Department, Colorado State Patrol, and the District Attorney's Office.

C.R.S. § 20-1-114 provides:

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.

This document constitutes a report of the District Attorney's findings and includes the basis of the decision not to charge any involved peace officer with any criminal conduct.

III. MATERIALS REVIEWED

I have been provided materials produced during the CIRT investigation into the shooting of Sadler. The information I have considered includes:

- The body worn camera footage of the involved peace officers
- Reports/summaries of the CIRT investigators
- Recorded interviews of involved peace officers
- Computer added dispatch reports, audio recordings of police dispatch, audio recordings of police radio traffic
- Photographic evidence
- Physical evidence (e.g., firearms, ballistics, etc.)
- Medical related evidence
- Maps and scans depicting the geographical area in which the events took place

IV. APPLICABLE LAW

The District Attorney's review of this event is guided by the Colorado statutes pertaining to the use of force by peace officers, including self-defense. Deputy Gebhardt, Investigator Coleman, and all other persons referred to as "deputies" or "peace officers" in this letter, are "peace officers" per statute. *See* §16-2.5-101-103, C.R.S.

By using their service weapons and shooting several times at Sadler and causing him injury, Deputy Gebhardt and Investigator Coleman used force, and thus their conduct implicates Colorado's peace officer use of force and self-defense statutes. As they did cause death, the deadly physical force provision of the statute does apply to Deputy Gebhardt's and Investigator

Coleman's actions on April 14, 2022. See §18-1-901(3)(d) ("Deadly physical force" means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death). Therefore, the deadly force statutory language below is relevant to my conclusions regarding this event.

§ 18-1-707, C.R.S. (Use of force by peace officers—definitions), 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:

(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.

§ 18-1-704(2), C.R.S., Colorado's general self-defense statute, states in relevant part:

Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and [t]he actor has reasonable ground to believe, and

does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury;

Under Colorado law, for a person to act legally to defend themselves or others requires the presence of “both reasonable belief and actual belief” on behalf of the actor. *See Sanchez v. People*, 820 P.2d 1103, 1108 (Colo. 1991). The law requires the fact finder to “weigh all relevant circumstances to determine whether a person asserting the defense of self-defense has acted as a reasonable person would act in similar circumstances.” *Id.*

V. SUMMARY OF RELEVANT FACTS

Overview based on officer interviews, and review of reports, photos, and evidence

On April 14, 2022, at approximately 9:52 a.m., Deputy Medlin responded to the Larimer County Sheriff’s Office parking lot located at 2501 Midpoint Drive, Fort Collins, Colorado, after being dispatched to a welfare check. Deputy Medlin spoke with Aerie Sadler’s ex-girlfriend, who explained Sadler had broken into her house two days before on April 12th at approximately 1:00 a.m.

According to her report, over the course of the next two days, Sadler refused to leave, despite her numerous requests that he do so. He stayed in close proximity to her, referred to her as his hostage, and repeatedly showed her his 9mm handgun, which he kept in the front waistband of his pants. She was aware of Sadler previously training to shoot his gun ambidextrously. She told Deputy Medlin that at one point she and Sadler walked outside her residence, and she attempted to block the door to prevent Sadler from going back inside. He placed his hand around her neck, choking her to the point of not being able to breath and almost losing consciousness, but she was able to escape his grasp when she used both of her hands to gouge his eyes. Sadler then went back inside her residence and refused to leave until she was able to convince him that morning to go to work at Gallegos Sanitation, where he worked on a garbage truck.

She explained to Deputy Medlin that Sadler was suffering mental health issues include hearing voices and making threats to kill her, her son, and himself. She explained Sadler previously attempted “suicide by cop” and had been making similar references to suicide by cop over the last several days. He had very recently been wearing homemade body armor and only agreed to take it off when he went to work that morning. However, she believed he still had a 9mm handgun on him. She later went to Poudre Valley Hospital accompanied by Deputy Schultz for a Forensic Nurses Examination where the nurse noted that she suffered Serious Bodily Injury due to the strangulation.

Based on this information, Deputy Medlin began authorizing an arrest warrant for Sadler to include charges of Harassment; a class 1 misdemeanor, 1st Degree Trespass, a class 5 felony, 2nd Degree Assault; a class 4 felony, and domestic violence; a sentence enhancer. Meanwhile members of Larimer County Sheriff’s Office Strategic Enforcement Unity (SEU) contacted Gallegos Sanitation and learned that Sadler and a truck driver were working on a garbage truck collecting garbage throughout the city. SEU was able to determine Sadler’s location based on information from Gallegos Sanitation and an emergency phone ping.

Due to the Sadler's criminal history, the fact he was armed, the threats he made to kill his ex-girlfriend, her family, and himself, a plan was developed by SEU to contact Sadler while at work on the garbage truck. SEU determined that contacting Sadler as he exited the garbage truck was the safest way to avoid a hostage situation with his co-worker on the truck, as well as to avoid a potential eluding incident with a garbage truck throughout the city. Officers located Sadler and the driver inside the garbage truck at the Larimer County Landfill located at 5887 S. Taft Hill Road, Fort Collins, Colorado.

Six members of the Larimer County Sheriff's Office arrived near the entrance to the landfill where they were briefed for the contact. Three SEU investigators driving unmarked police vehicles were dressed wearing vests labeled "Sheriff" in yellow print, along with prominently displayed Sheriffs' badges. Three patrol deputies who were driving marked police vehicles were dressed in full Larimer County Sheriff patrol uniforms.

SEU Investigator Solomon was the first SEU member on scene, he parked his vehicle inside the landfill and watched the garbage truck Sadler was in. SEU planned to call the driver of the truck and have him exit the truck and go to a porta potty to the south of the garbage truck's location for safety. Once the driver was safe, SEU planned to perform a high risk stop on the truck to contact Sadler.

Investigator Solomon saw the driver exit the garbage truck and go into the porta potty. Sadler also exited the truck and began walking directly toward Solomon's police vehicle from a distance of approximately 90 yards. Investigator Solomon stated he did not know why Sadler was walking toward him, but considered Sadler could be asking for a ride, stealing his vehicle, or looking to confront him. As Sadler approached him, he called the other officers and told them he needed help "right now."

The other officers heard Investigator Solomon call for back up over the radio and headed to his location, with many noting an anxious inflection in his voice that caused them concern. Investigator Coleman radioed, "we are coming" and stated in his interview that he was very concerned at that point that Sadler was going to do something violent to Investigator Solomon. As the team approached Sadler's location, Investigator Coleman turned on his emergency lights in an attempt to get Sadler to focus on him and distract his attention away from Investigator Solomon.

When Sadler was approximately ten yards or less away, Investigator Solomon exited his vehicle, and placed Sadler at gunpoint, announcing "sheriff's office, stop, show me your hands", or something similar. Investigator Solomon stated Sadler was wearing a large coat, and he was unable to see his waistband. Investigator Solomon stated he felt this was unusual, because it was warm out that day and he was using the air conditioning in his vehicle.

Investigator Coleman stated it appeared Sadler recognized them as officers as he was getting out of his car. Sadler initially took a step as if he was going to run. Investigator Coleman believed they were going to have a foot pursuit in the landfill.

Deputy Gebhardt stated that as he drove up to the scene, he saw Sadler turn and take off running at a 45-degree angle away from their vehicles toward Investigator Solomon. When Sadler ran, Deputy Gebhardt could see him grab his backpack with one hand and grab down at his waistband with his other hand. Given what he had been told that Sadler kept a gun in his waistband, Deputy Gebhardt believed Sadler was likely holding onto his gun but could not see the gun at this particular time. As Sadler was running, the other officers accelerated their vehicles toward Sadler to cut him off from Investigator Solomon's position.

Investigator Coleman stated Sadler did not even take a full step before he could clearly see Sadler put his hands under his coat and toward his waist band. As soon as Sadler put his hand in his waist band, Investigator Coleman drew his weapon, because he had been advised that Sadler wore a 9mm handgun in his waistband. Investigator Coleman stated he thought Sadler was reaching for his gun. He knew Investigator Solomon was close to Sadler and was concerned for his safety.

Investigator Coleman recalled hearing Sadler scream "just kill me" and saw Sadler turn and pull a pistol out of his waistband. Coleman said he could see the handgun in Sadler's hand. Investigator Coleman stated he fired his service handgun toward Sadler in the first volley of approximately 4-6 rounds from around 10-15 yards away. While Investigator Coleman was shooting, Sadler turned north, and he noted Sadler did not seem effected (from the gunfire). Investigator Coleman could hear Sadler laughing in an arrogant and loud tone as he was facing away. At that time, Coleman was not sure whether, or how many times, Sadler was hit.

Investigator Coleman stated Sadler eventually fell on his stomach with his right hand tucked under him. The officers stated it seemed Sadler was making furtive movements and possibly trying to grab the gun with his hand's underneath him. The officers were continuing to give commands for Sadler to put his hands out. Sadler did not comply and was still actively making noise and furtive movements with his arms underneath his body.

Investigator Coleman stated he was worried that all six members of the contact team were out of their vehicles, with no cover, and Sadler was going to continue to engage them with his handgun. To protect himself and the other Deputies, Investigator Coleman fired two more shots toward Sadler's head to try and to stop him. After the second shot, he saw Sadler slump down, and he knew the threat was stopped.

Deputy Gebhardt stated he jumped out and ran up to his position to conduct the high risk stop. As he got out of the car, he heard someone yell, "stop, don't move." Sadler took a step or two, then stopped and began turning around. As he was turning around, Sadler's hand was down at his waistband and was lifting his arm up. Deputy Gebhardt heard someone yell "gun" and then heard gunfire. At that point Deputy Gebhardt fired his rifle one time, because he believed Sadler was turning to shoot at him or Investigator Coleman, who was out in front of him. As soon as Deputy Gebhardt shot, Sadler turned and fell onto his stomach with his arms under him. Deputy Gebhardt was focused on Sadler and his hands. Deputy Gebhardt was concerned that Sadler was still a threat and could hear another officer yelling commands such as "show me your hands."

Investigator Solomon stated he saw Sadler “digging” his hands around his waist as officers initially gave commands. Once other officers were on scene, Investigator Solomon transitioned back to his assigned role using a less lethal 40mm launcher. He fired one round at Sadler, that he believed “went left”, and he does not believe the round hit Sadler. Investigator Solomon stated he then observed Investigator Coleman firing at Sadler. Sadler went to the ground with his arms under his body, possibly reaching for a weapon.

Deputy Hinrichs stated that as he opened his car door, he heard what he thought was gun shots. He did not know where they came from, but estimated he heard 2-3 shots. Deputy Hinrichs got past one of the trucks, which was blocking his view and saw Sadler stumbling up the hill with his hands in his waistband. Sadler fell with his arms underneath him and Hinrichs could see Sadler still moving.

Deputy Medlin stated Sadler was reaching towards his waistband and, based on what Sadler’s ex-girlfriend told him earlier, he believed he had a gun. Deputy Medlin approached and had his gun drawn but was conscious of where the other deputies were as they were ahead of him. He believes he heard “drop the gun,” and then heard gun shots, but couldn’t be sure if he heard “drop the gun” before or after. He did not know from where the shots were being fired, but he did not see a gun, so he did not take a shot. He stated after the initial shots, it was very apparent someone was yelling to drop the gun. He saw Sadler still moving a little after he was told to drop the gun. He said he believes Sadler was possibly still fiddling with it, and then a couple more shots were fired. After that, Sadler stopped and there was no more movement. Medlin said he remembered Sadler’s hand being underneath his chest and they were yelling at him to show them his hands. He remembered his hand finally coming out from under him before officers were able to approach.

Investigator Cartrite stated as he exited his vehicle, he yelled “Sheriff’s Office, stop” or other similar commands. He aimed his rifle at Sadler, who was moving away from him and did not obey the commands but instead reached for his waistband. Investigator Cartrite observed something blue in Sadler’s hands, which he believed was a water bottle at the time. He and other officers continued following Sadler, and he heard officers yell, “drop the gun!” Investigator Cartrite stated he had not seen the gun, but also yelled, “drop the gun!” He then heard Investigator Coleman fire his gun. He checked on other officers to make sure they were safe and continued to repeat commands to Sadler. Investigator Cartrite stated that when he later approached Sadler, he realized the blue item in Sadler’s hand was a gun located “just north” of Sadler’s hand.

Based on evidence collected at the scene and an account of the officer’s weapons and magazines, it was determined that Investigator Coleman fired ten rounds from his handgun, Deputy Gebhardt fired one round from his rifle, and Investigator Solomon fired one round of less-lethal ammunition. Investigator Cartrite, Deputy Medlin and Deputy Hinrichs did not fire any weapons during the incident.

As officers approached Sadler, they located a teal colored 9mm handgun near his left hand and head. The handgun was loaded with eight rounds of ammunition in the magazine and one round in the chamber.

Sadler was still speaking when contacted on the ground, saying “just let me die, I want to die”. Deputies rendered aid to Sadler, who had been shot multiple times. They applied quick clot, chest seals, a tourniquet, and called for an ambulance and helicopter to respond to the scene. They continued to administer medical care until relieved by medical personnel.

As they were rendering aid to Sadler, they located an empty gun holster and knife inside a sheath on Sadler’s belt, and a fully loaded 15 round firearm magazine in Sadler’s coat pocket. The holster was located inside Sadler’s front waistband, in the location where Deputies observed him reaching prior to firing. During a search of the scene another fully loaded ten round firearm magazine was found near Sadler.

Sadler was transported to Medical Center of the Rockies where he was pronounced dead. An autopsy was completed by the Larimer County Coroner on April 15, 2022. Multiple bullet entry wounds and exit wounds were located, including wounds to the neck, top of the right shoulder, left shoulder, right upper back below shoulder blade, upper right side of chest, inside of the left arm below the elbow, and right cheek.

Immediately after the incident, law enforcement set up a crime scene perimeter around the location of the incident.



(Overall photo of the scene from the south)

CIRT members thoroughly processed the scene and located, among other evidence, the following relevant items:

- Teal 9mm handgun belonging to Sadler



- 9mm handgun magazine belonging to Sadler



- 10 bullet casings, fired by Inv. Coleman, ranging between 53-68 feet from the approximate location of Sadler.



- One rifle casing, fired by Inv. Gebhardt, 108 feet from the approximate location of Sadler and one less lethal round, fired by Inv. Solomon, found up the hill to the west of Sadler.



Review of Body Worn Camera Footage

The following review of body-worn camera footage notes relevant portions only and does not attempt to narrate the entirety of the videos. Many portions of the incident were captured on multiple different cameras and are not always repeated in this summary.

1) A review of Investigator Lance Cartrite's relevant body worn camera footage shows:

- Investigator Cartrite places his vehicle in park and immediately draws and points his rifle in the direction of Sadler
- The sound of gunfire is heard as Investigator Cartrite is heard yelling "drop it," which is followed by a voice airing "shots fired"
- Multiple voices are heard repeatedly yelling "drop the gun"
- Investigator Coleman is seen firing his weapon two times
- Investigator Cartrite repeatedly gives commands of "show us your hands now"
- Investigator Cartrite's hand and rifle block the camera from capturing Sadler's conduct until he approaches Sadler to apprehend him and render aid
- Sadler is handcuffed and officers immediately begin to render aid
- Sadler tells officers repeatedly to "let him die," and deputies respond "you're not going to die today"
- Sadler's teal handgun is seen uphill from where officers are rendering aid.
- Medical staff arrive on scene and take over the care of Sadler

2) A review of Investigator Jeremy Coleman's body worn camera footage shows:

Note: Inv. Coleman explained in his interview that, due to the urgency of Inv. Solomon's request for help, his attention was drawn to assisting an exposed officer and he did not immediately turn on his camera. While his camera therefore does not capture the shooting, several other Deputy body worn cameras did capture it and therefore no relevant evidence is missing.

- Video begins with law enforcement rendering aid to Sadler
- Deputies engage in extensive conversations on how best render aid to Sadler
- Deputies discuss whether any of the deputies or investigators were hit by gunfire
- Deputies discuss seeing Sadler pulling his gun but unsure if he fired the weapon

3) A review of Deputy Ryan Gebhardt's relevant body worn camera footage shows:

- Deputy Gebhardt places his vehicle in park and exits with his rifle drawn
- A plume of dirt can be seen to the left of Sadler as the 40mm less lethal round strikes the ground
- Officers can be heard issuing commands to Sadler, including, "don't move" and "drop the gun," and "show us your hands"
- The contact team begins to approach Sadler but stops when he refuses to show his hands

- Officers issue commands further for Sadler to “show us your hands”
 - Sadler’s right hand comes out from underneath him, and the team contacts him on the ground
 - A teal-colored handgun is laying inches away from Sadler’s left hand
- 4) A review of Deputy Bryce Hinrichs relevant body worn camera footage shows:
- Deputy Hinrichs places his vehicle in park and exits with his less lethal launcher drawn
 - Officers are heard commanding Sadler to “drop it,” as Deputy Hinrichs approaches the scene
 - Sadler is already on the ground when Deputy Hinrichs joins the contact team.
 - Officers repeatedly issue commands for Sadler to “show us your hands”
 - Sadler’s right hand comes out from underneath him, and the team and contacts him on the ground
 - Deputy Hinrichs begins securing the scene
 - Deputy Hinrichs works to clear a location for a flight for life helicopter to land
 - Deputy Hinrichs contacts the driver of the garbage truck, who states that he did not see anything because he was in the porta potty
- 5) A review of Deputy Jason Medlin’s relevant body worn camera footage shows:
- Deputy Medlin places his vehicle in park and exits with his handgun drawn
 - Investigator Coleman is heard firing his weapon as the audio begins
 - Sadler drops to the ground with his hands underneath his body
 - Officers issue repeated commands to “drop the gun”
 - Sadler does not comply with commands and then two additional shots can be heard
 - Officers issue commands for Sadler to “show us your hands”
 - Sadler’s right hand comes out from underneath him, and the team contacts him on the ground
- 6) A review of Investigator Solomon’s relevant body worn camera footage shows:
- Solomon exits his vehicle with his handgun drawn and Sadler is walking from right to left in front of Solomon’s vehicle
 - Investigator Solomon shouts, “Sheriff’s Office- show me your hands”
 - Sadler initially turns to run away
 - Investigator Solomon commands, “stop or force will be used against you,” and “stop reaching”
 - Sadler turns back towards Investigators Solomon and Coleman, and begins pulling a handgun from his waistband
 - Investigator Coleman then fires his weapon, but Sadler continues to run with the handgun in his hand
 - Investigator Coleman continues to fire his weapon until Sadler falls to the ground
 - Officers issue commands to “drop the gun”
 - Sadler continues moving with his hand’s underneath him.

- Sadler begins to rise causing Investigator Coleman to fire two additional shots
- Sadler falls flat against the ground
- Officers issue commands for Sadler to “show us your hands”
- Sadler’s right hand comes out from underneath him, and the team contacts him on the ground
- A teal-colored handgun is laying near Sadler’s left hand
- Investigator Solomon places Sadler in handcuffs and the contact team immediately begins rendering medical aid

Additional Evidence

CIRT investigators interviewed numerous witnesses and collected extensive background information. Two significant interviews, which help shape our understanding of Sadler’s state of mind, are summarized as follows.

1) Follow-up interview with Sadler’s ex-girlfriend

On the afternoon of April 14, 2022, Sadler’s ex-girlfriend was interviewed again. She explained she had known Sadler through family friends for most of Sadler's life. They had been in a relationship for approximately six years before breaking up last October. She confirmed Sadler moved to Georgia to work and was living with his grandparents during that time. While living with his grandparents, they noticed Sadler was drinking a lot and not trying to get better. The family gave him an ultimatum to quit using substances and get help or he was not allowed to live there anymore.

She told Sadler she did not want him to move back in with her, but he came to Colorado anyway. While in Colorado, Sadler stayed with a mutual friend of theirs for a while, but when that fell through, he started sleeping outside of his place of work.

Sadler told her he wanted to go to Summit Stone Health Partners, because he was hearing voices and he thought she was keeping secrets. Sadler told her that he made an appointment with Summit Stone for April 26, 2022, because that was the soonest he could get in. She thought Sadler did have a mental illness but was not sure if it was ever diagnosed. She also described a previous domestic violence incident, but stated she did not report it, in part, due to fear that Sadler would attack her again.

She stated when Sadler showed up to her residence earlier that week, she saw him pull a blue firearm from the front of his waistband. He would move the firearm from the front of his waistband to the back and said he had a holster to hold it there. Sadler was also wearing a commercially made bulletproof vest. She convinced Sadler to take it off before going to work on April 14, 2022, the day of the incident, because she thought it looked suspicious.

She said Sadler would never go out without a fight. Sadler told her if she called the police, he would know he had lost her and have nothing left to live for. He stated that he would take out as many people as he could. When she was taking him to work that morning, she saw him open his backpack and noticed ammunition and magazines and was very concerned because he was “well loaded”.

She said Sadler woke her up at 1:00 a.m. on the morning of April 14, 2022, to look through her phone, because he wanted to know what secrets she was keeping. On the drive to drop Sadler off at work, he yelled at her about lying to him and made a comment about her conspiring with the police to destroy him. She continued to tell Sadler she did not want him in her house and begged him to go to Summit Stone because he could “change the narrative.” Sadler told her if he could not get what he wanted, he was going to kill her and her son and then take her daughter away and teach her how to kill people.

Sadler did not want to go to work that day because he wanted to stay and talk with her. She was able to convince him to go. Sadler became upset because she would not say that she loved him. Sadler started calling her after she left him at work and said he was sorry and hated that she didn't love him. Sadler continued to call and text her repeatedly throughout the day. In one of these messages, she reported he stated something to the effect of, “I don't want to live if you hate me” and “at least I can die in a familiar place.”

She said Sadler was 15 years old when he attempted suicide by cop. Sadler was then placed in a juvenile detention center until he turned 18. She believed, based on what she heard from Sadler's grandmother, that assessments were made regarding his mental health. However, she did not know what the assessments were or what the results were.

She apologized for what had happened and was sorry for the officers who had to fire their weapons.

2) Interview with Sadler's Grandmother

On April 15, 2022, detectives spoke with Sadler's grandmother who lives in Georgia. She reported Sadler lived with her on an off throughout his life. She described an incident when Sadler was a juvenile being surrounded by police, armed with a gun, and suicidal. She noted Sadler was brought up to not trust people, was anti-government, anti-law, and was not socialized correctly as a child.

She said she convinced Sadler to come live with her in Georgia and he eventually agreed to do so. During this time, she became aware Sadler had guns which upset her as she did not allow guns in her house. Sadler was unwilling to let someone else store the guns while at her property, so he left to go stay with his mother and sister in Tennessee. She knew Sadler had the guns with him when he left, and she was concerned he may murder his mother when he left, because they did not get along well.

On the day of the incident, she said Sadler's ex-girlfriend called her and told her that Sadler broke into her house and threatened to kill her. She told Sadler's ex-girlfriend if she thought Sadler was going to hurt her, her children, or himself, to call the police. She also said that Sadler seemed determined to kill himself or someone else.

VI. CRIMINAL CHARGES THAT WOULD HAVE BEEN BROUGHT AGAINST AERIE SADLER

Had Aerie Sadler survived, the evidence derived from the CIRT investigation would have led to

the following charges being brought against him as a result of his conduct against his ex-girlfriend:

1. C.R.S. § 18-4-2020 “First Degree Burglary”, a class 3 felony: A person commits first degree burglary if the person knowingly enters unlawfully, or remains unlawfully after a lawful or unlawful entry, in a building or occupied structure with intent to commit therein a crime and if in effecting entry or while in the building or occupied structure or in immediate flight therefrom, the person assaults or menaces any person.
2. C.R.S. § 18-3-202(1)(g) “Assault in the First Degree”, a class 3 felony: A person commits the crime of assault in the first degree when, with the intent to cause serious bodily injury, he applies sufficient pressure to impede or restrict the breathing or circulation of the blood of another person by applying such pressure to the neck or by blocking the nose or mouth of the other person and thereby causes serious bodily injury.
3. C.R.S. § 18-6-800.3(1) “Domestic Violence sentence enhancement”: means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship.

Had Aerie Sadler survived, the evidence derived from the CIRT investigation would have led to file the following charges being brought against him as a result of his conduct against law enforcement:

1. C.R.S. § 18-3-202(1)(e) Assault in the First Degree, a class 3 felony: A person commits the crime of assault in the first degree when, with intent to cause serious bodily injury upon the person of a peace officer, he threatens with a deadly weapon a peace officer engaged in the performance of his or her duties, and the offender knows or reasonably should know that the victim is a peace officer acting in the performance of his or her duties.
2. C.R.S. § 18-3-206, Menacing (deadly weapon), a class 5 felony: A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.

The following legal definitions apply to the charging analysis above:

C.R.S. § 18-6-800.3(2) “Intimate relationship”: means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

C.R.S. § 18-1-901(3)(p) “Serious bodily injury”: means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

C.R.S. § 18-901(3)(e) “Deadly weapon”: includes a firearm, whether loaded or unloaded.

VII. CONCLUSIONS

The CIRT investigation comported with both the letter and the spirit of §16-2.5-301, C.R.S. The investigation was thorough, objective, well-resourced, and all relevant materials were provided in a timely manner. Finally, the investigation yielded ample evidence from which factual and legal conclusions could be reached.

Deputy Ryan Gebhardt and Investigator Jeremy Coleman cooperated with the CIRT investigation and provided voluntary interviews, totaling approximately 2 hours and 30 minutes. They appeared candid and genuine in their responses and did not evade questioning in any manner.

In applying the law to the facts in this incident we must ask the following questions:

1. Did Deputy Gebhardt and Investigator Coleman reasonably believe that a lesser degree of force was inadequate and there were objectively reasonable grounds to believe, and they did believe, that they or another person was in imminent danger of being killed or of receiving serious bodily injury?
2. Did Deputy Gebhardt and Investigator Coleman identify themselves as a peace officer and give a clear verbal warning of their intent to use their firearm, with sufficient time for the warning to be observed, and if not, are they exempted from having given that warning because it would have unduly placed her or her fellow officers at risk of injury or would have created a risk of death or injury to other persons?
3. Did Deputy Gebhardt, Investigator Coleman and fellow deputies ensure that assistance and medical aid were rendered to Sadler as soon as was practicable?
4. Did Deputy Gebhardt, Investigator Coleman or fellow deputies ensure that any identified relatives or next of kin of Sadler were notified as soon as practicable?

Deputy Gebhardt and Investigator Coleman had both a reasonable belief that lesser degree of force would be inadequate, and that they or other persons were in danger of imminent danger of being killed or sustaining serious bodily injury at the hands of Aerie Sadler.

When answering this question, it is important to consider the information the law enforcement officers had at the time of encounter, and how quickly the incident escalated because of Sadler's actions.

To the first point, law enforcement engaged in extensive due diligence to understand Sadler's state of mind and access to weapons. This incident began with Sadler's ex-girlfriend feeling compelled to go to law enforcement out of concern for Sadler's behavior. Deputy Medlin received a report from her that she had been choked to the point of near unconsciousness and held hostage by Sadler in her own home. She also reported that Sadler expressed conspiratorial ideations and hearing voices that were not there.

In addition, she reported that Sadler was armed with a handgun in his waistband and possessed extra ammunition. Investigator Coleman and the Strategic Enforcement Unit (SEU) deliberately took steps to locate a safe place to contact Sadler and limit the risk to the general public.

To the second point, the encounter at the Larimer County Landfill escalated at an alarming pace. Both Investigators Coleman and Solomon described the grave concern they felt as Sadler approached Investigator Solomon's exposed position. This concern caused Investigator Solomon to radio to fellow members of the contact team that he needed help "right now." Investigator Coleman described in detail his thought process in trying to draw Sadler's attention away from Investigator Solomon and on to himself.

When Investigator Coleman, Deputy Gebhardt, and the contact team approached Sadler, he initially attempted to turn and run. Then suddenly and without warning, he began to draw a 9mm handgun from his waist band. Both Investigator Coleman and Deputy Gebhardt had to make a split-second decision about how to respond, knowing that they and their fellow deputy/investigators had nowhere to seek cover. Ultimately, they both concluded that discharging their firearms was an appropriate and necessary response.

Both of their interviews indicated they did not take lightly the decision to fire their weapons – a decision that resulted in Sadler's death, but felt they had no alternative. The deputies were faced with a man deploying a handgun at close range, which left them with no other reasonable protection than the use of deadly force. In addition, an objective review of the situation captured on the officers' body worn cameras, and articulated through the involved peace officer interviews, demonstrates the reasonableness of their actions and conclusions. Namely, that both Deputy Gebhardt and Investigator Coleman had a reasonable belief that lesser degree of force would be inadequate, and that they or fellow members of law enforcement were in danger of imminent danger of being killed or sustaining serious bodily injury at the hands of Aerie Sadler. That same legal justification extended over the course of the incident, to include all 11 rounds fired, given the very short duration over which the firing occurred, the exposed positions of the Deputies, their knowledge of his firearm and state of mind, his refusal to obey commands, and his continued movements towards and with his firearm.

Both Investigator Coleman and Deputy Gebhardt were exempted from giving the verbal warning because it would have unduly placed them or their fellow officers at risk of injury or would have created a risk of death or injury to other persons.

As previously mentioned, both Investigator Coleman and Deputy Gebhardt had to make a split-second decision whether to deploy deadly force. Sadler's action of pulling a firearm from his waist band came without warning after initially demonstrating a desire to flee the scene. The encounter occurred at close range: crime scene analysis established that the casing from Deputy Gebhardt's rifle landed 108 feet from Sadler's position and the casings from Investigator Coleman's handgun landed between 53 to 68 feet away from Sadler's position. Additionally, there was no cover between parties at the time Sadler drew his handgun.

When both were faced with Sadler's use of a firearm, there was no room for error or delay. Their lives and the lives of their team were at imminent risk as soon as Sadler drew his handgun. Body

worn camera videos capture Investigator Solomon yelling, “stop or force will be used against you” approximately four seconds before Investigator Coleman fired his weapon. While Sadler did receive Solomon’s warning prior to Deputies firing, and multiple warnings after that, their timing would not have provided Sadler adequate time to desist from his threatening behavior.

An objective assessment of the incident establishes that both Investigator Coleman and Deputy Gebhardt were exempted from giving the verbal warning because it would have unduly placed them or their fellow officers at risk of injury or would have created a risk of death or injury to other persons.

Investigator Coleman, Deputy Gebhardt, and fellow deputies/investigators ensured that assistance and medical aid were rendered to Sadler as soon as was practicable.

All the members of law enforcement on scene immediately rendered aid when it was safe to do so. Once Sadler finally showed his hands, the contact team hurried to his position, handcuffed him, and provided immediate medical aid. The team moved quickly to assess his injuries, retrieve first aid supplies, render aid, and request medical professionals respond to the scene. Their aid continued until an ambulance responded and medical staff took over care.

Investigating officers ensured that identified relatives or next of kin of Sadler were notified of his injuries as soon as practicable.

Per protocol, CIRT members leading the investigation contacted Sadler’s family members once he was transported to the hospital and pronounced dead.

In conclusion, the totality of the evidence presented through the CIRT investigation demonstrates that both the actual and perceived circumstances Investigator Coleman and Deputy Gebhardt faced at the Larimer County Landfill on April 22, 2022, justified their actions in discharging their firearms and using deadly force. As a result, I find that no charges can or will be brought against Investigator Jeremy Coleman, Deputy Ryan Gebhardt, or any other involved peace officer.

I thank the Fort Collins Police Department and all members of the CIRT investigation for a thorough, professional, and unbiased look into this incident.

Gordon P. McLaughlin

District Attorney
Eighth Judicial District

