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District Attorney



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September 20, 2022

Re: CIRT Opinion Concerning: LCSO #22-4440, LPD #22-4065, FCPS #22-7465, TPD #22-253, CSUPD #22-710, #22-711, WPD #22-9837, CSP #22IS455

Sheriff Justin Smith,

The District Attorney's Office has been asked to review the shooting of Robert Webb on June 1, 2022, in the 3900 block of Mariah Lane, Fort Collins, Colorado, to determine whether Larimer County Sheriff 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 that Deputy Lance Cartrite was legally justified in his use of force, including deadly force, to defend himself and other officers from the threat posed by Robert Webb on June 1, 2022. Having concluded that Deputy Cartrite was legally justified in his use of deadly force, no criminal charges will be filed against him or any other peace officer.

## **II. THE STATUTORY FRAMEWORK FOR OFFICER INVOLVED SHOOTING INVESTIGATIONS**

C.R.S. Section 16-2.5-301 governs investigations into peace officer-involved shooting. 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, Loveland Police Department was the lead agency, and they

were aided by other agencies, including, the Windsor Police Department, Timnath Police Department, Larimer County Sheriff's Office (in a capacity limited by CIRT protocol), Fort Collins Police Services, Colorado State University Police Department, and the District Attorney's Office.

C.R.S. Section 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 Robert Webb. 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 aided 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
- Police reports
- Laboratory report
- Coroner's report and Death Certificate

### **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 Cartrite and all other persons referred to as "deputies" or "peace officers" in this letter, are "peace officers" per statute. See, Section 16-2.5-101-103, C.R.S.

By using his service weapon and shooting once at Webb and causing him injury, Deputy Cartrite used force, and thus his conduct implicates Colorado's peace officer use of force and self-defense statutes.

See C.R.S. §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, C.R.S., Colorado's general self-defense statute, states in relevant part:



- (1) [...] 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 reasonably believes to be necessary for that purpose.
- (2) 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 himself 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**

Robert Webb was wanted on two nationwide no-bond felony warrants, one for a parole violation/absconder for possession with intent to manufacture or distribute more than seven but not more than one hundred and twelve grams of methamphetamine, a class 2 drug felony, the other for possession with intent to manufacture or distribute more than one hundred and twelve grams of methamphetamine, a class 1 drug felony. He had been evading arrest for approximately one year. In May of 2022, he was listed to the Larimer County Sheriff's Office (LCSO) most wanted fugitive list.

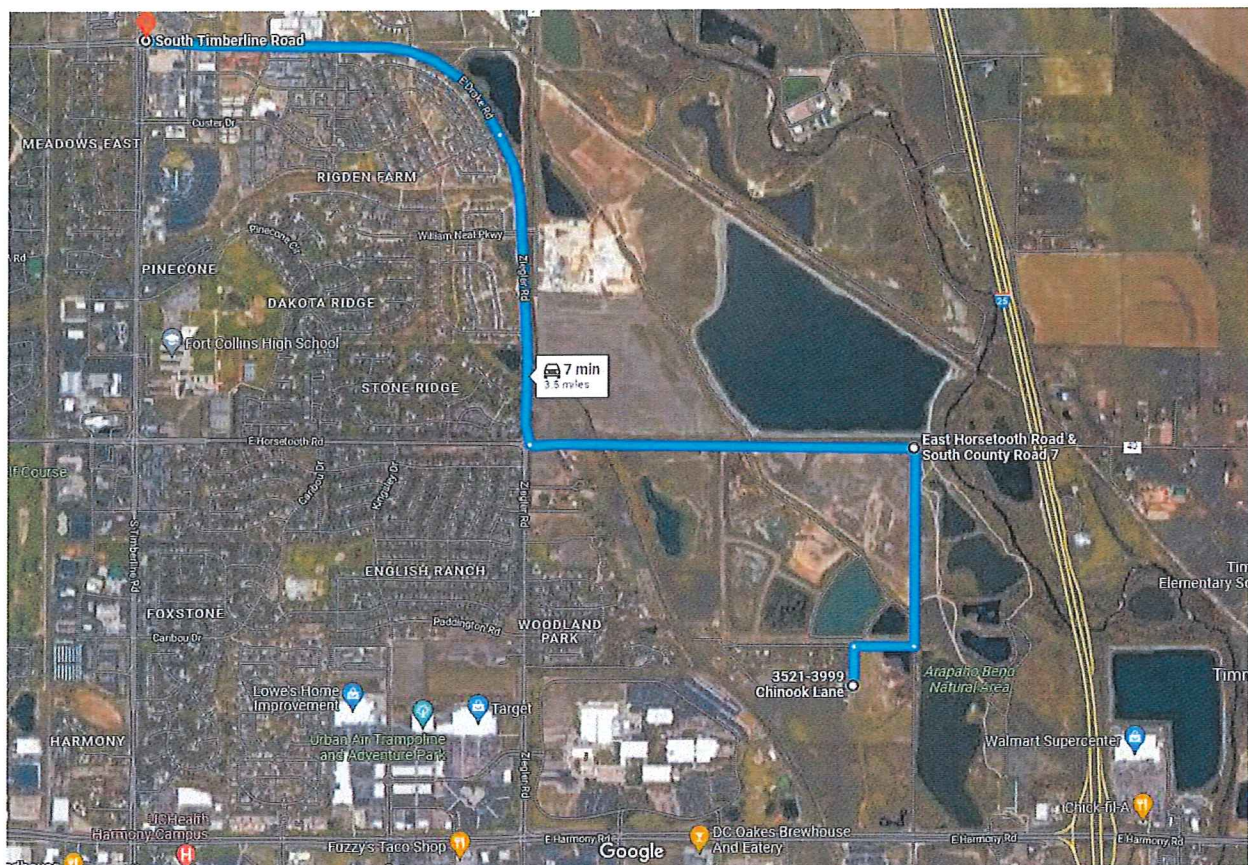
During the last week of May 2022, Parole Officer James Vanhook, who works in the Colorado Parole Fugitive Unit, received information that Webb was staying at an address on Chinook Lane in Fort Collins. Officer Vanhook verified the location of where Webb was staying and began communicating with Larimer County Sheriff's Office Strategic Enforcement Unit (SEU), about obtaining their help to arrest Webb. According to Deputy Cartrite, he learned from the briefing that, "the suspect, Mr. Webb had communicated that he was not interested in being picked up by law enforcement and that he was going to either OD on Fentanyl or get into a shootout with the police."

On June 1, 2022, at approximately noon Officer Vanhook began surveilling the Chinook Lane address. At approximately 4:00 p.m., he met with members of LCSO SEU to coordinate arresting Webb on his outstanding warrants. Based on the result of a threat assessment that was conducted, Special Weapons and Tactics (SWAT) assistance was not requested. Due to the disorderly condition of the property, it was decided the safest way to arrest Webb would be during a traffic stop. Stop sticks (a device used to deflate tires to immobilize a fleeing vehicle) were placed on Mariah Lane near Strauss Cabin Road.

Officer Vanhook saw Webb leave the Chinook Lane address and get into a Chevrolet Malibu that had been registered to Webb before he absconded from parole but was now registered to someone



else. At approximately 8:12 p.m. LCSO Investigator Jeremy Coleman attempted to stop Webb as he was driving away from the Chinook address. Webb drove from Chinook Lane to Mariah Lane. He initially slowed down like he was going to stop, but then he sped up and drove around the stop sticks, which were not long enough to cover the cross section of Mariah Lane. From Mariah Lane, Webb turned north onto Strauss Cabin Road, turned westbound onto Horsetooth Road, then northbound on Ziegler Road where Webb was driving 80 mph. Webb continued driving down Ziegler Road where it turns into Drake Road. The pursuit was terminated at 8:17 p.m. for community safety. At that time, Webb was driving 70 mph on Drake Road west of Timberline Road. Webb ignored lights and sirens and never stopped for the police. During the pursuit, Webb drove into a ditch, drove quickly through a turn, took evasive maneuvers against Investigator Coleman's attempts to conduct a PIT maneuver (a pursuit intervention technique where the pursuing driver makes contact with the rear bumper of the vehicle being pursued causing it to lose traction and turn suddenly), drove down the center of the road, which caused other cars on the roadway to move out of his way, increased his speed, and went through a red light.



*Demonstrative map depicting Webb's path of travel during the pursuit.*

Other officers, including Deputy Cartrite, followed the pursuit and drove in the area looking for Webb after the pursuit was terminated. While Investigator Tyson Russell drove westbound on E. Horsetooth Road, where Lemay Ave. splits, he saw Webb driving the Malibu running a red light. He then saw Webb turned left (eastbound) onto E. Horsetooth Road, while driving quickly. Another deputy aired that he saw the vehicle near Lake Sherwood between Drake Road and



Horsetooth Road. Deputies were attempting to set up a perimeter in the location where Webb was last seen. They received information at 8:33 p.m. that Webb was back at the Chinook address. Officer Vanhook and deputies met at a parking lot near Horsetooth Road and Strauss Cabin Road to plan next steps.

At approximately 9:00 p.m., Webb's family called the sheriff's office and said that Webb told them he had a gun, wanted a "hostage negotiator", and that there were other people at the property with him. They said he left the Chinook address but were unsure if he left on foot or in a vehicle. This information was relayed to the deputies on scene. A negotiator was paged at 9:15 p.m. and arrived at the staging area at 9:36 p.m.

A female was at the Chinook residence with Webb and was subsequently interviewed by CIRT. Webb told her police were surrounding the property. She did not see any police and believed Webb was experiencing a mental health episode. She played along and told him to lay down in the back seat of the car and drove away from the residence. Deputies saw the female driving a Tahoe<sup>1</sup> leaving the Chinook address. She drove south on Chinook Lane., turned the vehicle around, drove north on Chinook Lane., and turned eastbound onto Mariah Lane.

During this time (9:07 p.m.) Deputy Cartrite, Investigator Coleman, and Sergeant Mitch Lindner were on Mariah Lane. and saw the Tahoe leaving the Chinook address. Deputy Cartrite and Investigator Coleman's Dodge Ram trucks were parked next to each other on Mariah Lane facing westbound. Deputy Cartrite's truck was south of Investigator Coleman's truck. The female saw the police vehicles blocking the road and then saw them turn on their red and blue lights as well as their white lights initiating a traffic stop. While the vehicles were unmarked police cars, their lighting as well as the context, clearly demonstrated they were law enforcement. Deputies were wearing marked tactical vests with writing saying "SHERIFF". The female told Webb that the police were stopping them. Webb told her to back up, which she refused to do. He then said, "You tell them I'm gonna kill myself." She did not see Webb with a gun and did not know if he had a gun. The female pulled the Tahoe over, stopped just over 30 yards from Deputy Cartrite's truck, and rolled down the window.

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<sup>1</sup> In some reports this vehicle was described as a Suburban but was later confirmed to be a Tahoe.





*Photo 1 – Screen capture from Deputy Russell’s body worn camera showing Deputy Cartrite’s truck on the left, Investigator Coleman’s truck on the right, and the Tahoe facing them.*

The female driver heard deputies giving commands to get out of the vehicle. She got out of the Tahoe with her hands up, ran towards the deputies, and told them that Webb said he was going to kill himself and pleaded with them to not allow Webb to kill himself in her vehicle. Deputies spoke with the female driver of the Tahoe to get any information that could be helpful in negotiations.

Deputy Cartrite was at the driver side of his truck. He was armed with his personal Sig Sauer 320 semi-automatic 9mm handgun and a department issued Land Warfare Resource Corporation International M6-G 5.56mm caliber carbine rifle containing FC REM 223 cartridges. He had the rifle deployed for the high-risk traffic stop. Sergeant Lindner was on the passenger side of Deputy Cartrite’s truck with a pistol. Investigator Coleman had been next to them but left that area and went to higher terrain just north of the Tahoe in an attempt to get a better view into the Tahoe.

Not long after the female driver ran from the Tahoe, Deputy Cartrite saw Webb sit up in the back seat of the Tahoe and move to the passenger side. He saw Webb put a semi-automatic black pistol to his head and hold it there. Deputy Cartrite let others know Webb had a gun to his head. At this point, Deputy Cartrite’s radio was dying, and he could hear the battery chirping indicating such. He decided to focus on what he could see and tell other deputies on scene so they could relay the information. He was providing lethal cover for the team and was focused on the Tahoe. Deputies gave Webb repeated commands to get out of the vehicle. Deputy Cartrite’s narration of events and the commands being given can be clearly heard on body worn cameras. Given the volume of these commands, the relative short distance to the Tahoe, the repeated nature of the commands, and the



confirmation by the female party that she could hear them, it can be safely determined that Webb was able to hear the commands.

Investigator Tyson Russell retrieved Deputy Cartrite's shield from the back of Deputy Cartrite's truck and the two shared the shield. Webb then opened the back passenger side door but did not get completely out of the Tahoe. Deputy Cartrite could see about 60% off Webb's face and could see the gun. Webb had the gun in his left hand. Webb has a prosthesis with a hook for his right hand. Webb yelled to deputies, but they could not make out what he was saying. Investigator Russell called Webb's phone, but Webb did not answer. Deputy Cartrite gave Webb commands to put the gun down and come out of the vehicle without the gun.

Officer Vanhook was approximately 100 yards away from where the Tahoe stopped. He could hear the male saying something to the effect of he did not want to hurt anyone and heard something from someone else about a gun. He was unable to relay this observation to Deputies prior to shots being fired. Officer Vanhook could hear deputies give loud authoritative commands before he heard two gunshots.

Deputy Cartrite saw Webb get partway out of the vehicle. Due to the change in height from his seated position, Deputy Cartrite believed Webb was standing on the running board. While Deputy Cartrite was unsure which direction the shot was fired in, he could clearly observe the gun firing, telling CIRT investigators, "I saw the firearm come out and then a shot. And I saw the muzzle flash very clearly. What I am not 100 percent sure of is the exact angle that that shot went off. Uh, it felt like it was at us, in our direction and then I had the thought, maybe it's over our heads, and then I immediately thought, well there's an open space behind us, there are a lot of people out walking in that area. I was immediately concerned for a falling round, landing on somebody or a direct round landing on us, my partners, myself, the female who I knew was still behind us, I didn't know where."

In addition to Deputy Cartrite, Sergeant Lindner and Investigator Coleman also saw a muzzle flash and heard a shot from Webb's location. Deputy Cartrite saw Webb move behind the passenger side headrest but could not determine what was occurring in the Tahoe. Deputy Cartrite explained to CIRT investigators, "everything up to that moment had led me to believe that this was escalating." Two seconds after Webb shot, Deputy Cartrite fired his department issued rifle through the front passenger side windshield, anticipating the bullet would deflect downward upon striking the windshield and travel through the front passenger side headrest. Webb's shot is not seen directly on body worn cameras as his location is obstructed by Deputies' body positions, however the first shot can be heard. Deputy Cartrite's shot can be observed from his body movements and heard.

After firing his rifle, Deputy Cartrite saw the mark on the windshield where the bullet entered but did not see where it had traveled. He saw Webb slowly slide to his left and could not see the firearm, Webb's hand, or the prosthesis. Deputies continued to give repeated commands. Deputy Cartrite did not know if the bullet he fired struck Webb and incapacitated him or if Webb was not incapacitated and was staging an ambush. After Deputy Cartrite fired a shot, deputies continued to hear Webb speak, but could not make out what he was saying.

All law enforcement witnesses and a neighbor who heard the shots described hearing two shots. The female driver of the Tahoe believed she heard three shots. Deputy Cartrite stated he fired one shot. Based on evidence from body worn cameras, officer interviews, and inspection of officer



firearms and magazines, it was determined that no other officers fired any shots and that only two shots were fired – Webb’s initial shot and Deputy Cartrite’s return shot

Deputies gave commands (addressing Webb by name) that they were the Larimer County Sheriff’s Office, that they wanted to get him help, to crawl out of the vehicle through the driver side (because the passenger side was next to tall grass which would be a dangerous location to contact Webb in).

At one point a civilian vehicle drove toward the scene. Deputies got in a vehicle to prevent it from entering the area. As they drove by the Tahoe, they tried to look into the vehicle, but could not see anything. Due to it being after sunset which occurred at 8:24 p.m. on that evening, the window tinting on the Tahoe, and the shadows created by the deputies’ spotlights, deputies struggled to see into the vehicle. After Webb brandished his weapon multiple times and later fired a round, deputies feared that by disobeying their commands and refusing to exit the vehicle, Webb was luring them close to ambush them. Deputies requested emergent drone assistance at 9:21 p.m. The drone was launched at 9:41 p.m. in an attempt to see into the Tahoe and determine if it was safe for deputies to approach and enter. The view from the drone showed that the view from the rear driver side window was obstructed due to the tinting. The footage also showed that the rear passenger side door was open. Webb was observed laying down across the seat with his feet hanging out of the passenger side rear door and his head near the driver side rear door. The drone landed at 9:58 p.m. While the drone view was recorded, to utilize the zoom function, the video recording was stopped when cameras were switched.

For officer safety, the SWAT team planned to use a Bearcat (an armored SWAT vehicle) to approach Webb in the Tahoe. The Bearcat arrived on scene at 9:42 pm. The SWAT team gave Webb continued commands to exit the vehicle, that he was under arrest, and to show his hands. They also announced that they were there to render aid to him. They reached the vehicle at 9:55 p.m. Webb was unresponsive, but deputies saw him breathing. Webb’s left hand was holding a pistol that was in a blue reusable shopping bag. As deputies pulled on Webb’s arm when removing him from the Tahoe, the gun fell out of Webb’s hand. The SWAT contact was captured on body worn cameras. Immediate medical aid began, and Webb was placed on a gurney at 9:59 p.m. and was transported to UC Health – Medical Center of the Rockies (MCR). Webb never regained consciousness. Life saving measures were started once he was removed from the Tahoe and continued until Webb was pronounced deceased at the hospital on June 1, 2022, at 10:49 p.m.

All deputies who witnessed the shooting, as well as Deputy Cartrite, interviewed with the CIRT.

### **Interview with Webb’s family**

CIRT investigators spoke with Webb’s family around 5:00 a.m. on June 2, 2022. The family said Webb did not mention literally taking hostages but did use the term “hostage negotiator” because he would rather commit suicide than go back to prison and wanted to negotiate. Webb told them he did not want to be taken alive, but also said he would come out peacefully. His family said Webb sounded like he was on drugs or drinking and that he sounded paranoid. Webb told his family he wanted to say goodbye. Webb had the phone on speaker and his family could hear the police. Webb told his family he couldn’t open the door and that he had been shot. Webb’s family told him to throw the gun out the window. Webb told his family he put the gun to his temple and his mouth threatening suicide. He told them he couldn’t hear them because he had shot up in the

air with a 9mm when he heard the sheriff's department coming. Webb said he was shot in the chest and was bleeding. His family could hear the police telling Webb to come out. Webb said he couldn't and was laying on the floor in the car. His family stayed on the line with him for a long time until they didn't hear anything anymore. The reports Webb made to his family are largely consistent with other evidence collected.

### **Evidence collection/processing**

On June 1, 2022, Deputy Cartrite's truck was processed. A bullet casing was found in the map pocket of the rear passenger side door.



*Photo 2 – Deputy Cartrite's truck, on scene, showing the rear passenger door map pocket where casing was found.*



*Photo 3 – Close up of the map pocket showing the casing fired by Deputy Cartrite, marked as 2.*

On June 3, 2022, having learned that Webb likely fired from outside the vehicle, CIRT members returned to the scene to search the area for additional evidence. Utilizing a scent dog and a metal detector, Detective RJ Westlind found a cartridge casing in the grass at the location where the Tahoe stopped. The casing was stamped Hornady 9mm Luger.





*Photo 4 – Hornady 9mm Luger cartridge found on the side of road in the location of where Webb fired.*

On June 8-10, 2022, the Tahoe was searched and processed pursuant to a search warrant. There was a defect/suspected projectile hole in the passenger side of the front windshield, a defect/suspected projectile hole in the rear passenger side window, and the passenger side rear window was shattered. There was blood on both the passenger and driver side rear seats. There were suspected projectile defects in both the front and rear of the front passenger side headrest. Crime scene detectives believed the larger hole in the headrest appeared to be where the main portion of Deputy Cartrite's fired bullet struck, and the smaller holes indicated the bullet had fragmented upon striking the windshield. There was also a defect in the rear passenger side D pillar. Once the paneling was removed, a defect in the frame was visible. A piece of metal believed to be jacketing from a bullet was located in the Styrofoam insulation in the paneling. Another piece of suspected projectile fragment was found in the back liftgate of the Tahoe.



*Photo 5 – Shattered rear passenger side windshield with suspected bullet hole.*



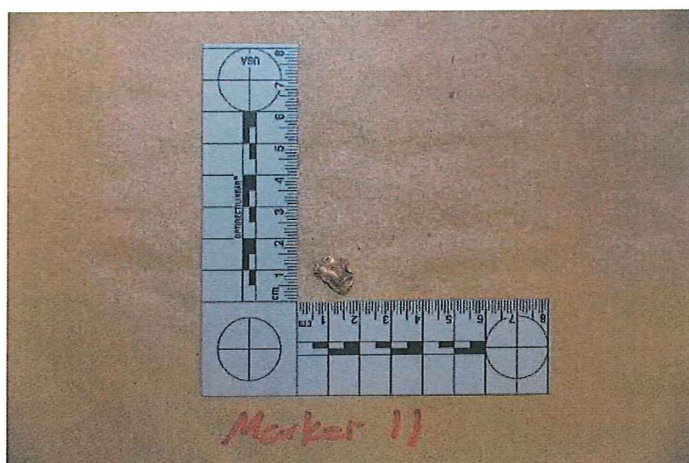
*Photo 6 – Bullet defect in front window and passenger side front head rest.*



*Photo 7 – Suspected bullet defect in frame of D pillar.*



*Photo 8 – Suspected bullet in Styrofoam from Tahoe*



*Photo 9 – Fragment removed from D pillar (marker 11 above).*

Detective Westlind used trajectory rods and lasers coupled with witness statements and evidence collected to determine trajectory of the bullet fired by Deputy Cartrite. It was determined that Deputy Cartrite's rifle round entered the Tahoe through the front passenger side windshield. At that point, it fragmented significantly, and several fragments went through the front passenger side headrest, at least one of which struck Webb while he was in the back seat.



*Photo 10 – Trajectory of Deputy Cartrite's fired bullet.*



Using this same method, detectives initially believed that the round fired by Webb was traveling downward and away from Deputies and struck the rear passenger window, headed back into the vehicle and lodged in the rear pillar, leaving the bullet fragment found there. They determined an initial trajectory shown in photo 11 soon after the incident. However, ballistics evidence provided by CBI concluded that the fragment in the rear pillar was also derived from Deputy Cartrite's round, which meant the initial trajectory analysis could no longer be supported. CIRT subsequently reanalyzed possible trajectories of Webb's round and were unable to determine what direction Webb fired. According to a CIRT investigator report received September 3, 2022, "eliminating the bullet defect in the right rear pillar of the Tahoe as being connected with the bullet defect in the right rear window of the Tahoe, means that it is impossible to definitively show the path of the bullet fired from Webb's pistol or where the projectile impacted. It is possible that Webb fired his pistol at a steeper angle into the right rear window of the Tahoe, on a path that would put it through the rear lift gate window but as the window was completely shattered, there is no way to say for certain."



*Photo 11 – Initial projected trajectory of bullet fired by Webb. Subsequent ballistics rendered the trajectory of the bullet Webb fired unknown.*

A firearm was found between the rear seats of the Tahoe consistent with being dropped from Webb's hand. The gun was a black Smith and Wesson M&P 9mm handgun. A firearms trace was performed which showed the gun was reported stolen by the owner on May 24, 2021. There were three bullets in the magazine, which were all Hornady 9mm Luger rounds which matched the casing recovered from the scene. Additionally, there was a round in the chamber of a different make. Ballistics testing was requested on the handgun and cartridge recovered in the grass. It was determined that the 9mm casing found in the grass was fired from the gun recovered from the backseat of the Tahoe, corroborating Deputy Cartrite's statements that Webb did fire his gun and did fire it outside of the vehicle.



*Photo 12 – Firearm recovered from the back seat of the Tahoe.*

#### **Information from medical staff and the coroner**

The medical staff at MCR had received information that Webb may have suffered from a self-inflicted gunshot wound. They observed shrapnel/fragments in an open wound on his mouth that they initially believed were consistent with being struck by a self-inflicted projectile, in that there was no entry wound on the face, yet fragments in the mouth itself, which could indicate someone placed a gun into the mouth before firing. While this information was initially reported to the CIRT, the subsequent autopsy findings clearly contradicted the hypothesis that Webb suffered a self-inflicted gunshot wound. Instead, the autopsy supported the conclusion that the injuries in Webb's mouth were caused by fragments from Deputy Cartrite's bullet which struck Webb in multiple places.

Larimer County Coroner Dr. James Wilkerson performed an autopsy on Webb on June 3, 2022. The following injuries were observed:

There is a single gunshot wound and multiple fragmentation wounds.

The gunshot wound is to the left upper chest, located 12 inches from the top of the head and 1 inch to the left of the anterior midline. It consists of a ¼ inch defect with a surrounding 1.25-inch contusion. There is no evidence of close-range firing. The bullet passes through the skin and between left anterior ribs 1 to 2 where it stops approximately 1 inch deep. The trajectory is front to back. No exit is identified. Multiple fragments of the bullet are recovered, both in the chest and from the face. Associated injuries include blood in the nose and mouth and fragment injuries to the face and extremities. On the right top of the head there is a superficial laceration, measuring ¼ x ½ inch in dimensions, 2 inches from the top of the head and 3 inches from the ear. On the right cheek there are multiple punctate lesions, measuring up



to 3/16 inch in dimensions with some contusion near the eye. There is a 1-inch contusion internally of the right cheek.

Small fragments are present in some of the wounds. The overall wound location on the right is 4 to 7 inches from the top of head and 1 to 2.5 inches from the anterior midline. There are similar injuries to the left cheek, 4.5 inches from the top of the head and 1 to 3 inches to the left of the anterior midline. The largest injury is at the base of the nose and between the lips. It is a ½ inch defect that goes through to the bone and is located 5.5 inches from the top of the head and ½ inch to the left of the anterior midline. There is an associated 1-inch internal contusion and 3/16-inch holes. Some fragments are recovered from the wound.

There is a ¼ inch abrasion of the right lower chest and a ½ inch scratch of the left lower chest with a ½ inch laceration of the left forearm and a ½ inch laceration of the left little finger which contains a small fragment of bullet. No life-threatening injuries are seen.

Scans showed bullet fragments in the face and left chest. Suspected bullet fragments were recovered from Webb's left pinky finger, upper left clavicle/rib, and upper jaw/cheek. It was believed that while some of the injuries were caused by bullet fragments, some could have been caused by the shattered glass in the Tahoe. The coronary arteries had moderate to severe atherosclerosis (hardening of the vessels). The aorta and its major branches had severe atherosclerosis. The left lung had bronchogenic carcinoma (lung cancer). Webb also had cirrhosis and hepatitis.

Initially, before the toxicology testing was completed, Dr. Wilkerson determined the cause of death to be "sudden cardiac death" and listed that severe atherosclerosis and atherosclerotic cardiovascular disease led to the sudden cardiac death. Bullet fragment wounds, atherosclerotic peripheral vascular disease, and bronchogenic carcinoma were listed as significant conditions contributing to the death. The manner of death was determined to be natural.

When the toxicology report was completed, it indicated Webb had seven times the fatal level of fentanyl in his system as well as levels of methamphetamine associated with irrational behavior and levels that contribute to the onset of sudden cardiac death in patients who suffer from atherosclerotic cardiovascular disease. The coroner updated the death certificate and changed the cause of death to fentanyl intoxication and listed atherosclerotic cardiovascular disease, stress of police interaction including pursuit and gunfire as significant conditions contributing to the death. Dr. Wilkerson concluded in his report, "based upon the history and autopsy findings, it is my opinion that Robert Webb, a 66-year-old White male, died of a combination of fentanyl intoxication, atherosclerotic cardiovascular disease, and the stress of being involved and superficially injured in a police action. There were no life-threatening injuries. Bronchogenic carcinoma and cirrhosis of the liver as well as atherosclerotic peripheral vascular disease may have been contributory. The manner of death is undetermined." The reason for the undetermined manner (as opposed to natural, homicide, suicide, accident) was due to it being unknown whether Webb took the fentanyl in a suicide attempt based on suicidal statements he made, or if it was an accidental overdose. Notably, while stress from the interaction with law enforcement was listed as

a contributor, the injuries caused by the bullet fragments which struck Webb were ruled superficial and would not alone have caused his death.

### **Review of Body Worn Camera Footage<sup>2</sup>**

The following review of body worn camera footage notes relevant portions only and does not attempt to narrate the entirety of the videos. Portions of the incident were captured on multiple different cameras and are not always repeated in this summary. Of note, all deputies that responded activated their body worn cameras.

1. A review of Deputy Lance Cartrite's relevant body worn camera footage shows:

- At 9:07:17 p.m. Deputy Cartrite's lights in his truck were activated.
- At 9:07:20 p.m. Deputy Cartrite deployed his rifle.
- At 9:07:31 p.m. Deputy Cartrite said that he thinks Webb is ducked down in the vehicle.
- At 9:09:18 p.m. Deputy Cartrite said that Webb was in the back seat.
- At 9:09:34 p.m. Deputy Cartrite said that Webb was coming out the passenger side and that the passenger side door was open.
- At 9:09:47 p.m. Deputy Cartrite said that Webb has a gun in his left hand to his head.
- At 9:10:52 p.m. Deputy Cartrite said that Webb still has the gun to his head and was still in the back seat. Deputy Cartrite requested a vehicle with a PA system and indicated he could hear Webb saying something.
- At 9:11:10 through 9:11:23 p.m. Deputy Cartrite gave the following commands to Webb: Listen, put the gun down. We can talk. Put the gun down. Let's talk about it. Get out of the car without the gun.
- At 9:11:39 p.m. Deputy Cartrite said he lost visual of the gun then said it was back at his head.
- At 9:12:39 p.m. Deputy Cartrite said he was moving around, the gun was still to his head, he was looking around, and the back door was still open.
- At 9:12:53 p.m. Deputy Cartrite said that the gun was down.
- At 9:13:00 p.m. Deputy Cartrite said the gun was back up.
- At 9:13:11 p.m. Deputy Cartrite said the gun was still to his head.
- At 9:13:11 p.m. a shot was fired.
- At 9:13:13 p.m. Deputy Cartrite fired his rifle.
- At 9:13:57 p.m. deputies gave commands for Webb to get out of the vehicle.
- Between 9:21:28 and 9:56:58 p.m. deputies gave repeated commands for Webb to come out of the driver side of the vehicle with nothing in his hands so they can help him. This continued through the time he was removed from the Tahoe. During this time, deputies can be heard saying they hear him but can't make out what he's saying.

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<sup>2</sup> The body worn cameras are not placed at deputies' eye level and do not always depict exactly what the deputy sees, especially in this case when deputies were seeking cover behind vehicle doors and a shield which can obstruct the camera. Additionally, their own body and firearms can obstruct views and in the case of Deputy Cartrite, his forearms which were bracing his firearm obstructed much of the direct angle toward Webb. There was no evidence of any intentional obstruction.



- At 9:30:46 p.m. several deputies mention that they see Webb put a hand up.
  - At 9:32:29 p.m. deputies said the hand is back out of view.
  - At 9:35:10 p.m. deputies said they saw movement.
  - Throughout the video, Sergeant. Lindner's and others' commands can be heard as documented below.
2. A review of Sergeant Mitch Lindner's relevant body worn camera footage shows:
- At 9:07:39 through 9:08:17 p.m. Sergeant Lindner gave the following commands, "driver of the vehicle, put your hands where we can see them. Larimer County Sheriff's Office. Everybody in the vehicle, hands up. Driver of the vehicle, turn the vehicle off. Step out of the vehicle with your hands above your head. Do it now. Driver of the vehicle, step out of the vehicle with your hands visible. Do it now.
  - His BWC captured the commands given by Investigator Coleman documented below and the statements made by Deputy Cartrite documented above.
3. A review of Investigator Jeremy Coleman's relevant body worn camera footage shows:
- Investigator Coleman's siren is audible during the earlier pursuit of Webb.
  - When the subsequent video begins, at 9:07:08 through 9:08:34 p.m. deputies gave commands to the female driver of the Tahoe to get out of the vehicle with her hands up.
  - At 9:08:53 p.m. the female reached deputies where she was patted down and questioned.
  - At 9:09:11 p.m. Investigator Coleman gave Webb commands to show his hands and come out peacefully.
  - At 9:09:35 p.m. Investigator Coleman gave Webb commands to keep his hands up where they can see them.
  - At 9:10:37 p.m. Investigator Coleman left his truck and walked to a different location trying to get a better view.
  - At 9:12:09 p.m. Investigator Coleman radioed that Webb is asking if he can talk to somebody. Investigator Coleman asked for deputies to give Webb PA announcements.
  - At 9:12:41 p.m. Investigator Coleman radioed that he could hear Webb trying to communicate.
  - At 9:13:12 p.m. a shot was fired.
  - At 9:13:14 p.m. a shot was fired.
4. A review of Investigator Tyson Russell's relevant body worn camera footage shows:
- At 9:12:58 p.m. Investigator Russell started dialing Webb's phone number.
  - At 9:13:10 p.m. Investigator Russell hit send to call Webb.
  - At 9:13:11 p.m. a shot was fired.
  - At 9:13:13 p.m. a shot was fired.
  - Other deputies' commands can be heard as documented above.
5. A review of Deputy Josiah Thiemann relevant body worn camera footage shows:

- At 9:56:41 p.m. Deputy Thiemann grabbed Webb's leg in an attempt to pull him from the Tahoe. Webb was laying down in the back seat of the Tahoe with his head toward the driver side and his feet hanging out the passenger side door.
- At 9:56:58 p.m. Deputy Thiemann called out that he saw the gun. Webb's left hand was in a blue reusable shopping bag holding the gun. Deputy Thiemann pulled on Webb's hand which caused the gun to fall out of Webb's hand.

## **VI. CRIMINAL CHARGES THAT WOULD HAVE BEEN BROUGHT AGAINST WEBB**

Had Robert Webb 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:

1. C.R.S. 18-9-116.5 Vehicular Eluding, a class 5 felony: A person who, while operating a motor vehicle, knowingly eludes or attempts to elude a peace officer also operating a motor vehicle, and who knows or reasonably should know that he or she is being pursued by said peace officer, and who operates his or her vehicle in a reckless manner, commits vehicular eluding.
2. C.R.S. 18-3-206 Felony Menacing, a class 5 felony: A person who, by any threat or physical action, knowingly places or attempts to place another person in fear of imminent serious bodily injury if committed by the use of a firearm commits felony menacing.
3. C.R.S. 18-12-108 Possession of a Weapon by a Previous Offender, a class 5 felony: A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as defined in section 18-1-901(3)(h) or any other weapon that is subject to the provisions of this article 12 subsequent to the person's conviction for felony attempt to escape.
4. C.R.S. 18-9-119 Failure to Leave Premises or Property – Deadly Weapon, a class 1 misdemeanor: A person who knowingly, barricaded or refused police entry to any premises or property through use of, or threatened use of, force, and refused or failed to leave any premises or property upon being requested to do so by a peace officer, who had probable cause to believe a crime was occurring and that defendant constituted a danger to himself or others, and in the same criminal episode, recklessly or knowingly, caused a peace officer to believe that he possessed a deadly weapon commits failure to leave premises or property – deadly weapon.
5. C.R.S. 18-3-208 Reckless Endangerment, a class 2 misdemeanor: A person who recklessly engages in conduct that creates a substantial risk of serious bodily injury to another person commits reckless endangerment.

Had Robert Webb survived he would also have been investigated for:

1. 18-3-202 First Degree Assault – Threaten Peace Officer, a class 3 felony crime of violence: A person with intent to cause serious bodily injury upon the person of a peace officer,



threatened with a deadly weapon a peace officer engaged in the performance of his duties, and the person knew, or reasonably should have known, that the victim was a peace officer acting in the performance of his duties commits first degree assault – threaten peace officer.

## VII. CONCLUSIONS

The CIRT investigation comported with both the letter and the spirit of §16-2.5-301, C.R.S. showed the investigation was thorough, objective, and well-resourced. While this decision has taken significantly longer than a typical CIRT investigation, it was not for lack of diligence by investigators nor any hesitation on the certainty of the decision, but solely to attempt to answer each and every question the community may rightfully have. The need for the final Coroner's report and death certificate (received August 19<sup>th</sup>), the CBI ballistics report (received August 19<sup>th</sup>), and follow up analysis by CIRT based on the CBI report (follow up reports by CIRT received through September 12<sup>th</sup>) all impacted changing understandings of certain details of this case. Given some initial inaccurate reports regarding the cause of death, the complexity of the final determined cause of death, and the importance of that determination to the public and to the involved parties, that determination was necessary for this decision. Further, exhausting all attempts at determining the direction in which Webb fired was an important question to attempt to answer in our pursuit of thoroughness, despite the unknown trajectory not impacting my final conclusions.

Deputy Cartrite was the only officer to use force. His body worn camera was active and he participated in an extensive voluntary interview regarding the incident. His answers were complete and candid. The CIRT followed up on all questions.

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

1. Did Deputy Cartrite reasonably believe that nonviolent means would be ineffective in response to Webb's actions?
2. Did Cartrite identify himself as a peace officer and give a clear verbal warning of his intent to use his firearm, with sufficient time for the warning to be observed, and if not, is he exempted from having given that warning because it would have unduly placed him or his fellow officers at risk of injury or would have created a risk of death or injury to other persons?
3. Did Cartrite and fellow deputies ensure that assistance and medical aid were rendered to Webb as soon as was practicable?
4. Did Cartrite or fellow deputies ensure that any identified relatives or next of kin of Webb were notified as soon as practicable?

**Deputy Cartrite had a reasonable belief that nonviolent means would be ineffective in response to Webb's actions when he used physical force.**

The information officers had going into the situation was that Webb was willing to use whatever means necessary to avoid arrest, including shooting officers. As the specific intention of the

officer's deployment that day was to arrest Webb on his outstanding warrants, the potential for danger was clear from the outset. By the time the second attempted stop, and subsequent shooting occurred, Webb had already fled from Deputies at a high rate of speed through Fort Collins, clearly demonstrating a willingness to risk harm to others in order to avoid apprehension.

Law enforcement engaged in extensive due diligence to mitigate potential danger. They assessed the property from multiple angles, monitored entrances and exits, planned to contact Webb while in his vehicle as they deemed it to be the least dangerous option, prepared with tools to secure the stop of the vehicle, and eventually disengaged a pursuit when speeds and location put the public in danger.

Upon the second attempt to stop Webb, while he was in the back of the Tahoe, Deputies gave clear verbal commands that they were law enforcement officers, and the clearly visible red and blue lights would have indicated the same. Given the short distance to Webb's vehicle and the fact the female party heard and obeyed the commands, it can be reasonably inferred that Webb also heard the commands. Further, Webb was on the phone with his family throughout the course of these events and reported to them he knew the parties contacting him were police officers. Webb's actions were therefore all undertaken understanding the gravity of the situation he was creating.

Webb continued voicing his willingness to use drastic means to avoid arrest, having the female party advise Deputies "you tell them I'm gonna kill myself." While this was a threat of self-harm, not a threat against Deputies, it affirmed that Webb had access to means of deadly force and that Deputies had reason to be extremely cautious.

Deputy Cartrite's visual observations, stated contemporaneously on his body worn camera, explain that Webb was bringing a gun in and out of the vehicle and at times holding it to his own head. At that point, prior to Webb firing his gun, Deputies chose not to fire at Webb.

Final forensic analysis of the Tahoe and ballistics were unable to conclude in what direction Webb fired the gun. Given the darkening natural light at dusk, the numerous vehicle lights, and Webb's constantly shifting positions with his body and the firearm, it would not be unreasonable to believe the shot may have been towards the Deputies, even though physical evidence was unable to confirm this. The forensic analysis does support that Webb fired his 9mm handgun and fired it from outside the vehicle where muzzle flash would be visible from Deputy Cartrite's location. Additionally, the sound of the shot was audible on body worn cameras and corroborates what Deputy Cartrite reported. Other Deputies on scene reported very similar timeframes and observations, though in some cases limited by their vantage points. Even if the initial trajectory analysis showing Webb shot back into the Tahoe had been correct, given the reasonable belief the shot was in the direction of deputies, the conclusions in this report would remain the same.

Based on the totality of the situation, when Deputy Cartrite returned fire, he had a reasonable belief that a lesser degree of force would be inadequate and that he, other Deputies, and other civilians in the residential area were in danger from Webb's shot. Deputy Cartrite was faced with a demonstrated homicidal or suicidal suspect who had clearly fired his gun at relatively close range and may have been capable of continuing to do so.



**Deputy Cartrite was exempted from giving the verbal warning because it would have unduly placed him or his fellow officers at risk of injury or would have created a risk of death or injury to other persons.**

Deputies gave repeated verbal commands to exit the vehicle which Webb did not obey. Webb's decision to fire his handgun, outside of his vehicle, caused Deputy Cartrite to make an immediate decision to return fire to protect the life and safety of himself and others. His response was approximately two seconds later. Webb's shot then prevented any reasonable warnings.

**Deputy Cartrite and fellow deputies ensured that assistance and medical aid were rendered to Webb as soon as was practicable in consideration of their safety.**

Deputies did not know the condition of Webb after Deputy Cartrite's shot and reasonably feared he may still be able to fire his handgun at them. He was not responding to commands but was obscured from their line of sight. Lighting and other factors prevented Deputies from gaining a clear view into the vehicle to assess the situation. Deputies requested a drone and SWAT response to better assess the situation and safely respond. SWAT response, with more safety equipment than deputies on scene had, approached the vehicle, removed Webb, and immediately began rendering aid, and he was promptly transported to the hospital.

Of note, as CIRT learned from conversations with Webb's family, Webb remained alive for some time after Deputy Cartrite's shot and as seen on SWAT body worn cameras, Webb had the gun still in his hand upon contact. While deputy safety concerns were reasonable even without subsequently learning these facts, they do corroborate the safety concerns deputies had about initially approaching.

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

Webb's relatives were notified promptly by CIRT investigators. As described, they were witnesses to the case based on their contemporaneous phone conversation with Webb, and they provided the investigation with pertinent information about Webb's condition and state of mind. Investigators spoke with them as soon as practicable.

**While Deputy Cartrite's shot was not the cause of Webb's death, even had it been, his use of force would have been justified as a lesser degree of force would have been inadequate, given Deputy Cartrite and others were in imminent danger of being killed or sustaining serious bodily injury at the hands of Webb.**

According to the final Coroner's report, the manner of Webb's death "could not be determined," and the cause was "fentanyl intoxication." Other contributing conditions were listed as "ASCVD [atherosclerotic peripheral vascular disease], stress of police interaction including pursuit and gunfire." Therefore, the injuries Webb received as a result of Deputy Cartrite's rifle round did not constitute deadly force per the legal definition as they were not the direct cause of Mr. Webb's death.

However, given bullet fragments did strike Webb, the initial confusion from the hospital reports about cause of death, and the Coroner's listing of the encounter as a "contributing factor", we have reviewed Deputy Cartrite's actions under the deadly force doctrine as well, in order to provide the community as complete an analysis as possible.

Deputy Cartrite's actions would have also been justified had his use of force caused Mr. Webb's death due to the numerous circumstances outlined above. Specifically, that Webb had just fired a round outside of the vehicle, in an unknown direction that could reasonably have been believed to be towards deputies and was clearly in the close vicinity of deputies and at least one citizen. Additionally, Deputy Cartrite had observed Webb's actions "escalating" throughout the day and the information known to Deputy Cartrite was that Webb would take necessary actions, including "shooting it out with police," in order to avoid being taken into custody, a claim Webb corroborated before Deputy Cartrite returned fire. Deputy Cartrite's belief that he or others were in imminent danger of serious bodily injury or death was therefore reasonable. Webb's location, inside a vehicle and obscured behind the back seat while armed with a firearm he demonstrated he was willing to use, confirms Deputy Cartrite's decision that a lesser degree of force would be inadequate as there was no alternative method to approaching or disarming Webb at that time.

Therefore, there will be no criminal charges filed as a result of this incident. Webb is deceased and cannot face charges for his actions. Deputy Cartrite, the only officer to use force, acted justifiably under the law and will not be charged.

I thank the entire Critical Incident Response Team for their professionalism, hard work, and diligence in seeing this investigation through until every question which could be answered was answered.

Gordon P. McLaughlin



District Attorney  
Eighth Judicial District

Date: 9.20.22