



OFFICE OF THE DISTRICT ATTORNEY  
TENTH JUDICIAL DISTRICT, COLORADO  
J.E. CHOSTNER  
District Attorney

February 2, 2017

Chief Luis Velez  
Pueblo Police Department  
Pueblo Municipal Center  
200 S. Main Street  
Pueblo, CO 81003

Sheriff Kirk Taylor  
909 Court Street  
Pueblo County Sheriff's Office  
Pueblo, CO 81003

Re: District Attorney CIT Decision Letter  
Officer Involved Shooting on June 10, 2016  
Deceased: Bobby Sanchez, DOB: 08/03/83  
Location: 3110 West 27<sup>th</sup> Street, Pueblo, Colorado  
Police Officer involved: Michael Bellamy

Dear Chief Velez and Sheriff Taylor:

This investigation involved a shooting incident on June 10, 2016, which resulted in the death of Bobby Sanchez. The Critical Incident Team (CIT) met and selected the Pueblo County Sheriff's Office to be the lead investigative agency. Other participants in the CIT investigation included the Pueblo Police Department, the Colorado State Patrol, and the Colorado Bureau of Investigation. After the investigation was completed, the CIT prepared and submitted an Executive Summary of the Investigation, together with the investigative reports and materials, to the District Attorney for review. This is the District Attorney's Decision Letter based on those materials and the CIT protocol.

**Overview of the incident**

There was an active arrest warrant for Bobby Sanchez for escape from the Colorado Department of Corrections. Brook Hathaway, a parole officer in the fugitive unit, was assigned to the Bobby Sanchez case. Sanchez was also a suspect in several armed robberies in the Colorado Springs area. Hathaway learned that Sanchez might be with another parolee, Megan Holcomb, who was also wanted and there was a warrant for her arrest. Hathaway learned that Sanchez and Holcomb might be at a residence located at 3110 West 27<sup>th</sup> Street in Pueblo.

Hathaway coordinated with Pueblo police officers, including Sgt. Ortega. He told these officers about the violent history of Sanchez and his criminal history. Officer Michael Bellamy was advised to meet with Sgt. Ortega and other officers for a briefing. At the briefing Hathaway was told they were going to assist some DOC officers get some wanted guys. Hathaway remembered Ortega telling them that Sanchez carries a .25 caliber handgun with him everywhere he goes.

Their plan was to set up a perimeter around the residence, but as they were setting up a van arrived, and then they heard on the radio that there were runners from the residence. Officer Bellamy had been assigned to the back of the residence. He had seen a photograph of Sanchez and it was radioed that Sanchez was wearing an orange Bronco jersey. Bellamy saw the suspect running southwest and Bellamy repeatedly instructed Sanchez to get down and show him his hands. Sanchez ignored the commands, and instead started reaching into his pants pocket and pulled out a handgun. Bellamy fired at Sanchez and a shot resulted in the death of Sanchez.

### **Interview with Police Officer Michael Bellamy**

Officer Michael Bellamy, Pueblo Police Officer, was interviewed by CIT investigators on June 15, 2016. He stated that on June 10<sup>th</sup> before noon he was advised to meet Sgt. Ortega at the Safeway off 29<sup>th</sup> street in Pueblo. Once there Sgt. Ortega informed Bellamy, and officers Pixler, Zervas, and Wyberg, that they were going to assist Department of Correction Officers in apprehending some fugitives, including Bobby Sanchez. Ortega advised them that Sanchez carries a .25 caliber handgun everywhere he goes. Officers had information that Sanchez might be at a residence at 3110 West 27<sup>th</sup> St. in Pueblo, living with his girlfriend Megan Holcomb. A plan was formulated, wherein Bellamy and Zervas were assigned to go to the back of the residence and other officers were to go to the front.

Bellamy and Zervas arrived and parked on 26<sup>th</sup> Street. They observed a house, a field, and fences. As they started to set up, Bellamy heard Wyberg on the radio saying that both of them are running out the back jumping fences. Bellamy asked Wyberg what they were wearing and he was told the suspect was wearing a Bronco jersey. Officer Zervas was on the west end of 26<sup>th</sup> Street and pointed them out. Bellamy was running across a yard when he saw Sanchez in the backyard by the corner of a fence. He saw the female toward the middle of the fence trying to climb it, but she couldn't get to the top. Sanchez had started going up the fence and Bellamy started yelling commands like "Get down, show me your hands". When Sanchez's feet hit the ground after clearing the fence, Bellamy saw Sanchez start grabbing at his right pants pocket. Bellamy again yelled something like "show me your hands, show me your hands". Sanchez did not comply and at this point Bellamy had his gun drawn. Sanchez stumbled across some grass, or something, and landed on the ground. Sanchez started crawling around and Bellamy was still yelling verbal commands. When Sanchez's hand finally came out of his pocket Bellamy saw a gun in his hand, with the sun reflecting off of it. Bellamy yelled "gun" and started shooting at Sanchez. Sanchez crawled behind a bush and Bellamy kept yelling for him to show him his hands. Sanchez still did not show his hands.

Sanchez sat up behind the bush and it appeared to Bellamy that Sanchez was trying to take sight on him from behind the bush. Bellamy started firing again and kept yelling "show me your hands, show me your hands". He then saw Sanchez roll over and make a noise and Bellamy stopped shooting. A parole officer and Bellamy approached Sanchez giving verbal commands to show his hands. As they got closer Bellamy saw that Sanchez's hands were under him and he

then saw a gun lying on the ground near him. Bellamy picked up the gun, which was a black .25 caliber handgun.

Officer Bellamy estimated that when he first saw Sanchez he was 75 to 100 yards from him. Sanchez was at by a fence and Bellamy was by a fence in another backyard. Sanchez was headed southwest across the prairie and Bellamy closed the distance to about 45 to 50 feet. Bellamy was yelling commands the whole time. Bellamy thought he shot maybe three rounds when Sanchez first produced the gun. After Sanchez tripped and was on the ground Bellamy saw the reflection from the sun on the gun and Bellamy yelled "gun" and opened fire. Bellamy thought for sure that Sanchez was going to get a shot off at him. He said "all it takes is one shot and I am not going home to my family". He said he felt in fear for his life and the lives of the other officers.

Officer Bellamy was dressed in full police uniform, including a badge and all the standard gear.

### **Interview with Parole Officer Brook Hathaway**

Brook Hathaway is a parole officer assigned to the fugitive unit. He was assigned to the Bobby Sanchez case. Sanchez had an active warrant for escape out of the Department of Corrections and he was a suspect in several armed robberies in Colorado Springs. Hathaway learned that Sanchez might be with Megan Holcomb, another parole who was also wanted, and they might be living at 3110 West 27<sup>th</sup> Street in Pueblo. Hathaway conducted surveillance at this address and saw Holcomb taking the trash out at about 11:30 on June 10, 2016.

Hathaway coordinated with Pueblo police officers to continue surveillance at 3110 West 27<sup>th</sup> Street and a plan was developed to set up a perimeter around the residence and attempt to contact Holcomb and Sanchez. Hathaway informed officers about the violent history of Sanchez and his criminal history. As they were setting up at the residence a van arrived. They were making contact with the driver when they heard over the radio that there were runners from the residence. Hathaway got into his vehicle and saw officers running. He drove down three or four houses, pulled into a driveway of a residence, and exited his vehicle. He then saw a person he believed to be Holcomb jumping a fence going southbound. He ran towards the field and saw a male police officer (officer Bellamy) giving commands. He heard shots fired. Bellamy was still giving commands, but he couldn't see the person to whom Bellamy was giving commands. As Hathaway got closer he saw a figure (Sanchez) in an orange jersey lying on the ground with his hands underneath him. There was a small handgun lying next to Sanchez and Hathaway placed Sanchez in custody.

Hathaway said he observed the officer (Bellamy) fire at Sanchez, but he did not know the officer's name. He could not see Sanchez when the officer was firing because a 6-foot privacy fence blocked his view. He could hear the officer giving loud verbal commands "show me your hands". He said the officer continued giving verbal commands as he was shooting. He thinks the officer fired three or four shots, but he was not sure.

### **Interview with Parole Officer Jason Arguello**

Jason Arguello is a parole officer assigned to the fugitive unit. He related that the unit set up to do surveillance at 3110 West 27<sup>th</sup> Street in Pueblo on June 10, 2016, in an attempt to locate Bobby Sanchez and Megan Holcomb. They saw Holcomb come out of and go back in the residence several times. Arguello had reviewed the criminal history of Sanchez which showed he

was a sexually violent predator and a very assaultive Norteno gang member and that he had a .25 caliber pistol. Arguello also reviewed his Facebook page which revealed that Sanchez did not want to go back to prison. For these reasons the parole unit asked for extra assistance from the Pueblo Police Department.

They made contact with a van with a male driver in front of the residence and then heard radio traffic about people running out the back and over fences so Arguello ran around to Lambert Street to get a view. As he was watching he saw Sanchez and started giving him verbal commands, telling him “police, show me your hands, get on the ground”. Sanchez was about 30-40 feet away from him and at that time he did not see a gun. Sanchez then jumped the fence into a field. After Sanchez jumped the fence he heard another officer giving commands to Sanchez like “show me your hands, police, get on the ground” for 10 to 15 seconds. Arguello then heard gunshots. There were initially about 3 shots, then more commands, then several more shots. Arguello also thought that Officer Pixler was in the area and he was also giving commands to Sanchez.

### **Interview with Police Officer Randy Pixler**

Police officer Randy Pixler said that he, Sgt. Ortega, and Police Officers Bellamy and Zerfas met at the 29<sup>th</sup> Street Safeway with parole officers concerning parolees Megan Holcomb and Bobby Sanchez. They were shown pictures of the suspects and told that Sanchez was known to be armed with a .25 caliber pistol and that he was a suspect in armed robberies up north.

When they arrived a 3110 West 27<sup>th</sup> Pixler almost immediately saw a guy with an orange Bronco shirt hop over the back fence and he aired that information over the radio. Sanchez was running through backyards. When Sanchez came out, Pixler confronted him and told him “stop”, but Sanchez didn’t stop. Instead he ran through the backyard of the house south of 3110 West 27<sup>th</sup> and disappeared. Seconds later Pixler heard eight or nine shots. After the shots Pixler heard Bellamy say something, and then he heard more shots. Before the shots were fired, he heard Bellamy yell something, but he does not know what he said. Pixler ran back to where Bellamy and Sanchez were and saw Sanchez lying on the ground.

Pixler said all of the Police officers at the scene were in full uniform and the parole officers were in plain clothes with badges around their necks.

### **Interview with Police Corporal Gary Zerfas**

Corporal Gary Zerfas was among the police officers briefed by parole officers about Bobby Sanchez and Megan Holcomb. Zerfas was assigned to cover the back of the residence with Officer Bellamy. He parked at the west end of 26<sup>th</sup> Street and exited his vehicle. Once he was out of his vehicle, Zerfas heard someone on their radio say Sanchez jumped a fence and was wearing an orange Bronco jersey. Zerfas then saw a male in a Bronco jersey and another person by a back fence peeking through the fence. Bellamy cut through a yard and Zerfas could hear Bellamy yelling at the suspect to show his hands and get down on the ground. Zerfas then heard 4 or 5 shots, so he cut through a yard and found Bellamy in the field with Hathaway and Sanchez, in the orange jersey, was handcuffed and lying face down on the ground. Zerfas saw Bellamy clearing the weapon that Bellamy said Sanchez had on him.

### **Interview with Police Sgt. Frank Ortega**

Frank Ortega is a Sergeant in the Pueblo Police Department. Ortega learned that parole officers were seeking police assistance in apprehending parole fugitives Bobby Sanchez and Megan Holcomb. Parole wanted to show pictures of the suspects to the police officers and devise a plan to approach the residence where they were thought to be staying and to contact them. The police officers that participated in the briefing were Bellamy, Zerfas, Wyberg, and Pixler. The parole officer told the officers that Sanchez was possibly involved in armed robberies in Colorado Springs and could be armed with a .25 caliber pistol and that when they catch Sanchez they need to search him really well because he could have the gun hidden on him. Assignments were made that Bellamy and Pixler would set up in the back of the residence where there are some big ravines before the other officers attempted to contact the suspects at the front of the residence.

As officers approached the front of the residence a van with only a male driver drove up to the residence so officers decided to make contact. It was determined that the driver was not Sanchez, but then Sgt. Ortega heard someone yelling that he's jumping fences. Officer Zerfas covered the west and Ortega tried to cover the east. Sanchez was jumping back and forth and kept backtracking. Ortega thought that Sanchez initially ran eastbound towards Pixler, then Sanchez started running back toward Ortega. Sanchez saw Ortega, then started running south. Meanwhile Holcomb, who had been hiding behind a shed, came running out and Ortega stopped her. Ortega heard Bellamy yelling at Sanchez and shortly thereafter heard two to four shots. Then he heard Bellamy yelling again for Sanchez to show him his hands and then Ortega heard more shots. Ortega waited for Wyberg to come take custody of Holcomb, and then Ortega went to where Bellamy and the parole officers were. Sanchez was lying on the ground, kind of twisted, and there was a black, small handgun above Sanchez's head and to the left. A paramedic arrived and declared that Sanchez was deceased.

### **Interview with Megan Holcomb**

Megan Holcomb was interviewed by police officers after she was taken into custody. She said she was on parole and had been living at 3110 W. 27<sup>th</sup> Street with a friend who owns the house. Her boyfriend is Bobby Sanchez and she knew he was on parole also. Late that morning she looked outside and saw the cops, so she and Sanchez ran out the backdoor and jumped the fence. She said there is a fence in the back, and then a space, and then another fence. She tried to jump the second fence, but she could not get over it. Sanchez jumped the fence and went toward another house or shed. After that she could not see what happened to Sanchez because of a house obstructing her view. Even though she could not see Sanchez, she heard about six gunshots while officers were taking her into custody.

Sanchez said that Sanchez had a small gun and usually kept the gun with him in his pocket. She had previously told Sanchez that she thought she was going to be arrested for a parole violation. He said let's take off, and she agreed. After they decided to take off, Sanchez cut off his ankle monitor. Both she and Sanchez knew that parole officers were looking for them.

### **Interview with Naomie Trujillo**

Naomie Trujillo resides at 3110 27<sup>th</sup> Street and she had just returned home and was exiting the bathroom when the shooting incident happened. She did not see the shooting incident.

## **Interview with Kathleen Collins**

Kathleen Collins, who lives at 2617 Lambert, was interviewed by the police. She said she was on her computer on the west side of her house when she heard someone yelling for someone to stop. She looked out her window and saw two uniformed police officers coming from the south yelling at a person to stop. The person was not within her view because of a shed and trees, but she thought the person was coming from the north. The officers had their weapons drawn and they were giving loud commands to the person to stop and put hands up. Her impression was that the person must have shot at the police first and the police shot back, but she did not see that. She heard six or seven shots and she was fearful as she watched because the officers were exposed with no cover.

## **Body worn camera**

Officer Bellamy was wearing a body camera. It showed that he arrived in the area, exited his patrol vehicle, and the audio on the camera revealed he asked "what is he wearing". He walked through a yard in the 3100 block of W. 26<sup>th</sup>. As he approached the back of the fenced yard the camera was recording the prairie south of 3110 W. 27<sup>th</sup> St. It showed a person (later identified as Bobby Sanchez in the prairie and Bellamy yelled "hey, get on the ground". Bellamy climbed a fence about five feet tall and yelled "show me your hands" as he drew his handgun. Bellamy began walking toward Sanchez in the prairie and again yelled "show me your hands" as his gun was pointed at Sanchez. He yelled "get down, do not move, show me your hands" and continued to walk toward Sanchez. He yelled "get your hands out of your pockets now" and Sanchez can be seen moving around on the ground. Bellamy again yelled "get your hands out of...", and then "GUN, GUN" and Bellamy fired several shots and again yelled "GUN", and then fired several more shots. Sanchez can then be seen still moving around on the ground and Bellamy yelled "show me your hands, show me your hands now, show me your hands". Bellamy continued to move closer to Sanchez and continued to yell "show me your hands". Bellamy stated that he has a gun on him and parole officer Hathaway can be heard yelling for Sanchez to show his hands. Both officers continued to approach, and when Sanchez was seen not to move he was handcuffed. The gun that Sanchez possessed was cleared by Bellamy and moved a short distance from Sanchez.

The body worn camera of Bellamy showed that Bellamy fired seven rounds during the incident.

## **Crime scene processing**

Officers searched the scene after the incident and found seven .40 caliber Federal shell casings several yard to the south of where the subject's body was lying. The area and fence to the north of Sanchez was searched for bullet strikes, but none were found. There is a rise in the terrain behind the area where Sanchez was standing at the time shots were fired, and Bellamy is tall, so it is likely that the rounds that missed Sanchez went into the ground. A state patrol officer measured and mapped the scene with a laser system. After the evidence was marked with placards and rods a CBI agent scanned the scene with CBI's Faro system. The sheriff's office arranged for aerial photos to be taken of the scene.

## **Firearms involved**

Located near Sanchez was a Armi Tanfoglio Giuseppe, model GT27, .25 caliber pistol. The weapon had one magazine. There was one live round in the chamber and five live rounds in the gun magazine.

Officer Bellamy carried a Glock model 22, .40 caliber handgun. Bellamy said he loads his handgun with one round in the chamber and fifteen rounds in his magazine. Bellamy thought he fired six or seven rounds, but he wasn't sure. After the shooting incident his weapon was examined and his firearm contained nine rounds of .40 caliber ammunition: eight in the magazine and one in the chamber. Two additional magazines in pouches on his belt contained fifteen rounds each.

## **Autopsy**

An autopsy was performed on Bobby Sanchez by Dr. Michael Burson on June 11, 2016. The right side of the abdomen displayed a wound that was determined to be an entrance wound from a single gunshot. The projectile traveled in an upward direction passing through the liver, right lung, heart, and aorta before coming to rest on the upper left #3-#4 posterior rib.

A urine screen showed positive for amphetamine, and a blood panel showed positive for amphetamine and methamphetamine

Dr. Burson rendered the following opinion as to the cause of death: Based on the history provided and the autopsy finding, the cause of death is complications of a gunshot wound to the torso.

## **Legal guidelines**

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. § 18-1-704(1), C.R.S.

Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and the 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. § 18-1-704(2)(a), C.R.S.

In evaluating whether a person was justified by self-defense, the person is entitled to act on appearances. People v. La Voie, 395 P.2d 1001 (1964). The United Supreme Court reviewed a situation to determine whether officers used excessive force under the Fourth and Fourteenth Amendments. Plumhoff v. Rickard, 134 S. Ct. 2012 (2014). In that case officers fired a total of 15 shots at a suspect in a fleeing car that was determined to constitute a grave public safety risk. The Court analyzed the issue of reasonableness from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight. Further, the Court said that it allowed for the fact that police officers are often forced to make split-second judgments about the amount of force that is necessary in a particular situation - in circumstances that are tense, uncertain and rapidly evolving.

## Conclusion

It is my conclusion that based on these circumstances that Police Officer Michael Bellamy was justified by the laws of the State of Colorado regarding Self-Defense and the Defense of Others (C.R.S., 18-1-704) in using the actions he employed to defend himself and others from what he reasonably believed to be the use or imminent use of unlawful physical force and deadly physical force by Bobby Sanchez, DOB: 08/03/83; and that he reasonably believed a lesser degree of force would be inadequate, He had reasonable grounds to believe, and did believe, that he or another person was in imminent danger of being killed or receiving great bodily injury. Therefore, the actions of Michael Bellamy were justified under the law, and are not criminal. Given this situation, criminal charges would not be appropriate, and therefore, no criminal charges will be filed.

Dated this 2<sup>nd</sup> day of February, 2017

A handwritten signature in black ink, appearing to read "J. E. Chostner", written over a horizontal line.

J. E. Chostner  
District Attorney

Pc: Colorado Bureau of Investigation  
Colorado State Patrol