



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

May 7, 2019

Chief Troy Davenport  
Pueblo Police Department  
Pueblo Municipal Center  
200 S. Main Street  
Pueblo, CO 81003

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

Re: District Attorney CIT Decision Letter  
Officer Involved Incident on March 6, 2018  
Location: 909 East 8th Street  
Deceased: Steven Fred Peters Sr.  
Officers Involved: Thomas DeCesaro; Adam Quintana

Dear Chief Davenport and Sheriff Taylor:

The 10th Judicial District Critical Incident Team (CIT) was activated on March 6, 2018, to investigate an Officer Involved Shooting (OIS) Incident which resulted in the death of Steven Fred Peters Sr. (DOB 8/9/1962). The Pueblo County Sheriff's Office (PCSO) was designated as the lead investigative agency and other CIT participants included the Colorado State Patrol (CSP), Colorado Bureau of Investigation (CBI), Pueblo County Coroner, Pueblo Police Department (PPD), and the 10th Judicial District Attorney's Office (DA). After the investigation, the CIT prepared and submitted an executive summary and its investigative reports and materials to the District Attorney's Office for review. Those materials were reviewed and this is the District Attorney's Decision Letter pursuant to CIT protocol.

## **Overview of the Incident**

On March 6, 2018, at 10:56 p.m., PPD Corporal Ron Gravatt (Gravatt) was sent to 910 East 9th Street (E. 9th) regarding a reported restraining order violation. Gravatt contacted the reporting party, Melody Lange (Lange), and her daughter, Alexia Peters (Alexia). Lange indicated that she had a Protection Order protecting herself and Alexia from Steven Peters Sr. (Peters). Lange told Gravatt that Peters came into the residence uninvited, and, refusing to leave, stayed for approximately twenty minutes. Once Lange informed Peters she was calling the police, he left on a green bike wearing a brown Carhartt jacket and jeans. Gravatt aired the description of Peters to PPD Officers Thomas DeCesaro (DeCesaro) and Adam Quintana (Quintana).

While Gravatt was talking to Lange, DeCesaro and Quintana located Peters just south of E. 9th and North Iola Avenue (Iola). Upon hearing loud verbal commands from DeCesaro and Quintana for Peters to "show me your hands," Gravatt ran to their location. Gravatt observed Peters straddling his bike and reaching into his jacket pockets. Loud verbal commands continued by DeCesaro and Quintana for Peters to show his hands. Gravatt ran towards Peters who had his back to him. Peters turned and saw Gravatt coming towards him so he dropped the bike and began reaching into his jacket while officers were yelling at him to show them his hands. DeCesaro then yelled taser, and fired his taser. Peters was hit with the taser probes which had no effect due to the heavy coat he was wearing.

Peters then began running south away from the officers. Officers pursued Peters on foot airing directions. Peters ran to the east side of the residence located at 909 East 8th Street (E. 8th). DeCesaro followed Peters as Quintana and Gravatt went to west side of the residence. As Gravatt and Quintana were approaching the backyard, Gravatt could hear DeCesaro yelling commands "show me your hands" and "drop the gun." Gravatt heard what he believes were two gun shots. As Quintana and Gravatt rounded the corner of the residence, Peters was falling to the ground and he took a crouched position on the ground still holding his gun. Peters yelled "just kill me." Verbal commands for Peters to drop his weapon continued. Failing to comply with the commands, Peters raised his weapon towards Quintana. In response, both DeCesaro and Quintana fired their duty weapons, striking Peters multiple times.

Once the scene was safe and secured, officers approached Peters to render medical aid. Peters was pronounced deceased at the scene. DeCesaro and Quintana were assigned gatekeepers and transported to PPD.

Gravatt returned to 910 E. 9th to speak to Lange again. While talking with Lange she stated that in the past Peters told her that he wasn't going back to jail and the police would have to kill him. Gravatt asked Lange if she knew of Peters having a weapon and she stated he always had a black airsoft pistol that he carried in a holster on his right side.

At the time of the shooting incident, DeCesaro and Quintana were both wearing PPD uniforms which were clearly marked to indicate they were police officers. Their police vehicles were also clearly marked as PPD vehicles.

## **Autopsy of Steven Peters Sr.**

The autopsy on the body of Peters was conducted on March 8, 2018, at Saint Mary-Corwin Hospital in Pueblo, Colorado. The autopsy was performed by Forensic Pathologist Daniel Lingamfelter. Dr. Lingamfelter concluded that the cause of death was multiple gunshot wounds, with particular emphasis on gunshot #2 which perforated the heart and right lung resulting in massive blood loss.

The forensic pathologist noted that there were a total of seven identified gunshot wounds. There was a single gunshot wound to the head, identified as gunshot #1, which grazed the right ear before entering through the right side of the face and exiting through the right side of the chin.

In the chest and back area there were three gunshot wounds. The first, identified as gunshot #2, entered through the posteromedial right shoulder. The bullet traveled downward, back to front, and perforated the right lung and heart. No exit wound was present. The second wound, identified as gunshot #3, entered through the anterior left shoulder and traveled downward before exiting through the superlateral left chest. The third, identified as gunshot #4, entered through the mid chest and exited through the anterior left abdomen.

Three gunshot wounds were located in or around Peters' extremities. The first wound, identified as gunshot wound #5, entered and exited through the right forearm. The second, identified as gunshot wound #6, entered through the left index finger, and, traveling left to right, exited through the left middle finger. The third wound, identified as gunshot #7, entered the upper anterior left thigh and traveled from right to left, front to back. No exit wound was present.

The toxicology performed on the blood of Peters revealed an elevated blood ethanol level at the time of death. Specifically, there was 111 mg/dL of ethanol.

#### **Interview: Officer Thomas DeCesaro**

DeCesaro was interviewed by CIT detectives Neal Robinson and Glen Fillmore at the Pueblo Police Department on March 12, 2018. He was interviewed in the presence of his attorney and advised pursuant to *Garrity*.

DeCesaro indicated that on March 6, 2018, just before 11:00 p.m., he and Gravatt were sent on a restraining order violation in progress and the male suspect was still on scene. Gravatt arrived before him and began talking to the victim of the restraining order. DeCesaro stated that he was east bound on E. 9th and Quintana was driving west bound. Gravatt got on the radio and told them to start looking for the male suspect who should still be in the area on a green bicycle and wearing western clothing.

DeCesaro recounted that he got to the intersection of E. 9th and Iola and saw a male party (later identified as Peters) matching that description. He contacted Peters and asked him his name and he said something to the effect of, "why does that matter." He then asked Peters if he had been at his ex's house and he said no. Peters started reaching inside his coat, so DeCesaro pulled out his taser and told Peters he was going to tase him if he kept reaching into his coat. Quintana, who had now arrived on scene, drew his weapon and Peters continued to reach into his coat. Peters then saw Gravatt walking up so he dropped his bicycle to the ground. DeCesaro deployed his taser and yelled, "taser, taser, taser." The taser barb hit Peters in the back of the shoulder but was not effective. Peters kept reaching for something in his coat, so DeCesaro dropped his taser and pulled his handgun.

Peters started running south on Iola, across the alley, and hid behind a truck that was in the back yard of the corner home at E. 8th and Iola. While Peters was moving behind the truck DeCesaro saw him pull a firearm from his coat. DeCesaro yelled at the other officers, "the guy has a gun." Peters then went between two houses, at which point DeCesaro lost sight of him. Quintana aired on the radio that he saw Peters running west on E. 8th behind a residence in the 900 block. DeCesaro ran to the east side of the house and Quintana and Gravatt ran to the west side of the house.

DeCesaro stated that he saw Peters between the back wall of the house and a nearby tree. Peters was holding the firearm with both hands in front of his face and pointing it up. DeCesaro ordered Peters to drop the weapon, but he told him no. Peters then made a movement towards DeCesaro, causing him to fire at Peters. After firing the first shot, he continued to tell him to drop the weapon. Peters then, telling him no along with some explicative, started moving towards the side of the house that Quintana and Gravatt were on.

Peters, now on his knees, made a movement and was bringing the firearm up towards Quintana. DeCesaro fired a few more rounds at Peters, and continued to order him to drop his weapon. Peters then fell to the ground, still holding the firearm. DeCesaro stayed back until other officers arrived so they could move up on him safely. Several officers, with the use of a ballistic shield, were able to remove the firearm and place Peters in custody.

#### **Interview: Officer Adam Quintana**

Quintana was interviewed by CIT detectives Neal Robinson and Glen Fillmore at the Pueblo Police Department on March 12, 2018. He was interviewed in the presence of his attorney and advised pursuant to *Garrity*.

Quintana indicated that on March 6, 2018, sometime between 10:30 and 11:00 p.m., he heard DeCesaro and Gravatt get dispatched to a restraining order violation. Dispatch alerted them that the suspect was assaultive to the Police. Quintana decided to go to the area in case officers got into a fight with the suspect and needed help. He heard DeCesaro come over the radio and say he was out with the suspect at E. 9th and Iola.

Upon arriving at the aired location, Quintana saw the suspect (later identified as Peters) look over his shoulder at him and start to reach into his coat. Peters yelled that he was not going back to jail. Quintana then drew his pistol. DeCesaro started giving Peters commands not to reach into his coat and to show his hands. Gravatt was running up on Peters when DeCesaro said the suspect is reaching for something in his coat, so Gravatt stopped and drew his gun as well. DeCesaro tased Peters, but it had no effect. Peters then dropped his bicycle and started to walk off.

Quintana pursued Peters as he crossed the alley and into the back yard of the home at the corner of E. 8th and Iola. Peters was hiding behind a white pick-up and walking back and forth looking at him and DeCesaro. Quintana saw Peters with something in his hands but did not know what it was at that time. DeCesaro then yelled that Peters had a gun. As Peters started running Quintana was able to observe a gun in his hand. Peters ran west and then turned and ran north into the driveway of the home at 909 E. 8th.

Quintana heard two or three shots and thought Peters was shooting at them. As Quintana approached the back of the house he could see Peters against the wall of the same facing DeCesaro. Peters turned towards him and crouched down. Now almost on his hands and knees, and with the gun still in his hands, Peters stated "just kill me." Peters then brought the gun up and started to point it at Quintana. In response, Quintana fired at Peters. Quintana indicated that after he shot he took cover and waited until other officers arrived with a ballistic shield so they could safely approach Peters.

#### **Interview: Corporal Ron Gravatt**

Gravatt was interviewed by CIT detectives Cody Wager and Gregory Drake at the Pueblo Police Department on March 7, 2018.

Gravatt indicated that on March 6, 2018, he was dispatched to 910 E. 9th in regard to a restraining order violation. Upon arrival on scene Gravatt spoke to Lange and Alexia, who are both restrained parties from Peters. Lange and Alexia told him that Peters came inside the residence uninvited and told Alexia he wanted to see his younger son. Lange heard a conversation between Peters and Alexia so she came out from the back room and argued with Peters. Peters was in the house for approximately twenty minutes until Lange called the police. Peters then left on a green mountain bike wearing a brown Carhartt coat. Gravatt aired this information to the cover officer who was responding to the scene.

Officers contacted Peters at approximately E. 9th. and Iola. Gravatt heard officers yelling at Peters so he ran toward their location. As he approached he observed Peters straddling the bike ignoring the officers' commands. Gravatt observed Peters fumbling around inside his coat. As Gravatt approached from behind, Peters got off the bicycle and continued to fumble inside his coat.

DeCesaro announced "taser, taser" and deployed his taser. The taser struck Peters but did not have any effect due to the Carhartt coat. Peters took off on foot southbound. Gravatt heard DeCesaro say Peters had a weapon or was reaching for a weapon. Gravatt went down a nearby alley and observed Peters crouched down behind a car. Gravatt and Quintana went on the west side of the house at 909 E. 8th while DeCesaro followed Peters on the east side. Gravatt heard DeCesaro say show me your hands, show me your hands, and yell "he's got a gun." He then heard approximately two shots as he and Quintana were approaching the corner of the house. As soon as Quintana could see Peters he started yelling "he's got a gun, he's got a gun." Quintana started firing his weapon at Peters. Once Gravatt got around the corner of the house enough to see Peters, he saw Peters drop to the ground and the gun drop with him. Peters was still lying on the ground moving and not complying with the officers' orders. After the incident, Lange told Gravatt that Peters carries a black airsoft gun all the time and that he carries it on his side.

### **Summary of Officer Thomas DeCesaro's Body Worn Camera**

The body worn camera footage for DeCesaro shows him arriving in the area of the original call of 910 E. 9th. DeCesaro is seen contacting Peters. Peters turns his back to DeCesaro with both hands near the zipper area on the front of his coat. Peters hands are not visible. Peters then reaches for the zipper area towards the front of his coat. In response, DeCesaro points his taser at Peters and the illuminated red dot is seen on the left chest area of Peters' coat. DeCesaro tells Peters to show him his hands "right now." He continues to give verbal commands for Peters to "get his hands up." He tells Peters several times to show him his hands or he will be tasered, but Peters refuses any commands made and says he will not show his hands.

Peters dismounts his bicycle and begins to walk away. DeCesaro then yells "taser, taser, taser," and deploys his taser into the clothing of Peters. The taser appears to have no effect on Peters and he turns to walk away from DeCesaro, who yells at Peters to show his hands and to "quit reaching." DeCesaro discards his taser and draws his weapon. He can be heard saying, "he's reaching for something; he might have a weapon." DeCesaro begins to walk after Peters. He comments several times "he is reaching," and "quit reaching," as Peters enters an alleyway between E. 9th and E. 8th. DeCesaro can be heard yelling, "he's got a gun," and ducks behind a car for cover.

DeCesaro pursues Peters to the east side of the residence at 909 E. 8th. As DeCesaro looks around to the backyard of the residence he yells "let me see your" and fires two rounds from his handgun. He then yells "put your hands up." Peters is heard grunting as if he had been struck by one of the rounds fired. DeCesaro gives more commands to "put your hands up" and fires two more rounds. He then advises the other officers that Peters has a gun.

DeCesaro moves from the side of the residence to the backyard and continues to yell to drop the gun and “he won’t put the gun down.” Peters can be heard telling DeCesaro he won’t drop the gun and to “kill me.” After refusing to put the gun down, DeCesaro fires what appears to be three more rounds and airs to dispatch over his radio “shots fired and they need rescue.” He takes a position of cover until responding units can arrive and tactically place Peters into custody and make the scene safe.

### **Summary of Officer Adam Quintana’s Body Worn Camera**

The body worn camera footage for Quintana begins with him arriving at the location where DeCesaro is contacting Peters. DeCesaro is heard giving commands to Peters to get off the bike. Peters is seen reaching into his coat with his hands. DeCesaro tells him to put his hands where he could see them and not to reach into his jacket. Peters then gets off his bike and starts to walk away. DeCesaro warns Peters to quit walking away and to put his hands where he could see them or he was going to be tased. After several warnings, DeCesaro deploys his taser which has no effect.

Peters starts running away from officers. DeCesaro is heard yelling, “he’s got a gun.” Quintana walks up the driveway at 909 E. 8th, where DeCesaro can be heard giving commands to Peters to drop the gun. Several gunshots are heard. As Quintana moves to the back yard of 909 E. 8th Peters is seen bent down against the back wall of the home. Quintana is heard yelling commands over and over for Peters to drop the gun. Peters points his gun towards Quintana, who then fires four times.

Some movement from Peters is still seen as Quintana continues to yell for him to drop his weapon. Several minutes later, officers advance towards Peters behind the cover of a ballistic shield. Officers pull Peters off his stomach, where they then locate the gun. Peters is placed in handcuffs and fire rescue is called in.

### **Summary of Corporal Ron Gravatt’s Body Worn Camera**

The body worn camera footage for Gravatt shows him arrive at 910 E. 9th, where he speaks with Lange and Alexia. He airs the description of Peters given to him by Lange. Gravatt then heads east on E. 9th towards where DeCesaro has made contact with Peters. As Gravatt arrives in the area of E. 9th and Iola, he draws his weapon and points it at Peters while giving verbal commands for him to put his hands up. Peters then runs away from officers.

DeCesaro can be heard yelling that Peters has a gun. Gravatt approaches the back yard of the residence at 909 E. 8th with his weapon still drawn. He stops at the corner of the residence as gunshots are heard coming from the backyard. He gives loud verbal commands for Peters to come out from behind the residence. Officers are heard giving loud verbal commands for Peters to drop the gun. He refuses and tells the officers to “just kill me.” DeCesaro and Quintana are seen firing their weapons. Peters fall to the ground. Gravatt maintains a position of cover until Peters is placed into custody.

### **Witness Interview: Carolina Siaz**

Carolina Siaz (Siaz) is a neighbor who witnessed a portion of the incident. She was interviewed by PPD Detective Cody Wager and PCSO Detective Gregory Drake on March 7, 2018.

Siaz stated she lives at 907 E. 8th. She stated she and her family were watching a movie when they heard shooting. They ran to the front door and saw officers blocking the road on E. 8th. They heard more shooting, and she ran to the back door. When she got outside her back door she saw the officers yelling at a guy, telling him to put the f-ing gun down. She said all of a sudden, the officers just started shooting the guy. Siaz indicated that when the officers said put the f-ing gun down, she heard the male mumble "I don't have one." The male turned to the side and the officers started shooting. Siaz never saw the male with a gun.

It should be noted that Siaz's version of events is inconsistent with the body worn camera footage of the incident. In the footage, DeCesaro is heard giving loud verbal commands to put the gun down, without the use of any expletives. When Peters refuses, DeCesaro fires his weapon. He then continues to give loud verbal commands for Peters to put the gun down, at which point Peters is heard mumbling, "I won't; just kill me." DeCesaro and Quintana both fire their weapons at Peters, after which no further statements are made by Peters, nor are any additional shots fired. Therefore, because Siaz's version of events was contrary to the body worn camera footage which accurately and unbiasedly recorded the incident, the best evidence in evaluating police culpability in this matter is the electronic images rather than the memory of an individual.

#### **Witness Interview: Brandon Smith**

Brandon Smith (Smith) is a neighbor who spoke with Peters just before the incident. He was interviewed by PPD Officer Willie Hall on March 7, 2018.

Smith stated he heard a noise outside and went to see what it was. He saw a male in his drive way crouched behind his vehicle. The male told him to go inside because "they are going to shoot me when they catch me." Smith then saw the police car lights so he went back inside his house.

#### **Officer Involved Processing**

DeCesaro and Quintana were processed by PCSO Detective David Butterfield (Butterfield). Both officers were brought to the CSI/ID office in the Pueblo Police Department. Full body photos were taken, including of their back, arms, and duty belt. DeCesaro and Quintana were then brought into a dark room where an Alternative Light Source (ALS) could be used to examine their clothing. With this process a bright white light is passed over their clothing and hands. The ALS is used in an attempt to search for any biological (blood) evidence. Both officers were searched using the ALS but did not appear to have any biological evidence on them.

Butterfield then examined DeCesaro and Quintana's duty weapons, which were still armed with one live cartridge in the chamber. The weapons were made "safe." This was done by removing the magazine in each weapon and the live cartridge in the chamber of each. The live cartridges and magazines were placed with the respective weapon. The extra magazines the officers had on their persons were removed and placed with the other items. All live cartridges were then removed out of the magazines separately in order to count how many live cartridges were left. The results of this processing were:

DeCesaro: Glock 22 .40 Cal (SN ENA975), 54 live cartridges collected out of a possible 61.

Quintana: Glock 17 9mm (SN SLP249), 46 live cartridges collected out of a possible 50.

### **Scene Processing: 909 East 8th Street**

PCSO Detective Bethany Solano (Solano) responded to the scene at 909 E. 8th. She took digital photographs of the scene. Upon arrival, Solano placed yellow numerical placards on all evidence that was located. Solano noted the scene was secure with crime scene tape, with both PCSO and PPD officers set up at various locations in order to ensure the scene was secure. She began processing the scene at E. 9th and Iola, where DeCesaro initially contacted Peters. DeCesaro's taser was located on Iola under a blue Chevrolet vehicle.

Solano noted and photographed Peters' body, which was located directly behind 909 E. 8th. Near the body, seven .40 caliber spent shell casings were found. Four of the casings were located directly to the east of Peters, which is where DeCesaro was reportedly shooting from. The remaining three casings were located to the north of Peters' body, which is where DeCesaro reportedly ended up during the shooting. Additionally, four 9mm spent shell casings were located to the west of Peters' body, which is where Quintana was reportedly shooting from. A black BB gun was located behind the residence next to the wall with what appeared to be blood on it. Also found on Peters' body, in his right front coat pocket, was a black gun holster.

### **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. Furthermore, he may use a degree of force which he reasonably believes to be necessary for that purpose. §18-1-704(1), C.R.S.

A person is justified in using deadly physical force upon another person in order to defend himself or a third person if he reasonably believes a lesser degree of force is inadequate and he has reasonable grounds to believe, and does so believe, that he or another person is in imminent danger of being killed or receiving great bodily injury. §18-1-704(2)(a), C.R.S.

In evaluating whether a person is justified by self-defense, the person is entitled to act on appearances. People v. La Voie, 395 P.2d 1001 (Colo. 1964). The United States Supreme Court evaluated whether officers used excessive force under the Fourth and Fourteenth Amendments by approaching the issue of reasonableness from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight. Plumhoff v. Rickard, 143 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. In its ruling the Court said, "It stands to reason that, if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." Further, the Court took into account that police officers are often forced to make split-second judgments about the amount of force necessary in a particular situation – in circumstances that are tense, uncertain, and rapidly evolving.

### **Conclusion**

DeCesaro and Quintana responded to the scene to cover Gravatt on a report of a restraining order violation. Upon their arrival, they made contact with Peters. As Peters began reaching into his coat, DeCesaro gave him loud verbal commands to "show me your hands." After several warnings, DeCesaro discharged his



taser with no effect. Officers then pursued Peters to 909 E. 8th. DeCesaro informed officers that Peters had a gun. Peters was commanded multiple times to show his hands and drop the gun. Peters refused to comply with these commands. He then made a movement towards DeCesaro, causing him to fire several shots at Peters. Peters then raised his weapon towards Quintana, which resulted in both DeCesaro and Quintana firing at Peters. Peters was pronounced deceased on scene.

Based on the facts of the investigation conduct by CIT investigators, the use of deadly force by PPD Officers Thomas DeCesaro and Adam Quintana appears to be justified based on the fear and threat of serious bodily injury or death posed to the same as a result of Peters appearing to have a firearm and pointing it at Quintana. This conclusion is based off interviews of the involved officers, civilian witnesses to the incident, body worn camera video, and crime scene and evidence processing.

There is no evidence or facts collected to support any criminal wrong doing by DeCesaro or Quintana during the OIS incident. The actions taken by both officers during the OIS incident were conducted with the justified belief that either their lives, or the lives of their fellow officers, were in jeopardy.

It is my conclusion based on the circumstances that Officers Thomas DeCesaro and Adam Quintana were justified by the Defense of Self and Defense of Others provisions of the laws of the State of Colorado in using the actions they employed to defend both themselves and fellow officers from what they reasonably believed to be the imminent use of unlawful physical and deadly force by Steven Peters Sr., and they reasonably believed that a lesser degree of force would be inadequate. They had reasonable grounds to believe, and did believe, that they were in imminent danger of being killed or receiving great bodily injury. The actions of DeCesaro and Quintana were based on their own observations and perceptions, and their actions were reasonable.

Given the facts and circumstances of the situation and the governing law, criminal charges against Officers Thomas DeCesaro and Adam Quintana would not be appropriate, and therefore no criminal charges will be filed.

Dated this 7<sup>th</sup> day of May 2019



J.E. Chostner  
District Attorney