



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

December 23, 2019

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

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

Re: District Attorney CIT Decision Letter  
Officer Involved Incident on January 13, 2019

Location: 731 North Chaparral Drive, Pueblo West Colorado  
Deceased: Amiliano Apodaca (DOB: 03/15/2000)  
Injured: Alicia Martinez (DOB: 10/02/1998)  
Officers Involved: Deputy Jason Hanratty

Dear Sheriff Taylor and Chief Davenport:

The 10<sup>th</sup> Judicial District Critical Incident Team (CIT) was activated on January 13, 2019 to investigate an Officer Involved Incident which resulted in death to Amiliano Apodaca (DOB: 03/15/2000) and injury to Alicia Martinez (DOB: 10/02/1998). The Pueblo Police Department (PPD) was designated as the lead investigative agency and other CIT participants included the Colorado State Patrol (CSP), Pueblo County Sheriff's Office (PCSO), Colorado Bureau of Investigations (CBI), and the 10<sup>th</sup> 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 January 13, 2019 at approximately 10:12 PM Fremont County Sheriff's Office (FCSO) Deputy Daniel Calhoun attempted to pull over a GMC Yukon driven by Alicia Martinez for

driving with a burnt-out headlight, a Class B Traffic Infraction. Instead of pulling over Ms. Martinez choose to attempt to elude Deputy Calhoun. This choice would be the first in a cascade of choices that would eventually end in her shooting approximately 27 minutes later and over 30 miles away by Deputy Jason Hanratty of the Pueblo County Sheriff's Office and the death of her boyfriend, and front seat passenger, Amiliano Apodaca.

Initially FCSO Deputy Calhoun terminated his pursuit of the GMC Yukon driven by Ms. Martinez when she failed to yield to his emergency lights and sirens and instead accelerated onto Highway 50 eastbound towards a group of Cañon City Police Department officers working a traffic accident. When FCSO Deputy Calhoun later witnessed her almost hit another vehicle head-on he re-initiated the pursuit as she proceeded on eastbound Highway 50. FCSO Deputy Alejandro Jimenez joined in the pursuit. During the pursuit of Ms. Martinez, she struck the side of FCSO Deputy Calhoun's patrol vehicle and attempted to strike FCSO Deputy Jimenez's patrol vehicle. This information was relayed to the Combined Regional Communications Authority (FreeCom) who then relayed information to the Pueblo County Sheriff's Office Emergency Communications Center (PCSOCOM). During these communications FreeCom stated that the female driver had "just hit one of our deputies." Deputies from PCSO were notified by PCSOCOM of the pursuit entering Pueblo County from Fremont County and that the "vehicle did hit a Fremont County deputy."

PCSO Deputy Steven Chavez took over the pursuit from FCSO Deputies Calhoun and Jimenez immediately after the pursuit passed the intersection of McCulloch Boulevard and Highway 50 headed east. Soon after, Deputy Jason Hanratty and Deputy Donald Teschner entered the pursuit. After Ms. Martinez exited eastbound Highway 50 at Purcell Boulevard the pursuit wound through the streets north of Highway 50. During the pursuit Ms. Martinez was speeding, ran red lights, ran every stop sign she encountered, drove in the opposite lane of travel, straddled the double yellow line, drove through prairie, and drove between houses. Deputy Teschner performed two Pursuit Intervention Technique (PIT) maneuvers on Ms. Martinez's vehicle. The first caused the GMC Yukon to spin 180 degrees and come to rest in the ditch on the side of Platteville Boulevard. Deputy Teschner attempted a felony stop with his handgun drawn but Ms. Martinez chose to speed backwards in reverse and drive through prairie land away from deputies. Deputy Teschner was able to perform a second PIT maneuver that sent the GMC Yukon into a front yard on North Chaparral Drive and on top of a fence, which temporarily rendered the GMC Yukon unable to move.

Deputy Hanratty pulled his patrol vehicle in front of the GMC Yukon in an attempt to pin the vehicle in. Based on the information relayed to him over the radio, Deputy Hanratty believed that the driver of the GMC Yukon has struck a FCSO deputy, not a deputy's vehicle. He exited his patrol car and approached the GMC Yukon with his firearm drawn. Meanwhile, Ms. Martinez was loudly revving her engine and kicking up dust in an apparent attempt to dislodge the vehicle from the fence. When Deputy Hanratty was between the front of his own patrol vehicle, a Chevy Tahoe, and the GMC Yukon became dislodged from the fence and began quickly moving forward towards Deputy Hanratty, who was about an arm's length away from the GMC Yukon. Deputy Hanratty began simultaneously moving and firing his firearm at Ms. Martinez. After

reviewing the available evidence, it is clear that Deputy Hanratty began firing at Ms. Martinez seconds after she dislodged the GMC Yukon from the fence and began moving towards Deputy Hanratty, a choice that put Deputy Hanratty in danger of both being struck by Ms. Martinez or being crushed between the GMC Yukon and his own patrol Tahoe. As Deputy Hanratty was moving and shooting, the vehicle made a sharp turn to Deputy Hanratty's left, the driver's right. Deputy Hanratty fired a total of three shots into the driver's side window and stopped shooting when the vehicle drove past him. Less than 8 minutes passed from when Deputy Chavez took over the pursuit from FCSO to when the shooting occurred.

Ms. Martinez had multiple gunshot injuries and one bullet was recovered in her clothing. The other two bullets fired by Deputy Hanratty passed through Ms. Martinez and into Mr. Apodaca, causing his death at the scene of the shooting. Ms. Martinez survived her injuries as did her twenty-week-old fetus.

Ms. Martinez was interviewed after the shooting and, although she remembered some aspects of that night, her memory of some of the most salient details was muddled. It seems likely that her injuries in combination with the fact that she had used heroin and methamphetamine earlier that evening contributed to these memory issues. Ms. Martinez stated that she thought the vehicle was in park when it was on top of the fence after the second PIT maneuver but, most significantly, she also remembers that Deputy Hanratty was diagonally in front of her vehicle and that she was revving the engine while Deputy Hanratty was standing in front of her vehicle.

### **Summary of Events in Fremont County Colorado**

On January 13, 2019, at about 10:12 PM Fremont County Sheriff's Deputy Daniel Calhoun attempted to pull over a Gray GMC Yukon bearing Colorado license plate 080 TEU. Deputy Calhoun saw that the driver was a woman in her 20's with dark-hair. The vehicle failed to yield, and Deputy Calhoun turned off his lights and sirens. Without lights and sirens activated Deputy Calhoun continued to follow the GMC Yukon. Deputy Calhoun watched the GMC Yukon fail to yield to Cañon City Police Officer Chase Leonard who attempted to pull the car over using lights and sirens. As the GMC Yukon entered eastbound US Highway 50, Deputy Calhoun observed that Officer Leonard terminated his pursuit and turned off his patrol car's lights and sirens. Deputy Calhoun continued to follow the vehicle without his lights and sirens activated.

At approximately 10:20 PM Deputy Calhoun re-activated his lights and siren and began pursuing the vehicle again after watching the GMC Yukon almost hit another vehicle head on. Deputy Alejandro Jimenez of the Fremont County Sheriff's Office joined the pursuit. The GMC Yukon attempted to make a U-Turn at Fremont Avenue. The deputies attempted to get in front of the GMC Yukon and the Yukon struck the front passenger side of Deputy Calhoun's stationary patrol vehicle. Deputy Calhoun was able to see that there was a male in the passenger seat of the vehicle. The GMC Yukon then accelerated towards Deputy Jimenez's patrol vehicle and Deputy Jimenez had to drive off the roadway to avoid being stuck by the GMC Yukon. At 10:21 Deputy Jimenez used his radio to tell the Combined Regional Communications Authority (FreeCom)

know that the driver, according to the CAD log, “rammed” Deputy Calhoun and “almost hit” Deputy Jimenez and that both deputies were pursuing the Yukon towards Pueblo County.

### **Summary of Dispatch Communications**

FreeCom called the Pueblo County Sheriff's Office Emergency Communications Center (PCSOCom) to let them know about the pursuit of the GMC Yukon headed towards Pueblo County. FreeCom told PCSOCom that the driver “just hit one of our deputies, the female driver just hit one of our deputies.” FreeCom then told PCSOCom that the car was a grey GMC Yukon with license plate 080 TEU with a female driver and male passenger. PCSOCom attempted to clarify and asked, “they hit one of your deputies?” to which FreeCom responded, “yes they did.” PCSOCom asked, “you are pursuing?” to which FreeCom responded, “yes we are pursuing at this point, we weren't and then it almost hit someone head on and then it rammed the deputy and now they're actively pursuing.” Never in the communications between FreeCom and PCSOCom was it clarified that it was the deputy's patrol vehicle that was hit or that the deputy was uninjured.

PCSOCom aired to all units on PCSOCom Channel 1 that a pursuit was entering Pueblo County from Fremont County on eastbound Highway 50. PCSOCom described the vehicle as a gray GMC Yukon with license plate 080 TEU, a female driver and a male passenger, and “vehicle did hit a Fremont County deputy.” Deputies then coordinated their response to the pursuit and provide updates to PCSOCom of their positions. After the pursuit leaves Highway 50 Deputy Hanratty, using call sign 31 to identify himself, asks “what are the charges on these folks from Fremont, did they say?” PCSOCom responds, “31, they struck a deputy.” The same voice can be heard asking, “Okay, vehicle or person?” At this point a voice comes on to the radio and says, “[unintelligible] don't matter” and provides an update on the location of the pursuit. PCSOCom never provides an answer to Deputy Hanratty's question. Approximately 2.5 minutes later a male voice airs to the Mutual Aid Communications (MAC) channel that the “current charges are ramming one Fremont County deputy.” Because this information is aired to the MAC channel the male speaking may be from Fremont County Sheriff's Office, the CSP, or PCSO. This is the last information provided to PCSO deputies about what happened in Fremont County prior to shots being fired at the vehicle's driver.

### **Summary of Interview with Deputy Hanratty**

Deputy Hanratty was interviewed by CIT detectives at the Pueblo Police Department on January 17, 2018. He was interviewed in the presence of his attorney and advised pursuant to *Garrity*.

Deputy Hanratty stated that the night of the incident he was wearing his patrol uniform, which included a badge, patches, and a duty belt. He was wearing a jacket with no markings over his uniform with the front of the jacket unzipped and open enough to leave his BWC uncovered. He was driving a Chevy Tahoe patrol vehicle which is fully marked and equipped with a siren and external light bar.

When the pursuit was aired over his radio Deputy Hanratty was headed to his home to end his shift driving in the area of Hudson Avenue and Highway 50 in the City of Pueblo. Deputy Hanratty's belief after hearing the PCSOCom radio traffic was that a Fremont County deputy was struck by the vehicle being pursued by FCSO. Deputy Hanratty recalled asking if a car or a deputy was struck but didn't remember getting a "definite answer" but his belief was that a deputy had been run over. Deputy Hanratty asked if the deputies on duty wanted assistance with the pursuit and was told it was up to him by the lieutenant on duty if he wanted to help with the call. Based on his knowledge that the Sheriff's Office shifts are often understaffed Deputy Hanratty decided to stay on duty and help with the pursuit.

Deputy Hanratty joined the pursuit in the area of Highway 50 and Purcell Boulevard. He was briefly the first vehicle behind the fleeing vehicle but Deputy Teschner took over the lead while Deputy Hanratty took over calling out speeds and directions of travel. Then Deputy Chavez took over calling out the speeds and direction of travel. At this point the pursuit had left Highway 50 and had proceeded to local roads north of Highway 50. Deputy Hanratty described the driving of the fleeing vehicle as erratic to include "bounding back and forth lane to lane...making abrupt turns, slamming on their breaks...speeding up, slowing down...cutting through corner areas," disregarding multiple stop signs and generally showing "no regard for anybody on the road." Deputy Teschner asked Lieutenant Duran over the radio if he could use a PIT (Pursuit Intervention Technique) on the vehicle and he was given authorization to do so.

After several attempts by Deputy Teschner to get into position to PIT the vehicle were thwarted by the eluding driver's evasive actions Deputy Teschner was able to PIT the vehicle while headed West on Platteville. The vehicle was pushed off the road and Deputy Hanratty was able to line up his patrol vehicle "nose to nose" with it. At this point Deputy Hanratty was able to see the driver through the windshield. He described her as having "a smile on her face, like she was having a good old time." The driver then put the car into reverse and began driving through the prairie over a berm and between some houses. Deputy Teschner remained in pursuit of the vehicle and Deputy Hanratty got behind Deputy Teschner but had difficulty following them through the dust so he drove onto adjacent streets until he heard Deputy Teschner radio that he was on McClave Drive. Deputy Hanratty was able to drive onto McClave Drive and follow Deputy Teschner from McClave Drive to Chaparral Drive where Deputy Teschner performed a second PIT maneuver on the GMC Yukon. Due to the PIT maneuver the vehicle became "hung up" on a fence by the time that Deputy Hanratty turned onto Chaparral Drive and seemed like it was unable to move.

Deputy Hanratty described again parking his patrol car "nose to nose" with the GMC Yukon. Deputy Teschner then struck the side of Deputy Hanratty's patrol vehicle. Deputy Hanratty got out of his patrol vehicle and drew his firearm. Deputy Hanratty could hear the GMC Yukon's engine revving in what appeared to be an effort to dislodge itself from the fence. The vehicle then "come off of there and came right at me." Deputy Hanratty stated that when the car came towards him it "scared the hell out of me because I thought it was gonna run me over." Deputy Hanratty stated that he remembered Alicia Martinez's face being "ghost-white" and that "she was lookin' through me, like I wasn't even there." Deputy Hanratty stated that her facial

expression “was what scared me about it, is...I mean, she already hit a deputy once before and now she’s comin’ at me again.” Deputy Hanratty stated that he took a step to his right in an attempt to “get off the X” because he thought he was going to get run over and die and he fired at the driver three times. When the vehicle went by him, he stopped shooting. He felt as though the vehicle was so close to him as it passed that the driver’s side mirror almost hit him, and he would have fallen under the tire of the vehicle if he didn’t move. Deputy Hanratty described keeping his gun pointed at the car after he stopped shooting because he didn’t know what would happen next or “if they had guns, or they were gonna come out.”

It should be noted, the dash camera on Deputy Hanratty’s patrol unit was not working properly. There was no video footage or audio from Deputy Hanratty’s patrol unit.

### **Summary of Deputy Hanratty’s Body Worn Camera**

Deputy Hanratty’s Body Worn Camera (BWC) begins recording on January 13, 2019 at 10:38:45 PM MST (shown on the BWC in the upper right-hand corner in Zulu time as 1.14.19 at 05:38:45). Although BWC typically has no sound for the first 30 seconds this video has sounds immediately. This video begins when Deputy Hanratty states he is westbound on Chaparral and shows him driving his patrol car. Because of the placement of the BWC on his uniform shirt the video shows the steering wheel and part of the windshield but does not show the viewer what the driver would have been able to see. At 10:39:00 PM, 15 seconds into the video, the impact of Deputy Teschner’s patrol vehicle against Deputy Hanratty’s vehicle can be heard. About three seconds later the driver-side-door of Deputy Hanratty’s vehicle opens and he begins to exit his vehicle. Upon exit from the patrol vehicle headlights can be seen in front of Deputy Hanratty’s vehicle and an engine can be heard revving. A small pine tree is seen several feet to the left of the front driver’s side corner of Deputy Hanratty’s patrol vehicle. Upon exit from his patrol vehicle, at approximately 10:39:06 PM, Deputy Hanratty appears to have his handgun drawn and held in an isosceles stance in front of his chest, although the gun is not clearly visible in the frame of the video. At this time the wheels on Martinez’s vehicle are turned towards Deputy Hanratty’s patrol vehicle but the front of the vehicle is pointed to left away from Deputy Hanratty.

At this same time the audio on the BWC video becomes incredibly disrupted. It is unclear what is interfering with the audio aspect of the video, but this sound disruption makes the sound recording during the shooting unusable as a tool to determine when Deputy Hanratty discharged his firearm. Deputy Hanratty is seen approaching the gap between his patrol car and the pine tree. By 10:39:07 PM it appears that Deputy Hanratty has walked in front of both his patrol car and the pine tree and is approaching the GMC Yukon. At this point the GMC Yukon begins to move forwards towards Deputy Hanratty. Deputy Hanratty’s left arm can be seen extending forward and reaching out towards the front driver’s side corner of the vehicle at 10:39:08 PM. As the car moves forward the wheels can be seen steering away from Deputy Hanratty and his patrol vehicle and towards the driver’s right and Deputy Hanratty’s left. Deputy Hanratty then resumes his two-handed isosceles shooting stance as the vehicle begins driving away from him and to his

left. The car continues driving to Deputy Hanratty's left as Deputy Hanratty can be seen moving backwards behind the pine trees to the left of his patrol vehicle. The vehicle is then seen rolling to a stop to Deputy Hanratty's left as Deputy Chavez comes into the frame from the right and Deputy Hanratty can be heard calling out "31, shots fired, 31, shots fired" into his radio.

### **Summary of Interview with Deputy Chavez**

Deputy Chavez was interviewed by CIT detectives at the PCSO Investigations Annex in the early morning hours of January 14, 2019. Deputy Chavez described being on a call in Pueblo West when he heard over his radio that FCSO was pursuing a vehicle that had "hit another officer" on eastbound Highway 50. He cleared his call and headed to the intersection of North McCulloch Boulevard and Highway 50 and waited until the pursuit passed McCulloch Boulevard. He then turned onto eastbound Highway 50 and began pursuing the GMC Yukon and the FCSO deputies discontinued their pursuit. Deputy Chavez stated that the pursuit went north on Purcell Boulevard from Highway 50. After the pursuit turned onto Purcell it was difficult for Deputy Chavez to see street names due to heavy fog but he recalled that Deputy Teschner conducted the first PIT maneuver on Platteville Boulevard. After being pitted Deputy Chavez described the GMC Yukon backing up and crossing Platteville Boulevard driving through a "bunch of tumbleweeds" in a residential neighborhood. Deputy Chavez explained that Deputy Teschner was able to perform a second PIT maneuver on "Paradise Lane" [Paradise Drive is less than 700 feet from the location of the second PIT on Chaparral Drive]. Deputy Chavez said after the second PIT maneuver he was pulling up to assist and Deputy Hanratty and Deputy Teschner got out of their patrol cars and were approaching the suspect vehicle. Deputy Chavez described seeing the vehicle stopped for a few seconds while Deputy Hanratty approaches the front of the vehicle with his firearm out and was closest to the driver's side of the vehicle. Deputy Chavez explained that Deputy Teschner was approaching from another angle. Deputy Chavez then stated that the vehicle started "picking back up like it's going to start and go take off again" and that Deputy Hanratty was "in a pretty bad spot." Deputy Chavez said that at that point he was concerned for his own safety as well as Deputy Teschner's safety but that "most of all I was concerned for Hanratty's safety given that he was in front of the vehicle." At that point Deputy Chavez saw Deputy Hanratty fire into the driver's side window and heard what sounded like three shots and later saw what looked like three shots in the driver's side window when he approached the vehicle. He never fired his weapon or saw or heard anyone else fire their weapon. He then remembers approaching the vehicle and holding Ms. Martinez's hands to ensure she didn't reach for any weapons while using his other hand to hold pressure on a gunshot wound under her jawline. He'd never seen either party in the vehicle before that night.

### **Summary of Officer Chavez's Body Worn Camera**

Deputy Chavez's Body Worn Camera (BWC) begins recording on January 13, 2019 at 10:31:09 PM MST (shown on the BWC in the upper right-hand corner in Zulu time as 1.14.19 at 05:31:09). This video shows Deputy Chavez driving his patrol vehicle and unintelligible radio

traffic is heard in the background as well as Deputy Chavez's siren. Because of the placement of the BWC on his uniform shirt the video shows the steering wheel, part of Deputy Chavez's laptop, and part of the windshield but does not show the viewer what the driver would have been able to see. At 10:31:23 PM Deputy Chavez radios that FCSO deputies have pulled over on Highway 50. At 10:33:21 PM Deputy Chavez radios that he has "caught up behind 31 [Deputy Hanratty's call sign]."

Deputy Chavez takes over calling out speeds, directions of travel, traffic, and weather conditions for the pursuit. At 10:37:18 PM Deputy Chavez states that the vehicle has been PIT'd at Platteville. He then describes the vehicle going through the prairie. Another deputy can be heard on the radio calling out the directions of travel and states they are "now westbound on Chaparral" at 10:38:51 PM. Beginning at 10:39:00 PM a car engine can be heard revving. Three loud pops can be heard at 10:39:09 PM. Deputy Chavez is then seen opening his driver's side door and exiting his patrol vehicle, running around the back of Deputy Hanratty's patrol vehicle and approaching the suspect vehicle, which is now stopped. There are three defects visible in the front driver's side window of the GMC Yukon that appear to be bullet holes.

### **Summary of Deputy Chavez's Dash Camera Footage**

The footage, which the camera system labeled as "4 - January 13, 2019" begins with Deputy Chavez's patrol car sitting at an intersection, which appears to be the intersection of McCulloch Boulevard and Highway 50, parked without his lights or sirens on. Unlike Deputy Teschner's dash camera, this dash camera video does not appear to record audio inside the patrol vehicle and no radio traffic is overheard. About a minute into the video, a dark colored SUV can be seen driving quickly in front of Deputy Chavez on Highway 50 eastbound followed by two marked FCSO patrol SUVs. Deputy Chavez turns right onto Highway 50 eastbound and turns on his lights and sirens. Almost immediately the two FCSO vehicles pull over, one on each side of the road and Deputy Chavez takes the lead in the pursuit, although the vehicle being pursued is not visible. Approximately two minutes into the video another vehicle with lights activated can be seen in front of Deputy Chavez. This vehicle and Deputy Chavez take a left onto Purcell Boulevard. After turning onto local roads off Purcell Boulevard it becomes clear that Deputy Chavez is the third law enforcement vehicle in the pursuit, as a third vehicle with lights activated can be seen ahead of the patrol vehicle directly in front of Deputy Chavez. The pursuit weaves through multiple local roads. Eventually, Deputy Chavez comes upon the dark colored SUV after it has been pitted and drives past it and then appears to turn towards the dark colored SUV but the dark colored SUV is able to get past Deputy Chavez and cross the road into the prairie. Deputy Chavez follows the pursuit through the prairie and then gets onto a dirt road in the vicinity of the pursuit and again is following another law enforcement vehicle with lights activated that can be seen in the distance. Approximately ten minutes into the video two patrol vehicle with lights activated can be seen off the left side of the road as Deputy Chavez approaches. Deputy Chavez pulls the vehicle to the left of a PCSO patrol Tahoe. The dark colored SUV can be seen pulling forward and turning towards the SUV's right at a high rate of speed and briefly driving away from Deputy Chavez's patrol vehicle before coming to a stop with taillights



on but no brake lights visible. It appears that the SUV almost struck Deputy Chavez's patrol vehicle. Another Deputy, presumably Deputy Teschner, can be seen running from the right of the frame to the left of the frame. Deputy Hanratty isn't visible on this dash camera video, nor is the shooting.

### **Summary of Interview with Deputy Teschner**

In the early morning hours of January 14, 2019 Deputy Teschner was interviewed by CIT detectives at the PCSO Investigations Annex. Deputy Teschner stated that he heard PCSOCom air that FCSO was pursuing a vehicle traveling eastbound on Highway 50 that had struck a FCSO Deputy. After asking Lieutenant Duran over the radio if he should head towards the pursuit and being told to go assist, Deputy Teschner began heading towards Highway 50 from the east sector of Pueblo County. While driving westbound on Highway 50 between Purcell Boulevard and McCulloch Boulevard Deputy Teschner saw the vehicle with one headlight headed eastbound on Highway 50 and he was able to cut through the median and begin pursuing the GMC Yukon. After he got behind the vehicle it turned left on to northbound Purcell Boulevard and ran the red light at Industrial Boulevard.

Deputy Teschner was the lead vehicle in the pursuit when the GMC Yukon turned left at Purcell Boulevard. Deputy Teschner didn't know exactly what streets the vehicle turned on while he was pursuing the vehicle north of Highway 50. Deputy Teschner asked for permission to perform a PIT maneuver on the vehicle and was given permission. Deputy Teschner stated he was able to PIT maneuver the vehicle on Platteville Boulevard. After the PIT maneuver the vehicle "spun out, went off to the northside of Platteville." He got out of his car and pointed his handgun at the vehicle while giving verbal commands. The GMC Yukon then began backing up and went south through the "fields" and was driving between houses.

Deputy Teschner stated that that once they were on Chaparral Drive, he had another chance to perform a PIT maneuver and preformed a second PIT maneuver on the GMC Yukon. He described his PIT maneuver sending the GMC Yukon into someone's yard and into a tree. The vehicle was "trying to go" and Deputy Teschner backed up his patrol vehicle and unintentionally struck Deputy Hanratty's patrol vehicle. Deputy Teschner attempted to get behind the GMC Yukon because he believed the driver was trying to back up. Deputy Teschner pulled his patrol vehicle forward and parked it to prevent the driver from backing up. Deputy Teschner stated that the GMC Yukon then was going "back towards Hanratty" and he heard what he thought was three gunshots as he was getting out of his patrol vehicle. Although he knew the driver was driving in the direction of Deputy Hanratty as she pulled forward, he couldn't see anything because of all the dust kicked up into the air. He then approached the vehicle, which was stopped but still in drive, and saw three bullet holes in the driver's side window. Deputy Teschner described hearing Deputy Hanratty say something along the lines of "I had to." Deputy Teschner stated he was giving the passenger commands to see his hands but that the passenger was unresponsive and experiencing agonal breathing and Deputy Teschner put pressure on a wound on the passenger's left side until medical personnel took over his care.

I would note that Deputy Teschner's body worn camera was not activated until 10:49:30 PM MST, approximately 10 minutes after the shooting occurred, and therefore will not be discussed

### **Summary of Deputy Teschner's Dash Camera Footage**

Deputy Teschner's dash camera shows a beginning timestamp of 22:58:41. Therefore, the timestamp on the dash camera is set incorrectly as that time is more than 20 minutes after the shooting occurred and yet the video begins with Deputy Teschner's patrol car headed to the area on Highway 50 where the pursuit by PCSO occurs. The dash camera video includes sound and the radio traffic for this incident can be heard in the background. At approximately timestamp 23:06:50 the GMC Yukon is on local roads north of Highway 50 and becomes clearly visible on the dash cam. The vehicle is a dark colored SUV. The vehicle is seen speeding, failing to stop or slow at stop signs and failing to maintain the lane of travel, frequently driving fully in the opposite lane of travel or straddling the double yellow line. Deputy Teschner appears to try to get in front of the SUV but is unable to due to the SUV maneuvering in front of Deputy Teschner and preventing him from overtaking the SUV. Deputy Teschner is able to perform a PIT maneuver on the vehicle at approximately timestamp 23:10:58. The PIT maneuver causes the vehicle to come to rest in the ditch to the right of the road facing the opposite direction of its previous direction of travel and Deputy Teschner's vehicle is lined up facing the passenger-side front corner panel of the SUV. Ms. Martinez is visible in the driver's seat and Mr. Apodaca is in the front passenger seat. After a brief pause, the driver begins driving backwards quickly as a male voice can be heard yelling "get out of the fucking car now" and Deputy Hanratty's patrol vehicle passes Deputy Teschner's vehicle on the passenger side driving towards the SUV. Deputy Chavez's patrol vehicle can be seen exiting the road, which is now on the driver's side of Deputy Teschner's patrol vehicle and driving towards the SUV. The SUV can be seen driving forwards and across the roadway towards the prairie. Deputy Teschner's patrol vehicle then begins driving again in the direction of the SUV through the prairie and he again becomes the lead car in the pursuit. While the SUV and Deputy Teschner are driving through prairie the SUV drives near homes. The pursuit then returns to local roads. At timestamp 23:12:28 Deputy Teschner performs a second PIT maneuver on the SUV. After the PIT maneuver the radio traffic states "now westbound on Chaparral" at timestamp 23:12:36. At timestamp 23:12:43 the impact of Deputy Teschner hitting Deputy Hanratty's patrol car can be heard and the dash camera shifts down so that the windshield is no longer visible in the frame and the frame contains only the dashboard. Sound, however, is still recording and three distinct pops can be heard at timestamp 23:12:53.

### **Summary of Interview with Alicia Martinez**

On January 21, 2019, at approximately 11:20 AM CIT Detectives traveled to Denver Health Medical Center to interview Alicia Martinez. This interview with Ms. Martinez was recorded and transcribed. Prior to the interview, Ms. Martinez completed a written *Miranda* advisement

and she indicated she understood her rights and wanted to speak with detectives. She acknowledged that she had been having memory issues since the shooting.

Ms. Martinez stated that on January 13, 2019 she slept through the day and woke up around 6:30-7:00 PM. Her cousin, Rebecca Iola, dropped off her car, the GMC Yukon, at Ms. Martinez's grandfather's home. Ms. Martinez and Mr. Apodaca, her boyfriend and father of her unborn child, then drove Ms. Iola's GMC Yukon to Ms. Martinez's aunt, Joanne Johnson's, home. Ms. Martinez and Mr. Apodaca then drove to Cañon City to shop at King Soopers because Mr. Apodaca didn't like to shop in Pueblo because he had been caught stealing from stores in Pueblo. However, they never made it to King Soopers in Cañon City because, after arrival in Cañon City, they "both got this weird feeling and we wanted to just go home." When she began to turn around to return to Pueblo "that's when the cop had first turned his lights on."

Ms. Martinez acknowledged that one of her headlights was out but believed that otherwise she was driving "normal" prior to the deputy attempting to initiate the traffic stop in Cañon City. She stated that she wasn't supposed to be driving because she only had a permit and didn't have a driver's license and that she didn't think she was done making payments on her ticket for speeding and no proof of insurance. She stated Mr. Apodaca was "real terrified of cops" and she had missed a probation appointment. She also acknowledged that she knew Mr. Apodaca had a probation warrant and thought it was possible that she had a probation warrant. When asked to explain her mental state when she decided not to pull over, she stated, "I didn't – I honestly I don't even think I was thinking of anything like that I was just more scared kinda - I was more scared if anything. Um, I didn't know what really was gonna happen, like, I just wasn't in - I wasn't really thinking."

Detectives then asked Ms. Martinez if she saw any other officers while she was driving in Cañon City. Ms. Martinez answered, "no pretty sure it was a straight ride home...I remembered they followed me all the way – all the way from when there - there's nonstop lights from behind me until this – til we – til they stopped me." Ms. Martinez stated she did not remember driving past the Cañon City Police Officers who were working on a motor vehicle collision. Ms. Martinez also stated she didn't remember trying to turn around on Highway 50 in Fremont County or striking FCSO Deputy Calhoun's vehicle. She also recounted that the sirens were not on throughout the pursuit but acknowledged that she didn't "know if it was just me blocking everything out." She stated that she didn't know what route she took and that she "didn't understand how I got to – to – by houses from where I was... 'cause from my understanding I was – I was on the highway." Ms. Martinez stated she was trying to go home to her grandfather's home.

Detectives asked Ms. Martinez specifically about the shooting. When asked directly about seeing officers out of their cars she stated, "there was – I don't know – I remember seeing one diagonal in front of me." Although Ms. Martinez stated she didn't remember seeing a gun drawn she remembered that Mr. Apodaca told her to stop as she continued to rev her engine but "we were already in park" and the car wasn't moving. When asked by detectives if she hit the officer she stated, "no I do not remember seeing him go down. But I do remember after revving my engine is when the shots started being fired." She claimed that she was not trying to get away when she

was revving her engine because she was “already in park” and had “no intention on [sic] hurting anyone.” She further stated, “I just remember getting hit. And then I remember seeing a brown house and some trees and then saying I got shot in the chest and that I couldn’t breathe...and then [Amiliano] saying he got hit and he started freaking out.”

When asked about items in the car Ms. Martinez denied Mr. Apodaca having any drugs but stated she had used heroin and methamphetamine that evening and later stated that the “stuff” in the car “was probably both of ours.” When asked again Ms. Martinez stated that Mr. Apodaca was smoking drugs during the pursuit.

### **Summary of Amiliano Apodaca’s Autopsy Report**

The autopsy report indicates Amiliano Apodaca was pronounced dead on January 14, 2019 at 02:30 AM. The autopsy was performed on the afternoon of January 15, 2019 by Dr. Daniel Lingamfelter.

Mr. Apodaca had two gunshot wounds on his body, one to his right leg and another to his torso. Two bullets were recovered by Dr. Lingamfelter, one in his torso and one in his leg. Both gunshot wound tracks begin on the left side of Mr. Apodaca’s body and go towards the right side of his body. The pathologist determined that the bullet wound to Mr. Apodaca’s torso, which perforated his diaphragm, stomach, aorta, and grazed the right kidney was the cause of death. The toxicology report indicates he had methamphetamine and heroin metabolites in his blood.

### **Summary of Alicia Martinez’s Injuries**

Photographs were taken by a CIT detective at Parkview hospital on the night of the incident showing the injuries. A laceration across Ms. Martinez’s upper left chest was several inches long and appears to be stapled closed in later photographs. There is a circular wound to her left upper arm/shoulder area and another wound on her left side under the arm. There is also an injury to her left jaw and neck area with an associated wound to the right side of her jaw that appears to be an exit wound. There is also a circular wound visible to her right shoulder.

A court order was issued to obtain Ms. Martinez’s medical records as a result of this incident from both Parkview Medical Center and Denver Health Medical Center. Parkview records indicated that the wound tract for her jaw injury contained bullet fragments. The Parkview records indicate that no bullets or fragments were located on radiographic images except for the fragments in her jaw. Radiographic studies also showed that Ms. Martinez was pregnant. A bullet was found inside the right shoulder/arm area of Ms. Martinez’s shirt. Denver Health records indicate five gunshot wounds described as a through and through injury of her jaw, one gunshot wound to the right shoulder, one gunshot wound to the left shoulder, one gunshot wound to the left sternum, and one gunshot wound to the left posterior axilla.

On January 23, 2019 a CIT detectives executed a warrant to collect 4 vials of blood taken from Alicia Martinez before she was admitted to Parkview Hospital on the night of January 13, 2019. These vials were never sent to CBI for analysis.

### **Officer Involved Processing**

The three deputies present at the time of the shooting were processed separately by CIT detectives at the PCSO Investigations Annex. The detective took full body photographs of each deputy to show any type of wounds, biological evidence, physical evidence, and placement of their duty gear.

Next, each deputy had an ALS light shined on their person. The light is used to identify any biological evidence such as blood. Neither Deputy Hanratty nor Deputy Teschner appeared to have any biological evidence on their uniform. Deputy Chavez had what appeared to be blood on his left sleeve so his uniform shirt, minus the personal items attached, was seized by the CIT detectives.

Finally, the deputies' duty gear was collected. Pictures were taken of their duty weapons as they were. Then the magazine in each weapon was removed along with the round in chamber, and the slide was locked back. This process makes the weapon "safe." Any additional magazines the deputies were carrying were also removed and placed with their duty weapons.

All deputies advised they keep their magazines topped off, carrying the maximum amount the magazine will allow them to carry. The live cartridges remaining in their duty weapons plus those in the additional magazines they carried were counted. Only Deputy Hanratty's weapon was missing any rounds. Deputy Hanratty's weapon was missing three rounds. The following results are from the processing of the deputies' firearms:

Deputy Hanratty: Smith & Wesson M&P 9mm, 49 live cartridges out of a possible 52.

Deputy Chavez: Glock 34 9mm, 52 live cartridges out of a possible 52.

Deputy Teschner: Glock 34 9mm, 52 live cartridges out of a possible 52.

### **Scene Processing**

On January 14, 2019, CIT Detectives responded to the scene at 731 North Chaparral Drive. All evidence at the scene was photographed, packaged, and placed into the secured evidence processing room at PPD. None of the evidence collected from the scene was sent to CBI for analysis. The scene at 731 North Chaparral Drive, as well as the car tracks created by the pursuit were also photographed by a PPD drone operator.

Three shell casings were found on the scene next to driver's side of Deputy Hanratty's patrol vehicle. Two were located next to the driver's side front tire and one next to the driver's side front door of the patrol vehicle.

## **Vehicle Search and Processing**

On January 14, 2019, CIT Detectives processed the GMC Yukon at the Pueblo Police Department Annex. Pictures of the vehicle's exterior and interior were taken prior to processing the vehicle. Once pictures were completed, touch DNA was collected from the driver's side door handle, steering wheel, gear shift knob, front passenger side door panel, front passenger side door handle, and driver's side seatbelt. Detectives were not able to lift any usable prints from the vehicle. Suspected blood located on the front driver's seat and passenger door was swabbed. Lint rolls for trace evidence were collected from the driver's seat and front passenger seat. A Cricket ZTE cell phone was collected from the center console. Tin foils with black marks were found in the center console of the vehicle but were not collected. None of the evidence collected from the vehicle was sent to CBI for analysis.

Three defects were found in the lower portion of the front driver's side window and labeled 1A, 2A, and 3A. Trajectory rods were placed in the three defects and approximate measurements of the angles were done relative to the window. Those measurements showed the three impacts at approximately ninety-degree angles from the window with 1A angled approximately 5-10 degrees to the left of a ninety-degree angle and 2A and 3A angled approximately 10-15 degrees to the right of a ninety-degree angle. Attaching lasers to those trajectory rods demonstrated that three trajectories passed through the space between the driver's seat and the steering wheel.

## **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 vehicle that was determined to constitute a grave public safety risk due to the high-speed pursuit as well as the suspect intentionally striking a police cruiser and forcing an officer to move to avoid being struck by the fleeing vehicle. 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.

The United States Supreme Court, when analyzing law enforcements' use of force from a Fourth Amendment perspective, has made clear that force, to include deadly force, is justified when used to end a high-speed pursuit. Scott v. Harris, 127 S. Ct. 1769, 1779, (2007). In that case multiple officers pursued the suspect at high speeds for “nearly 10 miles” while the suspect weaved across the double yellow line and failed to yield at multiple red lights. The Court held that “[a] police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death. Id.

## **Conclusion**

The Deputy involved in this shooting incident was trying to arrest a suspect that was reported to have struck a Fremont County Sheriff's Deputy with her vehicle and had eluded law enforcement officers for over thirty miles. The Deputy believed, based on radio communications, that the suspect has struck a Fremont County deputy during her attempt to elude law enforcement in Fremont County. A second PIT maneuver had just been performed and the driver was now driving towards Deputy Hanratty who was out of his vehicle about an arm's length away from the suspect's vehicle and had his gun drawn on the suspect. At the time he fired his weapon Deputy Hanratty was at risk of both being struck by the GMC Yukon Ms. Martinez was driving towards him as well as being crushed between the GMC Yukon driven by Ms. Martinez and his own patrol vehicle, a Chevy Tahoe. Deputy Hanratty reacted to the unlawful use of deadly force by the suspect against himself by firing his handgun at the suspect three times. When the threat from the vehicle passed, he stopped shooting at the driver. The suspect's actions were carried out in an intentional manner, and they posed a threat of serious bodily injury or death to Deputy Hanratty.

It is my conclusion based on the circumstances that the deputy was justified by the Self-Defense provisions of the laws of the State of Colorado in using the actions he employed to defend himself from what he reasonably believed to be the imminent use of unlawful physical and deadly force by Alicia Martinez, and that he reasonably believed that a lesser degree of force would be inadequate. Deputy Hanratty had reasonable grounds to believe, and did believe, that he was in imminent danger of being killed or receiving great bodily injury. His reaction was based on his own knowledge, observations and perceptions at the time and his actions were reasonable under the circumstances.

Given the facts and circumstances of the situation and the governing law, criminal charges against Deputy Hanratty would not be appropriate, and therefore no criminal charges will be filed against the deputy.

Dated this 23<sup>rd</sup> day of December 2019

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

J.E. Chostner  
District Attorney

701 Court Street, First Floor • Pueblo, CO 81003-3077  
Telephone 719.583.6030 • FAX 719.583.6666

---

*Protecting the Rights and Safety of the People*