



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

May 1, 2020

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 June 28, 2019  
Location: Trailer located at 1901 Constitution Road, Lot #57  
Deceased: Gene Edward Pool  
Officers Involved: Chad Garcia, Chris Flores, Gavin Corwin, Jordan Klopp, Manuel Pedraza, Mario Diaz

Dear Chief Davenport and Sheriff Taylor:

The 10th Judicial District Critical Incident Team (CIT) was activated on June 28, 2019, to investigate an Officer Involved Incident which resulted in the death of Gene Edward Pool (DOB 07/31/1981). The Pueblo County Sheriff's Office (PCSO) was designated as the lead investigative agency and other CIT participants included the 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 June 25, 2019, at approximately 3:56 a.m. Pueblo Police Department Officers were dispatched to the 1000 block of East 11<sup>th</sup> Street, in Pueblo, Colorado. A reporting party indicated they saw a body in the street after hearing what they believed to be a gunshot. Officers were later able to identify the victim as Wayne Riddock (DOB 11/19/1995). During follow up, detectives were able to learn from eyewitnesses that the suspected shooter was Gene Edward Pool. Dr. Daniel Lingamfelter conducted an autopsy on Mr. Riddock and determined the cause of death to be a single discharge from a shotgun, which struck the victim in the upper right chest area. Officers subsequently wrote an arrest warrant for Gene Pool, and it was signed by the Honorable Judge Flesher on June 27, 2019.

Following the initial investigation, officers attempted to locate Gene Pool. Officers were able to learn that Gene Pool was on parole and made several efforts to locate him via information provided by parole officers. Parole officers ultimately provided an address associated with Gene Pool of 1223 Taylor Avenue. While observing that address, officers saw a white Dodge truck, which they discovered to be stolen. On June 27, 2019, officers placed a GPS tracking device on the vehicle with the permission of the lawful owners.

On June 28, 2019, the vehicle traveled from 810 East 8<sup>th</sup> Street to Lot #57 of the Stagecoach Mobile Home Park at 1901 Constitution Road. Officers set up observation of the trailer in Lot #57, and eventually saw a male they recognized to be Gene Pool exit the trailer and get into the white Dodge truck they had previously placed the GPS tracker on. At that time, they commenced rolling surveillance of the truck, eventually determining that they would attempt to make a stop with marked police patrol units.

Officers attempted to stop Mr. Pool's vehicle, but at that time he fled in his vehicle. Officers pursued Mr. Pool starting from the eastern side of Pueblo until Gene Pool crashed his vehicle near the northern entrance of Stagecoach Mobile Home Park, where it appeared, he was returning. Mr. Pool then abandoned his vehicle and ran in to the park, where he re-entered the mobile home at space 57. Several witnesses on scene indicated they saw Mr. Pool enter the mobile home with a firearm, which was later determined to be a short-barreled, silver colored shotgun, in his hands.

Officers of the Pueblo Police Department surrounded the residence, and Detective Ryan Torres began attempting to convince Mr. Pool to leave peacefully via megaphone. At that time, the front door and screen door to the mobile home were open from when Mr. Pool entered. While Detective Torres attempted to negotiate with Mr. Pool, the Pueblo Police Department activated the Special Weapons and Tactics (SWAT) team, and they responded to the scene with two armored vehicles. During Detective Torres attempts to negotiate, multiple officers were able to observe Mr. Pool in the mobile home and observe a silver colored shotgun in his hands.

The standoff continued for roughly forty-five minutes, at which time, Mr. Pool approached the doorway, with the shotgun still visible in his hands. Officers began ordering him to drop the weapon and exit the residence. While Mr. Pool was at the door, one of the SWAT team armored vehicles, the MRAP, was taking position in the front of the house. Mr. Pool ultimately refused to drop his weapon and exited the residence. As he did so, multiple officers observed him raising the shotgun and pointing it at several officers holding position in front of the residence.

Upon seeing Mr. Pool point the weapon at officers, Sergeant Flores, Detective Diaz and Officers Chad Garcia, Gavin Corwin, Jordan Klopp, and Manuel Pedraza opened fire, directly striking Mr. Pool six times. Mr. Pool fell to the ground and was pronounced dead on scene. Captain Eric Bravo removed the weapon from beneath Mr. Pool for the safety of medical personnel and officers, and it was then moved to an adjoining driveway, marked off by evidence tape, and guarded.

All officers involved in the shooting were assigned gatekeepers and the CIT was formally activated.

### **Autopsy of Gene Pool**

The autopsy on the body of Gene Pool was conducted on July 1, 2019, at approximately 4:30 p.m., at St. Mary-Corwin Hospital in Pueblo, Colorado. The autopsy was performed by Forensic Pathologist Dr. Daniel Lingamfelter. Dr. Lingamfelter concluded that the cause of death was multiple gunshot wounds, that perforated multiple arteries and veins, resulting in massive blood loss and hemoaspiration (blood entering and filling the lungs).

The forensic pathologist noted that there were multiple bullet wounds on Mr. Pool's body, including one wound to the neck, two to the chest, three to the right arm and hands, as well as, projectile shrapnel wounds to the right side of the body.

There was a single gunshot wound on the lateral right neck area, where a bullet traveled through the body and exited the upper left chest area. The bullet perforated the right and left internal jugular veins, right and left common carotid arteries, and several other internal organs. This resulted in massive blood loss and bilateral hemoaspiration.

In the torso area, there were two bullet wounds, one to the left shoulder and one to the right chest. The first wound involved a bullet entering the in the anterior left shoulder, where it perforated the left axillary vein and artery, fractured the left 3<sup>rd</sup> and 4<sup>th</sup> ribs, and came to a stop when it reached the left scapula. What appeared to be a medium caliber round was recovered from the left scapula. The second wound involved a bullet entering the lateral right chest area, where it perforated the lateral right 5<sup>th</sup> and 6<sup>th</sup> ribs, and multiple organs including the right atrium of the heart. There was no fully intact bullet recovered, though a fragment was recovered from the duodenum, and no exit wound was observed. This wound resulted in a right hemothorax of roughly 150ml of fluid and trace hemopericardium and hemoperitoneum. Additionally, there was pseudo stippling and bullet fragmentation injuries along the right abdomen, and those injuries extended to the right side of the face and right extremities.

In the right arm, there were three bullet wounds detected, one entrance wound to the right forearm and two grazing wounds to the fingers on the same arm. The first wound involved a bullet wound beginning at the ventrolateral right forearm, traveling slightly upward, and exited dorsal area of the right forearm. The bullet perforated the right radius and ulna while it traveled through the arm. Additionally, the second and third grazing wounds grazed the dorsal sides of the right thumb and right ring fingers respectively. There was surface damage to both fingers, but no determination could be made as the direction the bullets travelled.

The toxicology performed of Gene Pool revealed the presence of several substances in cardiac blood and urine. Specifically, in the cardiac blood recovered there was 65,220 nanograms per milliliter of Methamphetamine, 213 nanograms per milliliter of Amphetamines, 55 nanograms per milliliter of free Morphine, and 25 nanograms of Ethanol, as well as trace amounts of codeine.

Detective Butterfield was present for the autopsy and collected the clothing Mr. Pool was wearing at the time of death was taken into evidence. Additionally, photographs of the procedure were taken, and the bullet and bullet fragments were collected.

**Interview: Officer Chad Garcia**

Officer Garcia was interviewed by CIT detectives. He was interviewed in the presence of his attorney, John Rice, and advised pursuant to *Garrity*.

Officer Garcia indicated that on June 28, 2019, he was at the Pueblo Police Department for his Watch Two roll call for the day. At that time, Officer Garcia and other officers heard radio traffic that other officers were in active pursuit of a homicide suspect. He and the other officers left the roll call and, after listening to radio traffic, responded to the last location the suspect was located at. When he reached the area, he saw multiple police vehicles, as well as the vehicle the suspect was supposed to have been driving. Officer Garcia indicated that he heard over the radio that the suspect had abandoned the vehicle and returned to a trailer the suspect had been at previously.

At that time, Officer Garcia exited his patrol vehicle and ran to the trailer, which he saw to be surrounded by large numbers of officers and police vehicles. Officer Garcia initially saw that there was no containment of the trailer to what he believed to be the northeast side of the trailer. He moved to that area and held position for at least several minutes. While there, he could hear someone on a public address system, but could not clearly hear what was being said. Eventually he left to get into his police cruiser and move it to the northeast side of the trailer. Officer Garcia said he had been informed via radio the suspect was armed with a 'long gun', and since there was poor cover in his area, he wanted to have the cruiser there to provide himself and other officers with better cover. He moved the cruiser to a new position, grabbed a patrol rifle from the vehicle, and resumed holding the position.

Officer Garcia indicated he heard that SWAT was being activated and deploying armored vehicles to the scene. Officer Garcia went to the first armored vehicle to arrive on the scene and took a position in the turret of the vehicle, which had a metal plate behind which he could shelter. He indicated that he did this because he was in his patrol uniform, which was less bulky than the uniform and armor of SWAT officers, he knew he would be able to fit in the turret and maneuver better. At that position, Officer Garcia indicates he had a view of the front of trailer at that time. Additionally, he could hear someone speaking over a public address (PA) system, negotiating with the suspect to attempt to get him to exit.

After some period of time, Officer Garcia saw the suspect step out the front door of the trailer, and clearly saw a long gun at the side of the suspect. Officer Garcia then saw the suspect raising the weapon and point it at officers in front of the building. Officer Garcia said at that point he feared for the lives of the officers whom the suspect was pointing his weapon at. This was because, based on his experience, the cruisers he saw the officer sheltering behind provided poor cover from shotgun fire, either from slug rounds or buckshot, and knew it would go 'clean through' the vehicles. Officer Garcia believes he heard other gunfire first, and then fired what he believed to be four rounds from his patrol rifle at the suspect. He never heard the suspect make a statement. Officer Garcia also indicated that at all times during the incident he was wearing his patrol uniform, with a clearly visible badge and identifying markings.

**Interview: Sergeant Chris Flores**

Sergeant Flores was interviewed by CIT detectives. He was interviewed in the presence of his attorney, John Rice, and advised pursuant to *Garrity*.

Sergeant Flores came in to work on June 28, 2019, where he had information that a suspect (Gene Pool) they were actively trying to contact, was in a stolen vehicle. Other officers had been surveilling the suspect at a house on East 7<sup>th</sup> Street, but Mr. Pool had moved to a location at the Stagecoach Trailer Park. Sergeant Flores stated that they went to confirm it was Mr. Pool who was driving the vehicle at that location. Once

at there, Sergeant Flores said they saw Mr. Pool exit the trailer and enter the vehicle they believed he was using.

Sergeant Flores stated they followed Mr. Pool for 30 - 45 minutes before attempting to contact him. Once Mr. Pool saw a marked patrol cruiser, Sergeant Flores said he fled the area at a high rate of speed. Sergeant Flores and other officers saw Mr. Pool head north on 'Troy', and they believed he was attempting to return to the trailer park he started in. At some point, Sergeant Flores was made aware that Mr. Pool had driven into the trailer park.

With that information, Sergeant Flores said he exited his vehicle, and positioned himself behind the trailer Mr. Pool had originally been located. He saw two men in front of the trailer, one of whom was Mr. Pool. Sergeant Flores and other officers drew weapons and ordered Mr. Pool to get on the ground, but he instead entered the trailer. At that time, Sergeant Flores indicated they secured several third parties in, and around the trailer, then began using a PA system to try to get Mr. Pool to leave the trailer. Someone in the area informed Sergeant Flores and other officers that Mr. Pool had a silver, sawed-off shotgun.

Sergeant Flores estimated that Detective Ryan Torres was on an intercom for 20 - 30 minutes, attempting to convince Mr. Pool to come out. After that, Sergeant Flores said other officers were able to see Mr. Pool come to the front door of the trailer, while Detective Torres continued to try and talk to the suspect. Sergeant Flores stated he saw Mr. Pool continually peak from inside the door, but not come out. Sergeant Flores said Detective (sic) Corwin was able to see a silver long gun in Mr. Pool's hands while this was occurring. Sergeant Flores then heard Detective Torres try, for an estimated five to ten minutes, to convince Mr. Pool to drop the weapon.

He then saw Mr. Pool rapidly exit the trailer and point the shotgun in what he believed to be his direction. At that point, Sergeant Flores opened fire on Mr. Pool, at what he believed to be the same moment as other officers. At that moment, Sergeant Flores believed Mr. Pool was coming out to hurt himself and other officers, and he was in fear for his life. Specifically, he believed Mr. Pool was either going to try and get away or hurt someone, but he believed Mr. Pool was not going to give up. He did not hear Mr. Pool say anything as he exited.

Sergeant Flores was not certain, but believed he fired three to four rounds at Mr. Pool with his pistol when he opened fire. He also was dressed in a polo shirt and cargo pants for the duration of the incident and wore a tactical vest on top of that clothing.

#### **Interview: Officer Gavin Corwin**

Officer Corwin was interviewed by CIT detectives. He was interviewed in the presence of his attorney, John Rice, and advised pursuant to *Garrrity*.

Officer Corwin indicated that on June 28, 2019, he was at roll call. At that time, he and other officers heard radio traffic that undercover officers were in active pursuit of a homicide suspect on the east side. He then left in Unit #117 to join the pursuit. He heard over radio, prior to arriving, that the suspect had left a Dodge and entered the residence on Lot #57 in the trailer park they were approaching.

Officer Corwin then arrived at the scene, armed himself with a carbine, and joined other officers surrounding the residence. At that time, he took a position behind a civilian vehicle at the front of the residence. While there, he was able to hear detectives trying to negotiate with the suspect in the trailer. Shortly after that began, he heard someone inform officers the suspect in the trailer was armed with a silver shotgun.

While watching the residence, he shifted positions to another vehicle to get a better position from which to watch the door. While covering the front door, he heard Detective Torres continue to try and convince the suspect in the residence to come out. Officer Corwin did see a silver shotgun being held by someone in the doorway, though the person was obscured by the door frame. He also saw the figure pacing back and forth and jumping while situated behind the door.

Officer Corwin then saw the person exit the doorway and point the shotgun at him. At that point Officer Corwin fired three to four rounds at the suspect before his carbine malfunctioned. He took cover to clear the malfunction, and when he looked at the door again, he could not see the suspect. He indicated that he never heard the suspect say anything while the incident occurred. He also never saw the suspect fire his weapon. He later learned the suspect name was Gene Pool.

Officer Corwin said he feared for his safety and the safety of the officers around him when Mr. Pool pointed the shotgun at him. He said he was in his standard patrol uniform during the incident, with all of his badges on his uniform.

#### **Interview: Officer Jordan Klopp**

Officer Klopp was interviewed by CIT detectives. He was interviewed in the presence of his attorney, John Rice, and advised pursuant to *Garrity*.

Officer Klopp indicated that on June 28, 2019, he was at roll call. At that time, Officer Klopp was able to hear over radio that officers were in pursuit of a homicide suspect and asking for assistance. He then left with several other officers to assist. While en route, he was informed the final location the defendant reached was the Stagecoach Trailer Park, and Officer Klopp arrived on scene there shortly after.

Once there, Officer Klopp heard from other officers that the suspect had entered a trailer, and saw several officers running towards one particular trailer. As he had not received a specific address, Officer Klopp said he followed them to that trailer. Once there, he took a position to the north of the trailer where several police SUVs were positioned. In that position, Officer Klopp heard someone he believed to be Officer Robertson on a PA attempting to give commands to the suspect to exit the trailer. Additionally, he heard officers and detectives, specifically Detective Torres, to the south of the trailer trying to give commands to the suspect to exit once Officer Roberts finished his attempt.

Officer Klopp said while this was occurring, two other occupants of the trailer exited, and other officers learned from them that the suspect was armed with either a shotgun or a short rifle. He then heard detectives on the south side of the trailer were able to observe the suspect pacing and were able to observe that the suspect holding a shotgun.

At this time, Officer Klopp indicates he went behind one of the armored vehicles that had responded to the scene with several other officers to get water. At that time, he heard several gunshots. Officer Klopp indicated at that moment he believed that the officers to the south of the trailer were in danger, so he drew his weapon and turned to observe the front of the trailer. He was able to observe a man exiting the trailer armed with a shotgun, pointing it towards the south where other officers were located. Officer Klopp indicated he fired one round, was told to get back in cover, and then went back to the station.

During the entire incident, Officer Klopp indicated he was in his patrol uniform with his badge and patches on. He did not hear the suspect say anything during the incident.

**Interview: Officer Manuel Pedraza**

Officer Pedraza was interviewed by CIT detectives. He was interviewed in the presence of his attorney, John Rice, and advised pursuant to *Garrrity*.

Officer Pedraza indicated that on June 28, 2019, he was temporarily assigned to the Gangs and Narcotics unit. He stated he was wearing a gray t-shirt, blue jeans, black shoes, and a tactical vest that had Police on the back of it. That day he was informed that the Gangs and Narcotics unit would be assisting the Crimes Against Persons unit in locating Gene Pool. Officer Pedraza stated he had previously been involved in the case, helping to place a GPS tracker on a vehicle Mr. Pool was believed to be using.

Officer Pedraza said he was then ordered to use an undercover vehicle and to wait on Constitution Road in case Mr. Pool came out. Starting at roughly 10:00 a.m., he indicated that himself and several officers followed Mr. Pool around the county. Eventually, it was determined that officers would try to 'take him down' on East 15<sup>th</sup> Street, but he learned that Mr. Pool took off when marked units tried to box him in. Officer Pedraza stated he was not directly involved in the pursuit as he was in an undercover vehicle.

Officer Pedraza heard that Mr. Pool had returned to the trailer park, so he responded there. He indicates initially he was not directly involved in the incident. Eventually, he was asked to assist by bringing items up to officers in front of the trailer. Once there, Officer Pedraza stayed in place due to lack of cover and concern over his ability to retreat safely.

While in front of the trailer, Officer Pedraza was able to hear Detective Torres making announcements to the house. At the request of Captain Bravo, he told Detective Torres to inform Mr. Pool that SWAT was arriving on scene. Officer Pedraza said shortly after he heard Detective Torres tell Mr. Pool about the SWAT team, he saw Mr. Pool exit the house with a gun. He believes he saw a muzzle flash and heard a gunshot. He believed he saw Mr. Pool holding a weapon in their direction and at that point fired with his duty weapon. He later indicated he believed he fired four times.

Officer Pedraza did not hear Mr. Pool say anything before he exited. However, he noted he could just see Mr. Pool's shadow near the door, jumping up and down, and he saw Mr. Pool exit the house quickly. He indicated that earlier officers and learned from witnesses that exited the house that Mr. Pool was armed with a short gun or a rifle. Officer Pedraza stated he was in fear for his life because Mr. Pool possessed the weapon, had the ability to hurt himself and other officers, and had pointed the weapon at them.

**Interview: Detective Mario Diaz**

Detective Diaz was interviewed by CIT detectives. He was interviewed in the presence of his attorney, John Rice, and advised pursuant to *Garrrity*.

Detective Diaz stated that on June 28, 2019, he had come to the office and heard that there was a pursuit involving Gene Pool that had led to the Stagecoach Trailer Park, and that Mr. Pool had entered a trailer. He had background information that Mr. Pool was currently a homicide suspect. At the direction of Sergeant Anderson, Detective Diaz put on a tactical uniform, consisting of a heavy vest, marked police on the front, and a helmet, then took an armored vehicle to the scene. While en route, Detective Diaz noted later that someone had aired that Mr. Pool had a silver in color sawed off shotgun.

When Detective Diaz arrived on scene, he said he was ordered to move the vehicle to the north side of the trailer. He eventually positioned the vehicle so that it would have a clear view of the front door. Detective Diaz was able to hear commands being given, and then saw Mr. Pool exit with something silver, not held at his side (note: Detective Diaz describes Mr. Pool as "I remember specifically he having his arm this way

with something silver along this way.” Video shows Detective Diaz gesturing that the silver object was horizontal and holding his hand as if he were holding a weapon). Later, he clarifies that Mr. Pool had fully exited the trailer and was out of the doorway, and that the weapon was pointed at the general area of other officers. Detective Diaz says when he saw this is when he shot at Mr. Pool, and later estimated he fired three to four times. At some point in that sequence, he indicates he heard a shot as well. During later questioning, Detective Diaz states he wasn’t positive if he heard a shot before or after he fired his weapon

Detective Diaz indicated that when he saw Mr. Pool exit with the silver item and heard a gunshot, he believed that Mr. Pool had shot at officers. He indicated that the officers Mr. Pool had his weapon aimed at were behind vehicles that he knew provided poor cover from his experience. He indicated that he was concerned for their safety given that he believed Mr. Pool shot at them, they lacked personal armor and good cover. Based on that he shot at Mr. Pool. Later clarifies he is not sure when he heard a shot fired first.

#### **Witness Interview: Joshua Bowdin**

Joshua Bowdin is the owner of trailer located at 1901 Constitution Road, in Lot #57, and a witness to Gene Pool’s entrance into that trailer on June 28, 2020. He was interviewed by Detective Victor Herrera of the Pueblo County Sheriff’s Office and Detective Alex Hovet of the Pueblo Police Department.

Mr. Bowdin stated he was outside his trailer around 11:00 a.m. on June 28, 2019, working on an air conditioning unit, when he saw a shirtless male jump a fence. He observed the male to be carrying a gun in a bag or a holster. Mr. Bowdin said one the people living in the trailer, Alan Beeman, told the man to enter the residence as officers were chasing him. He indicated shortly afterwards, officers arrived and took himself, Mr. Beeman, and Mr. Beeman’s mother, Joyce Johnston away from the residence. Mr. Bowdin was able to hear officers giving commands to the male to leave the residence and put his hands up. He was unable to see what happened as he was standing some distance away, but did hear approximately five gunshots

#### **Witness Interview: Joyce Johnston**

Joyce Johnston was a tenant of the trailer at 1901 Constitution Road, in Lot #57, and a witness to Gene Pool’s entrance into the trailer on June 28, 2019. She was interviewed by Pueblo County Sheriff’s Office Detective Amy Lile and Pueblo Police Department Detective Monica Lemmon at the Pueblo Police Department.

Ms. Johnston indicated she was at home with a friend, James Micheal Sasser, packing to move out on June 28, 2019. While she was doing so, she received a call from a woman with the Pueblo Police Department informing her a murderer had run into her house and instructed her to exit. She said she left her bedroom and saw a man she believed to be African American, holding what she thought was a long gun with a silver barrel to his chest. She stated she asked what the male was doing, and he replied, “It’s either me or them.” She said she told him to drop the gun down and leave. She then left her home and was escorted from the area. She heard gunshots later, but could not tell how many, and did not observe the gunfire directly.

#### **Witness Interview: Jonathon Martinez**

Jonathon Martinez was a witness present at the trailer located at 1901 Constitution Road, in Lot #57, and a witness to Gene Pool’s entrance into that trailer on June 28, 2019. He was interviewed by Detective Ryan Landreth of the Pueblo County Sheriff’s Office and Detective Alex Hovet of the Pueblo Police Department.

Mr. Martinez stated on that date, he had just arrived at the residence and was sitting on a couch, when a man ran in to the house with a gun. He clarified later that he believed he saw the man come in with firearm



in his shirt. Mr. Martinez said he observed the man enter, and immediately look out the door. While he was in front of the trailer, he could hear a woman inside telling the man to drop the weapon and go outside and could hear officers ordering the man to come outside, and believed he heard officers repeat the command six times.

At some point, Mr. Martinez went to the backroom of the trailer, with other individual in the trailer. And he estimated he heard commands for roughly three minutes before he heard gunfire. Eventually a SWAT team entered, and ordered him to exit the trailer, and he said he was then transported to the police department.

#### **Witness Interview: Selina Martinez**

Selina Martinez was a witness present at the trailer located at 1901 Constitution Road, in Lot #57, and a witness to Gene Pool's entrance into that trailer on June 28, 2019. She was interviewed by Detective Ryan Landreth of the Pueblo County Sheriff's Office and Detective Alex Hovet of the Pueblo Police Department.

Ms. Martinez stated she had just gone into the house on 1901 Constitution, Lot #57 on June 28, 2019, when 'that guy' ran inside and was out of breath. He told a woman named Kendra "We got to go" and "They know it's me.", and he was pacing back and forth. Later during the interview, she stated she also heard the man say that "he ain't going back, they know it's me." When asked if the male had anything with him, Ms. Martinez said she saw he had a shotgun with him, and that he had brought it into the house.

Ms. Martinez was able to hear officers issuing commands to the male to come out with his hands in the air, and that they continued to issue those commands for at least 30 minutes. Eventually, she heard possibly seven gunshots, but was in a back room and couldn't see anything.

#### **Witness Interview: Donald Schultze**

Donald Schultze was a witness present when Mr. Pool entered the trailer located at 1901 Constitution Road, in Lot #57, on June 28, 2019. He was interviewed by Detective Melissa Rohrich of the Pueblo County Sheriff's Office and Detective Carli Gustin of the Pueblo Police Department.

Mr. Schultze indicated he was outside working on an air conditioning unit at Lot #56, when he saw a man running by, holding something black against his chest, but couldn't tell if it was a gun. Mr. Schultze could not tell what was in his hands. He described the man as 'running for his life,' and called to Allen. He said Allen pointed the man to the entrance of a trailer, but Mr. Schultze pointed him inside.

He said multiple officers arrived on scene with guns drawn and ordered himself and the other individuals out of the area. He said he was able to recognize the individuals coming in as law enforcement because one of them was in a police uniform, and there were several marked police cruisers. However, he didn't recall anyone identifying themselves as police.

#### **Witness Interview: Allen Beeman**

Allen Beeman was a witness present at the trailer located at 1901 Constitution Road, in Lot #57, and a witness to Gene Pool's entrance into that trailer on June 28, 2019. She was interviewed by Detective Hector Herrera of the Pueblo County Sheriff's Office and Detective William Wells of the Pueblo Police Department.

Mr. Beeman indicated on June 28, 2019, he saw a male he knew as "Bonus" walking to the trailer his mom lived in, he saw him going towards the front door, but did not know if he went in. He said shortly after that

officers arrived and screamed at him to get on the ground, and he was taken to a police cruiser. Some time later he heard gun shots.

#### **Witness Interview: Kindra Knezevich**

Kindra Knezevich was a witness present at the trailer located at 1901 Constitution Road, in Lot #57, and a witness to Gene Pool's entrance into that trailer on June 28, 2019. She was interviewed by Detective Hector Herrera of the Pueblo County Sheriff's Office and Detective William Wells of the Pueblo Police Department.

Ms. Knezevich said they had arrived at the trailer a few minutes before a male she knew as 'Bonus' walked in the trailer, appearing to be frantic. She indicated the male told her he was running from the cops and was pacing back and forth. She also saw that he entered the trailer with a shotgun in his hands. She said herself and another woman in the trailer named Joyce tried to get the male to put the gun down and give up, but he said he couldn't put it down. She also heard officers outside 'pleading' with the male to come out for several minutes before she heard gunshots.

#### **Witness Interview: Ashley Schultze**

Ashley Schultze was a witness present when Mr. Pool entered the trailer located at 1901 Constitution Road, in Lot #57, on June 28, 2019. He was interviewed by Detective Melissa Rohrich of the Pueblo County Sheriff's Office and Detective Carli Gustin of the Pueblo Police Department.

Ms. Schultze indicated she was outside when she saw a dark male running near her home yelling "where is Allen?", while holding his arm across his chest as though he were concealing something. She said Allen was outside and told him to go in the trailer. She saw the man walk in and then heard sirens and saw officers arrive on scene. She could hear officers giving commands to the male to exit, or they would deploy tear gas, as well as telling him to drop the weapon or they would enter.

Ms. Schultze said she saw the man exit, but could not see his hands, and could not tell if he was holding anything. She then heard gunshots and took cover.

#### **Officer Involved Processing**

All six officers, listed above, were processed by Detective Butterfield with the Pueblo County Sheriff's Office, and all were evaluated in an identical manner. Detective Butterfield responded to the Pueblo Police Department, where, for each officer, he took full body pictures of the officer from multiple angles.

Detective Butterfield then took each officer to 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. All six officers were negative for any signs of biological evidence. Detective Butterfield wore latex gloves and changed them out between checking each officer.

Detective Butterfield then examined the weapon each officer used during the incident, be it a rifle or duty pistol. The weapon was made "safe." This was done by removing the magazine in the weapon and the live cartridge in the chamber of the weapon. The live cartridges and magazine were placed with the weapon, and additional magazines for said weapon collected and ammunition counted for them as well. Ultimately Detective Butterfield determined that, based on ammunition remaining between all officers, there had been a maximum discharge of 25 rounds.

The following is break down of the inventory of each weapon:

Sergeant Chris Flores: Glock 17 9mm handgun (SN# BFKT860). The weapon had one live cartridge in the chamber, and thirteen live cartridges from the magazine that had been in the weapon. There were also seventeen live cartridges in his two spare magazines. There was a total of four discharges.

Officer Chad Garcia: BCM .223 rifle (SN# W03026). The weapon had one live cartridge in the chamber, and twenty-three live cartridges from the magazine that had been in the weapon. There were also twenty-five live cartridges in both of the spare magazines. There was a total of five discharges.

Detective Mario Diaz: FNS .223 rifle (SN# FNB020296). The weapon had one live cartridge in the chamber, and twenty-four live cartridges from the magazine that had been inserted in the weapon. There were also twenty-nine live cartridges in both of the spare magazines. There was a total of four discharges.

Officer Manuel Pedraza: Glock 17 9mm (SN# SEV507). The weapon had one live cartridge in the chamber, twelve live cartridges from magazine that had been inserted in the weapon. There were also seventeen live cartridges from one spare magazine, and sixteen live cartridges from the second spare magazine. There was a total of five discharges.

Officer Jordan Klopp: Glock 17 9mm (SN# BFM429). The weapon had one live cartridge in the chamber of weapon, and fifteen live cartridges from magazine that had been inserted in the weapon. There were also seventeen live cartridges in both of the spare magazines. There was a total of four discharges.

Officer Gavin Corwin- Daniel Defense .223 rifle (SN# 4064473). The weapon had one live cartridge in the chamber, and twenty-two live cartridges from magazine that had been inserted in the weapon. The weapon had no spare magazines. There was a total of five discharges.

### **Scene Processing: 1901 Constitution Road, Lot #57 and Surroundings**

PCSO Detective Charles Roldan responded to the scene at 1901 Constitution Road, in Lot #57, on June 28, 2019, at approximately 1:15 p.m. Before the detectives handling the scene arrived, the shotgun carried by Mr. Pool had been moved to the driveway of Lot #61 and secured with evidence tape.

Initially Detective Roldan videotaped the scene and surrounding area, including where the shotgun was located, and spray-painted markings denoting the locations of the armored vehicles that had been on scene. He also filmed the area where the stolen white Dodge had approached the scene, and the path Mr. Pool had taken to the trailer at Lot #57. Later, Detectives Roldan, Perez, and Butterfield photographed, marked, collected, and secured the evidence at the front of the building.

Detective Roldan and Detective Stephen Perez the videotaped, photographed and secured all evidence in the rear of Lot #57. After that, CBI activated a FARO unit and took a scan of the entire scene

Detective David Butterfield responded to the scene as well on June 29, 2019 at approximately 8:00 a.m., was in charge of recreating the shooting. Detective Butterfield used trajectory rods (equipped with a green laser, and an electronic protractor and gauge, to determine if various holes on the walls of the building ere bullet defects or natural markings from the disrepair of the building. He was able to check suspected bullet

defects A-Q, and verify which were natural, and which were the cause of gunfire. He then used the equipment to determine angles of impact and attempt to recover projectiles.

On July 2, 2019, Detectives Victor Herrera, Glenn Filmore, and Amy Lile, with the consent of the legal owner of the Dodge truck Mr. Pool had driven, processed the vehicle at the Pueblo County Sheriff's Office substation at 32 East Joe Martinez Boulevard. A black Motorola Cell Phone was collected from the driver's side floorboard, and a Pueblo Police Department tracking device was recovered as well. Detective Lile photographed the truck and its contents.

### **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 fifteen 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**

Officers Chad Garcia, Chris Flores, Gavin Corwin, Jordan Klopp, Manuel Pedraza, and Mario Diaz were among several officers who responded to a trailer in the Stagecoach Trailer Park, where Gene Pool had fled. Mr. Pool had initially fled an attempt by multiple officers to apprehend him in relation to an outstanding warrant for his arrest for the murder of Wayne Riddock. In that case, Mr. Pool was suspected of Murder in the First Degree for shooting Mr. Riddock with a shotgun. Officers converged on 1901 Constitution Road, in Lot #57. At that time, officers ordered Mr. Pool to exit the trailer and were able to remove several third-party witnesses from the area of the trailer. They were informed that Mr. Pool was armed with a silver ‘long gun’, later revealed to be a shotgun, by Joshua Bowdin and Joyce Johnston. This observation was later supported by multiple officers who were able to observe the weapon in Mr. Pool's hands. Additionally, Ms. Johnston and Ms. Selina Martinez (a female in the trailer when the incident transpired) heard statements to the effect of “It's either me or them” and that “he ain't going back, they know it's me” respectively. For a period of approximately 30 - 45 minutes, Detective Torres attempted to negotiate with Mr. Pool, and get him to exit the trailer peacefully. Towards the end of the period, multiple officers were able to observe a silhouette pacing around, peaking from the doorway. Ultimately, Mr. Pool exited the trailer, raised the shotgun and aimed it in the direction of Sergeant Flores, Officer Corwin, and

other officers sheltered with them in front of the trailer. At that time Officers Garcia, Flores, Corwin, Klopp, Pedraza and Diaz opened fire, striking Mr. Pool six times. Mr. Pool was declared dead on scene.

Given the differing physical locations of the officers, the CIT investigators will address the use of force in two different steps. First, based on the facts of the investigation conducted by CIT investigators, the use of deadly force by Pueblo Police Department Sergeant Flores, and Pueblo Police Department Officer Corwin and Pedraza, appears to be justified based on the fear and threat of serious bodily injury or death posed to themselves and officers in their general vicinity by Mr. Pool as he exited the trailer and pointed a firearm at them.

There is no evidence or facts collected to support any criminal wrongdoing by either Sergeant Flores or Officers Corwin and Pedraza during the Officer Involved Shooting (OIS) incident. The actions taken by all of these individuals during the OIS incident were conducted with the justified belief that their lives were in peril from the actions of Mr. Pool. In this case, each of these officers on scene had information that Mr. Pool was wanted for the homicide of Wayne Riddock several days earlier, in which he had used a shotgun. An attempt to apprehend Mr. Pool earlier that day had resulted in his failure to comply and fleeing from officers. Once Mr. Pool was in the trailer in Lot #57, officers attempted to get Mr. Pool to exit the trailer peacefully repeatedly for approximately 45 minutes. They were also able to ascertain from witnesses and direct observation that Mr. Pool was armed with a "long gun". When Mr. Pool did leave the trailer, it was with a firearm in his hand aimed at officers. Given the fact that each of these officers observed a deadly weapon was aimed at them, the attempt to elude officers attempting to execute an arrest warrant, and the fact that Mr. Pool was presently wanted for the homicide of Wayne Riddock with a shotgun, Sergeant Flores and Officers Corwin and Pedraza were justified in their belief that they were in imminent danger of being killed by Mr. Pool. They were perceiving an immediate threat, had information that would cause concern over his willingness to use a weapon and knew he had very recently actively attempted to escape officers. They were likewise justified in the belief that a lesser degree of force would be insufficient.

Secondly, based on the facts of the investigation conducted by CIT investigators, the use of deadly force by Pueblo Police Department Detective Diaz, and Pueblo Police Officers Garcia and Klopp were justified based on the fact that they reasonably believed Mr. Pool was about to use lethal force against officers positioned in front of the house.

There is no evidence or facts collected to support any criminal wrongdoing by Detective Diaz, and Pueblo Police Officers Garcia and Klopp during the OIS incident. All three officers were likewise aware of the fact that Mr. Pool was a homicide suspect and presently armed with a weapon inside of the house. And all three officers were able to observe Mr. Pool clearly when he exited the house and aimed his weapon at other officers positioned in front of the house, including Sergeant Flores, and Officers Corwin and Pedraza. Therefore, they had a reasonable belief that Mr. Pool was intending to use lethal force on those officers he aimed at with a deadly weapon. Furthermore, given the immanency they perceived in Mr. Pool's threatening actions, namely the active aiming of a weapon at other officers, they were under the reasonable belief that no lesser degree of force would be sufficient to protect those officers from that threat of lethal force.

It is my conclusion based on the circumstances that either Sergeant Flores, Detective Diaz, and Officers Garcia, Klopp and Pedraza and Corwin were justified by the Defense of Self or Defense of Others provisions of the laws of the State of Colorado in using the actions they employed to defend themselves or a third party from what they reasonably believed to be the imminent use of unlawful physical and deadly force by Gene Pool, and they reasonably believed that a lesser degree of force would be inadequate. The actions of each officer 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 Chad Garcia, Chris Flores, Gavin Corwin, Jordan Klopp, Manuel Pedraza, and Mario Diaz Roberts would not be appropriate, and therefore no criminal charges will be filed.

Dated this 15 day of May 2020



J.E. Chostner  
District Attorney