



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

July 15, 2022

Chief Chris Noeller
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 Critical Incident Team (CIT) Decision Letter
Officer Involved Incident on November 15, 2021

Location: 1313 East 19th Street, Pueblo, CO 81001
Injured: Gary Boulrier
Officers Involved: Officer Lee Medved

Dear Chief Noeller and Sheriff Taylor:

The 10th Judicial District Critical Incident Team (CIT) was activated on November 15, 2021, to investigate an Officer Involved Shooting (OIS) Incident which resulted in fatal injury to Gary Boulrier (DOB 10/5/1984). The Pueblo County Sheriff's Office (PCSO) was designated as the lead investigative agency and other CIT participants included the Colorado State Patrol (CSP), Colorado Bureau of Investigation (CBI), Pueblo 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 November 12, 2021, Kimberly Dawson, a Code Enforcement Officer for the City of Pueblo, had a crew at 1313 E. 19th Street Pueblo CO 81001, enforcing Municipal Code violations that included clearing of litter, weeds, trash, and junk vehicles. Due to the gates having locks attached, Kimberly had previously obtained a search warrant for the address on November 8th that was valid for the next ten (10) days.

Kimberly called the Pueblo Police Department (PPD) for assistance when the homeowner, Gary Boulier, became upset with her crew's presence on his property. Officer Carpenter of the Pueblo Police Department responded and contacted Mr. Boulier. Officer Carpenter was able to calm Mr. Boulier down and he allowed the abatement crew to continue working.

The abatement crew worked on the property the entire day of November 12th and Kimberly explained to Mr. Boulier that they would return on Monday, November 15th at 08:30 a.m. to finish cleaning up his property. Mr. Boulier indicated he understood the crew would be coming to finish cleaning the property on Monday. Kimberly also sent an email to Captain Taylor asking for an officer to be at the address on Monday due to Mr. Boulier's actions on November 12th.

On Monday, November 15th, Kimberly and her supervisor, Karen Wilson arrived at the Boulier property around 08:15 a.m. Once the crew arrived and started working as planned, Mr. Boulier came out of the home and began accusing the crew of taking his property and demanding it be returned. Kimberly explained the search warrant was signed by a judge and the crew were simply enforcing a court order. Mr. Boulier became angry and began arguing with Kimberly about the return of his property. Once it was made clear the abatement crew would not return the items, Mr. Boulier told Kimberly, "I'll just go inside and get my fucking guns, how's that. Is that what you want? I'll fucking do that". Immediately after making this statement, Mr. Boulier ended the argument with Kimberly and went into his home.

Kimberly responded to Mr. Boulier's statement by requesting a police officer respond to the address. Immediately after requesting police aid, Kimberly told her crew members working on the property to leave the property and directed them to the alley behind the property where their work trucks were located. Kimberly also spoke on her phone with Captain Dustin Taylor who was letting her know that he received her email on Friday and was asking about the warrant. One can hear Kimberly on audio recordings, talking on her phone about the warrant and then telling Captain Taylor that Boulier was in the backyard again. Seconds after Kimberly was able to move her crew to the alley, Mr. Boulier walked out of the house with a firearm. In an interview after the incident Kimberly stated she witnessed Mr. Boulier with a gun in his hand and that he was holding it down by his side.

Statements indicate Corporal Medved arrived approximately a minute after Kimberly requested police aid. Corporal Medved walked through the alley and around the abatement truck. Kimberly motioned to Corporal Medved directed him to the property where Mr. Boulier was standing. Corporal Medved followed Kimberly's directions and walked around the front of the truck where he saw Mr. Boulier standing in the yard. Kimberly did not tell Corporal Medved that Mr. Boulier had a gun in his hand and Corporal Medved had not drawn his weapon at this point.

Once Corporal Medved saw Mr. Boulier, he asked Mr. Boulier to come and speak with him twice. As Mr. Boulier walked toward him, Corporal Medved asks Mr. Boulier what he has in his hand and Mr. Boulier replied, "my pistol".

Corporal Medved responds by drawing his service weapon and immediately ordered Mr. Boulier to drop the gun twice. Mr. Boulier responded to these orders by raising his gun and pointing it directly at Corporal Medved and the two exchange shots. Mr. Boulier fired one shot and Corporal Medved fired five (5) shots

as he ducked and immediately went to his radio and declared shots were fired and his location. Mr. Boulier immediately went prone after the exchange and did not make additional movements.

Moments after the shots were fired, a male later identified as Kyle Boulier, Gary Boulier's son, opened the back window of the residence, and yelled at Corporal Medved. Kyle was upset and refused to comply with Corporal Medved's request that Kyle show his hands. Kyle closed the window and walked back into the house where he refused to exit and could not be observed by officers.

Additional officers immediately responded and secured the scene. Officers approached Mr. Boulier utilizing a tactile ballistic shield as cover. Officers checked Mr. Boulier's vitals, and he was determined to be deceased on scene. Corporal Medved did not receive any injuries during this incident.

Pueblo PD SWAT was activated based on Kyle's refusal to exit the home. Eventually it was determined that the male was Kyle Boulier and he and his brother Christopher Boulier exited the home without incident. As they were clearing the home, officers found an assault rifle with the red dot turned on and high-capacity magazines loaded and by a back window of the home. Mr. Boulier's sons later denied handling the weapon, thus it appears Mr. Boulier went in and got his assault rifle ready before exiting with his handgun.

The scene was immediately secured, and Corporal Medved was transported to the Pueblo Police Department. The 10th Judicial Critical Incident Team was activated and the Officer Involved Shooting investigation commenced.

Interview: Corporal Lee Medved

Corporal Medved was interviewed by CIT detectives on November 19, 2021. The interview was held at the Pueblo Police Department at 1:00 p.m. and was conducted in the presence of his attorney after he was advised pursuant to *Garrity*.

Corporal Medved was asked about the beginning of the incident and he stated he was around Norwood Street and 19th Street when the call from Kimberly Dawson came in for help at 1313 E. 19th Street. Corporal Medved indicated Officer Dawson sounded excited as she aired the male party at the 1313 E. 19th address was threatening to go and get a gun from the residence.

Corporal Medved said he drove to the dispatched address and located the abatement crew in the alley behind the address. Corporal Medved indicated he observed Kimberly Dawson and the rest of the abatement crew in the alley and Ms. Dawson informed Corporal Medved, "he's right there" and pointed towards the property.

Corporal Medved said he walked around the Code Enforcement vehicle and observed a male party standing by a Ford Bronco. Corporal Medved asserted the male appeared agitated and immediately demanded the crew return his property to his yard. Corporal Medved stated he asked the male to come and talk to him. Corporal Medved indicated he did not believe the male had a gun at this point because he had arrived on scene so quickly. He did not think the male had sufficient time to get the gun from the home.

Once Corporal Medved could see a clear view of the male, he said he realized the male had a long black object in his right hand. When Corporal Medved asked the male what was in his hand, the male told Corporal Medved it was a pistol. Corporal Medved said he ordered the male to drop the gun while drawing his service weapon and pointing it at the male in a ready position.

Corporal Medved stated the male ignored his initial commands and began walking towards him while maintaining an angry expression. Corporal Medved stated that as the male was walking towards him, Corporal Medved was able to see what appeared to him to be a functioning firearm with a suppressor attached. Corporal Medved said he gave the male one last warning to drop the gun, but the male raised the gun and Corporal Medved said he thought he was about to be shot. Corporal Medved said he returned fire at the male after he heard what he believed to be a click.

After the exchange, Corporal Medved indicated the male fell to the ground and did not move but he was unable to locate the handgun based on the position of the vehicles. Corporal Medved said he then aired over the radio that shots were fired, and he needed assistance while maintaining a visual on the suspect because he wasn't sure if the suspect was still a threat at this point.

Moments after cover Officers begin to arrive, Corporal Medved stated a second male appeared at a window in the back of the residence and was upset and yelling at officers. Corporal Medved said he and Officer Leah Morales attempted to order this male to show them his hands. Corporal Medved asserted the male eventually showed them his hands but then slammed the window shut and no longer responding to officers. Corporal Medved indicated this prevented him from rendering immediate aid to the male that was shot in the yard because officers couldn't determine the if the area was safe without securing the male party in the home.

Corporal Medved said a team of officers arrived and used a tactical shield to check the vitals of the male that was shot. Corporal Medved indicated the officers checked the man, he believed they checked for a pulse but was not sure, and that after checking, there were no signs of life. Once the check was completed, the officers moved to securing the scene.

After officers checked on the male suspect lying in the yard, Corporal Medved stated he asked another officer to check him for wounds. Corporal Medved indicated he was not sure if he had been shot in the incident due to the suppressor on the gun making the firearm quieter.

Corporal Medved indicated he believed the male was going to shoot and kill him and possibly the code enforcement officers and crew if he did not immediately respond as he did.

Interview Code Enforcement Officer Kimberly Dawson

Kimberly Dawson was interviewed on November 15, 2021 at the Pueblo Police Department by Pueblo Police Detective Gustin and Pueblo County Sheriff's Office Detective Lile.

Kimberly explained she obtained the search warrant for the 1313 E. 19th Street address because she called and left messages but did not get a return call. Kimberly stated she later found out the phone number she had for the address was not a good number and that is why she had trouble contacting Mr. Boulier before November 12th.

Kimberly said the crew started executing the warrant and abatement on Friday, November 12th and Mr. Boulier was very angry with them and so she asked for a police officer to respond. She indicated Officer Carpenter arrived on scene and was able to calm Mr. Boulier down. Kimberly told the Officer, Mr. Boulier was advised if the crew did not finish the work on the abatement on November 12th, they would come back on Monday, November 15th at 8:30 a.m.

On Monday, November 15th, Kimberly said she arrived at the address at approximately 8:15 a.m. with her supervisor Karen Wilson. She asserted the crew arrived shortly after and started cleaning for a short time when Mr. Boulier walked outside and began yelling at them that they could not take his stuff. Kimberly reported Mr. Boulier approached her and demanded his stuff be returned to the property. Kimberly informed him that was not an option at this point.

Kimberly stated she eventually told Mr. Boulier to go back in the house for his safety and for the safety of the abatement crew and Mr. Boulier refused. Kimberly asserts Mr. Boulier then told her he was going to go into the house and get a gun.

Kimberly indicated to Officers that she told the crew to leave the property after she heard Mr. Boulier's threat and got the crew to leave the property and group up in the alley. Kimberly reported to officers that as she was in the alley with the crew, she observed Boulier coming towards the alley with a gun. Kimberly told officers they could not move out of the alley because the code enforcement trucks and trailers were blocking them in.

Kimberly reported Mr. Boulier was initially holding the gun with both hands near his stomach and then later released the gun with one hand and held it down to one side. When Kimberly observed the Officer, she told the Officer that Boulier was in the back yard. Kimberly stated the next thing she remembered was hearing shots fired without knowing who fired the shots and tried to leave the area.

Summary of Officers' Body Worn Camera

CIT Detectives reviewed the body worn camera (BWC) video from the five officers who were involved in this incident on November 15, 2021, and the police contact with Mr. Boulier on November 12, 2021.

The BWC from November 12th shows Code Enforcement and law enforcement officers contacting Mr. Boulier in the doorway to his home around 10:30 a.m. Kimberly Dawson with Code Enforcement explains to him the abatement process and that she has a search warrant signed by a judge to clean up the yard. Mr. Boulier is initially uncooperative and says the crew cannot take his stuff before eventually agreeing to put his dogs up and allow the abatement crew to clean up the yard. Around 11:30 a.m. that day, BWC show a discussion with Mr. Boulier about violations related to his dogs that Animal Law Enforcement observed. The final BWC video shows that shortly after noon on November 12th, Mr. Boulier had a discussion with Kimberly Dawson about the vehicles on his property and the best way to dispose of them. Mr. Boulier is then informed by Kimberly Dawson that the abatement crew will return Monday November 15, 2021. He indicates he understands.

The BWC for the November 15th incident begins with a recording from Kimberly Dawson at 8:54 a.m. The video shows the abatement crew working in the backyard and crewmembers can be seen removing debris in the background. Almost immediately, Mr. Boulier is seen approaching Kimberly and angrily demanding the abatement crew return items to his property, particularly a washing machine. The recording shows Kimberly calmly explaining to Mr. Boulier that the items being removed are part of the abatement and will not be returned. He curses at her and repeatedly demands the abatement crew return his stuff and stop working. Kimberly can be heard explaining that the crew will not stop and asking Mr. Boulier to return to the home for his safety and the safety of his crew. When Mr. Boulier refuses, Kimberly can be heard explaining he is welcome to stay outside but he cannot interfere with their work. The BWC shows the conversation ends with Mr. Boulier stating, "Well I'll just go inside and get my fucking guns, how's that? That's what you want? I'll fucking do that." He then turned around and entering the home. After this comment, Kimberly requested a police officer respond to the scene and began calling for the abatement

crew to leave the backyard. The crew leaves the backyard and retreat to the alley as Kimberly communicates with police dispatch about the requested officer and the abatement. Shortly after the call for aid Mr. Boulier returns to the yard and once Kimberly notice him, she exclaims, "Oh my god he's got... Alright everybody move on, move on," as she gestures for the crew to retreat further down the alley. Seconds after this an officer arrives on scene and Kimberly can be heard directing him towards the backyard. Moments later, a voice is heard yelling to put the gun down followed immediately by gunshots and Kimberly taking cover in a vehicle.

Corporal Medved's BWC begins with him driving to the scene and arriving. He is directed to the property by Kimberly Dawson and turn to his right to see a backyard blocked off by a waist high chain link fence. Behind the fence is a yard with multiple vehicles parked in it and a male's torso visible between the vehicles. Before Corporal Medved is even able to finish asking what is going on, the male angrily states ... "my shit back on my fucking property." Corporal Medved approaches the chain link fence and asks the male to come over to talk to him about the issue. The male approaches the fence between two vehicles at the same time Corporal Medved approaches the fence. Once the male steps between the two vehicles, Corporal Medved immediately asks the male what he has in his hands. The male continues his approach and answers it is a pistol. Corporal Medved immediately draws his firearm and brings it up to a ready position while giving two commands to drop the gun. The male then stops advancing with half his body hidden by a vehicle. Instead of dropping the gun, he raises the gun and points it directly at Corporal Medved. It is unclear on the BWC who fired first but shots are exchanged and the male falls to the ground and does not move as Corporal Medved immediately airs shots fired over the radio and gave additional information to allow cover officers to respond quickly.

The BWC then shows Corporal Medved remained at the fence maintaining a visual on the fallen male while Officer Leah Morales arrived and took up a similar position directly to his right. Seconds after the shots were fired, a male is seen in a window facing the backyard. Officers immediately order the second male to show officers both hands. Eventually the male shows both hands but refuses to leave the home and disappears from the window. Roughly a minute and a half after the shooting, Officers Morales and Medved took some cover behind a code enforcement vehicle while maintaining visual on the male suspect that fell in the yard.

Officers Morales and Medved then try to evacuate the abatement crew while they attempt to secure the scene. Shortly after the abatement crew was evacuated, other officers arrived on scene and Corporal Medved explained the situation to Officer Corwin. Officers were eventually able to use a tactical shield to check the fallen male's vitals. Corporal Medved asked to be checked out for injuries by a fellow Officer and it appears he did not have any.

Witness Interviews:

Abatement Crew Britney Jim

Abatement crew member, Britney Jim stated that Mr. Boulier came out of the home once they started working on the yard and said "hi" to her and asked how she was doing. Britney told investigators after this exchange, Mr. Boulier walked toward Kimberly Dawson, and they started arguing and then suddenly the abatement crew was being told to leave the property. Britney informed officers she heard someone say Mr. Boulier was going to get a gun.

After exiting the property to the alley, Britney heard a police officer tell Mr. Boulier to put the gun down. Britney stated Boulier obviously did not do it because rounds went off and everyone started running.

Britney observed Kimberly Dawson drive away and the rest of the crew piled into a work truck and left the area.

Abatement Crew Shane Eddy

Abatement crew member Shane Eddy was also interviewed about the incident. Mr. Eddy stated Mr. Boulier was irate that the abatement crew was taking a laundry washing machine. Mr. Boulier then said he was going to get a gun. Mr. Eddy witnessed the male come around the corner of the house with a "long gun". Mr. Eddy informed officers he saw Mr. Boulier holding the gun with both hands, near his hip and was pointing the gun at the yard where the crew had just been. Mr. Eddy said he believed Mr. Boulier was going to start shooting so he ran away.

As Mr. Eddy was leaving the area, he told interviewers he observed a police officer arrived. Mr. Eddy reported to officers that he ran to the back of a truck for cover and that is when he heard the Officer say, "drop the gun, drop the gun". Mr. Eddy stated he then heard approximately five (5) shots and jumped into the truck with Phil Baca, another member of the abatement crew, and they backed the truck out of the alley.

Abatement Crew Jade Clark

Jade Clark, a member of the abatement crew present on both November 12th and November 15th was also interviewed by investigators. Ms. Clark informed investigators she had been at the 1313 E. 19th address on November 12, 2021, and everything was fine. Mr. Boulier was fine on that date and did not yell or argue with the abatement crew. However, on Monday, November 15, 2021. She indicated Mr. Boulier was yelling and very upset with the abatement crew. She said that Kimberly Dawson told everyone to get out of the back yard and get in the alley as the homeowner threatened to go into the house and get a gun.

Jade informed the investigators she was not aware when the police officer had arrived. She states she heard five (5) gunshots but did not see who was shooting.

Abatement Crew Stephen Lempka

Abatement crew member, Stephen Lempka, was also interviewed after the incident. Mr. Lempka asserted he had been at the 1313 E. 19th address on November 12, 2021, cleaning the backyard and hauling trash. He also reported he was present on November 15, 2021 and told investigators he heard Mr. Boulier arguing with Kimberly Dawson. He reports he heard Kimberly tell Stephen to leave the backyard and shortly after that is when he heard 3 gunshots.

Abatement Crew Jaqtravian Whitfield

Jaqtravian Whitfield was interviewed by investigators and stated he was at the 1313 E. 19th address on November 12, 2021, and Mr. Boulier seemed pleasant and in a good mood on that day.

Mr. Whitfield indicated to investigators he went back to finish the cleaning on November 15, 2021 and observed Mr. Boulier come out of his home yelling at Kimberly Dawson. He reported Kimberly then told him to get out of the yard because Mr. Boulier threatened to go into his home and get a gun.

Jaqtravian estimated two or three minutes passed before the police officer arrived on scene. Jaqtravian said he witnessed the officer walk towards the backyard and tell Boulier to drop the gun. Jaqtravian did not see who fired the weapon but stated he heard four or five shots.

Abatement Crew Jeremiah Shields

Jeremiah Shields was part of the abatement crew sent to clean the yard at 1313 E. 19th Street on November 15th. He reported a male (Mr. Boulier) came out of the house and began talking to Kimberly Dawson. Kimberly told everyone to leave the property. Mr. Shields later heard the man had said he was going to get a gun.

Mr. Shields did see the male (Mr. Boulier) had something in his hand when he came back out of the house. Mr. Shields said he moved further down the alley to after seeing the Mr. Boulier return to his yard. Mr. Shields also reported he saw an officer in uniform arrive at the scene as he retreated into the alley. Mr. Shields indicated he heard the officer say drop the gun and gunshots. Mr. Shields also informed investigators he heard the officer tell someone else to stay in the house after the shots were fired.

Abatement Crew Perry Archuleta

Abatement crew member, Perry Archuleta, was also interviewed following the incident. He informed investigators he was assigned to 1313 E. 19th Street on November 12, 2021 and on was informed on November 15, 2021 that he would be returning to the address to finish the abatement process.

Mr. Archuleta stated that when he arrived at the property, he observed the homeowner from a distance but did not talk to him. He reported he did witness Mr. Boulier talking to Kimberly because he was upset the crew was taking away metal items. He stated Mr. Boulier argued with Kimberly and got upset before walking away from Kimberly. He said Kimberly told the abatement crew to get off the property after Mr. Boulier left the conversation.

Mr. Archuleta reported he followed Kimberly's suggestions and squatted down behind his work truck near the tailgate in the alley behind the property. Mr. Archuleta indicated he heard someone say something about a gun as they left the property. He then asserts he saw a Pueblo Police Officer enter the alley and shortly after heard the Officer yelling to drop the weapon just before what he believed to be five shots were fired. Mr. Archuleta stated he was able to get into his truck and back it out of the alley to evacuate after the gunshots occurred.

Abatement Crew George Ross

Abatement crew member, George Ross, was interviewed by investigators and reported he worked on Mr. Boulier's property on November 12, 2021 at which time the crew had no issues with him.

On November 15, 2021, George reported he was at the 1313 E. 19 St. Pueblo CO 81001 around 8:15 a.m. and no officer was present when he first arrived. Mr. Boulier came outside the residence and appeared upset. Mr. Ross stated Mr. Boulier was upset because he believed the crew was taking more items than they were allowed to remove. Mr. Ross reported Mr. Boulier told one of the other crew members "I want that", while talking about an old washer they were loading up to remove.

Mr. Ross stated he heard Mr. Boulier say something about getting a gun. Mr. Ross reported he was then told to leave the property because Mr. Boulier said he was going inside to get a gun. Mr. Ross asserted he retreated behind the abatement trucks where he observed the police officer arrive at the alley. Mr. Ross informed investigators he heard the officer ask Mr. Boulier what was in his hands and give Mr. Boulier commands to put the gun down or something like that before hearing what he believed was five shots.

Abatement Crew Phillip Baca

Abatement crew member, Phillip Baca, was present at 1313 E. 19th Street, Pueblo, CO 81001 the morning of November 15, 2021 and agreed to an interview by investigators. Mr. Baca reported the crew took two trucks to the property that morning, one for trash and the other for metal items. He told investigators Mr. Boulrier became upset they were taking his property, particularly metal items, and Mr. Boulrier went to talk to Kimberly Dawson and told her that he was going to go and get his guns.

Mr. Baca witnessed Mr. Boulrier come back outside with a long-barreled gun and start pointing it at them. Mr. Baca reported he told Kimberly Dawson that the male had a gun and they both ran back towards the car.

The police officer was in in the alley at the time Mr. Baca was trying to leave. Mr. Baca heard the police officer yell, "put your gun down, put your gun down", and then shots were fired. Mr. Baca remembers at least five (5) shots were fired. Mr. Baca reported he hit the ground in response to the shots and then went to the car that Kimberly was in to try to find cover.

Summary of Mr. Boulrier's Autopsy Report

An autopsy was performed for Mr. Boulrier on November 18, 2021, at 12:00 p.m. The autopsy determined that Mr. Boulrier died from a fatal gunshot wound to the right side of the forehead with an exit wound on the right occipital scalp. The autopsy also determined Mr. Boulrier received another gunshot wound in his right hip with the exit wound in the superolateral right buttock. A toxicology was performed and both Trazodone and Sertraline (antidepressants) were present in Mr. Boulrier's blood.

Officer Involved Processing

Corporal Medved was processed in the ID/CSI section at PPD by a CIT detective on the morning of November 15, 2021.

Full body photographs were taken of Corporal Medved to show any type of wounds, biological evidence, physical evidence, and placement of his duty gear. Corporal Medved's uniform did not appear to have any biological evidence on it, therefore it was not collected.

Detectives then began processing Corporal Medved's duty gear. His duty weapon and spare magazines were collected due to the weapon being used in the incident and to inventory the spent shells. The equipment was secured in the Pueblo County Sheriff's Office. The gun was placed on a table and photographs were taken of the weapon. The loaded magazine was then removed along with the round in chamber and the slide was locked back. This makes the weapon "safe." Corporal Medved's two additional magazines were then removed and placed on the table and photographs taken of these magazines. All live cartridges were then removed from the magazines and placed near the magazine they were removed from. All live cartridges were counted and photographed.

Corporal Lee Medved: Glock 17 Gen 5 9MM (serial number BTWP654) and 46 live cartridges were collected out of a possible 51 cartridges.

Evidence Processing

Evidence collected at the scene of 1313 E. 19th Street was processed by CIT detectives on November 15, 2021 and later photographed by Pueblo County Sheriff's Office Detectives on November 22, 2021.

Mr. Boulier's handgun was located at the scene and was collected by CIT detectives. Mr. Boulier's handgun was a black 9mm model 19 Glock (serial # CZUK790) and had a suppressor attached (serial #OCT45K-2982). A spent 9MM Luger casing from Mr. Boulier's gun was found in the driveway as well as a cartridge in the chamber of the gun. The gun was loaded with a magazine containing one missing cartridge. Two fully loaded magazines for the Mr. Boulier's gun were found in Mr. Boulier's right pants pocket. Officers also entered the home where they collected a black Norinco Mak-90 Sporter Rifle (serial #01707), two loaded 7.62 magazines, three loaded 9MM extended magazines, nine more loaded magazines. All of these items were collected on scene on November 15th by CIT detectives and turned over to Pueblo County Sheriff's Office where they were secured in the Pueblo County Sheriff's Office's Investigation Annex.

Mr. Boulier's clothes were collected at the autopsy conducted on November 18, 2021. During the autopsy, the coroner collected Mr. Boulier's clothes. The clothing collected included a bloodstained black jacket with yellow print, a black t-shirt, blue sweatpants, a bloodstained left slipper, a clean right slipper, gray underwear, and two bullet fragments collected from Mr. Boulier's skull. All items were secured and immediately transported to the Pueblo County Sheriff's Office Investigation Annex along with the items collected from the scene. Detectives observing the autopsy also took photos of Mr. Boulier's injuries and throughout the autopsy process.

On November 22, 2021, Detectives Dominic Montoya and Vanessa Simpson with the Pueblo County Sheriff's Office went to the Pueblo County Sheriff's Office Investigation Annex to photograph the evidence collected from the officer, the scene, and the autopsy. Det. Montoya took photos of the sealed evidence, unsealed the evidence, photographed each unsealed item, and then resealed them. All items that had blood on them were dried in the forensic dryer before being handled by detectives. While Det. Montoya took the photos, Det. Simpson documented and logged all the individual pieces of evidence. All recovered weapons were sent to CBI for testing. Cpl. Medved's firearm was tested for functionality and Mr. Boulier's guns were tested to confirm the 9MM Luger casing found in the alleyway was fired from Mr. Boulier's weapon. CBI confirmed through a test-fire and microscopic analysis that the 9MM Luger casing recovered from the scene was fired by Mr. Boulier's weapon.

Scene Processing

CIT Detectives responded to the scene of 1313 E. 19th Street on November 15, 2021 to process the scene and collect any evidence. Originally officers established a perimeter and called in SWAT as they had an uncooperative male in the home and were unable to clear the home until the male eventually came outside. Officers initially secured the alley around the home and once SWAT arrived and the residence was cleared officers began drafting a search warrant for the home which was signed and executed. After that, officers conducted an initial walk through of the scene and overall photographs were taken.

Before the residence was secured officers secured the perimeter while waiting for the SWAT unit to arrive. During this time investigators moved and recovered one spent shell casing fired from Cpl. Medved's firearm because it was believed that the casing would be destroyed by the SWAT unit's vehicle if it was left where it fell. The location of the casing was marked, and this was the only item of evidence disturbed before the officers began documenting the scene.

Once the initial walkthrough of the exterior was completed, Officers began documenting the scene outside the home. Colorado State Patrol Troopers used an unmanned aerial vehicle to document aerial photos of the scene. CBI detectives also used a FARO brand laser to document the scene with a total of five scans employed. Also, during this time, Detectives canvassed the surroundings home. Many residents were not able to be contacted and many that were contacted were unable to provide any information. Those that could provide any information could only say they heard some number of shots earlier in the morning. Additionally, CBI detectives placed numbered yellow placards near evidence located in the alley and backyard of the residence and photographs were taken of these locations. Officers found four shell casings in the alley associated with Corporal Medved's gun (one of which was moved to prevent destruction by the SWAT vehicle). Placards one, two and three are all shell casings from Corporal Medved's gun found in the alley. Officers also documented a spent shell casing from Mr. Boulier's gun found near the driveway with placard four. Mr. Boulier's firearm was documented with placard five which also included the loaded magazine and the cartridge in the firearm's chamber. An additional shell casing believed to be from Mr. Boulier's gun was also eventually found in the alley near the fence line and documented with placard twelve. Placard six was used to designate the two extra loaded magazines found in Mr. Boulier's right pocket. Placard eleven was used to document two more loaded magazines found in Mr. Boulier's left pocket while the coroner conducted an examination on scene.

Once a search warrant for the residence at 1313 E. 19th Street was authorized, SWAT officers entered the home and cleared it for safety. After the clearance, detectives with the CIT entered the home and began documenting the scene. While searching the residence, officers discovered items believed to be of evidentiary value. In the south bedroom, officers found three loaded extended magazines for a 9MM firearm, a black bag containing an additional nine magazines for a 9MM firearm, and the Norinco MAC-90 Sporter Rifle. These items were labeled with placards seven, eight and nine respectively and were all found in the southern bedroom. Officers then used placard ten to document two loaded 7.62 magazines in the northeast bathroom.

The residence and wall behind Corporal Medved were then checked for bullet defects. Officers discovered two bullet defects located on the northern exterior of the residence in the stucco. These defects were high up on wall near the roof and were documented with photos but not labeled. Officers also found a defect in the cinderblock wall directly behind where Corporal Medved was positioned during the exchange of fire. The defect was roughly six feet from the ground. This defect was documented with a number one paper label and photographed. No bullet fragments were recovered from any of the defects.

The evidence was then collected secured and transferred to the Pueblo County Sheriff's Office Investigation Annex. The scene was held overnight to determine if any additional investigatory steps were necessary. The scene was released the next morning, November 16, 2021 without additional investigation.

Legal Guidelines

A person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person. Furthermore, he may use a degree of force which he reasonably believes to be necessary for that purpose. §18-1-704(1), C.R.S.

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

In evaluating whether a person is justified by self-defense, the person is entitled to act on appearances. People v. La Voie, 395 P.2d 1001 (Colo. 1964). The United States Supreme Court evaluated whether officers used excessive force under the Fourth and Fourteenth Amendments by approaching the issue of reasonableness from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight. Plumhoff v. Rickard, 143 S. Ct. 2012 (2014). In that case officers fired a total of 15 shots at a suspect in a fleeing car that was determined to constitute a grave public safety risk. In its ruling the Court said, "It stands to reason that, if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." Further, the Court took into account that police officers are often forced to make split-second judgments about the amount of force necessary in a particular situation – in circumstances that are tense, uncertain, and rapidly evolving.

Conclusion

Based on the facts of the investigation conducted by CIT investigators, the use of force by PPD Corporal Lee Medved was justified based on the fear and threat of serious bodily injury or death posed as a result of Mr. Boulrier ignoring his commands to drop the gun, raising the gun up, pointing it at the Officer, and discharging a round. Corporal Medved reasonably believed when Mr. Boulrier pointed the gun at him, in direct contradiction of his commands to drop the gun, that Mr. Boulrier was going to shoot him and possibly continue shooting at the abatement crew located in the alley near him. My conclusion as to Corporal Medved's state of mind is based on interviews of the involved Officers, civilian witnesses to the incident, body worn camera video, crime scene and evidence processing.

There is no evidence or facts collected to support any criminal wrongdoing by Corporal Medved during the OIS incident. The actions taken by Corporal Medved during the OIS incident were conducted with the justified belief that either his life, or the lives of the abatement crew, were in jeopardy.

It is my conclusion based on the circumstances that Corporal Medved was justified by the Defense of Self and Defense of Others provisions of the laws of the State of Colorado in using the actions he employed to defend both himself and the abatement crew from what he reasonably believed to be the imminent use of unlawful physical and deadly force by Gary Boulrier; and he reasonably believed that a lesser degree of force would be inadequate. Corporal Medved had reasonable grounds to believe, and did believe, that he and possibly the abatement crew were in imminent danger of being killed or receiving great bodily injury. The actions of Corporal Medved were based on his own observations and perceptions, and his actions were reasonable.

Given the facts and circumstances of the situation and the governing law, criminal charges against Corporal Lee Medved would not be appropriate, and therefore no criminal charges will be filed.

Dated this 15th day of July 2022



J.E. Chostner
District Attorney