



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

November 8, 2022

Chief Chris Noeller  
Pueblo Police Department  
Pueblo Municipal Center  
200 S. Main Street  
Pueblo, CO 81003

Sheriff David Lucero  
Pueblo County Sheriff's Office  
909 Court Street  
Pueblo, CO 81003

Re: District Attorney CIT Decision Letter  
Officer Involved Incident on November 17, 2021  
Location: W. 18<sup>th</sup> Street and Martin Street (1700 Blk Martin)  
Injured: Takeven Jones (06/26/1996)  
Officers Involved: Justin Preedy, Shelby Claussen, Chris Archuleta, Andrew Stetler

Dear Chief Noeller and Sheriff Lucero:

The 10<sup>th</sup> Judicial District Critical Incident Team (CIT) was activated on November 17, 2021, to investigate an Officer Involved Incident which resulted in injury to Takeven Jones (DOB 06/26/1996). The Pueblo County Sheriff's Office (PCSO) was designated as the lead investigative agency. Other CIT participants included the Colorado Bureau of Investigations (CBI), Pueblo Police Department (PPD), and the 10<sup>th</sup> Judicial District Attorney's Office (DA). After the investigation, the CIT prepared and submitted an Executive Summary and 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, a 1987 Dodge Ram (License plate: #122ZUU) was reported stolen from 2730 S. Prairie Avenue. On November 16, 2021, a Keystone RV trailer (License plate: # UFQ382) was reported stolen from the 500 block of Minnequa.

On November 17, 2021, Aaron Vinson was investigating the stolen RV which was parked outside of his neighbor's house in the 1100 block of W. 12<sup>th</sup> Street. Mr. Vinson thought the RV was suspicious and took a picture of the license plate. Mr. Vinson called to report a male at the location pulled a gun from his waistband and threatened him. Mr. Vinson later identified Mr. Jones out of a photo line-up as the person who had pointed the gun directly at him.

PPD Officer Justin Preedy and Officer Shelby Claussen, in two separate patrol vehicles, were dispatched to the menacing call. While enroute, PPD aired information explaining that the menacing call was linked to the stolen RV, as well as, the stolen Dodge truck. Officer Preedy observed the stolen truck with the RV attached. He attempted a traffic stop while in his fully marked patrol vehicle and a PPD uniform. The trailer detached from the truck, and the driver, later identified as Mr. Jones, drove the truck onto private property between a house and a building. The truck hit the building and stopped. Four individuals were in the truck at that time.

Mr. Jones crawled out of the driver side of the truck and began to run. Officer Justin Preedy crawled over the truck and pursued Mr. Jones on foot. He caught up to Mr. Jones and had him in the prone position on the ground. PPD Officer Andrew Stetler had arrived in the area and Officer Preedy had motioned Officer Stetler back in the direction of Officer Claussen, who was with the other three occupants and the stolen truck.

Two of the occupants of the stolen truck, a male and a female, ran from Officer Claussen. Meanwhile, Mr. Jones had risen from his prone position and ran away from Officer Preedy. Mr. Jones had a handgun in his right hand, which was observed by Officer Preedy. Officer Stetler turned his marked patrol vehicle around to assist Officer Preedy. Officer Stetler had driven up to Mr. Jones to pass him and block his path. Mr. Jones ran toward the location where PPD Officer Chris Archuleta had detained the female that ran from the stolen truck. Officer Stetler observed the handgun in Mr. Jones' hand and shot Mr. Jones with his taser as he drove past him and used the brakes of his vehicle. Somewhat simultaneously, Officer Preedy observed Mr. Jones with his handgun pointed toward the direction of Officer Stetler and Officer Preedy discharged his gun at Mr. Jones, twice.

Mr. Jones fell to the ground. His firearm was recovered at the scene.

### **Interview: Justin Preedy**

Officer Preedy was interviewed by PCSO Detective Chase Telfer and Sgt. Ben Parsons on November 20, 2021. He was interviewed in the presence of his attorney.

Officer Preedy stated that he was with PCSO Officers Stetler, Claussen, and Archuleta in the area of 18<sup>th</sup> Street and Hood Avenue while following up on a call regarding stolen vehicles and burglaries in the area. Officer Preedy heard a call from dispatch that sent Officer Stetler and Officer Pickerall to the area of 12<sup>th</sup> Street and Baxter Street in reference to a stolen trailer that had been located at that address and a related menacing that had occurred in the area. Dispatch aired more information that a second party had called in and reported they had been menaced as well.

Officer Preedy was right behind Officer Stetler and he provided cover for Officer Preedy on the call since Officer Pickerall was a distance away at the time.

As Officer Preedy turned south on Francisco Street from 17<sup>th</sup> Street, he observed a black and white truck that was pulling a trailer behind it. Dispatch had aired the stolen trailer had been pulled by a black and white truck. Officer Preedy decided to follow and investigate. The truck and the trailer headed northbound on Baxter Street. The extension slide-out, on the side of the camper, that should have been locked in a closed position when the trailer was in motion was fully extended out. This caused Officer Preedy to believe that this was most likely the stolen trailer. Since it had matched the description, Officer Preedy had aired the plate of the trailer to dispatch. While he followed the truck and trailer, it started to accelerate.

Officer Preedy activated his red and blue police lights and engaged in a pursuit with the stolen truck and trailer. Officer Claussen was behind Officer Preedy when he started the pursuit. They traveled northbound on Baxter Street and then turned westbound on West 18<sup>th</sup> Street.

Officer Preedy believed the truck was purposefully weaving from side-to-side to try and detach the trailer from the truck. The driver of the truck had drove over dips in the road at a higher rate of speed for a truck and trailer, which caused the trailer to detach from the truck around the area of Martin Street and West 18<sup>th</sup> Street. Officer Preedy pursued the truck for approximately two blocks. Officer Preedy observed the truck had driven back behind a house, which was located on the southwest corner of 18<sup>th</sup> Street and Martin Street. The driver tried to drive between the southside of the house and the building next to it, and the truck collided into the northwest corner of the building. There was a narrow opening between the house and building.

Officer Preedy exited his patrol vehicle and immediately drew his firearm. He had knowledge of a menacing that had previously occurred and the use of a firearm with at least two people. Officer Preedy said he had attempted to start his body camera at that time. The body camera did not turn on in this incident.

Officer Preedy said he had given loud verbal commands to the occupants of the vehicle. The driver attempted to get out of the driver side of the vehicle. Because the truck was pinned in between a house and a building, the driver had to crawl upward on the cab of the truck to get out. The driver wore a blue hoodie. Officer Preedy felt that he knew the driver would try to run away. Officer Preedy jumped into the bed of the truck and to the passenger side of the truck. The driver of the truck had turned toward Officer Preedy face-to-face and had started to reach into his right pocket. The driver quickly turned and ran to the northeast toward the intersection of Martin Street and West 18<sup>th</sup> Street.

The driver of the truck was identified as Takeven Jones (DOB 06/26/1996). Mr. Jones ran past the intersection to a church that was positioned at the northeast corner of the intersection. Officer Preedy had not aware that the church was "U" shaped. During the time Mr. Jones had been running, he would reach for his right front pocket. Officer Preedy had initially thought he was going to get ambushed by turning a blind corner. When Officer Preedy had passed the corner of the church, he realized Mr. Jones was caught in the center of the "U" shaped building. Mr. Jones turned towards

Officer Preedy, and Officer Preedy gave Mr. Jones numerous verbal commands to get on the ground.

Officer Preedy had not observed a firearm up to this point, but he stated that Takeven was not running as fast as he later did due to the fact he was reaching into his pocket while running. Officer Preedy gave verbal commands, and Takeven Jones dropped to his knees. Officer Preedy explained that he did have his gun out at that time and had also considered transitioning to his taser. Officer Preedy thought the taser would not be effective as Takeven Jones had on a baggy sweatshirt, and he thought the taser was not going to have good contact.

Officer Preedy reached into his external carrier to grab his pepper spray. He explained that he has a new external carrier and was trying to get his pepper spray out of the carrier when Takeven Jones went to the ground. Officer Preedy gave verbal commands to Takeven Jones to put his arms out to his sides. Takeven Jones was on the ground and being compliant, so Officer Preedy thought everything was fine and he did not observe a weapon at that time.

Officer Preedy made the decision to not approach Takeven Jones at that time as he was afraid that Takeven Jones might roll on him when he did approach him and produce a weapon. Officer Preedy thought there was potential that Takeven Jones might want to fight with him since he was by himself. Officer Preedy continued to watch Takeven Jones.

Officer Preedy was aware that Officer Claussen was left at the accident scene with two or three more occupants in the vehicle. Officer Preedy told Officer Stetler to cover Officer Claussen for his safety due to the number of occupants he was dealing with in the vehicle.

Takeven Jones was being compliant at the time and Officer Preedy thought it was more important that Officer Stetler cover Officer Claussen. Officer Preedy observed a female occupant take off running from where Officer Claussen was located, and Officer Claussen aired that someone had just taken off running. There was also a male occupant of the truck that started running from Officer Claussen's area.

When Takeven Jones observed the female running, he sprang to his feet and yelled "no, not my wife". Takeven Jones started sprinting after the female who was running from Officer Claussen. Officer Preedy brought up the fact Takeven was running south at a much faster pace at this time.

Officer Preedy chased Takeven Jones south on Martin. Officer Preedy observed a black handgun in Takeven Jones' right hand as he was running. Officer Preedy gave Takeven Jones loud and repeated verbal commands to "drop the gun". As Officer Preedy was chasing Takeven Jones, he observed a patrol car pass in front of Takeven. This patrol car was driven by Officer Stetler. Officer Preedy saw the gun Takeven Jones was holding go up towards the patrol vehicle that Officer Stetler was driving as Officer Stetler passed in front of Takeven Jones.

Officer Preedy heard a pop when he observed Takeven raise his gun towards the patrol vehicle. Officer Preedy said that the pop he heard sounded like a gunshot to him. Officer Preedy said it did not sound controlled like on the range, but it did sound like a gunshot to him.



Officer Preedy said Officer Stetler's vehicle was passing right in front of Takeven Jones when he heard the gunshot. Officer Preedy also said this was when Takeven Jones was raising his gun towards Officer Stetler. Officer Stetler's vehicle continued past Takeven Jones, and Officer Preedy witnessed Takeven Jones twisting his body to the left. Officer Preedy described that Takeven was twisting his torso and arms to the left side of his body with the gun still in his hand and in a raised position. Officer Preedy observed that Takeven Jones still seemed to be focused on Officer Stetler's patrol vehicle. Officer Preedy also saw another patrol vehicle trying to apprehend the female that had run from Officer Claussen.

Officer Preedy said at this point he was scared that Takeven Jones had shot Officer Stetler. He also stated and Takeven Jones was actively chasing down whoever was trying to apprehend his "wife" to stop that Officer who he later observed was Officer Archuleta. They were about a half a block away from where the officer had contact with the female that Officer Preedy believed Takeven Jones was trying to get to.

Officer Preedy said this was happening simultaneously. After he thought Officer Stetler had been shot or shot at, he saw the other officer down range. Officer Preedy was scared that Takeven was going to shoot another time at another officer "down range". Officer Preedy also knew that Takeven could take a shot at him. Perceiving all the threats and being scared for all three to include the two officers in his sight and himself, Officer Preedy reported he needed to end the threat right now and there were no other use of force options.

Officer Preedy discharged his firearm twice at Takeven. Officer Preedy tried to take a shot that would end the threat without endangering the officer and female in his sight. Officer Preedy said that is why he shot a little lower than he is trained to shoot.

Takeven fell to the ground and Officer Preedy along with Officer Stetler placed him in handcuffs. Officer Preedy said his next thought was that he needed to render aid. Officer Stetler opened the rear of his assigned patrol unit to located gloves and a trauma kit.

While Officer Stetler was applying the trauma kit, Officer Preedy saw a black handgun laying in the street. Officer Preedy said this was the most stressful event that he has ever experienced. Officer Preedy did call for emergency medical to arrive and gave the location.

Officer Preedy had put his body camera in sleep mode prior to this incident as he had to go to the restroom. He had responded to another call before this incident and had not had contact with anyone, so the body camera had not been activated. There was an error turning the body camera on during this incident. Officer Preedy hit the button on the body camera one time, and you have to hit the activation button twice for the camera to come out of sleep mode.

Officer Preedy did not know the taser had been deployed by Officer Stetler until after the shooting had occurred. Officer Preedy said he has never in his career observed anyone deploy a taser from a patrol vehicle. Officer Preedy was asked if he heard any commands or warnings that a taser was going to be deployed and he said he did not.

## **Interview: Shelby Claussen**

Shelby Claussen was interviewed by Pueblo County Sheriff's Office Detective Amy Lile and Pueblo Police Department Detective Ryan Torres on November 17, 2021.

Officer Claussen stated that he was working with Officers Stetler and Preedy on a different call related to a stolen raptor. Officer Claussen had his body worn camera in sleep mode. He stated that Officers put their body worn camera in sleep mode when they are together and not on a call that needs to be recorded per policy.

Officer Claussen stated that they were leaving the area where they had been looking for the raptor when Officer Preedy said he needed to stop somewhere and use the restroom. They were headed that direction when Officer Stetler was dispatched to a menacing with a weapon call. Several people were calling in saying a man was pointing a gun at people.

Officer Claussen was following behind Officer Preedy when Officer Preedy aired that he thought he had found the truck involved in the menacing call. Officer Claussen thought they were at Baxter and 17<sup>th</sup> when Officer Preedy aired that he had the suspect vehicle. They end up going west bound on 18<sup>th</sup>. Officer Claussen said that, by the time they were near the dead end of 18<sup>th</sup> Street, he realized this was the suspect in the felony menacing call.

Officer Claussen said, as they were coming to the dead end, he observed the camper trailer hit a dip and go off to the right detached from the truck. That is the first time Officer Claussen was able to see the truck. The truck went into a business parking lot and pulled in between two buildings and crashed in-between the buildings. Officer Claussen was still behind Officer Preedy. They pulled behind it. Officer Preedy had the occupants of the vehicle at gunpoint. Officer Claussen got out of his patrol vehicle and tried to activate his body camera. Officer Claussen made sure the camera was activated and walked up towards Officer Preedy.

A black male wearing a light blue hoodie was crawling out of the driver side window on top of the truck, and then he took off running. Officer Preedy ran north after the male, and Officer Claussen stayed with the other three occupants of the vehicle. Claussen had two females and a male at gunpoint. He had his gun out and was yelling "let me see your hands".

One female took off running. Officer Claussen told the other occupants of the truck that he did not want anyone to get shot or hurt because the male would not keep his hands in the air. The male also took off running, and Officer Claussen aired the male was running. Officer Claussen quickly grabbed the other female and placed her in handcuffs.

As Officer Claussen was placing handcuffs on the female, he observed Officer Preedy running south on Martin chasing the male, Takeven Jones, who was in the blue hoodie. Officer Claussen heard "drop the gun, drop the gun" and observed Officers Preedy's gun in a low ready position as he was running. Officer Claussen then heard "pop pop". Officer Claussen could not see what was happening and he walked out between the vehicle and the building to check on Officer Preedy. He observed Officer Preedy with Officer Stetler.

Officer Claussen placed the female in the back of his patrol vehicle. When he went to the shooting scene, he checked on the officers and he observed a gun and some blood in the road.

### **Interview: Andrew Stetler**

Officer Stetler was interviewed by Pueblo County Sheriff's Office Detective Amy Lile and Pueblo Police Department Detective Ryan Torres on November 17, 2021.

Officer Stetler stated that he, Officer Claussen and Officer Preedy were on a completely different unrelated call trying to recover stolen property. The stolen vehicle was not at the address they were looking at, so Officer Stetler cleared and went back into service. Officer Stetler was immediately dispatched to the menacing call at 13<sup>th</sup> and Blake. The suspect was driving a black and white truck. The suspect had pointed a handgun at the victim and left in the truck with a possible trailer attached to the truck. Officer Stetler said he drove south on Francisco. Officer Stetler heard Officer Preedy air that he was out with the vehicle.

Officer Stetler heard that the suspect vehicle took off on Officer Preedy who had Officer Claussen behind him. Officer Stetler had gone a different way, so he had to double back to catch up to the other two officers. While he was driving, Officer Stetler heard Officer Claussen airing that there were runners as his radio is breaking up. Officer Stetler did not really hear his location at the time.

Officer Preedy aired his location as 18<sup>th</sup> and Martin. Officer Stetler drove west on 18<sup>th</sup> Street towards Martin where he observed Officer Preedy with a male in a prone position at gunpoint. Officer Preedy told Officer Stetler he was okay and directed him to Officer Claussen who had three individuals between a house and building located on the southwest corner of the intersection of 18<sup>th</sup> and Martin.

As Officer Stetler drove towards Officer Claussen, he saw in his rearview mirror that Officer Preedy's suspect got up and took off running. Officer Stetler did a u-turn, and he observed the suspect, Takeven Jones, who was wearing a blue sweatshirt, running south on Martin. Officer Stetler drove south on Martin and heard Officer Preedy yell "drop the gun, drop the gun".

Officer Stetler observed the handgun in Takeven's hand. Officer Stetler decided to draw his taser from the holster at that time. Officer Stetler was driving south on Martin. Officer Stetler activated and shot his taser while he was driving and passing Takeven in his marked patrol unit.

Officer Stetler said he knows that Takeven was struck with the leads on the taser, but the distance he drove caused the barbs to disconnect. Officer Stetler said he did not know if the taser was effective and he did not see Takeven any longer, but he heard two shots fired. Officer Stetler dropped his taser. As he exited his patrol unit, he realized that Officer Preedy just shot Takeven. As Officer Stetler exited his patrol unit, he observed Officer Preedy holding his pistol as Takeven lay on the ground.

Officer Stetler immediately started to render aid and observed Takeven to have two gunshot wounds, one to the left leg that appeared to be superficial and a gunshot wound to the right kidney

area of his back. Officer Stetler said he told Officer Preedy he did not think he needed a tourniquet due to the location of the injuries and he thought the leg injury was more of a superficial injury that was not really bleeding. Officer Stetler said he put on some gloves and used Takeven's own shirt as pressure to the wound near his right kidney.

An officer handed Officer Stetler a pressure dressing, and he wadded it up and held pressure on the injury to the right kidney area. Officer Stetler said he talked with Takeven as he tried to put him in a good recovery position on his side.

Medical arrived and took over the medical care.

### **Interview: Christopher Archuleta**

Officer Archuleta was interviewed by Fremont County Sheriff's Office Sgt. Ben Parsons on November 29, 2021.

Officer Archuleta explained he was working on overtime shift and had been assigned to the north sector. Officer Archuleta was on another call and had heard over the radio that "runners" were in the area.

Officer Archuleta was driving east on 17<sup>th</sup> Street and heard Officer Claussen airing that a female, in a tan or brown jacket, was running south on Martin. Officer Archuleta explained he was driving by Martin and 17<sup>th</sup> eastbound when he passed a female, later identified as Chantel Walker, who was running. Officer Archuleta turned his vehicle around and drove south on Martin where he caught up to the female and told her to get on the ground, which she did.

Officer Archuleta reported he heard two gunshots come from the area, but he was facing away from where the gunshots came from as he was focused on the female. When he first heard the gunshots, he turned and could see Takeven Jones. His first thought was that he got shot at because everyone was running towards him south on Martin. He was in fear of being hit.

Officer Archuleta did not hear any orders to drop the gun because he was also yelling at the female at the same time.

Officer Archuleta removed the jacket from the female and placed her inside his patrol vehicle. Officer Archuleta also heard one of the officers saying "shots fired" over the police radio.

Officer Archuleta drove to the north side of 17<sup>th</sup> Street, on Martin, to block any traffic from turning north on Martin Avenue.

Another officer picked up the female from his vehicle and took her downtown while he stayed on scene until approximately 4:00 p.m. that day.

Officer Archuleta said his body camera was on and the vehicle dash camera was also recording. Officer Archuleta estimated he was approximately ½ block from the incident.



## **Body Worn Camera Review**

Officer Preedy's bodycam was not activated at the time of the incident due to error.

Officer Claussen's bodycam shows Takeven Jones' climbing over the truck as he's pursued by Officer Preedy. Officer Claussen runs towards the remaining three occupants of the car and holds them at gunpoint as he repeatedly yells at them to raise their hands. One of the females, Chantel Walker, then runs from Officer Claussen. The remaining male then runs from Officer Claussen. Officer Claussen is placing the remaining female into handcuffs when Officer Preedy can be seen running after Takeven Jones while Officer Stetler drives by in his patrol vehicle. Someone can be heard yelling "drop the gun". Then Officer Claussen runs forward, and Officer Preedy can be seen with Takeven Jones on the ground. Officer Claussen airs "shots fired". He then walks back and gets the remaining female who is in handcuffs before walking to Officer Preedy and Officer Stetler's location. They are with Takeven Jones.

Officer Stetler's bodycam shows him driving as someone is heard yelling "drop the gun". Officer Stetler takes out his taser and discharges it out of his open window. He then gets out of the car as Officer Preedy is seen holding Takeven Jones, who is on the ground, at gunpoint.

## **Dash Cam Review**

Officer Stetler's dashcam shows Officer Preedy running after Takeven Jones. Officer Stetler then pulls ahead of them.

## **Officer Preedy Weapon Inventory:**

- Glock 17, 17 Gen 5, 9x19 9 mm, S/N BTWP599 pistol
- FC 9mm +P cartridge from chamber
- magazine from pistol loaded with 14 cartridges
- one spare magazine loaded with 16 cartridges
- one spare magazine loaded with 17 cartridges
- one spare magazine loaded with 17 cartridges

Officer Preedy's weapon was photographed and inventoried by Sgt. Ben Parsons and CBI Agent Tanya Atkinson. Officer Preedy told Tanya Atkinson that he knew that one of three magazines that he was wearing was short a round.

## **Takeven Jones' Weapon Information:**

- Walther PK 380 Semi Serial Number PK104891

## **Interview: Takeven Jones**

Takeven Jones was interviewed by Detective Victor Herrera and Captain Shelly Bryant on November 22, 2021, while he was admitted at UC Health Memorial Hospital located, 1400 E. Boulder St., Colorado Springs, CO.

Detective Herrera and Captain Bryant went over the Pueblo County Sheriff's Office Miranda Advisement form with Takeven Jones. Takeven initialed and signed the form acknowledging he understood his rights. Takeven also agreed and signed a medical release form allowing the Sheriff's Office to obtain his medical records.

Takeven stated he was driving the truck and was pulling a camper that he stole. Takeven stated he stole the truck from the south side Wal-mart in the city of Pueblo. Takeven stated he stole the camper from a house on the south side. Takeven said he was acting alone when he was committing these crimes.

Takeven said that, on the day of the incident, he saw law enforcement behind him, so he cut through some buildings. Takeven stated he wrecked the truck and it got stuck so he got out and ran. Takeven stated he started running with a gun in his hand.

Takeven explained he bought the gun about two months earlier from a guy because he wanted to kill himself. Takeven said that, when he bought the gun, he was told that it was stolen.

Takeven stated a cop shot him in the back and in the leg. Takeven was asked what hand he was carrying his gun in, and he held his right hand upwards. Takeven was asked if he raised the gun up toward anyone. He stated that he did not. Takeven said he was shot with a taser, and, as he was falling to the ground, the officer behind him shot him twice. Takeven said that, after he was tased, he "balled up" and then was shot.

Takeven was asked if he recalled the officers telling him to drop the gun. He shook his head yes. Takeven explained that he didn't drop the gun because he was scared.

Takeven was asked if he wanted the cops to kill him as he previously said he was suicidal. Takeven explained he was just trying to get away from them.

Takeven said, after he got shot, he dropped the gun. Takeven said he was currently off several medications he takes for his depression, schizophrenic, and bi-polar conditions.

Takeven said that he took heroin, methamphetamine, and marijuana, and shook his head "yes" when asked if he was under the influence on the day of the incident.

Takeven was also asked if he remembered how many officers were telling him to drop the weapon. He stated "three". Takeven was asked if he remembered raising his gun up at the officer who cut him off with the patrol vehicle. Takeven raised his hands and moved his arms up and down in a running motion. Takeven held his right hand up as if to show Detective Herrera and Captain Bryant that it could have looked like he was pointing the gun while he was running with his gun.

### **Statements Made by Takeven Jones to Pueblo Police Department Officer Leah Morales**

Pueblo Police Department Officers were assigned to be with Takeven Jones while he was being treated at UC Memorial Hospital in Colorado Springs. On the recording from the bodycam of Officer Leah Morales, Takeven tells the officers that they should watch the camera footage of when he is shot. He said that the officer didn't want to shoot him and was begging him not to make him do this and to stop. He says that he had run towards the Officer with the gun in his hand and that the officer didn't shoot him at that time.

### **Interview: Chantel Walker**

Chantel Walker had been in the stolen vehicle with Takeven Jones. She is the female who ran from Officer Claussen. On November 17, 2021, Pueblo Police Detective McCluskey and Pueblo County Sheriff's Office Detective Chase Telfer attempted to speak with her. She refused to be interviewed at that time without an attorney.

### **Interview: Michael Lavender**

Michael Lavender had been in the stolen vehicle with Takeven Jones. He is the other male party who ran from Officer Claussen. He was interviewed on November 17, 2021 by Pueblo Police Detective Gravatt and Pueblo County Sheriff's Office Detective Jesus Burgos-Juanes. His Miranda rights were read to him, and he agreed to be interviewed.

Michael stated that he had met Takeven approximately a year ago, and he was staying with him in a really nice camper after running into Takeven a few days prior.

Michael stated that they had been driving when Takeven made a comment about the police. Takeven told Michael to hang on. Michael stated that Takeven made a sharp turn and ran into a wall and that Takeven then jumped out of the truck and took off running. Michael stated that, as he tried to open the door to get out, he heard an officer saying, "Don't run or I'll shoot you."

Michael stated that he started running when he heard gunshots. He ran around the building until he reached a fence and then walked along the fence line. He surrendered when he observed patrol units.

Michael stated that he had witnessed Takeven with a handgun which was black in color. He stated that Takeven usually kept the gun on him. He believed that Takeven was using marijuana at the time the incident occurred.

## **Interview: Jennifer Hobbs**

Jennifer Hobbs was interviewed by Detective Steven Chavez of the Pueblo County Sheriff's Office. She was the other female passenger with Takeven Jones in the stolen truck. She stated that she had witnessed Takeven with a black 9 mm handgun earlier in the morning while he was inside the camper. She stated that, in a conversation the evening before, Takeven stated that he was not going back to jail. Jennifer stated that, when Takeven ran out of the truck, she could hear the police saying, "Put your hands down". She described hearing the police screaming "to stop or they'll shoot".

## **Neighborhood Canvas**

On November 17, 2021, Detective Ryan Landreth and Detective Aleah Hawkins of the Pueblo County Sheriff's Office conducted a neighborhood canvas.

Detective Landreth spoke to Kamal Shash at 1206 17<sup>th</sup> Street. He stated that he was on his living room couch doing schoolwork when his daughter asked him, "What was that?" He said he turned around and saw a guy falling on his face. He said that the officer who he assumed shot him was a fair amount behind him and that another officer was pulling in. He didn't actually see the shooting.

Donna Justis and Carol Daniel at 1216 W 17<sup>th</sup> Street and Sara Mulcahy at 1220 W. 17<sup>th</sup> Street were also contacted. All of these individuals stated that they heard gunshots. None of them stated that they saw the actual shooting.

Also, on that date, Detective Steven Chavez and Sgt. Dante Guadagnolie of the Pueblo County Sheriff's Office conducted a neighborhood canvas.

Detective Chavez and Sgt. Guadagnolie spoke with Natasha Medina at 1306 W. 17<sup>th</sup> Street. Although she stated she heard gunshots, she stated that she did not witness the shooting.

Detective Chavez and Sgt. Guadagnolie also spoke with Terrence Ryan at 1304 W 17<sup>th</sup> Street who described seeing a guy with a blue zip up hoodie running and pointing his arm back. He said that this guy was being chased by two Pueblo Police Officers and pointed directly at one of the Officers. He could not be sure what the guy in the blue hoodie was pointing. He stated that, if someone pointed an object backwards while being chased, he would shoot him too.

Detectives Victor Herrera and Chase Telfer spoke again to Terrance Ryan on November 18, 2021. On that date, he said he believed that the male wearing the blue shirt had a black gun in his hand which is what he pointed at the Officer chasing him. He also described the police vehicle which was driving south at the same time.

On November 17, 2021, Detective Jesus Burgos and Detective Steven Chavez spoke to Arno Gallegos at 1220 W. 18<sup>th</sup> Street who stated that he heard the gunshots but didn't see the actual shooting.



## **Crime Scene Processing**

The crime scene was processed by the Pueblo County Sheriff's Office as well as Colorado Bureau of Investigation Agents Tanya Atkinson and Arielle Burdulis. The Agents arrived at the scene at approximately 2:26 p.m. on November 17, 2021.

Potential items with evidentiary value at the scene were marked with evidence placards. These items included:

- TA-7: blue hooded Denver Nuggets sweatshirt and white tanktop with apparent blood  
This item had a defect on the back approximately 2 inches from the bottom seam.
- TA-8: Taser barb
- TA-9: pair of handcuffs
- TA-10: Taser barb
- TA-11: Walter PK380., .380 AUTO, S/N PK 104891 (unloaded)
- TA-12: yellow Taser gun in the front driver floorboard of PPD vehicle #867
- TA-13: FC 9mm + P casing
- TA-14: FC 9mm + P casing

CBI Agents Atkinson and Burdulis took digital photographs of PPD Officer Preedy, his weapon, and ammunition as well as the scene and evidence.

A 3D Faro brand laser scanner documented the scene and exterior evidence. Four scans were taken.

All evidence was packaged and sealed with CBI evidence tape. Custody of the evidence was turned over by the CBI agents to Pueblo County Sheriff's Office Deputy B. Parsons at 4:25 PM. CBI cleared the scene at 4:28 PM. Detective Vanessa Simpson and Detective Dominic Montoya of the Pueblo County Sheriff's Office photographed all items and entered them into evidence.

Detective Carly Verdugo of the Pueblo County Sheriff's Office received a bullet removed from Takeven Jones on November 17, 2021 at Parkview Hospital while Takeven Jones was in surgery. The bullet was transferred to Pueblo County Sheriff's Office Detective Aleah Hawkins. No photographs were taken at that time given that Takeven Jones was in surgery.

On November 23, 2021, the Dodge pickup driven by Takeven Jones was searched by Detective Vanessa Simpson of the Pueblo County Sheriff's Office. She recovered a small black holster on the front seat. She also located a pipe and a piece of foil with residue on it. She also searched the stolen camper in which she recovered 2 glass pipes and foil with residue on it.

## **Legal Guidelines**

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

Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and the actor has reasonable grounds to believe and does believe that he or another person is in imminent danger of being killed or of receiving great bodily injury; C.R.S. 18-1-704(2)(a)

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

A person officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

- a. The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- b. The suspect poses an immediate threat to the peace officer or another person;
- c. The force employed does not create a substantial risk of injury to another person.

C.R.S. 18-10-707(3)

A peace officer shall identify himself or herself as a peace officer and give clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, or would create a risk of death or injury to other persons. C.R.S. 18-1-707(4).

## **Conclusion**

Based on the facts of the investigation conducted by CIT investigators, it is my opinion that the use of force by Pueblo Police Department Officer Justin Preedy was justified by the laws of the State of Colorado.

Officer Preedy employed actions to defend himself and Officers Stetler and Archuleta from what he reasonably believed to be the use or imminent use of unlawful physical force and deadly force by Takeven Jones; and he reasonably believed a lesser degree of force would be inadequate.

The Officer had reasonable grounds to believe, and did believe, that he or other persons, namely: Officers Stetler and Archuleta, were in imminent danger of being killed or receiving great bodily injury. Moreover, the suspect, Takeven Jones, admitted that Officer Preedy's actions were

unavoidable. The actions of Officer Justin Preedy are justified under the law and are not criminal. Given this situation, criminal charges would not be appropriate, and, therefore, no criminal charges will be filed.

Dated this 8<sup>TH</sup> day of November 2022

A handwritten signature in blue ink, appearing to read "J.E. Chostner", with a stylized, flowing script.

J.E. Chostner  
District Attorney