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DA - Shooting by deputy justified

Authorities still have no motive why man pulled a gun

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Article Text:

The unnamed deputy who shot and killed a Hillrose man on July 31 was cleared by a final report from the Colorado Bureau of Investigation, according to District Attorney Mark Adams. He said based on the investigation, he was ruling the shooting "justifiable homicide."

"I can tell you I always engage in a thorough effort when dealing with a shooting death - especially when it's a public official," Adams said after he released his findings. In his report, Adams noted that "the district attorney has an obligation to review this case as he would review any other case involving a violent death, regardless of the fact that the subject of the investigation is a police officer. "

In other words, one's status as a police officer does not grant one any special exemptions under the law," the report said. Evidence indicates officer was 'completely justified' The shooting occurred at 12:07 a.m. July 31 at the intersection of County Roads 13 and 18 near Willard in Logan County. The deputy had pulled over Guerrero Regalado-Maynez, 36, when he passed Maynez's car and noted one of the headlights was not working. The deputy turned around and pulled Maynez over.

According to the deputy, Maynez was "cooperative" and supplied the deputy with the information the deputy asked for. As the officer returned to his car to check Maynez's registration and license, he said he heard a noise and saw Maynez approaching him. According to the deputy, Maynez had a gun in his hand. The deputy said he ordered Maynez to drop the weapon several times as he moved farther away from Maynez. The deputy said he did not fire on Maynez immediately, and the CBI report noted Maynez did not fire his weapon. A 9 mm semi-automatic handgun was later recovered from Maynez after the shooting.

"Having examined all of the evidence, including witness statements, physical evidence, the autopsy report, and CBI Laboratory test results (including ballistics), and having reviewed the law applicable to this case, the District Attorney concluded that the actions of the officer involved were completely justified under the portion of the law regarding the use of deadly force in defense of oneself or others," the final report stated.

Police believe Maynez tried to shoot, but couldn't The report noted the fact that Maynez was shot in the back of the head, although the deputy had reported a "face to face" confrontation with Maynez. "

Although a cynical mind might conceivably theorize that the fact of a rear entry would suggest foul play on the part of the officer, such a theory would not be consistent with the sum total of the evidence," the report said. The autopsy found the bullet was not fired at close range, and the deputy reported Maynez spun away from him while he was firing at Maynez, according to the report. Adams' report said this would explain the fact that the bullet grazed Maynez's back and then entered the back of his head.

The deputy fired three shots at Maynez, but the autopsy found Maynez had just one bullet wound. Maynez's handgun was "fully functional," according to the report. CBI investigators theorize Maynez may have tried to fire the gun, but was unable to do so because the magazine wasn't properly loaded. Maynez's motivation still unclear.

The report suggested no motive for Maynez' actions, and the district attorney said it is still not clear why Maynez approached the deputy with a gun in his hand. The autopsy found alcohol, amphetamines and meth in Maynez's system. His blood alcohol level was 0.156 when the autopsy was performed. The district attorney noted that Maynez's arrest record included instances of "disorderly conduct, fugitive warrant, false reporting to authorities, and illegal possession of a weapon." A small baggie of drugs was found on his body and another small baggie was found when the investigators searched his home in Hillrose. Police did not state what kind of drug was in the baggies, or the amount. Sheriff Robert Bollish said after the district attorney's findings were released that he felt the report would come out in favor of the deputy. But he admitted he had "held his breath anyway" until the final report was in. He said the sheriff's office will not be releasing the name of the deputy involved, now that he has been cleared. He said he wanted to keep the case low profile for the deputy's peace of mind. The deputy has spoken to a counselor and talked to fellow officers, according to Bollish. "He (the deputy) is starting to feel good about himself again," Bollish said.

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