



Ralph Chamness
Chief Deputy
Civil Division

Bridget Romano
Chief Deputy
Civil Division

SIM GILL
DISTRICT ATTORNEY

Jeffrey William Hall
Chief Deputy
Justice Division

Anna Rossi Anderson
Chief Deputy
Justice Division

Lisa Ashman
Chief of Administrative
Operations

April 18, 2025

Chief Shane Taylor
Riverton Police Department
12810 S. Redwood Road
Riverton, UT 84065

Chief Brian Redd
Salt Lake City Police Department
475 South 300 East
Salt Lake City, UT 84114

RE:	RPD K-9 Sergeant E. J. Estrada's Use of Deadly Force
Incident Location:	~12800 S. 1300 W., Riverton, Utah
Incident Date:	July 4, 2024
SLCPD Case No.:	24-149015
RPD Case No.:	24-10311
DA Case No.:	DAINV-2024-340

Dear Chiefs Taylor and Redd:

This letter addresses the July 4, 2024, use of deadly force by Riverton Police Department ("RPD") K-9 Sergeant E. J. Estrada against Ryan Patrick Ludeman.

Sergeant Estrada's discharge of his firearm constitutes the "use of a 'dangerous weapon,'" which is defined under Utah law as "a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to a person." Utah Code § 76-2-408(1)(a), (f). As a result, pursuant to Utah State law and an agreement among participating law enforcement agencies called the "Officer Involved Critical Incident" ("OICI") Investigative Protocol (*see* Utah Code § 76-2-408(2)-(3)), an investigative task force was called in to investigate the use of deadly force. The investigative task force was led by the Salt Lake City Police Department ("SLCPD") protocol team and comprised of law enforcement officers employed by agencies other than RPD. After the investigation, on August 13, 2024, the investigative task force's findings were presented to the Salt Lake County District Attorney's Office ("DA's Office"), which has the constitutional and statutory mandate to screen such matters for possible criminal charges.¹

¹ Utah Const. Art. VIII, section 16; Utah Code §§ 17-18a-203; *see also id.* at § 77-2-2(4) (defining "screening" as the "process used by a prosecuting attorney to terminate investigative action, proceed with prosecution, move to dismiss a prosecution that has been commenced, or cause a prosecution to be diverted"). "Commencement of prosecution" is further defined as "the filing of an information or an indictment." *Id.* at § 77-2-2(1).

SUMMARY OF FACTS AND FINDINGS

The following summary of facts was developed from the OICI protocol investigation. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On July 4, 2024, at 11:20 p.m., after Riverton City's fireworks show, a male called 911 and reported a hit-and-run involving a "recreational vehicle" near 1300 West and 12800 South, and further reported that he could smell alcohol on the driver's breath. Officer Hiatt pulled over the vehicle—a white 2016 Arctic Cat Wildcat 1000 side-by-side utility task vehicle—on 1300 West, just south of the intersection, and made contact with the driver, who was identified as Ryan Patrick Ludeman. After a second officer, Officer Austin, arrived, Mr. Ludeman denied having anything to drink and refused to do field sobriety tests. At 11:41 p.m., the officers asked Mr. Ludeman to step out and over to the sidewalk, and Mr. Ludeman got out and sat down on the curb in front of the Wildcat. While Mr. Ludeman looked for his vehicle insurance on his phone, Officer Austin asked Sergeant Estrada to come do an intoxicated driver investigation. Sergeant Estrada arrived at about 11:50 p.m.

At 11:53 p.m., Sergeant Estrada made contact with Mr. Ludeman. After Mr. Ludeman again refused to do field sobriety tests, Sergeant Estrada told him that he smelled like alcohol, and Mr. Ludeman responded, "Sure." Sergeant Estrada stood up, and at 11:54 p.m., told Mr. Ludeman to go ahead and stand up, but he did not comply and remained seated on the curb. Sergeant Estrada then told Mr. Ludeman to put his hands behind his back, and he and Officer Austin attempted to take Mr. Ludeman into custody. Mr. Ludeman immediately produced a knife and ejected its blade²—and Sergeant Estrada called out that he had a knife. A brief and dynamic struggle ensued, during which Sergeant Estrada drew his handgun and fired at Mr. Ludeman three times.

After Mr. Ludeman fell to the ground, Sergeant Estrada called out "shots fired" and advised that he appeared obviously deceased with a gunshot wound to the head. Medical responders quickly arrived, assessed Mr. Ludeman, and determined that he was deceased.³ Review of body-worn camera recordings indicate that Sergeant Estrada fired his weapon about five seconds after he began asking Mr. Ludeman to put his hands behind his back.

During the protocol investigation, Sergeant Estrada refused to be interviewed, as is his constitutional right.⁴ Investigators interviewed Officer Austin and other witnesses about the incident. In addition, investigators documented the scene and examined physical evidence, reviewed 911 calls, reviewed dispatch radio recordings and call logs, reviewed body-worn camera recordings, examined Sergeant Estrada's weapons, and reviewed the autopsy findings.

² Protocol investigators recovered a gray-handled, auto-assist OTF ("Out The Front"), non-folding knife, with an approximately three-inch blade, and determined that Mr. Ludeman was wearing a leather holster on his back right waistband.

³ Mr. Ludeman was declared deceased at 11:56 p.m.

⁴ Sergeant Estrada has a constitutional right to remain silent and to be presumed innocent of any wrongdoing.

As we discuss in more detail below, we believe the facts of this matter, taken together with the reasonable inferences derived from those facts, support a conclusion that if a criminal charge was filed against Sergeant Estrada for his use of deadly force, and a jury (or other finder of fact) was called upon to determine whether his use of deadly force constituted a criminal act, a jury would likely determine that they reasonably believed the "use of deadly force [wa]s necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect." Utah Code § 76-2-404(2)(c). Consequently, we believe that Sergeant Estrada's use of deadly force would likely be subject to the affirmative legal defense of justification under Utah law,⁵ and we decline to file a criminal charge against him.

RELEVANT LEGAL STANDARDS

As relevant here,⁶ law enforcement officers are legally justified in using deadly force when:

- (b) effecting an arrest or preventing an escape from custody following an arrest, if:
 - (i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
 - (ii) (A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or
(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or
- (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.

⁵ A jury is instructed that if the evidence in a case supports an affirmative defense, they must find the person charged "not guilty" of the alleged offense.

⁶ Also relevant, but less so given the officer's status as a law enforcement officer, is the articulation of "justification" in Utah State law that applies to individuals more generally, including civilians, as provided in Utah Code § 76-2-402(2):

- (a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.
- (b) An individual is justified in using force intended or likely to cause death or serious bodily injury [*i.e.*, deadly force] only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony...

Utah Code § 76-2-404(2) (emphasis added).

Based on this statute, the legal defense of justification, then, may be available where a law enforcement officer “reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury⁷ to the officer or an individual other than the suspect.” Utah Code § 76-2-404(2)(c). That affirmative defense may also be available where a law enforcement officer “reasonably believes that deadly force is necessary” to prevent a suspect’s escape and the officer had probable cause to believe the suspect posed “a threat of death or serious bodily injury to the officer or to others if apprehension is delayed.” Utah Code § 76-2-404(2)(b). In determining whether the use of deadly force was “justified” under Utah law, several factors may be considered, including: (i) the nature of the danger; (ii) the immediacy of the danger; and (iii) the probability that the unlawful force would result in death or serious bodily injury. *See* Utah Code § 76-2-402(5).

Although Utah statutory law does not fully differentiate standards of “reasonableness” as between law enforcement officers and civilians (*compare* Utah Code § 76-2-402 (universal application), *with* Utah Code § 76-2-404 (application to law enforcement officers only)), the United States Supreme Court did in *Graham v. Conner*, 490 U.S. 386 (1989). In *Graham*, the Supreme Court instructed that “reasonableness” for law enforcement officers must be assessed in light of a “reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* at 396 (internal citations omitted). The Supreme Court held that this determination “requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth Amendment interests . . . against the countervailing governmental interests at stake.” *Id.* Finally, the *Graham* court instructed:

Because “[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application,” . . . Its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.

Id. (citations omitted and emphasis added).

RELEVANT ETHICAL STANDARDS

The DA’s Office files cases that satisfy ethical standards and considerations in addition to legal standards for filing.⁸ Honoring ethical standards ensures that everyone affected by the

⁷ “Serious bodily injury” is defined, in turn, as “bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.” Utah Code § 76-1-101.5(17).

⁸ Among the legal rules a prosecutor must follow is the requirement that “probable cause” must exist to believe an offense (i) was committed and (ii) was committed by the accused. *See, e.g.,* Utah R. Crim. Pro. 4(c). In making that determination, the DA’s Office must evaluate all evidence that will be legally admissible for or against the accused but may disregard evidence that likely will not be admissible at trial (*e.g.,* a coerced statement).

criminal justice system—suspects, defendants, victims, the community, and the system itself—is treated fairly, honorably, and respectfully.

Among the ethical standards considered before the DA's Office will commence a case is whether there is a reasonable likelihood of success at trial. *See American Bar Association Criminal Justice Standards, Prosecution Function 3-4.3.* It is not enough that the technical elements of crime may be met if, when presenting those facts to a jury, the prosecution strongly believes no reasonable jury would unanimously convict the defendant based on those facts. Accordingly, any screening decision by the DA's Office includes careful consideration of the various factors a jury may consider when weighing testimony, evaluating evidence, applying the law, and rendering a verdict.

In addition to the ethical standards for filing and maintaining criminal charges, the DA's Office must also consider the unique procedural hurdles of a Utah prosecution, particularly where a defense includes a claim of a justified use of force, a claim of self-defense, or defense of others. In the 2021 General Session of the Utah State Legislature, legislators enacted a new pretrial justification process available to defendants who are charged with a crime involving the use or threatened use of force. If a defendant makes a *prima facie* claim of justification, the prosecution must disprove the justification claim by clear and convincing evidence or the case will be dismissed with prejudice. *See Utah Code § 76-2-309.* If an officer who used deadly force has a colorable claim of justification, the DA's Office has an ethical obligation to evaluate whether that claim can be disproven by clear and convincing evidence to a judge at a justification hearing and then disproven again beyond a reasonable doubt to a jury at trial.

FACTS DEVELOPED DURING OICI INVESTIGATION

The following facts were developed from the protocol investigation of the matter. As noted previously, SLCPD led an investigative task force of law enforcement officers who conducted the investigation of Sergeant Estrada's use of deadly force, and the protocol investigation's findings were presented on August 13, 2024, to the DA's Office to screen for possible criminal charges. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On July 4, 2024, at 11:20 p.m., after Riverton City's fireworks show, a male called 911 and reported a hit-and-run by a "recreational vehicle" that hit their vehicle near 1300 West and 12800 South in Riverton. The caller further advised that the recreational vehicle was about to turn on 1300 West but stuck in traffic, that the driver was aware that they hit them, that "you could smell alcohol on his breath," and that he had a photo of the suspect's driver's license.

A motor officer, Officer Hiatt, was able to get through traffic and pull over the vehicle—a white 2016 Arctic Cat Wildcat 1000 side-by-side utility task vehicle—on 1300 West, just south of the intersection.⁹ Officer Hiatt made contact with driver, who was identified as Ryan Patrick

⁹ Dispatch notified Sergeant Estrada of the hit-and-run at about 11:26 p.m., after which Officer Hiatt located it.

Ludeman. At 11:34 p.m., a second officer, Officer Austin, arrived and then made contact with Mr. Ludeman.¹⁰

At 11:40 p.m., Officer Austin asked Mr. Ludeman if he'd had anything to drink, which he denied. Officer Austin then asked him to do field sobriety tests, and he refused. At 11:41 p.m., the officers asked Mr. Ludeman to step out and over to the sidewalk; after initially not complying, Mr. Ludeman got out, walked over to the sidewalk, and sat down on the curb (south of the Wildcat), facing east, with his head down and in his phone.¹¹

After speaking with Mr. Ludeman further, Officer Austin requested that Sergeant Estrada, who had said he'd do the investigation if the driver was intoxicated, come.¹² At about 11:50 p.m., Sergeant Estrada arrived. After speaking with Officer Hiatt, Sergeant Estrada made contact with the Wildcat's front passenger and took down her information,¹³ and Officer Hiatt left to go check on the damage.¹⁴ Sergeant Estrada then walked over to Officer Austin, who handed him Mr. Ludeman's driver's license.

At 11:53:12 p.m., Sergeant Estrada made contact with Mr. Ludeman, asking "What's up, Ryan?," as he wrote down his information. Mr. Ludeman did not respond, and Sergeant Estrada asked, "You there, Ryan?" Sergeant Estrada then crouched down and asked Mr. Ludeman questions, which he answered. At 11:53:49 p.m., Sergeant Estrada asked Mr. Ludeman if he was comfortable doing some field sobriety tests so he could make sure he was good to drive, and Mr. Ludeman responded, "Nope." Sergeant Estrada then told Mr. Ludeman that he smells like alcohol, Mr. Ludeman responded, "Sure," and Sergeant Estrada stood up and told him to go ahead and stand up.¹⁵ Mr. Ludeman did not comply and remained seated on the curb.

¹⁰ Officer Austin later described:

I went up to the side-by-side, and tried talking to him, and he gave me his phone number. He wasn't being aggressive or anything, but he just had his head down the whole time, like this, and he was on his phone looking for insurance cards. . . So just head down, one-word answers, looking through his phone for insurance cards. And so—, and I have really bad allergies, so like, I couldn't tell if like, I couldn't smell alcohol or anything because I can't really smell anything cuz I just can't smell things most of the time, at this time of year. So they—, the other people were saying that—, and [Officer] Hiatt was telling me that they were saying that they thought he was intoxicated. I couldn't really tell. . .

¹¹ Officer Austin later described that when they had the driver get out and go sit on the curb, "he went, walked around the front, just sat on the curb and kind of did the same thing—head down, in his phone, very minimal interaction."

¹² At 11:48 p.m., Officer Austin told Officer Hiatt that their sergeant was coming and that he would let him do "55" [intoxicated driver] and he would run down and take care of the accident. Meanwhile, Officer Elsasser arrived on scene on the vehicle crash call at 11:49 p.m.

¹³ Sergeant Estrada's body-worn camera recording begins at 11:51:30 p.m. The first 30 seconds of the recording has no audio, as is consistent with the buffering feature of an Axon-brand body-worn camera.

¹⁴ Officer Hiatt told Officer Austin he was going to check on the damage at 11:52 p.m.

¹⁵ Officer Austin later described to investigators: "And then from what I remember, [Sergeant Estrada] just said, 'Hey, I smell alcohol on you. I want to make sure you're safe to drive. Can you—, are you willing to do some tests for me?' And I think he said, 'No,' and so [Sergeant Estrada] said, 'Okay,' and you know, I've been on enough calls with [Sergeant Estrada], I knew we were going '82' [taking him into custody]."

At 11:54:07 p.m., Sergeant Estrada told Mr. Ludeman to put his hands behind his back as he and Officer Austin went to take him into custody, with Sergeant Estrada first grabbing hold of his left wrist with his left hand. Mr. Ludeman immediately produced a knife in his right hand and ejected its blade as he “immediately tensed up” and began resisting; meanwhile, Sergeant Estrada grabbed Mr. Ludeman’s right arm with his right hand and Officer Austin grabbed his upper right arm with both hands. At 11:54:09 p.m., Sergeant Estrada called out, “He’s got a knife! He’s got a knife! He’s got a knife!” A brief and very dynamic struggle ensued (during which Mr. Ludeman dropped the knife, continued to resist and pull away, and was on his feet in the roadway, facing south, before going down to the sidewalk), and at 11:54:12 p.m., Sergeant Estrada drew his handgun and fired at Mr. Ludeman three times. Sergeant Estrada then advised over the radio of “shots fired.”¹⁶

Officer Austin later explained:

[Sergeant Estrada] was on his left. I was in front of him, just to the right. So I knew we were going “82,” so I moved in, and I went to grab his. . . right arm. And he immediately tensed up, and I went to try to grab his wrist. And I just heard [Sergeant Estrada] say, “He’s got a knife, he’s got a knife.” I couldn’t see where the knife was, I couldn’t see his hands or anything. So, I pushed off, I backed off, and I was going to gun, and I saw [Sergeant Estrada] spinning him around. And I saw [Sergeant Estrada] draw out, and they were up on the sidewalk. And he fired, I believe three shots, kind of at a downward angle like this, trying to get away from the guy. The guy immediately dropped.

Officer Austin further explained:

It happened really fast. So, like, I remember [Sergeant Estrada] stepped in, I stepped in, I went hands-on, and he tensed up and pulled away from me like this, from what I remember, he kind of twisted away from me. And that’s when [Sergeant Estrada] said, “He has a knife.” And I couldn’t see either of his hands. I don’t know if he went into a pocket or behind him or what, but he tensed up and went down and pulled away and then kind of spun off with [Sergeant Estrada] as I was backing off. And then by the time I could get bearings of what was going on, [Sergeant Estrada] had drawn his gun out and fired a couple shots.

Officer Austin further described:

When I pulled back, he was--, I don’t know if he was grabbing [Sergeant Estrada], but. . . [Sergeant Estrada] was standing, and he was kind of on his knees, from what I remember. Almost like if you’re wrestling, you’re going to take out somebody’s knees. And so he’d--, I’m trying to think of how to explain it. I’m just trying to put together, because I pulled off and I didn’t see exactly what happened, but from how they positioned, my best guess is that he spun away from

¹⁶ The call log indicates that Sergeant Estrada advised of “shots fired at 11:55:19 p.m.

me and was going for [Sergeant Estrada]. I'm not sure what hand the knife was in, or anything like that. It seemed like [Sergeant Estrada] was trying to back off and went to gun. And fired at him, and then he just dropped right there.

After firing his weapon, Sergeant Estrada remained with Mr. Ludeman as Officer Austin went to the Wildcat passengers.¹⁷ As additional officers arrived, Sergeant Estrada explained, "He pulled a—. He's obvious echo [deceased]. Gunshot wound to the head. He pulled the knife on me when I went to go '82' [to take into custody]." Medical responders quickly arrived, assessed Mr. Ludeman, and determined that he was deceased.¹⁸

Additionally, shortly after the shooting, Sergeant Estrada told other officers, "He tried to stab Chris" (Officer Austin), and then explained, "He had an auto-ejector knife when I went to go '82' with him and he fucking—," and then made an ejection motion with his right hand. Protocol investigators recovered a gray-handled, auto-assist OTF ("Out The Front"), non-folding knife, with an approximately three-inch blade from the sidewalk; additionally, Mr. Ludeman was wearing a leather holster on his back right waistband.

Witness Statements

Sergeant Estrada

Sergeant Estrada refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Sergeant Estrada has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Officer Austin

Protocol investigators interviewed Officer Austin who said he was responding to direct traffic but was stuck on 128th eastbound and couldn't get through, this call came out for a hit-and-run, a side-by-side versus a car, and so he flipped around by the entrance of the park, went out down to 132nd, and went northbound on 1300 West. Officer Austin said that dispatch or Sergeant Estrada advised that one of their motors had the suspect from the hit-and-run stopped. Officer Austin said he lit up, was able to break traffic, got up there, and parked right on the corner. Officer Austin said that the side-by-side was sitting there—the driver, a younger female passenger in the front, and an elderly female in the rear driver's side. Officer Austin said that Officer Hiatt—who had made the initial stop on the motor—was there with the driver.

Officer Austin said that apparently the other people who got hit and called in the hit-and-run said they thought he was drunk. Officer Austin said:

I went up to the side-by-side, and tried talking to him, and he gave me his phone number. He wasn't being aggressive or anything, but he just had his head down

¹⁷ Officer Austin went to the Wildcat where he and other officers then escorted its two passengers away.

¹⁸ Mr. Ludeman was declared deceased at 11:56 p.m.

the whole time, like this, and he was on his phone looking for insurance cards. . . So just head down, one-word answers, looking through his phone for insurance cards. And so—, and I have really bad allergies, so like, I couldn't tell if like, I couldn't smell alcohol or anything because I can't really smell anything cuz I just can't smell things most of the time, at this time of year. So they—, the other people were saying that—, and [Officer] Hiatt was telling me that they were saying that they thought he was intoxicated. I couldn't really tell. . .

Officer Austin said he went to his car and saw that Sergeant Estrada had messaged him and said that if the driver was intoxicated, he would come take it. Officer Austin said he messaged Sergeant Estrada back and said for him to come and that he figured he'd do the crash portion. Officer Austin explained that they usually split it up so that one of them takes the crash and one of them takes the DUI. Officer Austin said that Sergeant Estrada came over.

Officer Austin recalled:

[B]efore [Sergeant Estrada] came over, me and [Officer] Hiatt had the driver get out of the side-by-side and go sit on the curb. And he went, walked around the front, just sat on the curb and kind of did the same thing—head down, in his phone, very minimal interaction. I went and checked the plate. The plate came back, and I guess on the side-by-sides it doesn't populate the insurance info. So I went back and told him, "I need you to work on getting insurance info." And so—, and I was back, I can't remember how many times I was back and forth to my car, I was kind of bouncing between him and—. So, I'm standing out there with him, and he pulled up his insurance. Grabbed a picture of the insurance, handed his phone back to him. He was sitting there, on the curb, and I was standing out on the road.

Officer Austin explained:

There's a side-by-side and he was sitting on that curb right in front of it, and I was out in the road, in front of the side-by-side, kind of just off from him. And [Sergeant Estrada] came, got passenger in the side-by-side's info. Came over to me, I handed him the driver's license, because [Officer Hiatt] handed that to me when I got on scene. So I handed him the driver's license, he talked to him, got his phone number. And then from what I remember, [Sergeant Estrada] just said, "Hey, I smell alcohol on you. I want to make sure you're safe to drive. Can you—, are you willing to do some tests for me?" And I think he said, "No," and so [Sergeant Estrada] said, "Okay," and you know, I've been on enough calls with [Sergeant Estrada], I knew we were going "82" [taking him into custody].

Officer Austin explained that the driver was sitting on the curb, facing into the roadway, and that Sergeant Estrada would've been just behind him to his left, up on the sidewalk, but maybe just off the curb. Officer Austin continued:

[Sergeant Estrada] was on his left. I was in front of him, just to the right. So I knew we were going "82," so I moved in, and I went to grab. . . his right arm. And he immediately tensed up, and I went to try to grab his wrist. And I just heard [Sergeant Estrada] say, "He's got a knife, he's got a knife." I couldn't see where the knife was, I couldn't see his hands or anything. So, I pushed off, I backed off, and I was going to gun, and I saw [Sergeant Estrada] spinning him around. And I saw [Sergeant Estrada] draw out, and they were up on the sidewalk. And he fired, I believe three shots, kind of at a downward angle like this, trying to get away from the guy. The guy immediately dropped.

Officer Austin said he thought he then walked over to Sergeant Estrada, he didn't know how the people on the side-by-side were reacting, and there were people in the yard, so they had everybody stay where they were at, making sure everybody was okay. Officer Austin said that Sergeant Estrada looked okay. Officer Austin said he saw the guy lying there, and there was a knife lying next to him, that was open. Officer Austin said his earpiece wasn't working, but he Sergeant Estrada call out "shots fired." Officer Austin said he believed Officer Hiatt was the next one there, and a couple officers came over and they got the passenger and the rear passenger out of the side-by-side and towards his car.

Officer Austin explained that when he and Sergeant Estrada were taking the driver into custody, Officer Hiatt had gone around the corner to the other vehicle involved in the accident (Officer Austin had stayed with Sergeant Estrada to help with the DUI investigation). Officer Austin recalled that Officer Hiatt rode his bike around the corner, and the next he saw him, he was riding back up after the shots had been fired.

Officer Austin recalled that when he first made contact with the driver's right arm, the driver was leaning forward, still sitting. Officer Austin said he was not sure if the driver's hands were down or up, and explained that he was going for that elbow, more on the upper arm. Officer Austin described: "I was reaching, from my recollection, I was—, you know how you grab the upper arm and kind of on the forearm to take the wrist around back to put him in cuffs, that's what I was trying to do. So I kind of went two hands on, . . . one hand up higher, one hand down lower. And he tensed up immediately." Officer Austin further explained:

It happened really fast. So, like, I remember [Sergeant Estrada] stepped in, I stepped in, I went hands-on, and he tensed up and pulled away from me like this, from what I remember, he kind of twisted away from me. And that's when [Sergeant Estrada] said, "He has a knife." And I couldn't see either of his hands. I don't know if he went into a pocket or behind him or what, but he tensed up and went down and pulled away and then kind of spun off with [Sergeant Estrada] as I was backing off. And then by the time I could get bearings of what was going on, [Sergeant Estrada] had drawn his gun out and fired a couple shots.

Officer Austin further described:

When I pulled back, he was--, I don't know if he was grabbing [Sergeant Estrada], but. . . [Sergeant Estrada] was standing, and he was kind of on his knees, from what I remember. Almost like if you're wrestling, you're going to take out somebody's knees. And so he'd--, I'm trying to think of how to explain it. I'm just trying to put together, because I pulled off and I didn't see exactly what happened, but from how they positioned, my best guess is that he spun away from me and was going for [Sergeant Estrada]. I'm not sure what hand the knife was in, or anything like that. It seemed like [Sergeant Estrada] was trying to back off and went to gun. And fired at him, and then he just dropped right there. So, like you saw, he was laying on the sidewalk, his head would've been facing north, and that's the direction that [Sergeant Estrada] was trying to back off to. Because [Sergeant Estrada] would've been just to his north and behind him. . .

Officer Austin said he didn't believe he actually drew his weapon. Officer Austin explained, "I think by the time I pieced together what was going on. . . I know I put my hand on my gun and started to pull out, but by that time the shots had been fired and he dropped, so I don't think I ever actually came out of the hole."

Officer Austin said that the last thing he heard the suspect say was when Sergeant Estrada asked him if he'd do some field sobriety tests, and he said "no," and he didn't hear him say anything else. Officer Austin clarified that after Sergeant Estrada yelled, "He's got a knife," there wasn't any other conversation by the suspect or Sergeant Estrada.

Additional Witnesses

Protocol investigators interviewed witnesses regarding the incident who saw and heard portions of the incident, however, none of them saw the knife. For example, investigators interviewed the two Wildcat passengers, several individuals who were in the yard/driveway of the 12814 South residence, and individuals who were at the nearby intersection.¹⁹ They are mentioned here for the purpose of completeness.

¹⁹ The Wildcat's front passenger, a female who we refer to as "M. R.," said that she was looking down at her phone trying to message her mom to pick them up and "then I heard the officer say that he's got a knife and I could see Ryan like turned face towards the officer and I didn't see anything and, and I looked back at my grandma and then I looked back at Ryan and the cops and I hear the gunshots go off and then I see him on the ground. . ." M. R. said that she did not see Mr. Ludeman with a knife during the incident or that night. M. R. said that they kind of shuffled when they said he had a knife and she heard them scrambling and she could hear shoes scraping on the cement, but she didn't know how all of the shuffling went.

The Wildcat's rear driver-side passenger, a female who we refer to as "D. M.," said that after he got out and sat on the sidewalk, they "waited and waited and then all of the sudden it happened." D. M. explained that she did not see it happen: "I think I was looking down or looking over across the traffic, but I heard the policeman say, 'He's got a knife.' And then I looked up and then I could see him going for his gun. And then that was all. . ." and "I didn't see anything more from the cop 'cause I wasn't looking."

A male who we refer to as "J. S.," who said he was in the yard, approximately 10-15 yards away, recalled: "he had been sitting on the curb, and the officer had proceeded to reach down and help him up. As you know, he was

Physical Evidence

Protocol investigators inspected and documented the OICI scene, reviewed the 911 call, reviewed the dispatch radio recording and call logs, reviewed body-worn camera recordings, downloaded the involved officer's weapons, and reviewed the autopsy findings.

OICI Scene

Protocol investigators inspected the OICI scene located near the southwest corner of the intersection of 12800 South and 1300 West in Riverton. 12800 South is a two-lane residential road traveling east and west, 1300 West is a two-lane residential road traveling north and south, and both roads have sidewalks, shoulders, curbs, and gutters. The residence of 12814 South 1300 West (its driveway is accessed from 12800 South) is at the southwest corner of the intersection. On the east side of 12814, towards the north end of the property, a metal fence travels north and south; east of the fence is the sidewalk that travels north and south along the west side of 1300 West.

In the shoulder of the southbound lane of 1300 West, just south of the intersection, was a blue RPD motorcycle, facing south. Just south of the RPD motorcycle, also in the shoulder, was white 2016 Arctic Cat Wildcat 1000 side-by-side utility task vehicle.²⁰ To the east of the white

obviously too inebriated to walk. And as he helped him up, he got a little standoffish, and I don't know if it was that he was drunk or if he was trying to throw his weight around with the police, but he looked like a baby giraffe that had just been born trying to walk. And when he, after they had picked him up in kind of an aggressive, I can't say aggressive, but in a sloppy manner, he had spun himself around, looking like he was trying to flee. And at that point, all one of the officers had yelled knife. He had made it probably seven steps ahead of where he was initially sitting before they had fired four rounds." J. S. said that there were three officers, and it was the one in the center that had proceeded to pick him up and was the one that fired on him, and that "He just instantly drew and shot." J. S. estimated that the guy was shot in the back and that he was running away from. J. S. said that the officer was about 10 feet away when he fired the shots.

A male who we refer to as "D. C." said he was walking in the driveway, "started hearing more commotion, heard someone saying that they got a knife. And so I started walking towards where they had him pulled over, and through the tree line I can see him and the officer, and I just hear another, 'I've got a knife' and then I see some motion going on, and then I hear, 'He's got a knife, drop it.' And then that's when heard the sound of the gunshot. Saw the victim start to drop." D. C. said, "I saw the, you know, the whole thing, with the first initial shots, him dropping to his knees, trying to get back up and running, and then the final blow."

A female who we refer to as "K. S." said she was walking out to the driveway and recalled: "I heard someone scream, 'Knife,' and then I'm 90% sure I heard a police officer yell, 'Drop it.' And then I heard the first pop. So me and my husband ran to the house to tell the kids to get inside. And then I heard the second shot and I looked over and watched him fall to his knees." K. S. recalled, "When the second fire went off, it looked like he had grabbed the gate to stand up." K. S. said she blacked it out for a second, trying to get kids in the house, so she did not hear a third shot, "But it looked like he was trying to get up to run."

A 12-year-old female, who we refer to as "C. C.," said that she'd been playing outside, her cousin was going inside and she stayed out a bit longer, and when her cousin was halfway in, and the police officer screamed that he had a knife. And then after that, he shot. . ."

²⁰ During a subsequent search of the Wildcat, investigators located an 8-pack of Michelob Ultra 16-ounce beer cans.

Wildcat, in the southbound lane of 1300 West, was an RPD patrol truck, facing southwest (an uninvolved officer's, moved up after shots were fired to provide light).

On the sidewalk, southwest of the Wildcat, was Mr. Ludeman's body, dressed in a black shirt, jeans with a brown belt and rear leather holster, and brown boots. Investigators observed red stains on the sidewalk below his head and traveling on the sidewalk, curb, and gutter.

On the sidewalk to the south of Mr. Ludeman's abdomen, investigators located a gray-handled, auto-assist OTF ("Out The Front"), non-folding knife, with an approximately 3-inch long blade. Additionally, investigators located an iPhone (on the curb under Mr. Ludeman's head), a pair of sunglasses (to the north of his left ankle), a black hat with a hole in the back right side (to the north of his right knee), and a small black flashlight (under his left hand, presumably an officer's).

Investigators located one spent Speer 9mm Luger cartridge case (southwest of Mr. Ludeman's body and just west of the metal fence, in a grassy area of the residential property of 12814 West); investigators were unable to locate the remaining two spent casings. Investigators also located a metal fragment/projectile (in the gutter, to the north of the Wildcat) and observed damage to a pole of the metal fence (just above the ground west of Mr. Ludeman's left foot).²¹

During a subsequent search of the Wildcat, investigators located an 8-pack of Michelob Ultra 16 oz beer cans.

911 Call, Radio Traffic Recording, and Call Logs

Investigators reviewed the 911 call, dispatch radio traffic recording, and dispatch call logs relating to this incident. In relevant part, the records indicate that at 11:20 p.m., a 911 caller reported a hit-and-run by a "recreational vehicle" that hit their vehicle at 1349 West 12800 South in Riverton. The caller further advised that the recreational vehicle was heading east on 12800 South and about to 1300 West but stuck in traffic, that the driver was aware that they hit them, that "you could smell alcohol on his breath," and that he had a photo of the suspect's driver's license.

Notably, the radio traffic recording indicates that Sergeant Estrada was advised of the hit-and-run, that officers were trying to get through traffic, and that Officer Hiatt had the suspect stopped on a motor before other officers arrived.

Call logs indicate that at 11:34 p.m., Officer Austin initiated a DUI call for "ATV poss intox" at 12800 South 1300 West. At 11:49 p.m., Officer Elsasser arrived on scene on the vehicle crash call. At 11:55:19 p.m., Sergeant Estrada initiated a call for "shot fired." The log indicates that Fire was flagged down by RPD at 11:57 p.m.

²¹ Protocol investigators also determined that the distance from the metal fence to a "merry-go-round" in the backyard of the 12814 residence (where minor C. C. had been playing) was approximately 38 feet away from where the incident occurred.

Body-Worn Camera Recordings

Investigators reviewed body-worn camera recordings relating to this incident, including recordings from Officer Austin and Sergeant Estrada, as well as other officers who arrived at the OICI scene after the shooting.²² The collectively recordings capture, in relevant part, the following.²³

Officer Austin's body-worn camera recording begins at 11:35 p.m., at which time Officer Hiatt (motor) has already had contact with Mr. Ludeman and has his driver's license. Officer Austin then makes contact with Mr. Ludeman. At 11:40 p.m., Officer Austin asks if he's had anything to drink, which Mr. Ludeman denies; he then refuses to do field sobriety tests. At 11:41 p.m., the officers ask Mr. Ludeman to step out and over to the sidewalk; after initially not complying, Mr. Ludeman gets out, walks over to the sidewalk, and sits down on the curb (south of the Wildcat), facing east. Mr. Ludeman explained what happened with the accident to Officer Austin. At 11:43 p.m., Officer Austin returns to his vehicle while Officer Hiatt remains with Mr. Ludeman. At 11:45 p.m., Officer Austin advises Mr. Ludeman that he needs to provide proof of insurance; he then returns to his vehicle and asks Sergeant Estrada come over. At 11:48 p.m., Officer Austin tells Officer Hiatt that their sergeant is coming, Mr. Ludeman has produced proof of insurance to Officer Hiatt, and Officer Austin advises that when their sergeant gets there, he'll let him do "55" [intoxicated driver] and he'll run down and take care of the accident. Sergeant Estrada's vehicle is seen arriving at 11:50 p.m.

At 11:51 p.m., Officer Austin tells Mr. Ludeman that his sergeant just got there and he's going to come over and chat with him. After speaking with Officer Hiatt, Sergeant Estrada walks up,²⁴ makes contact with the Wildcat's front passenger and gets her driver's license and writes down her information; meanwhile, Officer Hiatt tells Officer Austin that he's going to check on the damage. At 11:53 p.m., Sergeant Estrada then walks over to Officer Austin, who is standing near Mr. Ludeman and hands him Mr. Ludeman's driver's license.

At 11:53:12 p.m., Sergeant Estrada makes contact with Mr. Ludeman, asking "What's up, Ryan?," as he writes down his information. Mr. Ludeman does not respond, and Sergeant Estrada asks, "You there, Ryan?" Sergeant Estrada then crouches down and asks him if he's still living at the address on his driver's license, for a good phone number, and if he was the one driving the side-by-side, and Mr. Ludeman answers his questions. At 11:53:49 p.m., Sergeant Estrada asks Mr. Ludeman if he's comfortable doing some field sobriety tests so he can make sure he's good to drive; Mr. Ludeman responds, "Nope." Sergeant Estrada tells Mr. Ludeman that he smells like alcohol, Mr. Ludeman responds, "Sure," and Sergeant Estrada stands up and tells him to go ahead and stand up. Mr. Ludeman does not comply and remains seated on the curb.

²² Notably, no body-worn camera recording was available for Officer Hiatt, who initiated the traffic stop on Mr. Ludeman (he and Officer Elsasser were around the corner at the traffic accident scene when shots were fired).

²³ This summary is not intended to be a comprehensive summary of the body-worn camera recordings.

²⁴ Sergeant Estrada's body-worn camera recording begins at 11:51:30 p.m. The first 30 seconds of the recording has no audio, as is consistent with the buffering feature of an Axon-brand body-worn camera.

At 11:54:07 p.m., Sergeant Estrada tells Mr. Ludeman to put his hands behind his back as he and Officer Austin go to take him into custody, with Sergeant Estrada grabbing hold of his left wrist with his left hand. Mr. Ludeman immediately produces a knife in his right hand and ejects its blade and begins resisting against Sergeant Estrada, who grabs Mr. Ludeman's right arm with his right hand, and Officer Austin, who grabs his upper right arm with both hands. At 11:54:09 p.m., as Mr. Ludeman continues to resist and pull away, Sergeant Estrada calls out, "He's got a knife! He's got a knife! He's got a knife!" At 11:54:12 p.m., after a brief and very dynamic struggle (during which Mr. Ludeman drops the knife, is pulling away, and on his feet in the roadway, facing south, before going down to the sidewalk), the sound of three gunshots from Sergeant Estrada is heard. Sergeant Estrada then advises over the radio of "shots fired."

Following the shooting, Sergeant Estrada remains with Mr. Ludeman as additional officers arrived on scene.²⁵ After additional officers approach, Sergeant Estrada advises, "He pulled a—. He's obvious echo [deceased]. Gunshot wound to the head. He pulled the knife on me when I went to go '82' [to take into custody]." Officers then remain with Mr. Ludeman as Sergeant Estrada walks away and is then escorted away by officers. Sergeant Estrada tells the other officers, "He tried to stab Chris" (Officer Austin), three times, and then explains, "He had an auto-ejector knife when I went to go '82' with him and he fucking—," and then makes an ejection motion with his right hand.

Weapons Downloads

Protocol investigators examined and downloaded Sergeant Estrada's Glock 45 9mm pistol, which had an inserted 17-round capacity magazine. Protocol investigators counted one round in the chamber and fourteen rounds in the inserted magazine, for a total of fifteen rounds.²⁶ Presuming Sergeant Estrada began with a fully-loaded inserted magazine and a round in the chamber, that count indicates he likely fired three rounds during the incident. That count is consistent with body-worn camera recordings, which captured the sound of three rounds fired.

Autopsy

Lily Marsden, M.D., with the Utah Office of the Medical Examiner performed an autopsy of Mr. Ludeman's body and determined that he died of multiple gunshot wounds. Dr. Marsden identified (1) a penetrating gunshot wound of the head, of an indeterminate range of fire, with an entrance at the right posterior head, recovery of a bullet from the left posterolateral neck, and a trajectory of right to left, back to front, and downward; (2) a perforating gunshot wound of the right side of the neck, of an indeterminate range of fire, with an entrance at the right lateral neck and an exit at the right chest above the clavicle, and a trajectory of back to front, slightly right to left, and downward; and (3) additional gunshot trauma of the right side of the neck, below the entrance gunshot wound of the right side of the neck, which connected to the bullet pathway

²⁵ Officer Austin went to the Wildcat where he and other officers then escorted the two passengers (front and rear) away from the vehicle.

²⁶ Sergeant Estrada was also carrying two spare 17-round capacity magazines, which were both fully loaded (17 rounds).

created by the gunshot wound of the right side of the neck. Dr. Marden reported positive toxicology results for ethanol (.143 g/dL (blood); .160 g/dL (vitreous)) and amphetamine (54 ng/mL (blood)).

LEGAL ANALYSIS

The scope of this review, and the OICI protocol investigation related to it, is narrow in its scope and purpose: to determine whether the facts of this case, when applied to the law, warrant the filing of a criminal charge against an officer who used deadly force. In considering whether to charge a criminal offense against a law enforcement officer who uses deadly force, we try to ascertain whether Utah's broad affirmative legal defense of justification, particularly as applied to law enforcement officers, effectively precludes criminal prosecution based on the facts before us. In other words, we ask whether an officer could establish at trial that his or her use of deadly force was justified. To answer that question, we ask whether he or she reasonably believed the use of deadly force was necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect. *See* Utah Code § 76-2-404(2)(c).

As discussed more fully below, we believe the totality of the facts in this matter, taken together with reasonable inferences arising from those facts, would likely satisfy the elements of the affirmative legal defense of justification as applied to Sergeant Estrada's use of deadly force. In other words, we believe that if charges were filed against him for his use of deadly force, a jury (or other finder of fact) would have a reasonable basis to conclude that he used deadly force because he reasonably believed that deadly force was necessary to prevent death or serious bodily injury to himself and/or others. Where the facts of a case satisfy these elements of the affirmative legal defense of justification, Utah State law affords an officer a legal defense and the finder of fact is instructed to render a verdict of not guilty of the offense(s) alleged.

As noted above, Sergeant Estrada refused to be interviewed or provide a statement explaining his use of deadly force, as is his constitutional right. Without his explanation as to his use of deadly force, we don't know what his actual beliefs were or his reasons for his apparent decision to fire his weapon. We are therefore left to infer the rationale for his apparent decision to use deadly force based on other evidence we received, as well as the reasonable inferences to be drawn from that evidence. In similar situations where a shooting officer has refused to answer questions or provide a statement, we have proceeded in this manner. In doing so, however, we have never strayed from the objective evidence or testimony of other witnesses, nor do we do so here. While it is the prerogative and constitutional right of an officer not to share information with investigators, an officer's refusal to explain his or her apparent decision to use deadly force does not diminish our duty to explain and account for our decisions and conclusions or absolve us of our obligations to the community to present the truth to the community about an officer's use of deadly force on a member of our community.

While we do not know Sergeant Estrada's actual beliefs and thus cannot say whether he "reasonably believed" deadly force was necessary, we can infer the reasonableness of a belief that deadly force was necessary from the facts of which we are aware. In this case, as captured

on body-worn camera, Sergeant Estrada responded to the scene because Mr. Ludeman was suspected to be an intoxicated driver that had been involved in a hit-and-run. After speaking with Mr. Ludeman, who was already out of the Wildcat and sitting on the curb, Sergeant Estrada asked him if he was comfortable doing some field sobriety tests, which Mr. Ludeman refused. Sergeant Estrada then told Mr. Ludeman that he smelled like alcohol, to which Mr. Ludeman responded, "Sure." Sergeant Estrada stood and told Mr. Ludeman to go ahead and stand up, but he did not comply. Sergeant Estrada then told Mr. Ludeman to put his hands behind his back and he and Officer Austin went hands-on to take him into custody. Mr. Ludeman immediately produced a knife he was holding in his right hand and ejected its blade, as he "immediately tensed up" and began resisting. Sergeant Estrada called out, "He's got a knife! He's got a knife! He's got a knife!" A brief and very dynamic struggle ensued, during which Sergeant Estrada drew and fired his handgun three times at Mr. Ludeman—about five seconds after he began telling Mr. Ludeman to put his hand behind his back.

While Sergeant Estrada refused to be interviewed by investigators, after shots were fired, Sergeant Estrada explained to arriving officers, "He pulled the knife on me when I went to go 82 [to take into custody]." Sergeant Estrada further explained on scene officers, "He tried to stab Chris" (Officer Austin), and then explained, "He had an auto-ejector knife when I went to go 82 with him and he fucking—," and then made an ejection motion with his right hand. These statements, as well as his statement during the incident that "He's got a knife!", support a finding that he perceived that Mr. Ludeman produced a knife when he went to take him into custody. Additionally, his statements indicate that he observed Mr. Ludeman eject the blade of the knife and that he perceived that Mr. Ludeman "tried to stab [Officer Austin]."

Sergeant Estrada's statements are corroborated by body-worn camera recordings as well as other evidence in this case. Indeed, the body-worn camera recordings capture Mr. Ludeman with a knife in his right hand, with the blade ejected, as he struggled against Sergeant Estrada and Officer Austin as they attempted to gain control of him and take him into custody. The knife—a gray-handled, auto-assist OTF ("Out The Front"), non-folding knife, with an approximately three-inch blade—as well as a leather holster on his back right waistband were recovered by protocol investigators from the scene.

Thus, based upon the evidence of which we are aware, we conclude that the facts in this case support a finding that Sergeant Estrada believed he needed to use deadly force against Mr. Ludeman to prevent death or serious bodily injury to Officer Austin, and further find that such a belief was reasonable. Indeed, Mr. Ludeman unlawfully presented an immediate threat of death or serious bodily injury to Officer Austin when he produced a knife and ejected its blade when officers attempted to take him into custody.

The totality of the facts in this case, taken together with reasonable inferences about Sergeant Estrada's decision to use deadly force, would likely cause a jury to determine that his use of deadly force satisfies the elements of the affirmative legal defense of justification. Assuming his testimony in a criminal case (if any) would be consistent the facts as we believe them to be based upon the evidence produced by the protocol investigation, we believe a jury

would likely conclude that he used deadly force because he reasonably believed deadly force was necessary to prevent death or serious bodily to himself and/or the others, and in this case, to Officer Austin. Such a use of deadly force, by an officer who reasonably believes the deadly force is necessary to prevent death or serious bodily injury to himself or another person, satisfies the elements of the affirmative legal defense of justification and affords the officer a legal defense to a criminal charge. Thus, in this case, we believe a jury would likely find that the facts satisfy the elements of a justified use of deadly force.

If, for the sake of discussion, we elected to file a charge against Sergeant Estrada for his use of deadly force, and he asserted the legal defense of justification, we would have to prove at trial, beyond a reasonable doubt and to the unanimous satisfaction of all jurors, that he did not reasonably believe that using deadly force against Mr. Ludeman was necessary to prevent death or serious bodily injury to himself and/or another person. We do not believe the facts of this matter would support an effort to disprove the justification defense. We believe Sergeant Estrada would likely claim successfully at trial that he reasonably believed deadly force was necessary; therefore, his use of deadly force would be found justified and he would be afforded a legal defense to a criminal charge.

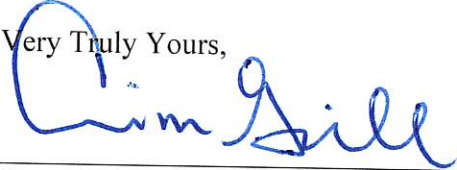
Because the statutory defense of justification is an affirmative legal defense, we, as the prosecution, bear the burden of showing evidence to prove that the affirmative defense does not apply. In other words, to achieve a conviction against Sergeant Estrada for his use of deadly force, we would have to show evidence to prove, beyond a reasonable doubt, that either he did not believe he needed to use deadly force prevent death or serious bodily injury (to himself and/or another); or, that if he did believe he needed to use deadly force, that his belief was unreasonable. We do not believe we have sufficient evidence to do so. Based on the evidence before us, we conclude that no reasonable jury would unanimously determine that Sergeant Estrada did not reasonably believe deadly force was necessary in this situation. We conclude that we could not refute or overcome the affirmative legal defense of justification and therefore, we believe a jury would afford Sergeant Estrada the legal defense.

As the United States Supreme Court instructed in *Graham*, assessing “reasonableness” in the Fourth Amendment context “requires careful attention to the facts and circumstances of each particular case, including . . . whether the suspect poses an immediate threat to the safety of the officers or others.” 490 U.S. at 496 (emphasis added). The facts of this matter support a conclusion that Sergeant Estrada could successfully argue that he reasonably believed his use of deadly force was necessary to prevent death or serious bodily injury to himself and/or another individual. In short, paying “careful attention to the facts and circumstances” of this case, and considering the totality of the evidence and reasonable inferences to be drawn therefrom, we conclude that Sergeant Estrada’s use of deadly force would likely satisfy the elements of a justified use of deadly force as set forth in Utah State law.

CONCLUSION

As noted previously, the facts and conclusions set forth in this letter are based on the evidence of which we are currently aware. Should additional facts become available, these conclusions may change.

As outlined in more detail above, we conclude that the facts in this case, together with the reasonable inferences about Sergeant Estrada's decision to use deadly force, would likely support a finding that he believed deadly force was necessary to prevent death or serious bodily injury to himself and/or others. As such, we believe that a jury would likely find that the facts and reasonable inferences satisfy the elements of the affirmative legal defense of justification and therefore afford him a legal defense to a criminal charge. Accordingly, we decline to file a criminal charge in this matter.

Very Truly Yours,


Sim Gill,
Salt Lake County District Attorney