



TWENTY-FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE

Mesa County Justice Center ~ P.O. Box 20,000 - Dept. 5031 Grand Junction, CO 81502-5031 (970) 244-1730

CRITICAL INCIDENT 06/19/2026

September 15, 2026

Investigator Kandyce Stuckenschneider
Mesa County Sheriff's Office
215 Rice Street
Grand Junction, CO 81501

On 6/19/2026, the 21st Judicial District Critical Incident Response Team was activated at the request of the Grand Junction Police Department to investigate an officer involved shooting at about 1830 hours that occurred at Dairy Queen, 709 North Ave, Mesa County Colorado. The following agencies were represented; Mesa County Sheriff's Office, Grand Junction Police Department, Colorado State Patrol, Colorado Bureau of Investigation and the 21st Judicial District DA Office. Lt. Mark Johnson assigned Investigator Kandyce Stuckenschneider, as the lead investigator. Investigators Mark Anderson and K. Stuckenschneider interviewed Officer Tim Long who fired nine, 9mm rounds. Investigator Pete Burg and Investigator Jenna Reed interviewed Officer Zach Diaz who fired two, 9mm rounds. The following is a summary of the information gathered and submitted for review.

FINDINGS OF FACT

Initial Information

At 18:28:41 hours, 911 received multiple calls that someone was stabbed at Dairy Queen, 709 North Ave, Mesa County Colorado. It was reported there was a "dude in there screaming and yelling wanting a Cherry Coke" and "he" stabbed someone. It was reported a male was high or drunk causing a disturbance. At 18:29:06 a caller reported the suspect had stabbed someone, Michael D'Apice (DOB: 12/20/46), in the lobby.

The suspect was last seen wearing a black shirt. At 18:30:11 Officers advised dispatch that they had "one at gunpoint." At 18:30:34 shots fired and at 18:30:39 a vehicle, carrying the suspect, was mobile westbound on North Ave. The vehicle was described to be a silver Hatchback. At 18:31:17 the vehicle crashed, and came to rest, at 1st St. and North Ave. but had a previous crash at 7th St. and North Ave.

Please note through the investigation, it was learned the suspect, Anthony Wilson (DOB:4/4/95) identified as a female and her chosen name was Patti. Patti will be identified and referred to as "she", "her", or "Patti" throughout this CIRT letter, other than when a witness refers to Patti as

something else. In that situation, the pronoun, or other description, used will be in quotes and will be the words that the witness used. The vehicle Patti was driving was identified as a 2003 Pontiac Vibe (CO EHKE61) registered owner, Anthony Wilson.

Dairy Queen/Statement

Michael D'Apice (DOB: 12/20/46) was interviewed at St. Mary's Hospital and provided the following information. He went to Dairy Queen around 1730 hours. He ordered food and sat down at the first booth that was closest to the window. 20 minutes later "this guy" that looked disheveled walked into the restaurant. "This guy" created a commotion, "he" wanted service, and wanted a Cherry Coke. For some reason "he" wasn't being waited on, and maybe they (the employees) sensed something was wrong with "him".

"He" started to get "unruly and demanding, and vulgar, and threatening." "He" was threatening about doing something or hurting someone, "he" might have used the word hurt, it might have been something more drastic. "He" was pacing back and forth in front of the counter, "his" attitude was offensive. Michael said that if he had to guess, "he" was on meth and "sure as hell wasn't on pot."

A guy who might have worked at Dairy Queen went up to "the guy" and told "him" something to the effect of "cool his jets or what have you." "This guy" was up in everyone's face that was working behind the counter. "He" was told to get out. A guy told "the guy" to cool "his" jets when "he" left but "he" was "pissed off." "He" returned and was being more aggressive. He thought he saw "him" reaching over the counter at the girls, it looked like "he" was trying to get them or something. Michael thought "he" had a knife.

Michael got up when he thought "he" started to become more "threatening with that knife." "He" seemed like "he" was going to hurt anybody. This is when Michael grabbed a hold of a chair and was trying to fend "him" off with the chair, pushing "him" back and hitting "him" with the chair. When Michael swung the chair, he was too weak to get the chair back so this is when "he" started coming at him. "He" started swinging the knife at him (Michael), slashing it around and this is when he (Michael) got cut. "He" slashed at Michael more than three times.

Michael put his hand on his cut and was tending to himself when "he" left the store. "He" was in a white car when the Officers arrived. The cops tried to stop "him" verbally. "He" backed out from the parking spot in front of the store to a parking spot that was closest to the road, when "he" then came forward again and came up further past the parking spot "like he was trying to get to the cops too."

The cops were moving because they weren't going to stand there and let "him" hit them. "He" came up in a "violent fashion" then "he" backed out again and "it seems like he made his own way out." Michael was watching when the cops shot, the cops shot "him" after "he" "came after them too." When "he" was backing up and getting away that seems like when they let "a couple of shots go." The cops were trying to persuade "him" to stop but when "he" didn't, Michael heard, "bang, bang, bang."

Isabella Trujillo (11/18/2008) is an employee with Dairy Queen. She was working the front counter with Cheyanne. Isabella reported that "a guy" who had come in earlier that didn't pay for "his order" had returned. "The guy" was now asking for a Cherry Coke, but when Cheyanne asked "the guy" "cash or card?" "the guy" stated "neither." Cheyanne informed "him" she could not give "him" a soda unless "he" could pay for it. "He" initially walked away and sat at a table. "He" later came back to the front counter and started yelling at her and Cheyanne calling them "bitches". "He" exited and then walked back and started throwing cups at Isabella and Cheyanne. "One of the customers" confronted "him" and told "him" "you need to get, like, get out, like, get out". "He" became more agitated and pulled "a knife" on them. Isabella described it to be "a pocket knife" in "his right hand". "The old guy that was in lobby, one of the customers" who confronted "him" grabbed a chair and hit "the guy with the knife" with the chair using an overhand motion. "The old man that got stabbed" was later identified as the stabbing victim Michael D'Apice (12/20/1946). Isabella did not witness the stabbing, but described "the older gentleman that got stabbed's" injury to be on his arm. After "he" grabbed "a knife", another customer pulled his knife. "He" left and got in "his vehicle". While Officers were instructing "him" to exit the car, "he" backed up and accelerated forward as if "he" was trying to hit the officers.

Cheyenne Blatt (07/10/2003) is an employee with Dairy Queen. She reported that "he" had come in earlier and did not pay for his food. "He" asked for a soda and when Cheyanne asked "him" "cash or card?" "he" responded by saying neither. Cheyanne refused to give "him" a soda, but offered "him" a free water. "He" was initially content with the water and sat down. "He" later came back to the front counter and demanded his soda. Cheyanne confronted "him" about how "he" was going to pay for his soda. "He" became angry and stepped away. "He" later returned and started yelling at Cheyanne and "one of the other crew members" calling them names. "He" spit in Cheyanne's face and threw cups at her. Other customers attempted to intervene. "The older guy" picked up a chair and tried to push "him" out, using the lobby chair. "He," in response, pulled out "his" pocket knife. After "he" pulled out the pocket knife, Cheyanne walked away to call 911. Cheyanne didn't witness the stabbing, but when she returned "the older guy" had been stabbed. Later law enforcement arrived and Cheyanne heard approximately two-gun shots. Cheyanne described "him" as holding a pocket knife in his right-hand. She described "him" to be a white male wearing a black shirt, with dark shoulder length wavy hair, approximately 5' 9", and thin build. She observed "him" driving away in a silver-colored vehicle.

Nevaeh Bailey (04/28/2008) is an employee with Dairy Queen. Nevaeh was working the front counter with Isabella (referred to as Bella, by Nevaeh), Cheyanne, and Alicia. She gave the same witness information as the other employees. Nevaeh admitted she was scared for her life and started crying while being interviewed. Nevaeh said she did observe "the guy" get in his car. Law enforcement arrived and "the guy" backed up in his vehicle and then pulled forward attempting to hit the Officers. In response the officers started shooting.

Aunalicia Aparicio (06/27/2009) is an employee at Dairy Queen. Aunalicia had helped "him" earlier when "he" came in and remembered that when "he" previously ordered food "his" card was declined. By the time they realized it, they had already given "him" "his" milkshake. "He" later returned and asked for a Cherry Coke. Aunalicia remembered "him" from earlier and went to get Cheyanne so that she did not have to deal with it. Aunalicia hid in the corner and watched "him" throw items at Cheyanne and Isabella. Customers started to intervene and "he" pulled a knife. "He" had the pocket-knife in his right-hand and pointed it at the employees and customers.

Aunalicia described the knife as colorful. "The old guy" attempted to push "him" outside using a chair. Aunalicia heard approximately five-gun shots or more after law enforcement arrived.

Shawnda Arnett (DOB: 5/9/91) was inside Dairy Queen around 1800 hours. She saw "he" who was acting aggressive and demanding a free drink from Dairy Queen staff. Staff refused to provide "him" a free soda. Individuals asked "him" to leave. Arnett described the aggressive person as a "he" and described a person who was white or Hispanic with dark brown hair a black shirt and grey shorts who was later identified in the law enforcement data bases as Anthony Wilson. "He" was arguing with staff and slamming "his" hands on the counter. After arguing with staff about a soda, "he" went in and out of the front door, to "his" vehicle parked outside. This occurred twice. When "he" returned the second time, "the old man" approached "him" and told "him" that "he" needed to calm down and advised "him" to leave. "He" responded by pulling a knife out of "his" pocket, when "the old man" picked up a chair and started swinging the chair at "him" and stating "drop the fucking knife pal." "He" started slashing the knife in the air in the direction of "the old man" and closed the distance between them. "That dude" grabbed a chair and used the chair to push "him" away. During the altercation "he" continued to move towards "the old man" swinging "his" knife at "him". Shawnda captured this incident on her cell phone camera (Documented later in this letter).

Megan Acosta (DOB: 3/19/96) was parked in the parking spot just east of where Patti's car was parked. Acosta approached the front door but was informed by other bystanders that she should not go in because something was happening inside. From the door, she could hear "the guy" yelling about a free drink, then Michael walked out and "he" was bleeding. She backed away from the door because she saw "the guy", who received the free drink, walking outside with it and throw the drink at "the old man". She saw "the gentleman" enter his vehicle and this is when officers approached. One officer approached the driver side door and the other officer was standing behind the vehicle. She heard an officer give verbal commands to stop and remembered the officer yelling. After receiving the commands to stop, "the gentleman" made two attempts to back out of his parking spot. "He" was successful in getting "his" vehicle out of the parking spot and drove away while being shot at by police.

Paul Quimby (DOB: 1/19/58), a retired GJPD Commander, was driving down 7th St when he saw the police car at 7th St and Orchard Ave. The police car followed him down 7th St into the Dairy Queen drive thru. Paul noticed the police car was right on his tail. He noticed there were 8 to 10 people standing in the front door of Dairy Queen, in the parking lot and some on the sidewalk of Dairy Queen.

Paul looked in his rearview mirror and noticed the cop car stopped right out in the middle in the parking lot. As Paul was in the drive thru his line of sight was behind all the cars that were parked. Paul knew there were two police officers in the car. At some point the Officer from the passenger side of the cop car came into view. They spent some time in the parking lot with their guns focused on "somebody" to which he didn't know who.

He could tell they were obviously addressing "somebody", not knowing if that person was outside or in their car. He said all these people were standing there when the cops had their guns out. He was watching and it was obvious the cops were giving commands. He said the cops were

standing straight behind the car that had the suspect in it. At some point he was not exactly sure when, but the officers moved to where he couldn't see them.

He said the car backed up really slowly, then stopped, sitting there for a few seconds. He couldn't remember if the car pulled forward once or twice, but one time from what he remembered it pulled forward slowly and then it backed up again. The car then accelerated very fast which made him think he was waiting for the car to run into the building. He said the car was ramping.

He said he couldn't hear the engine revving or anything but the rate it was going, he thought the car was going to hit someone or the building. It looked like that car was going to intentionally hit somebody but again he couldn't see what was going on. He said the car backed out then faced east (front of car) like it was going to leave the parking lot but the car stopped.

He was wondering what was going on, he couldn't see the officers initially then the officers came into view. When the officers got out of the parking spots, he could see the officer that was originally driving (Paul described Officer Long). He explained he barely saw the other officer (Officer Diaz).

He went on to explain when the car backed up and it looked like it was going to leave. He thought it was weird because the car backed up at a normal rate. The officers were addressing the car again but he couldn't hear what they were saying. He didn't know how many people were in the car but he assumed it was only one person in the car. After the car backed up, it stopped and he was pretty sure the passenger officer (Officer Diaz) fired first because he was out of his view.

That is what he heard first, then he saw the other officer (Officer Long) fire. He was asked if he could recall at what point the officers fired. He said he thinks the car was stopped. His best recollection is the car was stopped. He relayed that officers were giving commands then he believed the officer fired (Officer Diaz).

He saw the glass break then he saw the other officer firing (Officer Long). The car then pulled forward and came out on North Ave. He said he didn't see anything else of the car because the patrol car was in the way of his line of sight.

Videos

Below is a brief description of the videos, taken by witnesses;

IMG3508597936157067130.mp4: This video starts with a person who appeared to be Patti returning back inside Dairy Queen. It looked like the glass door was closing. Yelling is heard. Patti is visible, and walking to Michael D'Apice (DOB: 12/20/46). Michael is seen with a Dairy Queen chair, and strikes Patti with it. Patti blocked the chair with her left hand at which time Patti can be seen holding a knife in her right hand. When Patti blocked the chair, she took a step back then started moving back towards Michael. Someone yells something about a knife;



As Patti moves back towards Michael, she blocks the chair as Michael hits her with it. Patti is able to grab the chair;



Michael is seen punching towards Patti. At that time a subject steps in front of the camera. Patti is heard saying something to the effect of “fucking hit me” as she swings her right hand in the direction of Michael. Michael drops the chair and Patti continues to walk towards Michael in an aggressive manner;



When Patti is closer to Michael, Patti swings her right hand in a slashing motion;



Patti continues with a slashing motion with her right, It appears that this is the time she cuts Michael's left hand;



Someone is heard saying “get the fuck away from me.” A male standing behind Patti picks up the chair. As Patti turns around, she says “get the fuck out of my face;”



The male shoves the chair towards Patti. Patti continues to yell, some of which is understandable, other parts are not. Patti then walks out of Dairy Queen as she raises her middle finger and yells “fuck you, you guys are animals.” The video ends as Patti walks out of Dairy Queen. This video is 27 seconds in length.

IMG2874329069256310395.mp4; The camera appears to be on the side walk by Dairy Queen’s front door;



The video starts with Officer Diaz's firearm drawn and Michael standing behind. The video shows Patti driving past Officer Diaz. In the video Officer Diaz can be seen firing his weapon, then the car comes to a stop. Additional gunshots can be heard, then the video comes to an end. This video is a total of 7 seconds in length.

It should be noted, Officer Lovato with Grand Junction Police Department spoke with Shawnda Arnett who provided him with three videos, two of which (described above) it appears that she recorded. From Officer Lovato's report, Shawnda Arnett witnessed and recorded what occurred.

The video that is not described above, shows Michael walking out of Dairy Queen followed by Patti who was yelling "fuck you, you fucking ass." The camera follows them outside and Michael is seen standing at the doorway. The camera view drops to the ground, where blood droplets are visible on the ground inside of Dairy Queen. As the camera moves closer to the door and the camera view is showing outside, Patti is heard saying "get the fuck out of my face." As Patti says this, someone can be heard yelling and Patti is seen walking towards her vehicle.

The female holding the camera who is believed to be Shawnda, asks Michael if he is okay. Michael says something which was not understandable. Michael is holding his left wrist with his right hand. The video ends at this time. This video is 18 seconds in length.

Body Worn Camera Summary

Officer Long

The recording starts on 6/19/2026 at 18:29:17. The first 30 seconds of the recording there is only visual and no audio. Officer Long was in the driver's seat, he took off his seat belt. The street sign N. 7th St. can be seen out of the front window. Officer Long makes a left hand turn, then a few seconds later he turns right into the Dairy Queen parking lot at 18:29:24.

Officer Long gets out of the patrol vehicle at which time, the audio starts in the recording at 18:29:47. As the audio starts, Officer Diaz can be heard yelling "hey stop" as he is approaching the Pontiac. Officer Diaz's firearm was drawn at this time and he appeared to be aiming at the Pontiac.



Officer Long appears to be trying to put on his gloves. Both Officer Diaz and Officer Long approach the Pontiac and stand near the passenger side bumper of a white Chevy Tahoe (CO AUK R30) that is parked next to the driver's side of the Pontiac at 18:29:52. The Pontiac's taillights were on. Please note, there were people standing outside in the parking lot and a vehicle pulling up to the drive through.

The Pontiac didn't have a license plate affixed to the rear bumper, it was affixed to the back window (CO EHK E61). Officer Diaz is heard continuing to give commands "hey stop" and telling people to get out the way as he motions them to move with his left hand. A subject is visible on the walkway passing by the front of the Pontiac and other subjects are moving in the opposite direction. There is also a male subject standing approximately two car lengths away from the Pontiac on his phone.

A subject is visible in the driver's seat of the Pontiac, who was later identified as Patti Wilson (DOB: 4/4/95). Officer Diaz is heard yelling "hey" as he kicks the rear driver's bumper at 18:29:58. Officer Long alerts dispatch via radio to advise they have a car at gunpoint. Officer Diaz says something to the effect of "block him in," as he quickly turns his head in the direction of Officer Long. At which time, the sound of the vehicle's ignition starting is audible, then the Pontiac's reverse (rear) lights illuminate at 18:30:02;



The Pontiac then reverses at what appears to be an average speed. Officer Diaz yells to “get back, hey stop” and something to the effect of “get down.” Officer Diaz has his firearm aimed at the driver as she passes by him. Officer Diaz, kicks the driver's door of the car. Officer Long yells, “stop the car.”

The Pontiac reverses almost up to the parking spaces behind it, 18:30:08. Officer Long's position is now at the bumper of a white Chevy Tahoe (CO AUK R30). At which time Officer Diaz appears to move up to the parking space that the Pontiac was parked in, when the Pontiac drives forward where Officer Diaz is located.





At 18:30:11 and 18:30:12, what sounds like the tires of the Pontiac screeching, is audible. The Pontiac pulls the full car length into the parking space. At this time, in Officer Long's BWC recording visuals are lost.

Officer Long gives verbal commands, "Stop. Turn the car off" at 18:30:14. Officer Long then moves to the passenger side bumper of a white Chevy Tahoe (CO AUK R30). The Pontiac is now in reverse and begins to reverse. This reverse appears to be faster than previously. The Pontiac reverses almost up to the parking spaces behind it at 18:30:18.

Simultaneously at 18:30:18 Officer Long moves almost in between the white Chevy Tahoe and a white Nissan Murano (CO EAS P38). Officer Long's firearm is aimed at Patti. Officer Long continues to give commands to turn the car off. The driver appears to be looking in the direction of Officer Long;



At 18:30:19 the Pontiac is in drive and begins to drive forward, turning to the east as Officer Long moves deeper in between the two cars. Rounds are fired and appear to hit the windshield, and the front and back passengers window and door. Officer Diaz yells “stop.”





At 18:30:22 the Pontiac almost comes to a complete stop. At this time Office Diaz's firearm and hands come around the rear of the white Chevy Tahoe. The Pontiac proceeds to drive at 18:30:23. At the same time rounds are fired, breaking out the back window. Officer Diaz has his firearm aimed at the direction of the Pontiac. Where Officer Long's firearm was aimed is not visible, here, due to the level of his firearm. The rounds stop being fired at 18:30:24, at which time Officer Long is at the bumper of the white Nissan Murano (CO EAS P38) Officer Diaz is visible.

The Pontiac proceeds to drive turning westbound on North Ave, in an eastbound lane. When the Pontiac turns out onto North Ave, it hits the 2026 Nissan Kicks security car being driven by Riley Phillips (DOB: 5/12/00). Michael D'Apice approaches Officer Long, holding his wrist that was bleeding and said "look what he did to me." Officer Diaz is heard and seen communicating with dispatch via radio to include Officer Long a few seconds later.

Officer Diaz

The recording starts on 6/19/2026 at 18:29:17. The first 30 seconds of the recording there is only visual and no audio. Officer Diaz is in the passenger's seat. The street sign for N. 7th St. is visible out of the front window. At 18:29:24 the vehicle turns into the Dairy Queen parking lot.

Officer Diaz gets out of the vehicle at 18:29:42 when is moving across the parking lot pulling his firearm. At 18:29:45 the audio starts and subjects in the parking lot are heard saying "right there" and pointing.



At 18:29:47 Officer Diaz's firearm is aimed at the Pontiac and he is heard yelling "hey stop." Officer Diaz moves up the passenger side bumper of a white Chevy Tahoe (CO AUK R30) that is parked next to the driver's side of the Pontiac. The Pontiac's taillights are on. The Pontiac does not have a license plate affixed to the rear bumper, it was affixed to the back window (CO EHK E61).

At 18:29:50 Officer Diaz appears to start to approach the driver side of the Pontiac, before taking steps back. Officer Diaz tells a subject who is standing in front of the Pontiac to get out of the way. Officer Diaz's firearm appears to lower as he is saying this. At 18:29:58 Officer Diaz yells "hey" and he kicks the Pontiac. Around 18:30:00, the ignition of the Pontiac turns on at the same time Officer Diaz raises his firearm up towards the driver and the Pontiac's reverse (rear) lights illuminate. Officer Diaz tells Officer Long to block him in. Officer Diaz says "get back."

At 18:30:03 the Pontiac reverses. At 18:30:06 the driver, who was later identified as Patti looks at Officer Diaz as she passes him. Officer Diaz yells "stop" and kicks the front bumper of the Pontiac.



Officer Diaz “yells get down.” The Pontiac continues to reverse. Officer Long yells “stop the car.” At 18:30:10 Officer Diaz moves in the empty parking space and at the same time, the Pontiac drives forward towards Officer Diaz.



At 18:30:11 and 18:30:12, there is a sound that appears like the tires of the Pontiac screech, as Officer Diaz runs up towards Dairy Queen and in front of the white Chevy Tahoe (CO AUK R30) in what appears to be an attempt to avoid being hit by the Pontiac;



At 18:30:14 Officer Diaz turns around back in the direction of the Pontiac. At this time Michael D'Apice starts approaching Officer Diaz, holding his wrist.



The Pontiac reverses across the parking. Officer Diaz moves back to the empty parking spot, next to the passenger side rear bumper of the Chevy Tahoe and raises his firearm at the Pontiac.



At 18:30:19 the Pontiac begins to drive forward, turning to the east. Simultaneously Officer Diaz yells “stop” and rounds being fired are heard and the rounds appear to hit the windshield, front and back passengers window and door. Officer Diaz is standing at the rear of the white Chevy Tahoe.



At 18:30:22 the Pontiac almost comes to a complete stop. At this time Office Diaz's firearm and hands come around the rear of the white Chevy Tahoe. Officer Long's firearm is by the rear bumper of the Nissan Murano (CO EAS P38). The Pontiac proceeds

to drive at 18:30:23. At the same time rounds are being fired, breaking out the back window.



The Pontiac proceeds to drive turning westbound on North Ave, in an eastbound lane. When the Pontiac turns out onto North Ave, it hits the 2026 Nissan Kicks security car being driven by Riley Phillips. Officer Diaz is heard communicating with dispatch via radio.

Officer Statements

Officer Diaz

Officer Diaz said he worked with Grand Junction Police Department for about nine years, previously was a K9 Officer as well as an SFST Instructor. Prior he was an Officer at University of Colorado for two years and was in the Marines for 3 ½ years where he was with an amphibious assault unit.

Officer Diaz said they were facing south bound at the light on 7th Street and North Ave. Officer Diaz said he saw two calls populating on the call board for the Dairy Queen. He said he noticed the call was a “priority one code 5 call.” Officer Diaz said Dispatch began airing information on the call and said “a guy” in Dairy Queen was going crazy and had just stabbed someone. He said he wasn’t sure if Officer Long activated his emergency lights or if the light turned green but they started driving toward Dairy Queen.

Officer Diaz said he remembered being hyper-focused on the building as they pulled into the parking lot. He said as they were pulling onto and driving on North Ave into the parking lot, he saw out his window what he believed to be a male walking east and made a “stabbing motion” toward another subject on the sidewalk. Officer Diaz demonstrated moving his hand from downward into an upper motion. He said he wasn’t able to see anything in the suspect’s hand. He said because of the vehicles in the lot and them moving he lost his view of the suspect at certain points. He described the subject as white, 5’05”-5’10, wearing a dark shirt. Officer Diaz was unable to see how the other person reacted to the suspect making the “stabbing motion” because they were pulling into the parking lot and his view was blocked by cars.

Officer Diaz said they parked facing west behind a couple cars in the parking lot. He said he drew his firearm and took a cover position at the rear corner of a white Tahoe next to the car the suspect got into. He described the suspect car as a silver crossover style vehicle. He remembered seeing several people standing in front of the vehicles on the sidewalk. He said the others were directing him to the vehicle the suspect got into saying “right there” and pointing to the silver car. Officer Diaz said it was the same car the person he saw making the stabbing motion got into.

Officer Diaz said he had his weapon drawn and was kicking the back bumper trying to get the suspect’s attention. He said he didn’t see any other occupants in the car other than the driver. Officer Diaz was concerned about the people in front of the car in the event he had to fire his weapon and if the driver decided to drive forward into the building causing them to be pinned or crushed. He said he remembered not wanting the vehicle to go mobile and was unsure if he thought it or verbalized for Officer Long to move the car to block the suspect from leaving. He said at that same time he heard the car start and the car reversed. He said as the car reversed it turned its wheels where the car was facing a slight south eastern direction. He moved into the parking spot because he was concerned the driver could pinch him in between the suspects’ car and the Tahoe. He remembered giving verbal commands to stop. He said he saw the suspect look down and appeared to be messing with something but was only able to see about mid-chest up in the car.

Officer Diaz said the front of the car began moving toward him back into the parking spot. He thought at that point if the male was going to leave, he had the opportunity to leave and had to

intentionally change direction to pull into the parking spot toward him. There were cars on both sides of him and he couldn't side step out of the way. Officer Diaz said he turned his back to the car and ran as fast as he could toward the front of the Tahoe. He remembered hearing the car sounding like it was getting closer to him which caused him to believe the driver was accelerating. He said he was waiting for the car to hit him as he ran. His thought that by running there, at least the Tahoe would put something between them hopefully causing less damage to him (Officer Diaz). When he turned around, the front of the car was almost completely in the parking spot. Officer Diaz said he started readdressing the vehicle at gun point telling the driver to stop.

Officer Diaz said the vehicle then reversed. He said his thought process was that they had one stabbing victim, potentially a second from the one he saw as they were pulling in, the driver had just tried to run him over, and he was unable to see his partner but knew he had been in the area where the car was facing now. He was concerned the driver would try to hit Officer Long. Officer Diaz said he waited a second to see if there was any change of behavior toward compliance and he felt he had no other option to stop the threat to his partner and the public. He said he had no other viable options (other than his firearm) to stop the threat. Officer Diaz acquired his sights and then fired his handgun for "an immediate stop." He said he saw some type of movement inside the car after seeing a bullet hole through the front window. He believed he shot 3-4 shots and he remembered seeing the car moving toward the parking lot exit. He said he heard other shots and believed Officer Long was firing as well.

Officer Diaz said the car continued moving and went west bound in the east bound lanes on North Ave. He said the suspect vehicle hit a white SUV that was associated with a security company. Officer Diaz said he aired, "shots fired," the suspect vehicle description, direction of travel and it had struck another vehicle. He maintained a visual on the car to about 6th Street where he lost sight.

Officer Diaz said after airing the information he was able to see Officer Long, that he was ok, and then went to find the stabbing victim. He said he saw the male outside with white rags on his arm that was bleeding. He said shortly after that he heard other officers air on the radio they had a visual of the suspect vehicle then, and that the vehicle had crashed. He said he continued to focus on getting the stabbing victim medically evaluated. Eventually he went and moved their patrol car to block east bound traffic on North Ave in front of Dairy Queen to help preserve evidence.

Shortly after moving his car, Cpl. Trejo arrived and he gave his public safety statement to Cpl. Trejo. He deactivated his BWC prior to the statement and reactivated it after. After giving the statement, he went and checked on the security officer who was involved in the crash to make sure she was ok. Officer Diaz then deactivated his camera and waited to be taken for officer processing.

Officer Diaz expressed concern that if the vehicle left the parking lot after causing the "carnage" it did there would potentially be more victims and he wanted to stop it right there in the parking lot. Officer Diaz said he had concern about himself, citizens, and his partner being crushed or killed by the driver. Officer Diaz estimated the distance between the car and Officer Diaz when he fired was about twenty feet. He thought when he fired he was halfway in the parking spot. After the vehicle moved out of the lot, he said he no longer had a viable shot and stopped firing.

Officer Diaz expressed regret for not being able to stop the subject from leaving the parking lot which resulted in other people being hurt.

Officer Long

Officer Long was previously hired with the Grand Junction Police Department in August 2019 and worked there for 5 years. He laterally transferred to the Montrose Police Department in August 2024, where he was later promoted to Sergeant. Officer Long returned to the Grand Junction Police Department in June of 2026 and his first day back was June 8th. Officer Long's responsibilities since being in law enforcement have been firearms instructor, certificates in how to deal with Alzheimer's, de-escalation, leadership, and courses for new and aspiring supervisors.

This was his 5th shift back with the Grand Junction Police Department. He was riding with Officer Diaz as a two man car just in case he had questions and to reacclimate with the computer software. Prior to the call they just finished trying to get ahold of a suicidal subject, but at the time the dispatch aired this call they weren't on a call.

They were southbound on 7th approaching North Ave., intending to make a left hand turn or eastbound on North Ave. They were in the left hand turn lane, with one or two cars in front of them and they were at a red light. At this point dispatch aired someone "going crazy" in the lobby at Dairy Queen. This was directly across the street from where they were.

He and Zach (Officer Diaz) intended to go there anyway with the mindset it was a disturbance, however he thinks within 5 seconds dispatch aired that the male just stabbed someone with a knife. They got into the parking lot as quickly as possible. There were several people out in the parking lot, with possibly employees and patrons. He didn't know exactly how many but if he had to guess at least 10 people or more.

Several people were yelling at them and pointing towards the doorway, saying "he is over here, he is over here." He was under the assumption he was on foot so he was looking for a male standing, near where everyone was pointing. Officer Diaz went up in between the building and the cars, so he was in front of the line of cars.

He remembers almost every parking space was taken, and noted that it also seemed like it was with all white cars. He didn't remember any other cars, other than a silver one. He stayed at the back of the cars, as he and Officer Diaz were paralleling each other down the cars looking in between each one.

When they came to a silver hatchback, he noticed it was running and there was "a male" inside it. That is when he was told "that's him, that's him." He thinks he and Officer Diaz already had their firearms out because of the nature of the call with the knife. He couldn't remember exactly what was said, but he thinks they addressed the suspect and yelled at "him" to "either stop the car, get out of the car or whatever it was."

At this point he described that he was behind a white SUV that was next to the silver hatchback that was parked nose in. He was at the back bumper of this car (silver hatchback) but he couldn't remember if he stepped out from behind his car or if he was in between the two cars. He had his firearm pointed at the driver, then the driver put it in gear and backed out, at which point he stepped back behind the SUV.

The silver hatchback pulled out, turning his wheel to the right to get out of the lot. As he swung his car out, he didn't know at this point what he was going to do whether he was going to try and run into him or just flee. He was surprised when he turned his wheels back left and accelerated back into the parking spot where he knew Officer Diaz was standing.

At this point he believed the suspect had the intention to hurt them, and to run into them in an attempt to get away. He described that he was extremely concerned for everyone's safety, because there were a lot of people in the parking lot and he also didn't know if there were people inside the cars. He didn't know if the suspect was going to get out and start attacking people.

He reported that after "he" (silver hatchback) pulled in, "he" pulled back out again and was facing him. He assumed the suspect was going to try and hit him. He thinks he stepped back, in between white SUV and white car. He was facing the suspect face on, the driver looked straight at his face and showed no emotion. "His face" was staring at him.

The driver put the car back into drive and started pulling towards Officer Long. At this point he made the decision he needed to stop him from whatever he was doing because he believed that "he" was going to kill him or other people in the parking lot. The suspect had already shown no regard for people, had already attacked someone, stabbed someone and tried to run over Officer Diaz. He didn't know what the suspect would do after that and he needed to stop him from getting out of the parking lot and from hurting anyone else, so he made the decision he was going to shoot in order to stop him.

Officer Long went on to explain, he heard a gunshot go off and saw the impact on the windshield and knew Diaz had shot, after he had already made the decision to shoot. He took aim "on him," in the driver's seat. Being a firearms instructor, since 2022, he is always aware of his back drop. He knew there was a restaurant across the street and people on North Ave.

Officer Long explained "it was bazaar, it was slow motion," he made a conscious effort to have a downward trajectory into the car, to make sure if any rounds missed him or went through doors they would just go into the ground, not injuring anyone else. So he pointed down at the suspect and aimed in this area.

As Officer Long said he "pointed down at him," he raised his arms placing both hands together to simulate holding a firearm. Officer Long pointed his index fingers in a downward angle. The area in which he described to aim on, was the right side, running his hand below the armpit down to the waistline.

He said he started to shoot at the driver. He knows he shot out the front passenger's door, window. As the suspect came towards him, rolled past him with his passenger's side, this is when he shot the front passenger's door, window. As he continued by, he got another view of the backseat. From what he knows from training, rounds go right through that seat, so he shot towards the back of the seat and kept shooting. He thinks he got one round through the back window as the car showed the rear end towards him. He thinks he took one more shot into the back seat.

At this point he realized with the distance you can't get the angle down into the car as the car is going further away. He didn't want to take a chance on having rounds go anywhere else, so he stopped firing at this point.

Officer Long couldn't remember if the silver hatchback went over a curb or not, but he remembered the car bouncing. The hatchback impacted another vehicle, then went westbound into oncoming traffic, in the eastbound lanes and sped off. He said he heard a couple of impacts and heard over the radio there was a crash with a roll over.

At this point with everything happening so fast, with only him and Officer Diaz being there and from his being a supervisor he knew they shouldn't be getting involved with things. He also knew things needed to be getting done, so he remembers yelling at everyone in the parking lot. He told them if anyone who was currently there and witnessed what took place to remain on scene so they could get their information, to include interviews.

Officer Long thinks he briefly talked to the victim. He said he was not severely injured but also couldn't tell how bad it was on his arm, but it was just his arm. He was holding his arm and was concerned about which hospital he needed to go to.

Officer Long then talked to two witnesses, which he asked them to remain on scene. He said he can't remember the sequence of events, but he knows he went to his car and started putting up crime tape around the perimeter. He did this to contain evidence and to keep people out of there. He remembered cars trying to drive into the parking lot in an attempt to get ice cream.

He said there was glass everywhere and blood outside on the sidewalk. At no point did he cross the threshold of Dairy Queen so he doesn't know what it looked like inside. He was told it was a mess with blood everywhere. He continued to put crime scene tape up and kept doing police work, until he thinks Cpl. Trejo arrived on scene.

He stopped Cpl. Trejo and told him he wanted to provide him with a safety statement, which was at that point he believed he shot 6 rounds but it could've been 6 or 7. He told Cpl. Trejo the direction of those rounds and said he was pretty sure he shot in a downward trajectory.

He said another officer showed up to which he directed that officer across the street to the restaurant to ensure no rounds went into the restaurant and to check no rounds were outside of the restaurant or in any cars. He wanted to make sure everyone was okay in the restaurant.

Not too much longer after this, he was relieved of his body camera and was told to be with Sergeant Litzau. He sat in his car until they came to the Mesa County Sheriff's Office, for around 5 hours.

Using an aerial map of Dairy Queen, Officer Long explained what occurred using the map;

Officer Long said he believed all the spaces were filled up. He used rectangles to show the parking spaces filled with cars, and an "X" inside of a rectangle to show the silver hatchback. Another rectangle was used for the police car with a line dividing the car width length.

Officer Long explained and drew out what he just described to me. As Officer Long was describing and drawing what occurred, he added that after the guy drove towards Officer Diaz and reversed, he was standing in between two vehicles. In the drawing he used a filled in circle to indicate where he was standing. He said he was kind of stuck in between the two cars. He said when the silver hatchback started to turn to exit, is when he believes he stepped out from in between the cars. This is when he started firing, maybe when the front wheel was in front of him. Officer Long explained where he shot the vehicle and at the driver.

He was asked when the silver hatchback went back into the parking spot where Officer Diaz was, could he recall when he saw, heard or smelled from that vehicle. Officer Long said just what he said, he saw the driver had a very blank look on "his face," an "intent look," "he" wasn't showing any emotion or anything. Officer Long thought the silver hatchback was going to leave but instead the driver turned the wheel back in towards that space and went into it.

Officer Long said at this point he thought Officer Diaz was in that space. He was asked, when the silver hatchback pulled back into the space, was it normal parking or did the driver accelerate? Officer Long said it was much faster than just parking. Officer Long said he fully believed the driver's intent was to hit Officer Diaz or pin him up against the wall.

He was asked, when the silver hatchback reversed was it in the same manner? Officer Long said it seemed pretty fast, and described it as abrupt. He described that it wasn't squealing tires but it was assertive. When asked if it was assertive enough that it caused concern, he said "yes, absolutely. Officer Long said at this point, he knew they had to stop the suspect in that parking lot because "he showed intent to kill someone."

Officer Long explained he runs through numerous scenarios all the time, being a firearms instructor, which he takes very seriously, still studies statutes and enjoys the job even more today. He knows that his life and people's lives depend on it, so he takes it very seriously. He continued on by saying that he has played multiple scenarios in his head so many times that when his wife asked him if he was scared during it, he wasn't scared it was automatic at that point. He knew that he was stopping "the guy" from leaving, he didn't want "him" to get out on North Ave. or go somewhere else and continue. He said his mindset was determined more than anything else.

Officer Long said he did not know where Officer Diaz was located because he was behind the SUV but he did see him when they both were on the front and back of the car. As soon as he heard and saw the driver put the car into gear, he stepped back and the last he saw Diaz was in that spot. When asked if he was concerned that Officer Diaz could have been hurt. Officer Long said yes but he assumed he had jumped out of the way because he (Long) did. He explained that was one of his regrets, he didn't check on Diaz right after this all happened. He said they went into scene management mode.

Officer Long went on to say, he was extremely concerned after the driver backed out the second time. He had assumed Officer Diaz was able to get out because as the car backed out, when he made the decision to shoot, that is when he heard and saw around the windshield. He guessed he knew instinctively that Officer Diaz was okay at that point.

He was asked after the car reversed if he didn't move in between the two cars, did he assume the car would have come towards him. He said that is what he assumed was going to happen.

When asked if any other weapons or use of force would have been appropriate, he said no, not at all because to him a car is a worse deadly weapon than a gun. The person inside the car is protected and it is two tons of force coming at you. A taser or an asp was not going to stop a car.

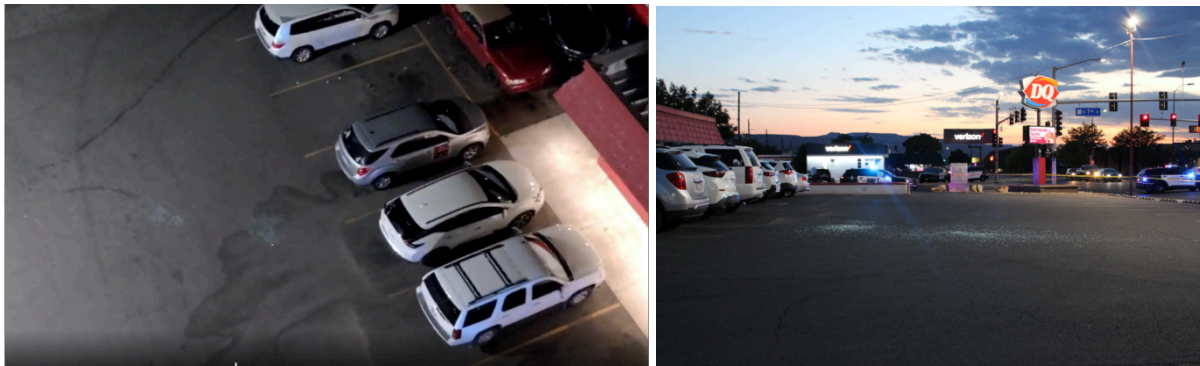
Officer Long could not recall if the driver was saying anything, and he also didn't recognize the driver. He explained Officer Diaz likes to talk on the radio. He said there was an ongoing emergency, he didn't want to get on the radio too much but he also wanted to provide a description. He thinks the only thing he got on the radio with was, he was a "white male, dark curly hair and probably in his late 20's."

He was asked if dispatch provided a description of the suspect previously. He said from what he remembered was, “a guy going crazy.” Officer Long was asked if he saw “the guy” outside the car at all to which he said no. He was asked if after he fired, did he see the driver in the car move at all. Officer Long said he didn’t see “him” flinching but when he thought he had a side view he thinks he saw “him” hunch down. Officer Long said he couldn’t see the suspects hands and never saw the knife.

Officer Long thought this distance, when he fired his firearm, was probably 3 yards to the vehicle and then another 2 more yards to the driver. Officer Long denied sustaining any injuries. Officer Long said this is the first critical incident he has been involved in as the shooter.

Crime Scenes

Dairy Queen 709 North Ave, Mesa County Colorado in the parking lot closest to North Ave there were a total of 11 spent shell casings of WCC + P + 1 9. Glass was scattered throughout the parking closest to North Ave;





On 6/21/2026 Quinten Trevino (DOB: 7/21/09) who is an employee at Dairy Queen turned over a bullet fragment. Quinten said he found it at Dairy Queen outside of the back door, that faces east.

1st and North Ave: As Patti pulled out onto North Ave, she turned westbound onto North Ave in an eastbound lane, striking a vehicle. She continued to travel westbound on North Ave, but changed into the appropriate lanes. As Patti approached the intersection of 1st and North Ave, there was a Dodge Ram 1500 in the eastbound turning lane to turn north onto 1st St. Patti crossed the intersection into the eastbound lane, hitting the Dodge Ram 1500. The Dodge Ram 1500 rolled onto the driver's side then its final resting position as the roof on the side of the roadway. With the final crash, two additional vehicles were involved and damaged.

Officers approached Patti's vehicle and ultimately removed her from the vehicle and began to provide first aid. On scene a folding knife was located and collected near Patti's vehicle.



Pontiac Vibe bearing Colorado license plate # EHKE61, registered owner Anthony Wilson (DOB: 4/4/95);

Numerous bullet defects were located on the vehicle, to include the passenger side windows broken out or shattered. The windshield had two bullet defects.

Sticker A: Small defect located in the back quarter glass on the passenger side. The defect perforated through the window, and cracks can be seen throughout the glass.



Sticker B: Small defect located in the rubber seal surrounding the glass, which was missing from the door. The defect perforated through the rubber seal into the interior of the car. A crack can be seen in the interior door panel.



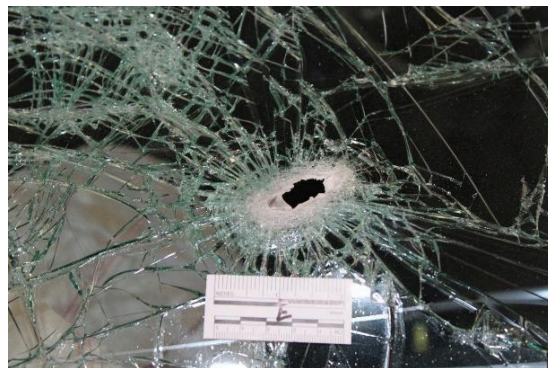
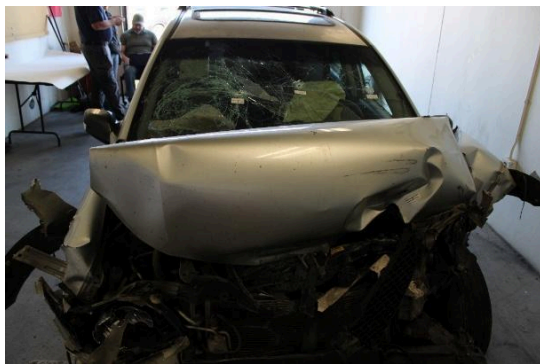
Sticker C: Small defect located in the front passenger side door slightly above the door handle. The defect perforated through the metal into the interior of the vehicle, causing the paint to chip around the defect.



Sticker D: Small defect located in the side mirror on the passenger side. The defect perforated through the plastic and likely into the interior of the vehicle. The glass from the side mirror was missing.



Sticker E: Small defect in glass of front windshield located slightly left of center. The defect appears to have glass shards pushing outwards towards the exterior of the car instead of inwards towards the interior of the car. See photo for reference:



Sticker
F:

Small defect in glass of front windshield located slightly right of center. The defect appears to have glass shards pushing inside into the interior of the car instead of outside towards the exterior of the car.



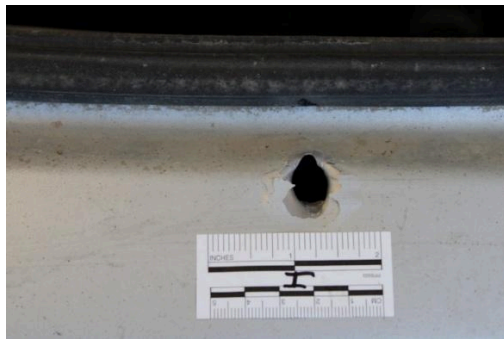
Sticker G: Small defect in glass of front windshield located in front of the steering wheel of the vehicle. The defect appears to have glass shards pushing outside to the exterior of the car instead of inside to the interior of the car.



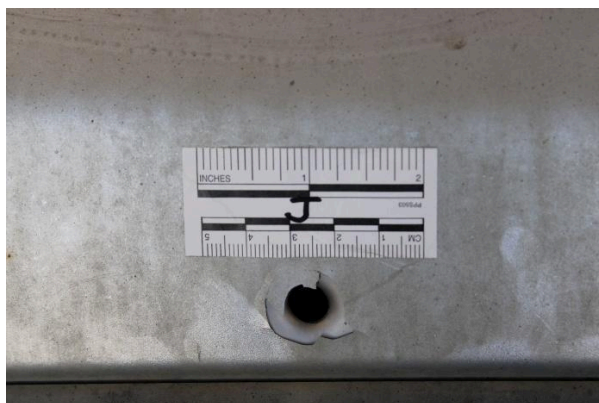
Sticker H: Defect located on the right side of the vehicle's hood near the driver's side front fender. There is chipped paint and the defect is oblong with a wider base to the left and a smaller base to the right. The defect appears to perforate into the interior of the hood.



Sticker I: Small defect in the rear hatch of the vehicle to the left of center, and near where the glass would have been. The paint is chipped around the area. See photos for reference:



Sticker J: Small defect in the rear hatch slightly left of center above black trim that reads “Pontiac.” The paint is also chipped in this area.



Located within the vehicle the following bullet fragments were located;

On the floorboard of the front passenger's side.
Inside the back passenger seat located on the driver's side.
On the driver's side floorboard.
Underneath the floormat of the driver's side.
Floorboard of back passenger seat.
In the roof lining just above the back passenger seat located on the driver's side.
Inside the door panel of the driver's door.
Inside a speaker that was located in the cargo area of the car. The speaker was not affixed to the car.

Autopsy

On 6/22/2026 Dr. Havlik at Community Hospital conducted the autopsy. A gunshot wound was found on the front side of Patti's neck. The entry was on the front right side and it appeared the projectile skimmed the front of her neck not causing any internal injury. There was no exit for the projectile, allowing it to be recovered. An entry gunshot wound was found on Patti's back that went through her chest penetrating her right lung and exiting. Dr. Havlik opined that this gunshot wound appeared to have been fatal.

APPLICATION OF THE LAW

Colorado law specifically addresses the use of deadly physical force by peace officers. A peace officer is justified in using deadly force when the officer has an objectively reasonable belief that a lesser degree of force is inadequate and has objectively reasonable grounds to believe, and does believe, that the officer or another person is in imminent danger of being killed or suffering serious bodily injury. C.R.S. § 18-1-707(4.5). The general law governing defense of self and others similarly permits deadly physical force when a person reasonably believes a lesser degree of force is inadequate and both reasonably believes and actually believes that the person or another is in imminent danger of being killed or receiving great bodily injury. C.R.S. § 18-1-704(2)(a).

The analysis therefore has both a subjective and an objective component. First, the officer must actually believe that deadly force is necessary to protect the officer or another person from an imminent threat of death or serious bodily injury. Second, that belief must be objectively reasonable under the circumstances confronting the officer.

Officer Diaz's Subjective Belief

The evidence establishes that Officer Diaz actually believed that Patti posed an imminent threat of death or serious bodily injury to him, Officer Long, and others in the parking lot.

Officer Diaz responded to a report that a person was "going crazy" and had stabbed someone. Upon arriving, he encountered a crowded parking lot and a suspect who did not comply with officers' commands and instead began rapidly maneuvering the vehicle.

Officer Diaz described several immediate concerns. He believed Patti could drive forward into the building and pin or crush people. He was concerned that he could be pinned between Patti's vehicle and the Tahoe. As he moved away from the vehicle, he heard the engine and believed the vehicle was accelerating toward him. He described waiting for the vehicle to strike him as he ran. His concern was not limited to his own safety. Officer Diaz could no longer see Officer Long but knew that Long had been positioned in the direction the vehicle was then facing. Having just experienced what he believed was an attempt to run him over, Diaz believed Patti might next strike Officer Long.

Officer Diaz explained that he briefly waited to see whether Patti's behavior would change or whether she would comply with officers' commands. When it did not, he concluded that he had no viable means other than his firearm to immediately stop the threat to Officer Long, himself, and the people in the parking lot.

His interview therefore establishes the necessary subjective component: at the time he fired, Officer Diaz actually believed that Patti posed an imminent threat of death or serious bodily injury and that a lesser degree of force would not adequately stop that threat.

Officer Long's Subjective Belief

Officer Long independently described the same rapidly developing threat. Officer Long and Officer Diaz were nearby when they were dispatched to the Dairy Queen. Within seconds, dispatch reported that a male had stabbed someone with a knife. When the officers arrived, numerous people were outside in the parking lot. Officer Long estimated that at least ten people were present.

The officers attempted to direct the suspect to stop the vehicle and get out. Instead, Patti placed the vehicle in gear and began maneuvering through the parking lot. Officer Long initially moved behind an SUV as the vehicle backed out. He then saw Patti turn the wheels back toward the parking space and accelerate in the direction where he knew Officer Diaz had been standing. According to Long, that was the moment he concluded that Patti was intentionally using the vehicle to try to hurt the officers in order to escape.

Long described being extremely concerned for everyone's safety. The parking lot was crowded, he did not know whether people were inside nearby vehicles, and he was confronting someone who had reportedly just stabbed another person and was now driving a vehicle toward officers. The vehicle then backed out again and faced Officer Long directly. Long recalled standing between a white SUV and another vehicle. He looked directly at Patti, and Patti looked directly back at him. According to Long, Patti displayed no emotion and then placed the vehicle into drive and began moving toward him.

At that moment, Officer Long believed Patti was going to strike and potentially kill him or someone else in the parking lot. In his words, Patti had already demonstrated a willingness to attack another person, had just attempted to run over Officer Diaz, and was now driving toward him. He concluded that he needed to use deadly force to stop the immediate threat.

Officer Long likewise believed Patti had attempted either to strike Officer Diaz or pin him against the building. His statements establish that, when he fired, Long actually believed Patti posed an

imminent threat of death or serious bodily injury to himself, Officer Diaz, and others in the parking lot, and that lesser force would not adequately address that threat.

Objective Reasonableness

The remaining question is whether those beliefs were objectively reasonable. The evidence strongly supports the conclusion that they were.

The officers did not encounter a driver who was merely attempting to leave the scene. They were responding to a reported stabbing involving a person described as "going crazy." When they arrived, Patti ignored repeated commands from uniformed officers who were displaying their firearms. Rather than simply driving away, Patti repeatedly shifted between reverse and drive and maneuvered the vehicle within a crowded parking lot.

Most importantly, the officers were not alone in perceiving Patti's driving as threatening. Civilian witnesses also described the vehicle's movements as appearing to be attempts to strike the officers. That independent evidence substantially supports the reasonableness of the officers' perceptions.

The sequence of events confronting the officers occurred rapidly. Patti had reportedly just used a deadly weapon against another person. She refused commands to stop. She drove toward the area where Officer Diaz was positioned, causing Diaz to believe he was about to be struck or pinned. She then repositioned the vehicle and drove toward Officer Long, who was standing between other vehicles with limited room to retreat. The parking lot contained numerous bystanders. Viewed objectively and in their totality, those circumstances provided reasonable grounds to believe Patti was intentionally using the vehicle as a weapon and posed an immediate threat of death or serious bodily injury.

It is also significant, although not independently dispositive, that Diaz and Long reached essentially the same assessment from different positions. Officer Long had decided that deadly force was necessary when he heard Diaz begin firing. Their nearly simultaneous conclusions corroborate that each independently perceived the same immediate threat presented by Patti's conduct.

Both officers also brought substantial training and experience to their assessment. Officer Diaz had approximately eleven years of law-enforcement experience, including approximately nine years with the Grand Junction Police Department, and had previously served in the United States Marine Corps. Officer Long had approximately seven years of law-enforcement experience and was a firearms instructor. Their training does not make their conclusions reasonable by itself, but it is relevant context in evaluating their perception and assessment of the rapidly unfolding threat.

CONCLUSION

The evidence establishes that Officers Diaz and Long responded to a reported stabbing and encountered a suspect who refused repeated commands, rapidly maneuvered a vehicle through a populated parking lot, and drove the vehicle in a manner that both officers and independent civilian witnesses perceived as attempts to strike the officers.

Officer Diaz believed Patti was attempting to run him over and then became concerned that she would strike Officer Long. Officer Long observed the vehicle move toward Diaz, believed Patti was attempting to hit or pin him, and moments later found himself directly in the vehicle's path. Both officers believed that Patti posed an imminent threat of death or serious bodily injury to themselves, each other, and nearby members of the public. Both believed that lesser force was inadequate to stop that threat.

Those beliefs were objectively reasonable under the totality of the circumstances. The evidence supports the conclusion that Patti was using, or at minimum reasonably appeared to be using, the vehicle as a deadly weapon against the officers in a crowded parking lot.

Accordingly, the evidence does not establish that either Officer Diaz or Officer Long committed a criminal offense. Their use of deadly physical force was legally justified in defense of themselves and others. No criminal charges will be filed against either officer.

Respectfully,

Daniel P. Rubinstein

Daniel P. Rubinstein
District Attorney