



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

January 13, 2025

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

Agent-in-Charge Jodi Wright
Colorado Bureau of Investigation
200 S. Santa Fe Avenue
Pueblo, CO 81003

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

Re: District Attorney CIT Decision Letter
Officer Involved Incident on July 30, 2024
Location: 2118 South Drive, Pueblo CO 81008
Deceased: James Edward Duane Jaramillo
Officer Involved: Geoffrey Charleston

Dear Chief Noeller, Agent Wright, and Sheriff Lucero:

The 10th Judicial District Critical Incident Team (CIT) was activated on July 30, 2024, to investigate an Officer Involved Shooting (OIS) Incident which resulted the death of James Edward Duane Jaramillo (DOB June 17, 2005). The Colorado Bureau of Investigation (CBI) was designated as the lead investigative agency and other CIT participants included the Colorado State Patrol (CSP), Pueblo County Sheriff's Office (PCSO), Pueblo Police Department (PPD), and the 10th Judicial District Attorney's Office (DA). After the investigation, the CIT prepared and submitted an executive summary and its investigative reports and materials to the District Attorney's Office for review. Those materials were reviewed, and this is the District Attorney's Decision Letter pursuant to CIT protocol.

Overview of the Incident

On Tuesday, July 30, 2024, at approximately 1:15 p.m., PPD officers were dispatched to the area of 2145 Aztec Drive, Pueblo CO, in reference to a young male with an assault rifle who was firing shots behind an

apartment. Initial information was that multiple gunshots were heard, that a bullet almost hit someone within their residence, and that another neighbor reported being menaced with a rifle. Upon officers' arrival, a male matching the aired description of the suspect was seen in the alley. The suspect then jumped a fence and ran into the backyard of the residence at 2118 South Drive. While officers set up a perimeter in the area, multiple shots were being fired at officers on scene by the suspect. Police began giving commands for the occupants of the residence to exit the house. Multiple gunshots were then heard and seen by PPD Officers coming out of the windows in the basement of the residence.

PPD Officer Geoffrey Charleston was positioned in an overwatch position from a second story window of the apartment complex behind 2118 South Drive. At approximately 1:51 p.m., the suspect exited the back door and fired at officers, and at that time Officer Charleston fired a single shot at the suspect. The suspect was later located deceased by members of the PPD SWAT and was identified as James Jaramillo.

Interview: Officer Geoffrey Charleston

On August 2, 2024, CBI Agent Andrew Marceau and PCSO Detective Ryan Landreth interviewed Officer Charleston at the Police Department. Officer Charleston was accompanied by his legal representative for the interview. Officer Charleston was advised of his rights, which he stated he understood and that he wished to speak with investigators about the incident.

At the time of the incident Officer Charleston had been employed with PPD for just under seven years, and he was currently assigned to patrol on the east side of town. On July 30, 2024, he was working on shift and in full uniform. He carried a department issued Glock 17, 9mm handgun with a total of three magazines. Officer Charleston also stated that he deployed his personally owned rifle during this incident, a Bravo Company Manufacturing (BCM) AR-15 caliber 223/5.56 rifle with a Vortex Razor scope 1x6 zoom. Officer Charleston was current on his qualifications to carry both the handgun and the rifle while on duty. Officer Charleston stated he had a 30-round magazine in the rifle, and when he deployed it from the trunk of his patrol car, he charged the rifle. A round went into the chamber, and he then had 29 rounds in the magazine. Officer Charleston stated that while on shift he was dispatched to a man with a weapon call, and a total of four officers were initially dispatched. Callers were calling in about a male shooting a rifle in the area. The description provided of the male was that he was wearing all black, and there was another male in a striped shirt who was not involved. Officer Charleston stated he arrived at the Aztec apartments, and when he arrived, he observed the male with the black and white striped shirt and told him he needed to move along since he was informed that male was not involved.

Officer Charleston stated a reporting party told another Officer on scene that they observed the male with the rifle jump over a white PVC fence. Officer Charleston stated there were the apartment complex and alleyway, and then fences that separated the residential housing. The fence that the male with the rifle went over was a white PVC fence. The other fences on both sides of that fence were made of wood. There was a male on the opposite side of the fence who told Officer Charleston that they are not involved, but there was a heavy-set male and a skinny male in the alley shooting off rounds. That person went on to say the male with the rifle was the skinny male, and the house they are focused on has been getting shot up recently. Officer Charleston thanked the man for the information.

Officer Charleston stated another Officer started looking for shell casings in the alley; he followed that officer to provide cover and watch the fence line of the house. Officer Charleston then saw a male in a black t-shirt, red undershirt, and black pants jump over the white PVC fence. Officer Charleston told the other

officer to come back and that someone just jumped over and he told the male to show his hands. As soon as the male saw Officer Charleston, he jumped back over the fence.

Officer Charleston then walked up to the fence to try and see where the male went, but he lost sight of the male. Officer Charleston clarified that when he told the male to show him his hands, the male looked directly at Officer Charleston, saw he was a cop, and jumped back over the fence. Officer Charleston did not see any weapons in the male's hands.

Officer Charleston stated he knocked on the door to one of the apartment complex units, and the owner stated Charleston could use his bathroom window to look into the backyard where the male had jumped the fence. Officer Charleston entered the master bathroom and took an overwatch position, focusing on the backyard where he had last seen the male jump the fence. Officer Charleston stated that as he was heading upstairs to the bathroom window, he learned from another Officer that there were charges for the male for felony menacing based on a reporting party's statement.

During this time, Officer Charleston was receiving information over his radio that they had officers setting up in the front of the house and that someone associated with the residence had a violent history, was known to have guns, and had charges for attempted homicides. Officer Charleston did not know that suspect and did not know the male who had jumped the fence in front of him. Officer Charleston stated that dispatch had aired the name of the male related to the address with the known violent criminal history and a picture of him. When Officer Charleston received the picture of the male and was able to pull it up on his cell phone, the male appeared to be the same one that jumped the fence.

Officer Charleston stated while he was looking at the residence, he could see a sliding glass door leading into the backyard. One side of the door was glass, and the other side was covered up with plywood. While watching the door Officer Charleston saw the same male who jumped over the fence walk to the glass side of the door and peek out from behind a black curtain. The black curtain was over the doorway covering up the glass. Then the male went back behind the plywood and Officer Charleston was unable to see whether the male had a weapon in his hands.

A few minutes later, Officer Charleston heard gunshots and heard officers in front of the house state that they were getting shot at. Officer Charleston stated he heard three to four shots, a pause, then five to six more shots.

Officer Charleston stated after a few minutes passed he saw the male peek out the window again and place a white table up against the window and door. The table was holding the black curtain so now Officer Charleston could see a little more into the house but still could not see the male.

Officer Charleston stated that before any gunshots he could hear the officers in the front of the house make announcements on a loudspeaker to come out of the house. Then Officer Charleston heard another gunshot, and the sliding glass door window was broken out with the bullet hole still visible at the top. Officer Charleston did not see the male fire that shot, just heard the shot and the window breaking. When he heard the shot Officer Charleston ducked back into the bathroom, and when he came back out is when he was able to see the glass broken out. Officer Charleston aired that information over the radio to the other officers. Officer Charleston stated the reason he ducked back into the bathroom when he heard the shot was because he feared the male was shooting at him and that the round coming out the window was coming at him.

After a short time passed, Officer Charleston was able to see the male return to the door, and Charleston was able to see the male holding an AR-style rifle. Officer Charleston could see the barrel and forward handguard of the rifle. Charleston could see the male looking around and then going back into the house. Charleston aired that information to the other officers as well.

Officer Charleston then stated after a period of time the male came back to the window. At that time Charleston could see the left side of the male's head, and the plywood was covering the right side of the male's head. The barrel of the rifle was now pointed more level with the ground and pointed in the area that Charleston last knew officers to be. The male then fired a round, and as soon as Officer Charleston heard the round, he fired a single shot.

Officer Charleston stated he fired at the portion of the plywood that he believed was where the male's right half of his head was. Officer Charleston was only able to see the male's head, and that is what he aimed at when he took the shot to stop the threat.

After taking the shot, Officer Charleston aired that shots have been fired. He also aired that he could see blood on the table, but he could not see the male.

Officer Charleston was asked if he had anything on him that he could have used to stop the threat before he took the shot, and he stated that he did not. His taser would be ineffective based on the distance, and so was his pepper spray.

Officer Charleston stated that at the time he took the shot he had information from other officers on scene that a family member of the male had told officers there was no one else inside the residence other than the male. At the time he took the shot he was on the second floor, aiming down toward the male on the first floor, so he believed the backdrop of his shot to be safe.

Summary of Body Worn Camera Footage: Officer Geoffrey Charleston

On July 30, 2024, at approximately 1:25 p.m., Officer Charleston's body worn camera (BWC) is activated. Officer Charleston is in his patrol car and has just arrived on the scene of the report of shots fired call in the area of 2145 Aztec Drive. Officer Charleston exits his patrol car and deploys his rifle. Officer Charleston and other PPD Officers in the alleyway between Aztec Drive and South Drive are attempting to gather information from people in the area about the two males shooting off an AK rifle.

At approximately 1:29 p.m., Officer Charleston speaks to a male hanging over the fence who tells Charleston he was standing in the backyard (which is a house located on South Drive) when he heard "bam, bam, bam," an AK high round rifle. Two males, one tall and slimmer, and a heavy-set guy, one with an AK in his hand and the other not armed. The male states he was shooting in the backyard then walked into the alley where the patrol car is parked.

Officer Charleston aired over his radio the description of a tall, skinny male who was reported to have the rifle, and that the heavy-set male did not have a weapon. Officer Charleston is standing in the alley when he radios that he has a male wearing all black who jumped over the fence into the alley. Officer Charleston points his rifle at the male and gives him a verbal command, "let me see your hands." The male does not comply with Officer Charleston's commands and jumps back over the fence. Charleston gives a description over his radio of a skinnier Hispanic male with black hair, black shirt, red undershirt, and black pants. At that point Officer Charleston can no longer see the male through the fence. Officer Charleston knocks on

the door of the apartment that overlooks the backyard where the male was seen jumping the fence. Charleston asks the owners if he could go upstairs and use the bathroom window. The owners allow him in and show him where the bathroom is located.

At approximately 1:33 p.m., Officer Charleston opened the bathroom window with a view from the second story into the backyard of the address where the male was seen jumping the fence. From this point on in the recording, because of the placement of Officer Charleston's BWC in the middle of his chest, the viewer cannot see out the window. The viewer cannot see what Officer Charleston is seeing when he is looking out the window and through the scope on his rifle.

Officer Charleston advises dispatch that a resident let him use their bathroom window, so he has a good overlook of the backyard and does not see anyone. Officer Charleston continues to watch the backyard. It was later determined that the address the male jumped the fence at and was believed to be in was 2118 South Drive.

At 1:36 p.m., Officer Charleston reports that the male is looking out the back window of 2118 South Drive, and that it looks like he is on the phone and just shut the curtains. Officer Charleston requests that a picture of the male be sent to him, and he is able to pull up the picture of the male on his phone at 1:42 p.m.

At 1:44 p.m., Officer Charleston reports that the male just looked out the back sliding glass window and went back towards the inside of the house. At 1:46 p.m. there is an audible gunshot, a short pause, then six rapid gunshots followed by another pause and then another four to five more gunshots.

At 1:48pm, Officer Charleston reports that the male is looking out the back window. At 1:49 p.m., Charleston advises that the suspect is putting a table against the back window.

At 1:49:47 there is an audible gunshot, and Officer Charleston is seen moving back away from the window. Charleston then goes back to the window and states that the suspect just shot out the back window and walked back into the house, so Charleston does not have a visual of him.

At 1:50 p.m., Officer Charleston states that now that the window has been shot out, he has a good view inside the residence. At 1:51 p.m., Officer Charleston reports that he can see the suspect and the rifle, which he states is an AR. Charleston then reports that the male walked back towards the board on the window, and he had no visual of the male. Charleston observed the male moving the board and stated he was trying to get back out through that board.

At 1:52 p.m., there is an audible shot, and then Officer Charleston fires his rifle. Officer Charleston calls out over the radio that he has shot fired and advises dispatch that the suspect shot out through the back window and the only thing showing was his head, so Charleston took a shot. Officer Charleston stated that he did see blood on the table that had been moved in front of the window.

Another officer arrives in the room and relieves Charleston, who remains in the master bedroom but is no longer focused on watching the suspect. Officer Charleston advises his Captain he did take a shot at the suspect but isn't sure if his shot was effective in stopping the threat.

Another officer in the room asks Officer Charleston if they knew if anyone else was inside the house. Officer Charleston responds that according to the suspect's mother, who was out front of the house, she

stated the suspect was the only one in the house. At 2:20 p.m., Officer Charleston replaces one of the other Officers in the room and begins watching out the bedroom window. At 2:29 p.m., the Captain arrives and tells Officer Charleston to head downstairs. The Captain asks Officer Charleston how many rounds he fired and where he fired them from. Officer Charleston responds that he only fired once and it was from the bathroom the Sergeant was currently in.

At 2:31 p.m., Officer Charleston gets into a vehicle and clears the scene at the direction of the Captain. At 2:44 p.m., Charleston arrives at the Police Department. At 2:46 p.m. as he walks toward the conference room, Officer Charleston turns off his BWC. After Officer Charleston takes the single shot, he is not seen doing anything to his rifle, and he maintained control of it until it was turned over to be documented.

Summary of Report: Officer Michael Cira

Officer Michael Cira was among the initial officers dispatched to this incident, along with Officer Charleston. Officer Cira reported that upon arrival in the area there were several people standing in the parking lot of the apartments between 2147 and 2145 Aztec Drive. One of those people, later identified as Michael Hernandez, told officers that he saw the male who was firing the shots run into the backyard of a white house behind the apartments.

Officer Cira reported that he, Officer Baca, and Officer Charleston went into the alley behind the house to secure the back of the house and look for shell casings. Officer Cira reported that Charleston alerted Cira that he saw a male walking in the backyard toward the fence. The male climbed the fence, saw officers, and then climbed back over the fence into the backyard. Officer Cira then moved his patrol vehicle behind the house so they would have cover if needed.

Officer Cira reported that he then spoke further with Michael Hernandez, who told him that he was inside his apartment and heard six shots. Mr. Hernandez stated he walked outside when he heard the shots and heard someone say something to the effect of "I'm going to kill you!" Mr. Hernandez then told Officer Cira that the male, wearing all black with black hair, walked through a broken area of the fence, saw Mr. Hernandez, raised a black rifle at him, and yelled "hey!" Mr. Hernandez then told Officer Cira he ran back into his apartment and grabbed his own firearm because he thought he was going to get shot. Officer Cira relayed this information to the officers on scene.

Officer Cira then reported that while speaking with Mr. Hernandez he heard officers from the front of the house air that a male in the house fired shots at them, and Officer Cira could hear the shots.

Officer Cira then reported holding containment in the back of the house with other officers. As he was holding containment in the back of the house, Officer Cira reported hearing an extremely loud gunshot from the back of the house and a round go by him. That round was later found to have impacted the apartment building behind the officers in the back of the house.

While Officer Cira was holding containment in the back, he reported that he and the other officers with him stayed behind cover and tried to see if they could see over the fence into the backyard. They were not able to, and they knew Officer Charleston had gone into the apartment building to see into the backyard. Officer Cira reported that he started walking toward the door of that apartment, and as he got to the door, he heard two more gunshots. Officer Cira reported after those shots is when Officer Charleston aired that he fired a shot at the male and thought the male was hit. Officer Cira went up to the bathroom where Officer Charleston was, checked to make sure that he was okay and not injured, and took over covering the

bathroom window. Officer Cira was able to see blood on the table by the back door near where the male came out, but he could not see the male.

Summary of Report: Sergeant Brandon Beauvais

Sergeant Brandon Beauvais was among the officers dispatched to this incident. He arrived on scene and brought a ballistic blanket to officers near the suspect house, set up a front perimeter on the house, and asked for a drone to deploy to evaluate the scene. Sergeant Beauvais reported he moved a patrol vehicle to block traffic in front of the location, then returned to where Corporal Muniz was located on the northeast corner of the house.

Sergeant Beauvais reported that at approximately 1:43pm, Corporal Muniz began making announcements from his PA on his patrol vehicle which identified them as the Pueblo Police Department and asking for the occupants of the residence to exit the house with their hands up and that they were not leaving. At that time Sergeant Beauvais reported he was directly behind Corporal Muniz at the rear of the vehicle looking over the roof toward the house to see if there was any response from within the residence.

Sergeant Beauvais reported that at approximately 1:46pm he heard a live round flying extremely near over his head, followed by several more faint sounding shots. He determined this to be gunfire and quickly took low cover behind the vehicle with Corporal Muniz, who had exited the driver seat of the vehicle. Sergeant Beauvais noted the shots were coming from the house and over the roof of the vehicle to where his head originally was when he was watching the front of the residence.

Sergeant Beauvais reported that as they were temporarily pinned down behind the vehicle, he heard several more gun shots and observed glass from the basement window pushing out pieces of glass, indicating shots were being fired out that window. He noted these shots were being fired in the direction of Corporal Biggs, who was able to take cover behind a tree.

Sergeant Beauvais reported it was at that time a Captain activated the armored SWAT vehicle to their location. Shortly after, officers in the rear of the residence aired they were being fired upon as well, and Sergeant Beauvais could hear more gunfire. Shortly after that, Sergeant Beauvais learned Officer Charleston had returned fire and no more shots were fired from the residence after that.

Sergeant Beauvais reported that after the SWAT vehicle arrived, he and Corporal Muniz were able to move back to a safer area.

Summary of Report: Corporal Ben Muniz

Corporal Ben Muniz was among the original officers who were dispatched to this incident. Corporal Muniz reported he arrived on scene and positioned his patrol vehicle on the northeast corner of the property facing the residence. He noted that the front yard of the residence was open with no trees, no cover, and no concealment. He heard other officers air that the male went into the residence, so he maintained his position with his patrol vehicle.

Corporal Muniz reported that shortly after, Sergeant Beauvais arrived at his position, and they placed a ballistic blanket over the front windshield of the patrol vehicle while officers in the back aired that they could see the male at the back door of the residence. Corporal Muniz then started making loud announcements using his patrol vehicle speaker, with the driver door of his patrol vehicle open since it had a ballistic door for additional cover. Corporal Muniz reported that he was announcing that it was the Pueblo

Police Department, requested the occupants of the house to exit the residence with hands up, and that they were not going away.

Corporal Muniz reported that as he continued making the announcements he heard a bang and a snap to his left. He lowered himself to the center console then retreated to the back of the patrol vehicle as he heard several additional shots fired. Corporal Muniz reported that Sergeant Beauvais was also at the back of the patrol vehicle at that time. They could hear additional shots from the back of the house, and they stayed at their position until the SWAT vehicle arrived, and they could retreat to the east.

Summary of Report: Corporal Stephen Biggs

Corporal Stephen Biggs was among the officers who were dispatched to this incident. He reported arriving in the area as officers aired that the suspect could possibly have jumped a fence into a backyard of a house. Corporal Biggs parked his vehicle on South Drive, just east of 2118 South Drive. He reported that he then moved on foot to the west side of the house and took cover behind a tree in the front yard of 2120 South Drive. From this position he could see the back yard of 2118 South Drive, as well as the front door, front windows, and the windows on the west side of the house.

Corporal Biggs then reported that after several moments he heard officers on Aztec Drive air that a male matching the description of the suspect just jumped the fence toward the house on South Drive. Corporal Biggs then observed the male run east in the back yard of the house and along the south side of the house before losing sight of him.

A few minutes later, Corporal Biggs reported hearing what sounded like a rifle being shot from inside of 2118 South Drive. He was able to observe several more rounds that were fired through a piece of plywood covering a window on the ground floor on the north side of the home. He noted that these rounds appeared to be fired directly toward a patrol vehicle where he knew Sergeant Beauvais was taking cover.

Corporal Biggs then reported hearing several more rounds being fired through a different window on the ground floor on the north side of the home. He reported that these rounds appeared to have been fired in his direction as he took cover behind the tree next door. At that time Corporal Biggs reported he decided to move further west, away from the suspect's location, to gain better cover. As he was moving west, he heard several more rounds being fired from the home. He reported that officers on the south side of the house also aired that the suspect had shot out of the home in their direction.

Once the SWAT vehicle arrived on scene, Corporal Biggs was able to move to the location of the vehicle to form a contact team in case the suspect came out of the house.

Witness Interview: Michael Hernandez

PCSO Detective Steven Chavez and PPD Detective Hector Herrera interviewed one of the original reporting parties in this incident, the resident of 2145 Aztec Drive. 2145 Aztec Drive is directly across the alley from 2118 South Drive. Mr. Hernandez stated at approximately 1:15 p.m., he was inside his residence and heard approximately six gunshots. Mr. Hernandez stated he exited his residence when he heard a male yell "just kill me already," then a male stepped out of the area of a broken fence and raised a rifle at him and said "hey." At that point Mr. Hernandez walked back into his apartment and called police. Mr. Hernandez described the male as a short, thin, young Hispanic male with a "bowl" haircut wearing dark clothing.

Witness Interview: Robin Lennen

CBI Agent Daniel Garcia and PPD Detective Danelle Romero interviewed one of the original reporting parties, the resident of 2149 Aztec Drive apartment D. Ms. Lennen stated around 1:13pm she heard approximately six gunshots. Ms. Lennen indicated she called the police, and she was advised by dispatch that they had received numerous similar reports and officers were in route to the area. Ms. Lennen stated around 1:24 p.m. she heard approximately four more shots, and that she heard another three shots around 1:38 p.m.

Witness Interview: Denise Dubose

CBI Agent Daniel Garcia and PPD Detective Danelle Romero interviewed the resident of 2149 Aztec Drive apartment C. She stated she heard four loud gunshots then saw two males going into an apartment, but she was unsure what unit. She observed a male in a black and white striped shirt following after another male who "had a machine gun." It is believed the male she described as having a machine gun was Jaramillo. When asked whether it could have been a rifle, Ms. Dubose stated she does not know guns well.

Witness Interview: Gary Choates

PCSO Detective Amy Colvin and PPD Detective Joseph Cardona interviewed the resident of 2114 South Drive after the incident. The resident stated at approximately 1pm he heard around three shots in rapid succession that sounded as though they were fired from an assault rifle. He indicated the gunshots were so loud he could feel the concussion off of them, which caused him to believe they were coming from an assault rifle style weapon. The resident observed two people walking south and west from his house. One of them, whom he described as being a slim, Hispanic male wearing all black with a mushroom like haircut, was carrying what looked like an assault rifle. The resident took cover in his basement because he felt like that was the safest place. The resident described hearing more shots coming from 2118 South Drive after law enforcement showed up. He also pointed out several neighboring houses that had bullet holes from previous incidents of drive by shootings where 2118 South Drive was the target.

Witness Interview: John Lieder

PCSO Detective Amy Colvin and PPD Detective Joseph Cardona interviewed the resident of 2116 South Drive after the incident. The resident stated he heard four gunshots prior to the arrival of law enforcement, and they sounded like they were just outside his residence. After law enforcement arrived the resident heard two additional rounds of shots totaling more than five gunshots. After the first group of shots the resident observed officers ducking for cover, which led him to believe someone was shooting at the officers. A few minutes later the resident heard another exchange of gunfire and then there were no more gunshots.

Witness Interview: Larry Gauna

CBI Agent Andrew Marceau and PPD Detective Ryan Torres interviewed Larry Gauna, who is Jaramillo's grandfather. Mr. Gauna stated Jaramillo had shown up at his house with his cousin Philip Gauna (also Mr. Gauna's grandson), and they had been drinking all day. Mr. Gauna stated he left the residence that afternoon to run an errand, and he believed Jaramillo may have been suicidal, stating drinking will do that to you. When asked if anyone was out to get Jaramillo or why Jaramillo would want to kill himself, Mr. Gauna stated he believed the Eastside Dukes were out to get him, and that the house had been shot up two separate times, and twice in one day. He stated that was why there is still plywood covering some of the doors and windows of the residence.

Mr. Gauna stated while he was at the store he got a call from his daughter, Jaramillo's mother, who stated the house was surrounded by police and he needed to get back. Mr. Gauna stated he knew Jaramillo liked

long rifles, and that about a month ago he had seen Jaramillo bring in a bag that appeared to have a long rifle in it based on how it looked.

Witness Interview: Nicole Gauna

CBI Agent Joy Moss and PPD Detective Nicholas Lile interviewed Nicole Gauna, Jaramillo's mother. Ms. Gauna stated that around 1:18 p.m. that afternoon, her niece sent her screenshots of Jaramillo's Facebook account. In the posts, Jaramillo said "Eryone love you til you die," then, "Loggin out love yall" with broken heart emojis and finally, several minutes later, "Watch me go live wit it" with devil emojis. Ms. Gauna also received a call from her father (Larry Gauna) who stated that Jaramillo was at his house, drunk, and saying suicidal things. Ms. Gauna stated it was common for Jaramillo to become suicidal, but only when he was drinking.

Ms. Gauna messaged Jaramillo, who then called her over FaceTime and showed her the outside of the residence surrounded by police. When Ms. Gauna asked Jaramillo what was going on he stated he was shooting his gun outside of her parents' house. Ms. Gauna asked Jaramillo why he was doing that, and she stated he just kept repeating, "I'm done." Ms. Gauna stated Jaramillo then told her he was going to have a shootout with the police. Ms. Gauna told him not to, and she reported Jaramillo stated he would surrender if she got there. Ms. Gauna immediately went to the house while still on the phone with Jaramillo, but she was not permitted to enter the residence as it was unsafe. Ms. Gauna then heard gunshots and no longer got any responses from Jaramillo, at which point she thought he had killed himself.

When asked about guns, Ms. Gauna stated there were no guns at her parents' house, but that Jaramillo would often have many different guns with him. She stated that he wasn't allowed to stay at her parents' house regularly because there were drive-by shootings wherever he stayed. She knew that Jaramillo would hang out with many gangs, but was unsure whether he had been "jumped in." Ms. Gauna mentioned "B Towners" and "Feed the Family" as possible affiliations.

Ms. Gauna also stated she was aware that PPD was looking at Jaramillo as a suspect in several possible homicides, including one incident where he may have accidentally shot her godson during a drive-by shooting homicide at City Park. Because of that and other incidents there were members of the family that did not want Jaramillo around. She stated there was a family get-together not too long ago, and Jaramillo did not feel like anyone wanted him there and he had been depressed about it for days.

Officer Involved Processing

Officer Charleston was processed by PCSO Detective Dominic Montoya. Detective Montoya took full body photographs to show any type of wounds, biological evidence, physical evidence, and placement of the officer's duty gear. Officer Charleston's uniform did not appear to have any biological evidence on it. Officer Charleston's duty weapon and spare magazines were removed from his holsters, photographed as they were, then were downloaded and photographed again. Officer Charleston's duty handgun and all three of his magazines were full with 17 rounds, with one extra round in the chamber of the firearm, meaning he did not fire his handgun. Officer Charleston's duty rifle had 28 rounds in the magazine, which had a capacity of 30 rounds, and one live round in the chamber. Officer Charleston stated he only keeps 30 live rounds in his magazine and no round in the chamber. This indicates that Officer Charleston discharged this firearm one time.

Scene Processing

The scene was processed by CBI Crime Scene Analysts (CSA) Tanya Atkinson and Heather Sczech, as well as PCSO Detectives Vanessa Simpson and Dominic Montoya. The residence of 2118 South Drive is a single-family, two-level residence located on the south side of South Drive.

Jaramillo was located on the floor in the basement of the residence near the sliding door to the patio, laying on his back and dressed in black jeans and a black t-shirt. There were eight cartridge casings recovered in that room, as well as a Palmetto rifle, model PA-15 Multi, which was located near Jaramillo. There were eight other cartridge casings located in other rooms throughout the residence, and multiple defects in the residence near those cartridges were noted that appeared to have originated from the interior side of the residence and exiting out.

In the rear of the residence there were six cartridge casings on the patio and the area around the patio. There was a partially boarded up sliding door to the patio that had one defect in the board that appeared to have originated from the exterior of the residence exiting inside, where the projectile appeared to have struck Jaramillo.

There is an alleyway south of the property, and the apartments on Aztec Drive are on the south side of the alleyway. Officer Charleston was positioned in the bathroom of one of the upstairs apartments on Aztec Drive. The distance from the bathroom window to the defect in the sliding door was approximately 87.4 feet.

There were two nearby residences that were determined to have bullet defects from projectiles believed to be fired from Jaramillo's rifle during this incident.

2143 Aztec Drive is a multi-family, two-level apartment building located on the north side of Aztec Drive. The front of the apartments faces the north and is located south of 2118 South Drive, separated by an alley and a parking lot. There were two possible defects observed on and near an upstairs bedroom window. One defect was in the concrete frame and the other was through the window's left side. Inside the bedroom, the bullet was observed to have entered the bedroom through the window. Detectives observed small scratches on the TV near the window, which appeared to have been caused by the bullet ricocheting across the TV. More small scratches were located on the mirror, which was on a vanity along the opposite wall of the defect. A bullet was then located on top of a sandal on the floor along the west wall of the residence.

4001 Peakview Drive is a single-family, multi-level residence located on the north side of South Drive. The front of the residence faces south and across the street (at an angle) from 2118 South Drive. Several possible defects were observed on the residence; however, it was determined that there was only one new defect, which struck a window. The bullet did not go through both panes of the double-pane window, and the bullet fragment was observed inside the two panes.

Autopsy Results

On August 2, 2024, an autopsy was conducted at St. Mary Corwin Medical Center by Dr. Daniel Lingamfelter, the forensic pathologist employed by the Pueblo County Coroner's Office. Jaramillo sustained a rifle wound to his neck. The direction of the bullet was downward and slightly to the left. There was no exit wound present, and no evidence of close or contact range of gunfire. At the conclusion of the autopsy, Dr. Lingamfelter reported the manner of death as homicide and the immediate cause was a rifle wound of the neck.

Jaramillo's blood was analyzed by a forensic toxicologist, and the analysis was reported as part of the autopsy report. The analysis showed that Jaramillo had cocaine metabolites, tetrahydrocannabinol (THC, the psychoactive ingredient contained in marijuana), and alcohol in his system at the time he was killed. His blood alcohol content was determined to be 0.332g/100mL.

Based on the evidence, it is determined that the officer discharged his weapon, killing Jaramillo. These findings are consistent with the injury, the evidence from the scene, and witness interviews.

Legal Guidelines

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

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

In evaluating whether a person is justified by self-defense, the person is entitled to act on appearances. People v. La Voie, 395 P.2d 1001 (Colo. 1964). The United States Supreme Court evaluated whether officers used excessive force under the Fourth and Fourteenth Amendments by approaching the issue of reasonableness from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight. Plumhoff v. Rickard, 143 S. Ct. 2012 (2014). In that case officers fired a total of 15 shots at a suspect in a fleeing car that was determined to constitute a grave public safety risk. In its ruling the Court said, "It stands to reason that, if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." Further, the Court took into account that police officers are often forced to make split-second judgments about the amount of force necessary in a particular situation – in circumstances that are tense, uncertain, and rapidly evolving. A peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury. §18-1-707(4.5)

Conclusion

Based on the facts of the investigation conducted by CIT investigators, the use of force by PPD Officer Geoffrey Charleston is justified based on the fear and threat of serious bodily injury or death posed as a result of Jaramillo repeatedly firing multiple rifle shots at officers and nearby residences. Officer Geoffrey Charleston reasonably believed when Jaramillo aimed his rifle at the area where officers were staged and fired a round that he was going to seriously injure or kill another officer, a civilian, or Officer Charleston himself. This conclusion is based on the interview of the involved officer, the reports of other officers who were being fired at, civilian witnesses to the incident, body worn camera video, and crime scene and evidence processing. The statements provided by all officers and witnesses are consistent with each other, consistent with the evidence from the scene, and consistent with the footage of the incident.

There is no evidence or facts collected to support any criminal wrongdoing by Officer Charleston during the OIS incident. The actions taken by Officer Charleston during the OIS incident were conducted with the justified belief that his life, the lives of his fellow officers, or the lives of the residents in the area were in jeopardy.

It is my conclusion based on the circumstances that Officer Geoffrey Charleston was justified by the Defense of Self and Defense of Others provisions of the laws of the State of Colorado in using the actions he employed to defend both himself, fellow officers, and nearby civilians from what he reasonably believed to be the imminent use of unlawful physical and deadly force by James Jaramillo, and he reasonably believed that a lesser degree of force would be inadequate. Officer Charleston had reasonable grounds to believe, and did believe, that he and his fellow officers were in imminent danger of being killed or receiving great bodily injury. The actions of Officer Charleston were based on his own observations and perceptions, and his actions were reasonable.

Given the facts and circumstances of the situation and the governing law, criminal charges against Officer Geoffrey Charleston would not be appropriate, and therefore no criminal charges will be filed.

Dated this 13th day of January 2025



J.E. Chostner
District Attorney