



PURSUANT to URCrP, Rule 16(e)
and UCS §77-38-6, the victim(s)
and witnesses' identifying
information has been redacted
from the enclosed documents.

FORCE INVESTIGATION TEAM

Force Investigation Team Report

Officer-Involved Shooting

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Incident: Officer-Involved Shooting (Fatal)

Agency Involved: Ogden City Police Department

Related Case(s): Ogden City Police Department:	23G43139
	23G43145
	23G43147
	23G43140
	23G69683
Ogden City Fire Department:	23OF9141
Harrisville City Police Department:	23HA4332
Morgan County Sheriff's Office:	23MC3013
Pleasant View City Police Department:	23PV4092
Riverdale City Police Department:	23RI8424
Roy City Police Department:	23RO9982
South Ogden City Police Department:	23SO6109
Weber State University Police Department:	23WS4116
Utah Highway Patrol:	23HP12959
Weber County Sheriff's Office:	23WC21138
Weber Metro Crime Scene Investigations:	23CS678
Office of the Medical Examiner:	202301727

Date of Incident: June 13th, 2023
Time of Incident: 0125 hours
Location of Incident: , Ogden, Utah 84404
FIT Lead Investigator: Cameron HARTMAN
Involved Officer(s): Bradyn CUFAUDE
Michael DOUGHERTY
Involved subject(s): Alyssa LEON
Sheldon Juan LOPEZ
Involved victim(s): Alex Chase LOPEZ

INTRODUCTION:

On June 13, 2023, several officers from the Ogden City Police Department were involved in an officer-involved shooting, which involved one (1) of their officers discharging their department issued firearm. The Weber County OIS protocol was promptly initiated.

Officer-involved shooting investigations are the responsibility of the Weber County Attorney's Office (WCAO) Force Investigation Team (FIT). The information contained in this document is a comprehensive report of the complete investigation conducted by "WCAO FIT" with assistance from investigators currently assigned to the Weber County Homicide Task Force (HTF) at the time of this report. The following investigators worked on the case with a summary of their assignments.

Lead Investigator: Cameron HARTMAN - WCAO FIT
Crime Scene: Steve HANEY - WCAO FIT
Witness Interviews: Cameron HARTMAN - WCAO FIT
Witness Interviews: Steve ZACCARDI - WCAO FIT
Crime Center Analysis: Mandy KRUGER - ATAC

CONSIDERATIONS:

The designated crime scene was altered prior to Weber Metro Crime Scene Investigators (CSI) finishing photo documentation due to several family and friends arriving without warning and rushing into the crime scene. This was an attempt to get to the deceased body of Alex LOPEZ. Preliminary investigation indicated that Alex LOPEZ fired six (6) .9mm caliber rounds from a semi-automatic pistol later located near the deceased body of Alex LOPEZ. For identification purpose(s), permission was obtained from the State of Utah Office of the Medical Examiner (OME) Chief Medical Examiner Dr. Erik CHRISTENSEN. Who, granted the authority to obtain a fingerprint from the deceased for the purpose of positive identification.

Weber Metro Crime Scene Investigator Sandra GROGAN obtained a fingerprint from the deceased's left index finger. She then responded to the Weber Metro Crime Scene Investigations Facility to process the fingerprint. It was then determined/confirmed that the fingerprint collected belonged to, "Alex Chase LOPEZ"). Several jail mugshots were also used to compare facial features and tattoos documented on Alex LOPEZ prior. Those mugshot comparisons appeared to be of, "Alex LOPEZ."

The Ogden City Police Officer, who discharged his department issued firearm, Officer Brayden CUFAUDE's body camera which was worn just above his waist line, (audio) is "muted" at the time of the exchange of gunfire between Alex LOPEZ and himself. Officer Brayden CUFAUDE'S (video) was recording prior to, during, and after the exchange of gunfire between Alex LOPEZ and himself. Officer Brayden CUFAUDE declined to be interviewed by the Weber County Attorney's Office regarding this incident. Sheldon LOPEZ (brother of Alex LOPEZ) refused to speak with Weber County Attorney's Office Investigators regarding this case.

A canvas of the neighborhood (8th Street) was conducted by the Weber Morgan Force Investigation Team in an attempt to locate any surveillance footage of the incident. It was determined that only the residence of _____ was the only residence that captured the event. No additional independent surveillance footage was located. That surveillance footage was provided to the Weber Morgan Force Investigation Team by the homeowner voluntarily to be used in the investigation of this case.

ALEX CHASE LOPEZ



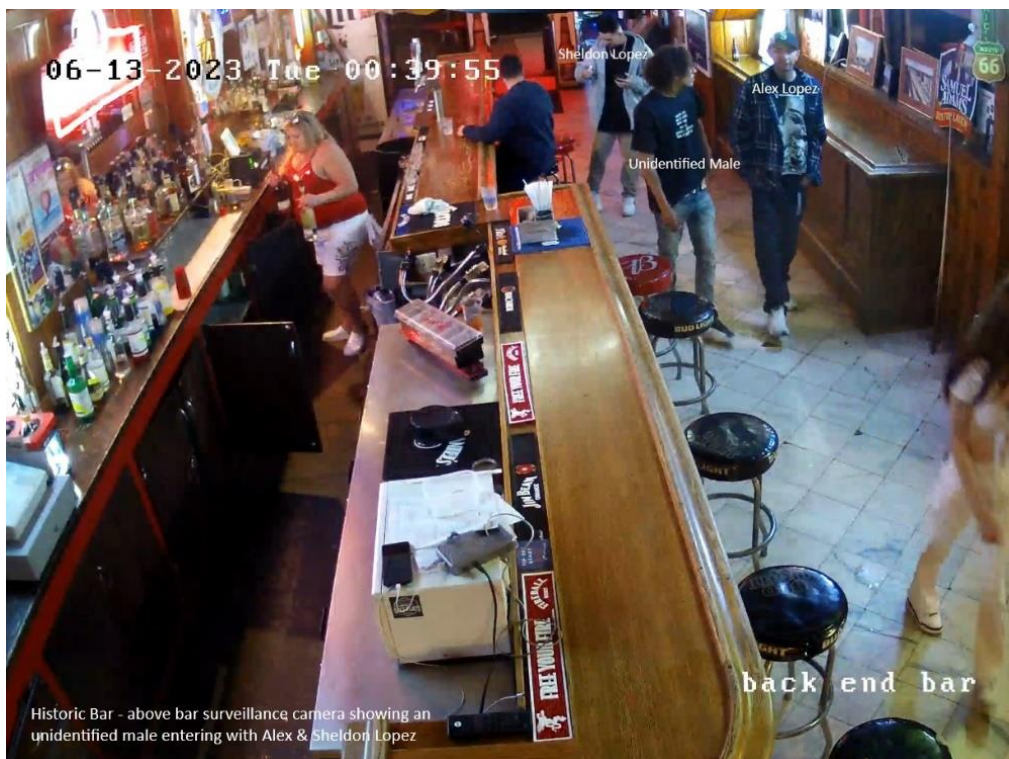
Alex Lopez was a twenty-three (23) year-old male resident of Ogden City, Utah. He has never been married and currently lived at .

CRIMINAL HISTORY (SUMMARY):

- Alex LOPEZ was currently on parole for convictions of four (4) counts of *Felony Discharge of a Firearm* (Layton Police Department Case 18-10293) reportedly prior gang related shootings. On June 22, 2023 shots were fired at the Quail Cove Apartments –
 - one week later, Layton City Police officers were called to the Ridgewood Estates -
 - on a report of another shooting believed to be a, “drive-by” style shooting in retaliation to the prior shooting. The following Sunday, Layton City Police Officers responded to a third shooting, this time at a house on Glen Avenue which was fired upon multiple times. Layton City Police Investigators believed that Alex Lopez was responsible for the prior shootings on Friday and Sunday. During their investigation two (2) separate confidential informants identified Alex Lopez as the shooter in the last two (2) drive-by style shootings. One (1) confidential informant stated he was present during the shooting on Glen Avenue and said that Alex Lopez shot at the residence. A gang related *Field Interview* was completed on April 4, 2023 where Alex LOPEZ reported to be affiliated with the gang, “South Siders.”
- Alex Lopez was convicted of two (2) counts of *Trespassing* on May 14, 2018 after being charged with disrupting a school, a class B Misdemeanor, for allegedly entering Northridge High School –
 - and taking pictures of himself flashing gang signs in the commons area, according to a probable cause affidavit (Alex Lopez was not and has never been a student at Northridge High School. Convicted on January 15, 2019 and sentenced to serve 180 days in Jail.
- Syracuse Police Department Y21-03657 a female reported that she was in distress and there were two males who were armed with handguns in the home. LOPEZ was taken into custody and AP&P completed a search on the house and located an empty pistol holster and a pistol magazine.

INVESTIGATION:

On June 13, 2023 at approximately 0039 hours, Alex Lopez, Sheldon Lopez, and an unidentified male entered the Historic Bar – and began socializing with some of the patrons at the bar.



At approximately 0125 hours a, “Man With A Gun” call was received by Weber Area Dispatch 911 (23G43139). A female complainant, who refused to identify herself, reported that at the Historic Bar she was, “pretty sure there’s a shooting happening outside of the bar.” The unidentified female caller reported that the incident happened approximately two (2) minutes prior and that fearing her safety, “got into someone’s car” and left the area.

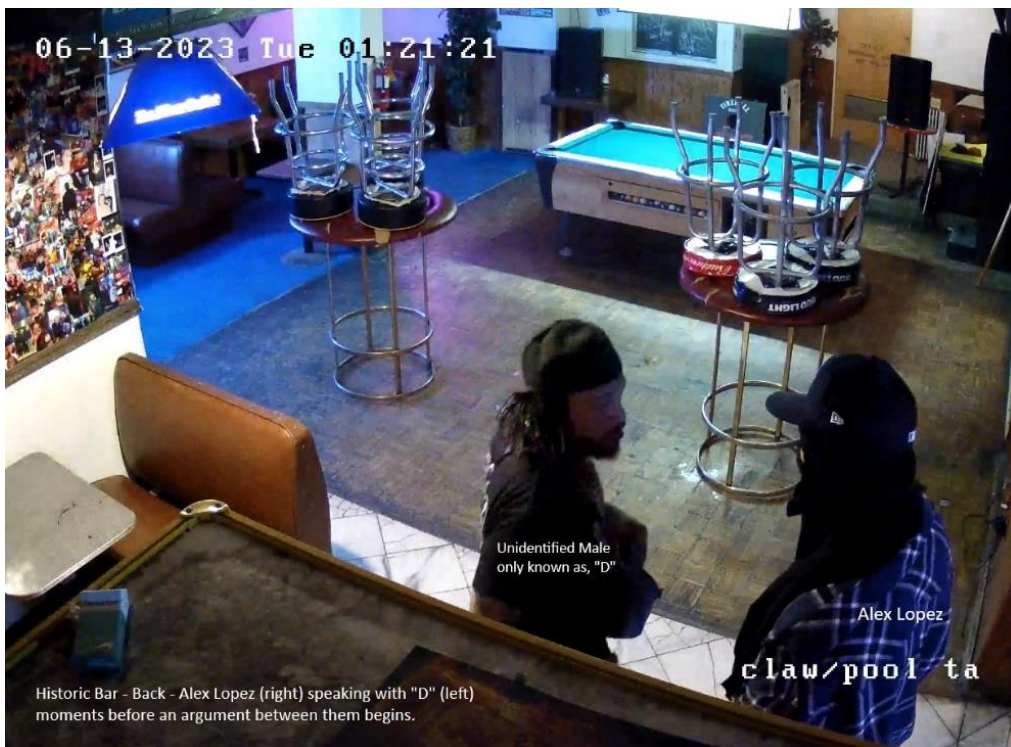
She reported to the dispatcher that, “I had just seen a tall guy with tattoos and a mask on were driving in a Lincoln (SUV) with guns and knives.” She continued to explain that, “there was also another girl driving Chevy (Chevrolet) Malibu with another girl and that they all have guns.” “He walked into the bar and reached into his pockets and has been acting weird all night,” she added.

The unidentified female caller reported, “The one in the gray hoodie (hooded sweatshirt) had a firearm” and that those involved were of Hispanic descent. “The girl in the black Chevy Malibu had braids (hair) and that her name was possibly, Sofia and a girl with a red shirt with her hair in a bun and her name is Alyssa in the Lincoln (Navigator),” she continued to report.



Photo representation - NOT actual vehicle

The unidentified female caller reported that, “Sofia and Alyssa” had entered the Historic Bar. When asked, “What did they do?” She replied, “they just pulled a gun out and well I didn’t see him pull the gun out when I seen (sic) him reach for it and he had a black mask on.” She then tells the dispatcher that the black Lincoln (Navigator), “went straight up Lincoln (Avenue – 200 East) north past the baseball park (Lindquist Field -) towards the police station (Ogden City Police Department -) I would say.”

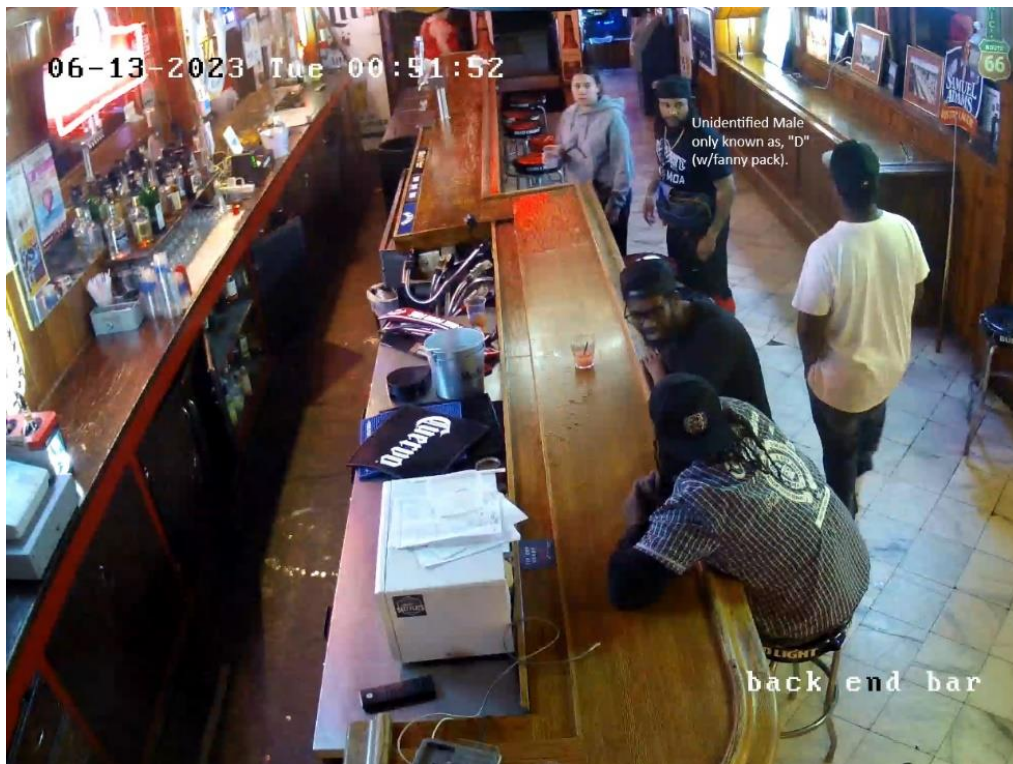


Alex Lopez (right) wearing black mask.

As Weber Area Dispatch 911 was receiving a call about a man with a gun, another call was placed into 911 reporting an assault (**23G43147**). The caller, Porsche BAEMMER, reported an incident that was taking place at the Historic Bar in Ogden City, Utah. She continued to explain, “a man just hit a woman and he had a gun in his, “fanny pack” he’s a black man and he has dreads (dreadlock hair style) I don’t know his name or anything.” When the dispatcher asked when this incident took place, Porsche BAEMMER responded, “It happened like five (5) minutes ago.”

The dispatcher then asked Porsche BAEMMER the location of the female who had just been assaulted. To which she replied, “I don’t know I think she just left in her car.” The dispatcher then asked her how she knew the male had a gun. Porsche BAEMMER explained that she observed him holding it (gun) from across the street and that she had heard that the male told the female that he would really shoot her.

When asked about the identity of the gunman, Porsche BAEMMER explained that she only knows of his, “nickname” and that he was African-American. Porsche BAEMMER reported that she only knew his nickname to be, “D” and that he had dreads (dreadlocks) and that he punched the girl in the face. Porsche BAEMMER added that “D” always hangs-out there (Historic Bar) and that “D” once got stabbed in the neck at the Historic Bar a couple years before.



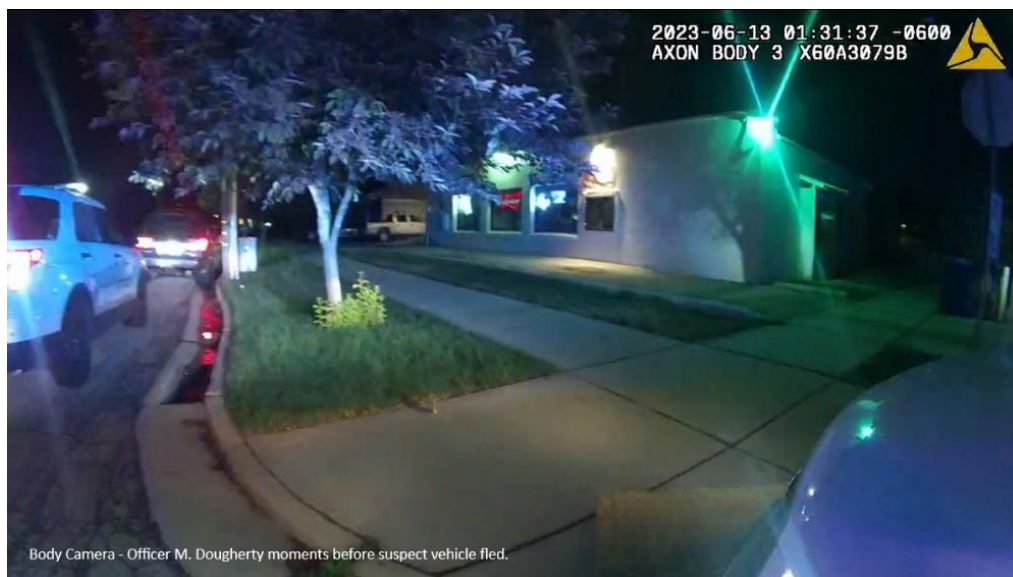
Porsche BAEMMER continued to explain that the girl left in a car and that he (“D”) was still at the Historic Bar. She could not provide a description of the vehicle, that the girl she had witnessed get assaulted, as she was only paying attention to “D” because she felt that he was a threat to her own safety. Porsche BAEMMER added that “D” was outside of the bar when she witnessed the incident. She gave a description of braids, black pants, long sleeve crop-top (no color), and black shoes regarding the female who left. (Porsche BAEMMER did not give an identity of the female she claimed had been assaulted).

[On June 22, 2023 Investigators from the Weber County Attorney’s Office spoke with employees of the Historic Bar. They recalled Alex LOPEZ getting into a verbal altercation with another male, then leaving and returning shortly after wearing the same clothes but this time with his face covered by a black mask and possibly a gun. The employees of the the Historic Bar were under the belief that Alex LOPEZ was going to, “shoot.”]

At approximately 0131 hours Ogden City Police Officer C. TAYLOR then locates the reported vehicle (Lincoln) and proceeds with a traffic stop on the, "300 Block of 17th Street" waiting for additional officers before his approach.

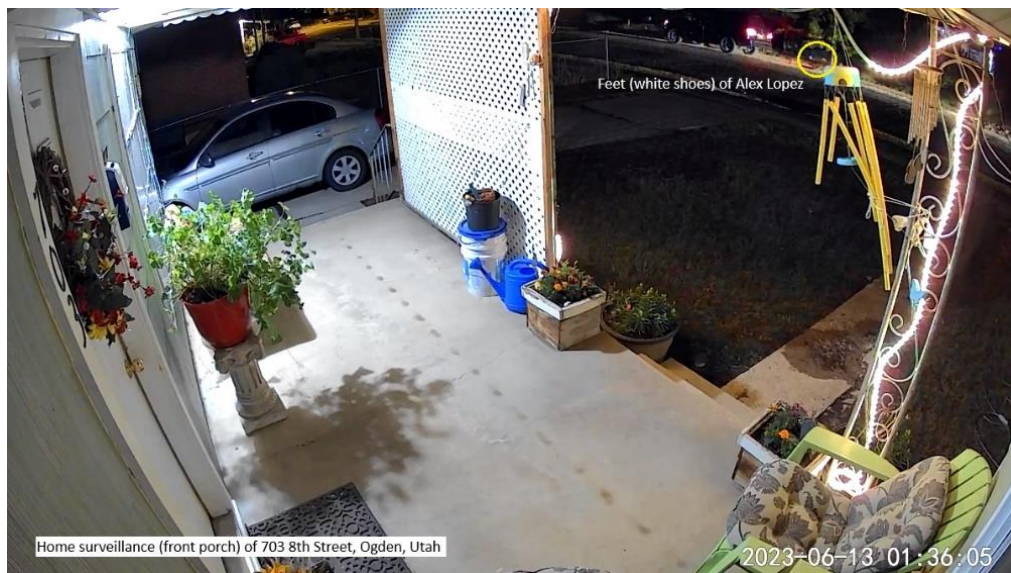
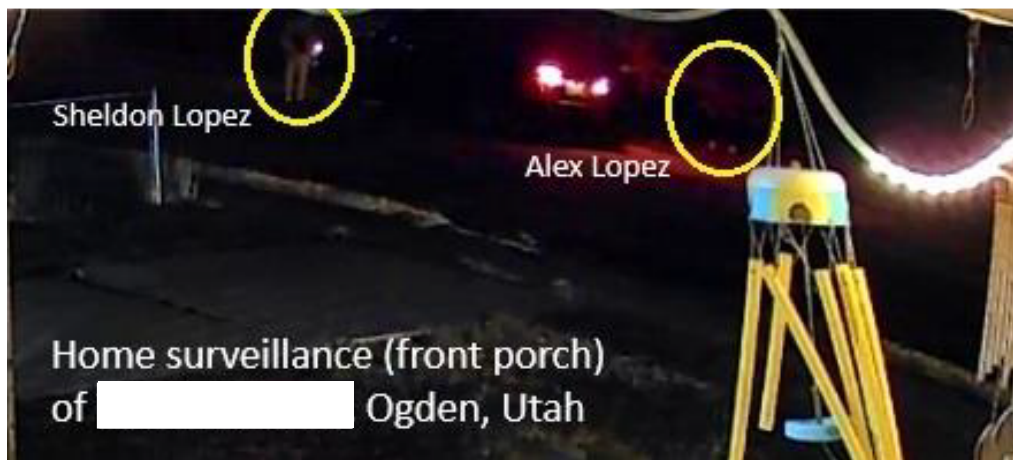


At exactly 01:31:46 hours, as several officers approach on foot, the vehicle with unidentified occupants sped away east bound on 17th Street. Officers witnessed the vehicle run a red light at the intersection of 17th Street and Washington Boulevard. Officer C. TAYLOR informs dispatch, "we're not pursuing...I'll get you a plate (license) one sec (sic)...plate is going to be U021WL."



At that point, the Ogden City Police Officers lost sight of the now identified black 2014 Lincoln Navigator registered to, "Alyssa Leon." Ogden City Police Officers then spread out in an attempt to visually relocate the vehicle. An Officer then advises Weber Area Dispatch the following, "He's northbound on Jefferson (Avenue), he just killed his lights." Over the microphone, another officer advises, "I lost the vehicle...last seen 1200 block of Liberty (Avenue) going north."

At 01:36:04 hours while checking the nearby area(s) Officer Brayden CUFAUDE informs dispatch, “I got it over here on 700 8th Street” quickly pulling in behind the west facing Lincoln Navigator which was parked in front of the address of [REDACTED] Ogden, Utah on the north side of the street. (The following three photographs are screen captures from home surveillance footage that did not capture the arrival of the Lincoln Navigator on 8th Street, nor did it capture who was driving and how many occupants were inside of the vehicle)



As Officer Brayden CUFAUDE is slowing to a stop, Alex LOPEZ, who was standing on the north sidewalk next to the Lincoln Navigator fires one round at Officer Brayden CUFAUDE’s patrol vehicle striking the vehicle on the left (driver) side front grill. Officer Brayden CUFAUDE is still in his patrol vehicle when the first shot is fired and immediately activates his red/blue emergency lights.



Officer Brayden CUFAUDE then places his patrol vehicle in, "park" and quickly exits the vehicle retreating to the rear of his car.



Officer Brayden CUFAUDE then begins to return fire in the direction of the Alex LOPEZ.



Officer Michael DOUGHERTY arrives behind Officer Brayden CUFAUDE at 01:36:18 hours [3 gunshots can be heard in the background of the body camera footage captured by Officer Michael DOUGHERTY as he arrives]. Alex LOPEZ then fires one (1) round in the direction of Officer M. DOUGHERTY's vehicle striking the vehicle on the hood approximately one-half way up the hood and on the driver side of the vehicle.

This round did not penetrate the hood or windshield of Officer M. DOUGHERTY's patrol vehicle. Officer Brayden CUFAUDE's firing of his weapon then caused Alex LOPEZ to retreat in a west direction to the front of the Lincoln Navigator. Officer B. CAUFADE also remains next to (left side) and behind his vehicle eventually taking a squatting, seated, or low position at the right rear corner of his vehicle to allow for him to see underneath the Lincoln Navigator.

Officer Michael DOUGHERTY places his patrol vehicle in, "park" and exits the vehicle. He then stands between the driver door and A-Pillar of his vehicle and, while pointing his firearm in the direction of the Lincoln Navigator yells, "POLICE...DON'T MOVE!" Officer Brayden CUFAUDE then exclaims, "SHOW ME YOUR HANDS!" Officer Michael DOUGHERTY informs dispatch, "four-one shots fired...shots fired!"



Officer Brayden CUFAUDE radios to Officer Michael DOUGHERTY, "there's one on the ground in front of the car here Mike." He responds, "MOVING UP, MOVING UP!" as two additional gunshots can be heard. After which time Officer Michael DOUGHERTY moves to a position behind Officer Brayden CUFAUDE's vehicle. Another single gunshot is heard followed by Officer Brayden CUFAUDE yelling, "HANDS!" Officer Michael DOUGHERTY then yells, "SHOW ME YOUR HANDS!" approximately six (6) seconds later another single gunshot is fired. Weber Area Dispatch then radios, "four-one status?" to which Officer Michael DOUGHERTY replies, "I can't see anything...shots fired...shots fired...send everyone 700 block of eighth (street)."



Weber Area Dispatch repeats and confirms the radio traffic they had just received. Officer B. CUFAUDE then tells Officer Michael DOUGHERTY, "there's two that bailed." Officer Michael DOUGHERTY informs dispatch, "two bailed...ummm...looks like a male [2 gunshots], jeans, black shirt." [2 gunshots] He then tells Officer Brayden CUFAUDE, "I can't see anything." To which, Officer Brayden CUFAUDE replies, "he's under the car in the front."

At 01:37:26 hours Officer B. BOURNE arrives and asks, "What do you guys need?" She is then instructed to get Officer Michael DOUGHERTY's shield out of his trunk. Officer B. BOURNE responds, "I got one I'm coming at you!" She then advises the Weber Area Dispatch, "four-eight out with four-one." Officer B. BOURNE then approaches Officer Michael DOUGHERTY and Officer Brayden CUFAUDE while carrying the requested ballistic shield. She then announces her arrival making them aware of her presence also behind Officer Brayden CUFAUDE's patrol vehicle.



Officer B. BOURNE asks, "where'd they go...last known travel?" Officer Brayden CUFAUDE replies, "Umm they dipped off going westbound here...they went westbound then north." He continues stating, "I got one under the car in the front." After this point, Officer B. BOURNE is directed to take her shield around the east side of the residence of _____ and to take a position on the west side of that residence

for a better view of the front of the Lincoln Navigator. This house is directly south of where the three (3) officers were.

At 01:40:00 hours Officer B. BOURNE had repositioned herself and informs the other Ogden City Police Officers, "I've got eyes-on he's (Alex LOPEZ) not moving." Followed by, "I've got good eyes-on him (Alex LOPEZ), he's not moving at all." After several minutes, Ogden City Officers approached Alex LOPEZ who was laying on the street in front of the Lincoln Navigator, placed him in handcuffs, and determined that he was deceased.



The following times are associated with the response of Ogden City Fire Department/EMS; call for service @ 0137 hours, en route @ 0139 hours, on scene/holding short @ 0144 hours, entering scene from 7th and Liberty Ave @ 0159 Hours, and assessing Alex LOPEZ at 0202 hours (SEE PHOTO BELOW).



Several assisting Weber County Sheriff's Office Deputies deployed a drone in the area to assist with locating the outstanding subject(s) who had fled shortly after the beginning of the exchange of gunfire. Despite their efforts nobody else associated with Alex LOPEZ was located.

At 02:15 hours Alyssa LEON called Weber Area Dispatch via 911 (**23G43145**) to report her vehicle (2014 Lincoln Navigator – Black Utah# as stolen. Alyssa LEON stated, "I just woke up and my car is missing." When asked where she was, Alyssa LEON informed dispatch that she did not know the address of her current location. She continues to report to the dispatcher that her vehicle had, "been stolen from a bar."

Alyssa LEON reports the bar her vehicle had been stolen from as, "The Historic...near Kokomo (Bar)." She added that, "the keys to her vehicle had been stolen sometime during the week prior from Alleged (Bar)." "When I woke up, I went over there because I thought maybe my friend had it (car)...she wasn't there...she was like, "no, I thought you were here because your car is here!" ...and I was like what?", Alyssa LEON stated.

She continued to explain, "I went back there and I seen (sic) my car there I thought it was mine but I was trying to get in it I couldn't get in the dumb car because the key lock (key fob - remote) wouldn't work." Alyssa LEON said, "Then all of a sudden I went out there again to try and open it manually and it was gone." She estimated that the time she had left was approximately thirty (30) minutes prior as the dispatcher confirmed the time now was 02:20 hours.

Alyssa LEON advised that there would be no reason that her car would be towed without her knowledge. When asked where the police officers could meet her, Alyssa LEON informs the dispatcher that she isn't sure where she is and then adds that she just stopped at 17th and Childs (Avenue). Ogden City Police Officer C. FAIOLA met with Alyssa LEON at her residence located at: , Ogden, Utah 84404 to take her vehicle theft report (**23G43145**) and to sign/submit/file an, "Ogden City Police Department *Affidavit of Theft*" form.

Officer Brayden Cufaud

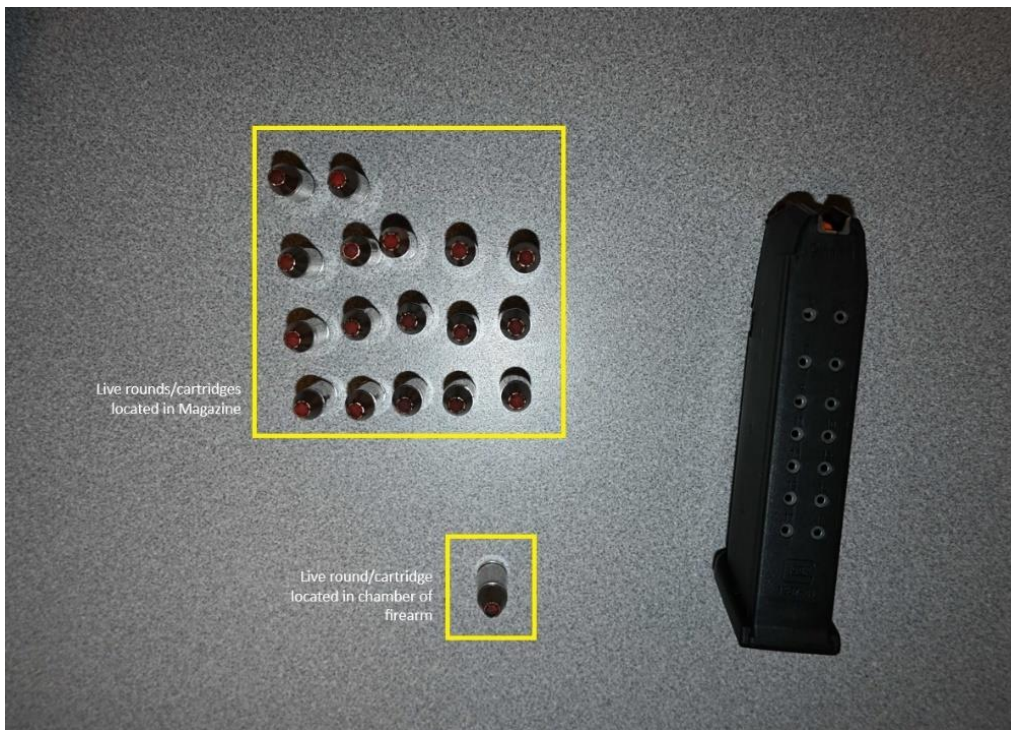


At the Ogden Police Station, CSI Supervisor S. GROGAN, Investigator S. ZACCARDI, and I conducted a bullet count Officer Brayden CUFAUDE's gun. This process helps us determine how many times the officer fired their weapon. CSI Supervisor S. GROGAN photo documented the way Officer Brayden CUFAUDE was dressed at the time of the incident (SEE PHOTO ABOVE). This helps establish if the officer was visually identifiable as a police officer at the time of the incident.

CSI Grogan took overall photos of Officer Brayden CUFAUDE, who was in full police uniform at the time of this incident. Officer Brayden CUFAUDE was observed to be clearly identifiable as a peace officer. Officer Brayden CUFAUDE was carrying an all-black firearm bearing, "Glock (logo) 45 Austria 9x19" on the left side of the gun and "Glock (logo) BYHZ166 (S/N). A fully functioning/working "Holosun" red dot sight was properly affixed to the top (rear) of the weapon and a fully functioning/working "TLR-1 HL (S/N) STREAMLIGHT" tactical flashlight was properly mounted to the front (bottom) of the firearm frame.

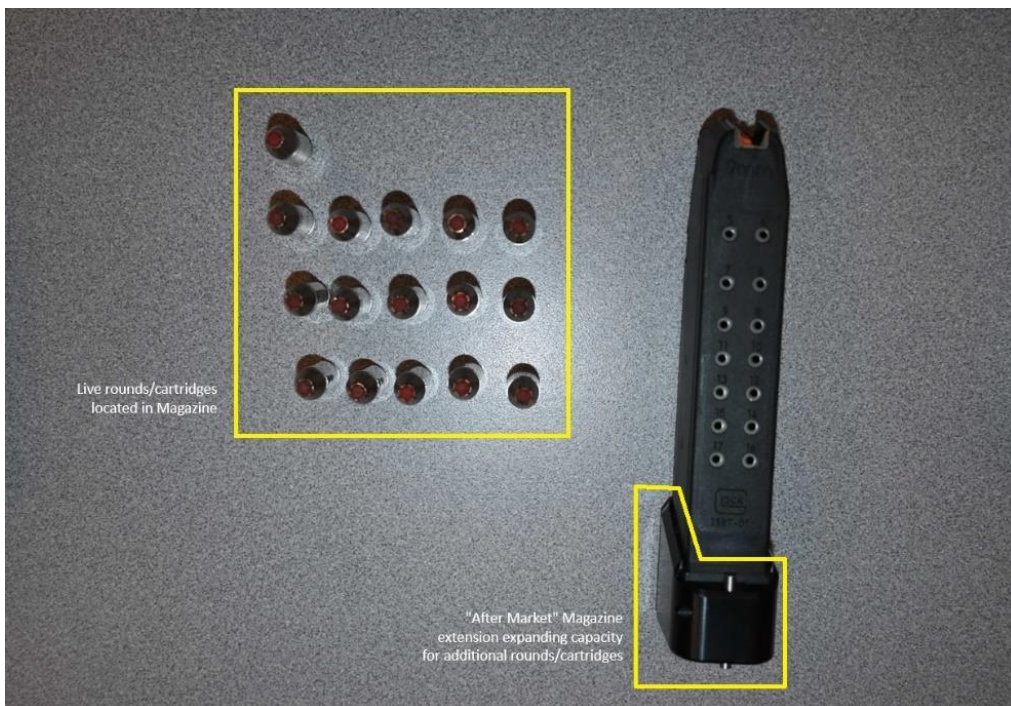


The Glock 45 had one (1) round in the chamber and seventeen (17) rounds in the magazine for a total of: Eighteen (18).



The other magazines Officer Brayden CUFAUDE had on his person are as follows: one (1) magazine with seventeen (17) rounds/cartridges and one (1) magazine (w/aftermarket extension adding) with sixteen (16) rounds/cartridges.





Based on these numbers, the Glock magazine (w/aftermarket extension) holding twenty-two (22) plus one (+1) in the chamber (total of = 23) was originally inserted into the firearm prior to removing the gun from its holster. Officer Brayden CUFAUDE started with 23, minus 6 (found on scene) in the magazine, therefore he fired six (6) times during this incident.



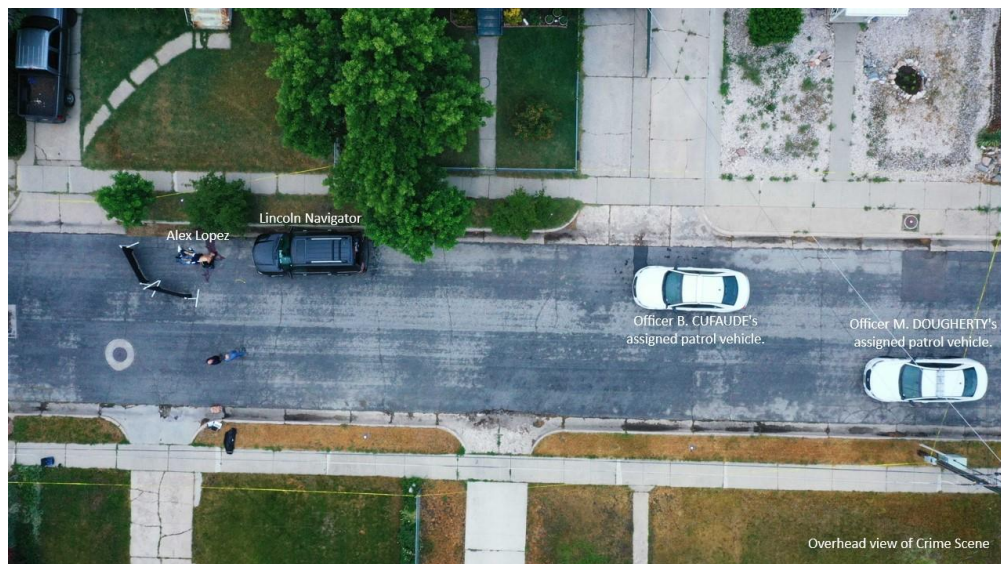
Still image of Officer Brayden CUFAUDE's firearm showing magazine extension upon exiting his vehicle while under fire

Officer Brayden CUFAUDE performed a, "tactical reload" (process by which a magazine is exchanged prior to the magazine fully running out/emptied of ammunition) by inserting a fully loaded (17 rounds) magazine. Officer Brayden CUFAUDE did not fire any additional rounds after the change of magazine. (Note: a "tactical reload" leaves one (1) round in the chamber of the

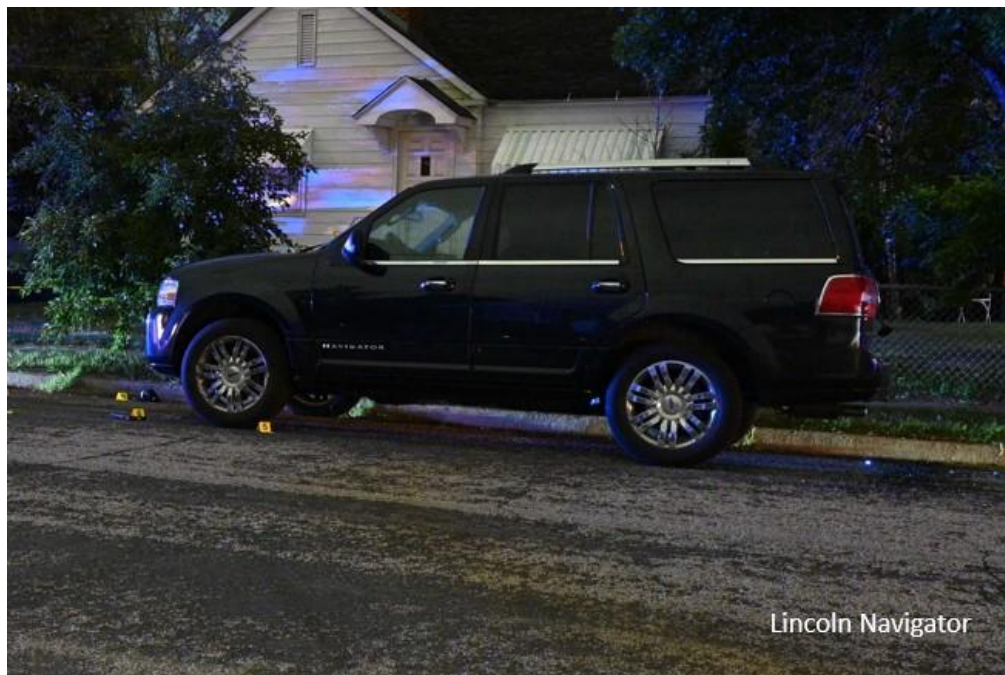
firearm during the magazine exchange). It was determined that Officer Brayden CUFAUDE fired six (6) rounds during the incident and was the only law enforcement officer involved in the incident who had fired their weapon.

SUMMARY OF THE CRIME SCENE:

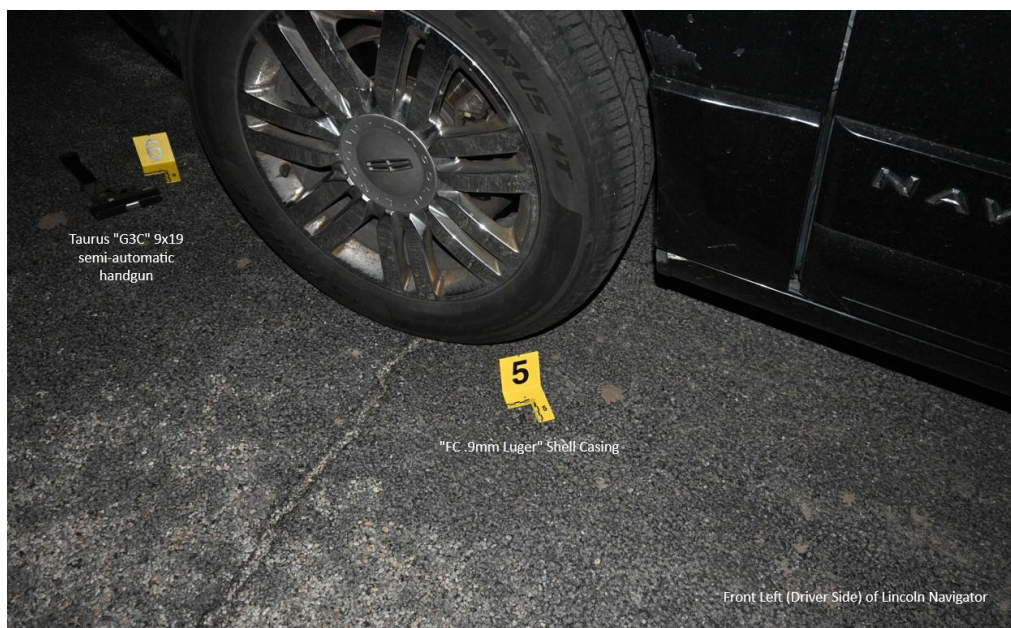
This officer involved shooting incident took place at 01:36 hours in the area of 700 8th street, Ogden, Utah on June 13, 2023. The road, 8th street runs to the east and west between Adams Avenue (500 E) and Liberty Avenue (700 E). There are three (3) cars involved at the scene one (1) associated with Alex Lopez, one (1) Ogden City Police assigned vehicle to Brayden CUFAUDE, and one (1) Ogden City Police assigned vehicle to Michael DOUGHERTY.



The first vehicle is a black Lincoln Navigator with Utah plate #U021WL. The vehicle is stopped in the road, on the north side, in front of physical residence of: _____, Ogden, Utah 84404. A deceased male (Alex LOPEZ) is laying in front of the Lincoln Navigator.

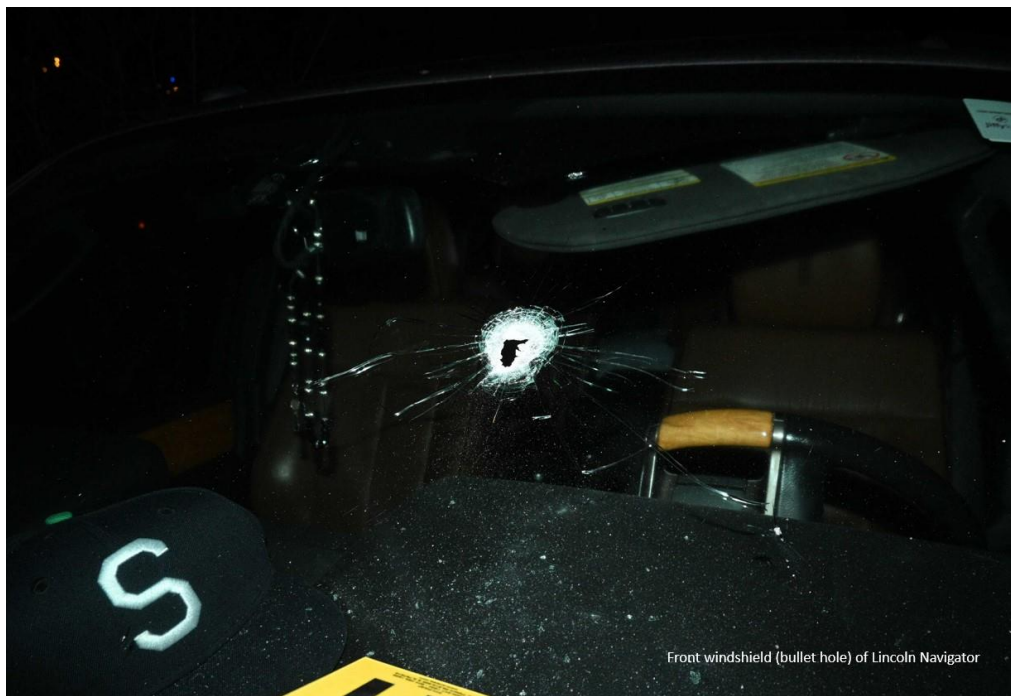


The Lincoln Navigator has damage to the rear windshield that is broken, and glass is located inside the rear of the vehicle and on the ground where the vehicle was parked. Located near the front driver side tire (left front) on the ground is a, "FC .9mm Luger" shell casing on the east side of the tire. Located on the west side of the left front tire of the Lincoln Navigator is a Taurus model: G3C 9x19 semi-automatic pistol bearing serial number: (green frame/black slide). This firearm had one (1) bullet (chambered) and five (5) bullets in the magazine (inserted).





Possible gunshot impact was also observed in the front windshield of the Lincoln Navigator it was determined that the possible bullet impact came from entering the rear of the vehicle, through the rear glass, traveling through the inside of the vehicle and exiting the vehicle through the front windshield.

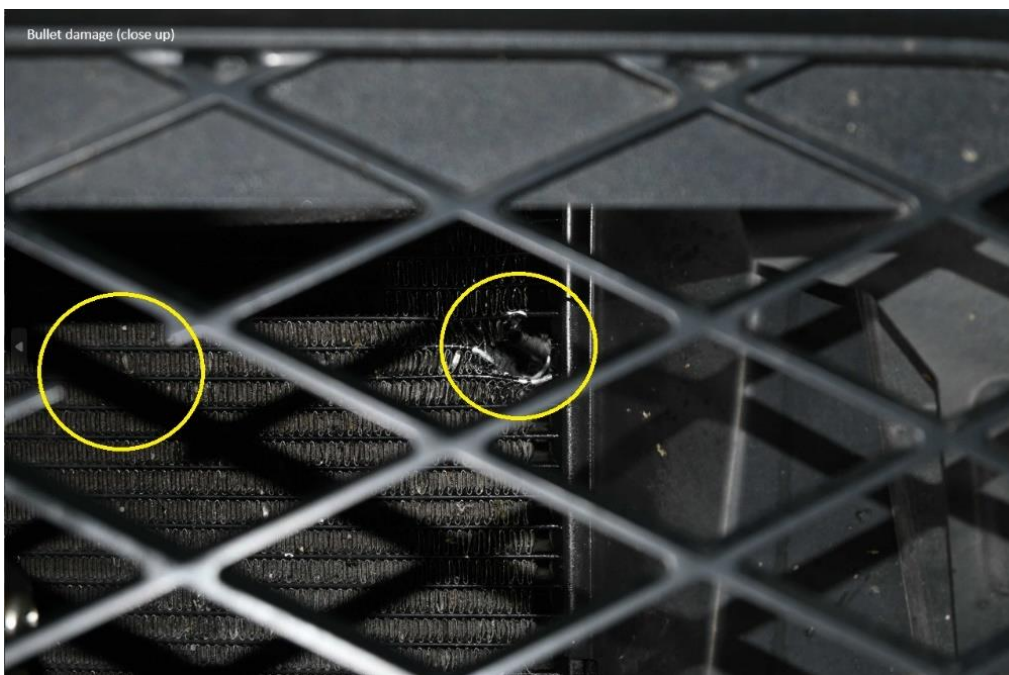




The second vehicle is a marked Ogden Patrol vehicle with Utah plate # [redacted] and Unit #14044 assigned to Officer Brayden CUFAUDE at the time of this investigation. This vehicle is parked on the north side of the road in front of physical address of [redacted] Ogden, Utah 84404 and is east of the Lincoln Navigator. Unit # 14044, received damage to the grill and radiator. A small plastic piece had been broken and a possible bullet impact was observed in the metal radiator.

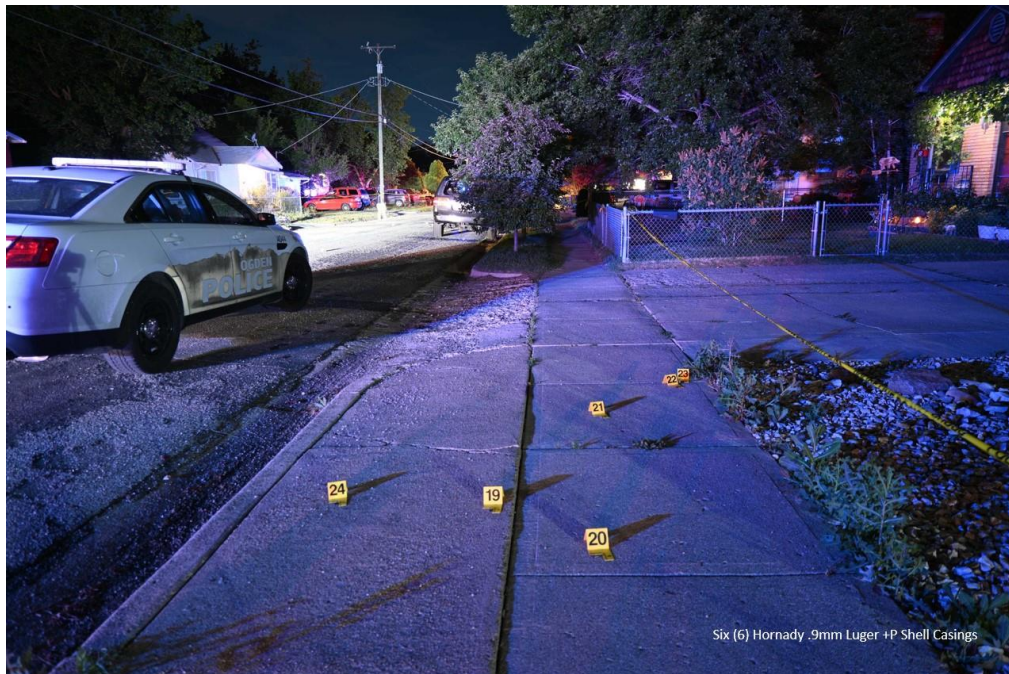


The bullet penetrated the radiator in the upper right corner of the radiator (when facing the vehicle).



This patrol vehicle was leaking fluid, possibly from the radiator, onto the road. CSI utilized a "Trajectory Rod" by placement inside of the bullet hole in the vehicle and a trajectory was observed that was coming from the direction north (side) of the Lincoln Navigator. This would be the passenger side of the Lincoln Navigator on the sidewalk as seen in the home surveillance video that captured the incident.

Six (6) empty “Hornady 9mm Luger +P” shell casings were found northeast of Officer Brayden CUFAUDE’s patrol vehicle, located on the sidewalk in front of _____, Ogden, Utah 84404 (east of the driveway). The casings were photographed and collected by CSI. An “FC 9mm Luger” shell casing was located between Officer Brayden CUFAUDE’s patrol vehicle, and the Lincoln Navigator near the center (middle) of 8th Street.



The third vehicle is a marked Ogden Patrol vehicle with Utah plate # _____ and Unit #14025 assigned to Officer Michael DOUGHERTY at the time of this investigation. This vehicle is on the south side of the road and parked slightly to the east of Officer Brayden CUFAUDE’s patrol vehicle. This vehicle is parked in front of the residence of _____, Ogden, UT 84404.



Evidence of possible bullet impact that did not include perforation/penetration was observed on the hood of this vehicle. Due to no perforation/penetration CSI could not utilize a trajectory rod to help better understand the direction this bullet impact came from. However, it did appear to the naked eye that it too came from the direction north (side) of the Lincoln Navigator. This would also be the passenger side of the Lincoln Navigator from the sidewalk. Paint fracturing, lead transfer, and a pinch point that indicated the event occurred from the west to the east of the hood of the vehicle.



After CSI completed marking and documenting items of evidence they then began several digital three dimensional (3D) scans to assist in the crime scene preservation. During this time a male arrived at the scene on the east side saying he was the father of the deceased. A female was also accompanying the male. The male was yelling at officers and walking near the crime scene.

Ogden City Police Officers and Investigator S. HANEY, a Weber County Attorney's Office Force Investigation Team Member, spoke with the individual. The individual was reportedly yelling and cursing at officers for a period of time but eventually left the scene. CSI Grogan collected a fingerprint of the deceased left index finger to confirm the identity of the deceased, due to no identification being located on the deceased person.

After digital 3D scans were completed the male that was yelling said he was the father of the deceased returned again, this time on the west side of the scene. After a verbal exchange the male ran into the area of the scene and was met with Ogden City Police Officers who prevented the male from entering the scene any further. The male entered the scene on the south west corner and remained in that area until he left the scene in the same area he entered.

Due to the volatile nature of the situation, the action(s) of these individuals caused CSI to gather up some of the physical evidence prior to the proper documentation as it was feared that the individuals would alter the crime scene. Several items of evidence were prematurely collected.

Several items of evidence were found near the deceased and were properly collected by CSI. These were determined to be: five (5) "FC 9mm Luger casings," one (1) Extended Magazine with twenty-eight (28) "FC 9mm Luger" cartridges, one (1) t-shirt, one (1) "Seattle Mariners" baseball style cap, and one (1) magazine with eleven (11) "FC 9mm Luger" cartridges.



Privacy barriers (canvas/PVC) were placed around the deceased to shield him from the view of the public as daylight from the early morning began and continued to increase. CSI Sandy GROGAN transported items of evidence and the inked impression, obtained from CSI John BIGGS, of the deceased to the Weber Metro Crime Scene Investigations Office to confirm the identity of the deceased.

It was confirmed, through the fingerprints obtained, that the deceased was Alex LOPEZ (). CSI John BIGGS photographed the deceased prior to his transportation to the State of Utah Office of the Medical Examiner. Possible gunshot trauma injuries to his lower abdomen area on the left and right side were observed by this investigator. Possible gunshot trauma injury to the left side of his head above his left ear was also observed.

This investigator removed the following items from Alex LOPEZ person: one (1) projectile from under the deceased right leg, ten (10) live, "FC 9mm Luger" cartridges, and one (1) live "RP 9mm Luger" cartridge for a total of eleven (11) live cartridges from the right front pants pocket. One (1) "Eos" brand lip balm was removed from the left pocket of the shirt worn by Alex LOPEZ.

Possible gunshot trauma injury was located on the deceased left upper leg as well. Care Center of Utah (transport) arrived to take custody of Alex LOPEZ and transport him to the State of Utah Office of the Medical Examiner – for an autopsy. A tow truck from Ogden Auto Body was contacted and eventually arrived to transport the Lincoln Navigator to the Weber Metro Crime Scene Investigations building vehicle bay for evidence purpose(s). CSI John BIGGS followed Ogden Auto Body Towing to the CSI office and the vehicle was placed into the bay at approximately 07:30 hours on June 13, 2023. After which time the crime scene was, "closed" and the scene was released.

OFFICER Brayden CUFAUDE STATEMENT: *(Officer Brayden CUFAUDE declined to make a statement.*

Officer Michael DOUGHERTY



CSI Supervisor S. GROGAN photo documented the way Officer Michael DOUGHERTY was dressed at the time of the incident (SEE PHOTO ABOVE). After which time he was interviewed in the Mobile Command Vehicle that was parked on scene. The following is a complete transcription of the interview that took place.

Trancribed interview of Officer Michael Dougherty (MD) conducted by Weber County Attorney's Office Investigators Cameron Hartman (CH) and Steve Zaccardi (SZ) on June 13, 2023 @ 03:23 hours:

MD: So...earlier we got a call about a man with a gun over at Historic Place on 25th street something to the effect of there had been some sort of altercation or an assault someone had come either with a gun, reached for it (gun), brandished it (gun), whatever unknown. They gave out a license plate and a vehicle description that was possibly associated with it (call). It was a black Lincoln Navigator gave the license plate out Uniform (U)-2-1 whatever it was and then it was last seen going northbound on Lincoln (Avenue). I was able to get over to the area and went north on Lincoln. I caught up to Officer Taylor who was already behind the vehicle. He conducted a traffic stop on it (black Lincoln Navigator) as it turned east on I think 7th (street). It initially stopped I went out wide right to try and get a good angle on it...just trying to use good, sound tactics. It took off, we jumped back into our car and followed it to the intersection where it blew the red light going eastbound on 7th...didn't pursue it anymore. Then we went to go check the area west of 7th street or west of a Washington Boulevard I believe. Yeah, it was Washington Boulevard, blew the light at Washington Boulevard going east and we started checking the area. Officer Ruiz said he saw it going north on Liberty (Avenue) passing 12th street or so I guess it wouldn't have been 7th street that passed, it would've been like 20 or 21st or 17th, 17th.

SZ: As far as your traffic stop?

MD: Right, the initial traffic stop would've been on 17th street or 18th street somewhere in there and then it went eastbound and then it went north. Officer Ruiz said he last saw it going north

on Liberty. It blacked-out, I was in the area...I was on Liberty started heading northbound then I heard Officer Cufaud say he was out with it (vehicle).

SZ: Officer who?

MD: Cufaud said that he was out with the vehicle in the . I was maybe 30 seconds away. Got out...pulled up as I'm getting out of the vehicle, I see him (Officer Cufaud) moving around his vehicle shooting. I jump out quickly go around my vehicle. There's a short lull in the fire. I run up to his (Officer Cufaud) vehicle. I cover the, I initially go to him and check on him and make sure that he's okay. Then go cover the left side of the vehicle. I hear couple, two (2) or three (3) more rounds. I believe that come from the vehicle, it's just a "pop" not a "snap" so I know it's not coming by me. I can't see anything, I don't know where he's at. I think Officer Cufaud may have fired one (1), two (2), three (3) more times and then we pretty much just held from there. He (Officer Cufaud) told me that he was prone out front, I couldn't see from my side of the vehicle. I just held that side of the vehicle and then after that I just waited until we went up there and cleared it. I also, when we cleared it I did grab the magazine out of his waistband and threw it away....saw the individual that was in front...

SZ: When you say, "pulled the extended magazine you're talking about the bad guy?"

MD: Yeah.

SZ: Okay.

MD: Yeah, so he had clearly had a firearm in his hand, finger on the trigger when I walked up to it. I pulled the magazine out of his waistband and then helped cuff him up and that was about it. Then after I checked I saw that there was a round that hit my car. I don't think that hit...I think that hit as I was getting out moving around because as I was moving around my car, Officer Cufaud was actively shooting I believe.

CH: and there was another occupant in the vehicle?

MD: There was, I saw him running away...I believe it to be a male. I'd say about 6' black or Hispanic looked like jeans and a dark t-shirt. It could have been the suspect as well but I believe it was the second male that ran north and west.

CH: Where in the duration of the incident did you see him? The guy who left.

MD: As I went up and was getting out of my car.

CH: As soon as you got up you saw him?

MD: Yes.

CH: So before any of the gunfire?

MD: As it was occurring.

CH: Okay.

MD: And again I, it could have been the person that was exchanging gunfire with Officer Cufaud.

CH: Okay.

MD: But I do believe that there was a second person, he said that I saw a person running north and west and then Officer Cufaud said that the suspect is shooting from the front of the vehicle.

CH: Okay, and where in relation to Cufaud's vehicle where was he? Did he just always stay on that strong side of the suspect vehicle on the left side?

MD: I saw him on the right side of the vehicle.

CH: On the right?

MD: That's where he was at when I saw him.

CH: Okay.

MD: I'm not sure if he exchanged gunfire as he initially got out or not. When I recall seeing him he was on the right side of his vehicle.

CH: Of his vehicle?

MD: Yeah, he was on the right side of his vehicle, I came off to the left side of the vehicle.

CH: Okay, did either of you render aid to the suspect or did you just cuff him?

MD: Once we got him cuffed medical came in and checked him out. He had a gunshot and obvious gunshot wound to the head.

CH: Okay.

MD: I'm not sure what kind of aid could have been rendered to that.

CH: Yeah, sure.

MD: And there was still the possibility of the outstanding suspect.

CH: Yeah, absolutely.

SZ: What's the time, roughly the average...I'm not holding you to the numbers, but what is the time frame from the man with the gun call to the traffic stop to this incident was it everything really kind of quick?

MD: It was pretty quick. The man with the gun to the traffic stop maybe a minute or two.

SZ: Okay, and who made the initial traffic stop?

MD: That was Officer Taylor, they pulled over to the side of the road and then they took off once we got out of our cars.

SZ: Okay, But you were there quickly so your body camera captured that?

MD: Yes, my body camera captured that, I was there on the traffic stop right behind Officer Taylor and then right here behind Officer Cufaud.

SZ: (to CH) just make sure you write down Taylor so we can pull his body cam.

MD: That's Colby Taylor.

CH: Officer Colby Taylor?

MD: Yes and then it might have been, I don't know, 5 or 10 minutes between the traffic stop and this.

SZ: Was the officer in between, was his door open, when you rolled-up what did you observe with the officer that was shooting? Where was he stacked?

MD: As best as I recall, the door was open, he was on the right side fully extended shooting.

SZ: And did you see the suspect at that point?

MD: I saw movement to the front of the vehicle and I heard gunfire coming from that vehicle and I got out of my car as quick as I could.

SZ: Okay, but you couldn't tell who was shooting or where they were shooting from?

MD: I did not, and when I got up there I did not have a good sight picture on anyone who was shooting.

SZ: and you got out of your car and ran behind it?

MD: as I recall yes.

SZ: okay, and then ran over to his passenger side?

MD: I went over to his passenger side and checked on him and went out to his driver's side.

SZ: and then you went back to the driver's side?

MD: Yes.

SZ: Okay, so the cars were positioned like this is the car.

MD: So like here, right here, I come out around, go over here and check on him, then back over here...suspect's car is up front.

SZ: Then you say you went over here checking on him so he was at the back of the car?

MD: He was at the back of the car right over here. I come up check on him. Come over here and cover that side with my gun.

SZ: Okay, so he's almost on the back passenger side.

MD: Yeah, he's on the back passenger side, I'm on the back driver side. By the time I get up there I hear 2 or 3 more shots come from there and I think Officer Cufaud may have shot a couple more times but I can't see anyone I don't see any movement. I'm asking him where he is and he says he's prone out in front of the car. So I'm just holding it.

SZ: Okay, alright...the gun that took off running what did you recall like a description?

MD: Black male/Hispanic male maybe slightly taller, I think he was wearing blue jeans and a dark shirt that's nothing I know but...

SZ: Okay.

SZ: and the call was at the Historic Place?

MD: Yes, Historic Place on 25th Street, that was the man with the gun (call).

CH: Do you know...did anybody from OPD make contact with anybody there for a...

MD: I know Officer Burnham was checking the area and investigating that while we were looking for the car.

CH: You don't know if anybody made contact with the complainant or any of the witnesses over there?

MD: As far as that I'm not aware.

CH: As far as that call went.

MD: We were actively asking that while [Inaudible], to see if there was any probable cause to see if there was an aggravated assault or anything like that. That's why we initially didn't pursue because he hadn't, I guess, developed probable cause for any crimes over there just yet.

SZ: So, I missed that, so they did send an officer over there?

MD: Yes, Officer Burnham was sent over there.

SZ: On the traffic stop, who besides you and Taylor were there?

MD: Officer Cufaud was there as well.

SZ: And on this scene here...it was just the two of you?

CH: The first traffic stop do you mean? Before he fled?

MD: The first traffic stop before he fled.

CH: There was three of you?

MD: Yeah.

CH: Okay, and that was Dougherty, Taylor, and Cufaud?

MD: Yeah.

CH: What did you do after EMS was attending to him? Do you remember what you did after that?

MD: After that I put up crime scene, I guess county had thrown a drone up to see if they could find the person that bailed out and they said they found a heat signature just north of us so we went and checked it out and didn't find anything. Came back, set up the crime scene tape, crime log started that.

[End of interview]

On June 20, 2023 Weber County Attorney's Office Investigator Steve ZACCARDI and this investigator responded to the residence of Alyssa LEON - , Ogden, Utah 84404 for a follow-up interview to her initial reported stolen vehicle on June 13, 2023 (**23G43145**). The following is a complete transcription of the interview that took place.

Transcribed interview of Alyssa LEON (AL) conducted by Weber County Attorney's Office Investigators Cameron Hartman (CH) and Steve Zaccardi (SZ) on June 20, 2023 @ 10:22 hours:

CH: What can you tell us about everything that you know about what happened?

AL: So like I told them, I knew Alex he was a friend of mine.

CH: Okay, How do you know him?

AL: Just met at the bar.

CH: How long would you say you have known him?

AL: Maybe three-ish months, maybe three months.

CH: So, not too long?

AL: No too long but I know him because we would always go to the bar and see each other there and then we just had friends, there was like a group of us. Me, him, another friend that actually died a day before him, Israel Gonzalez (West Valley Police Case: WV23-49751 – DOD 06/12/2023 – accidental illicit drug overdose).

CH: What happened to that guy?

AL: We don't know yet, they found him on his roommates couch I don't know what happened they're still waiting for the autopsy...and that was the day that I seen him was the day that I found out about Israel and Alex just was not there like the Alex that I knew didn't have a gun. The Alex that I knew was trying to get his life together like he had just got like a position at Rubicon or something like that his mom had told me, like he was doing very, very good. I didn't

know this side of him that had a gun, that acted violent. That did what he did that day I, that was somebody that I did not know at all because that wasn't him, he was always so happy and he would drink at the bar...yes...but it was nothing like crazy or anything like that. It was like a bunch of us...it was a bunch of girls, it was a bunch of guys, it was like a group of us that would always meet at the bar and hang out.

CH: Okay, have you ever hung out with him outside of the bar?

AL: At his house every-now-and-again like we would get dinner, not like a date or anything, because I have a boyfriend and he has a girlfriend. So like, yeah we'd all get together and have dinner stuff like that, nothing like out of the ordinary like movies or anything like that or shopping or anything like that but yeah I did. But that Saturday before I went to the bar with a friend named, "Diamond" and he was there we all went out, went to Alleged (, Ogden, UT 84401). They went to Kokomo's (, Ogden, UT 84401) then I took off from Alleged and went to Historic (Place) , Ogden, UT 84401) then we all met up again. When I went to Alleged the bar was closing because I got there really late, I got there thirty (30), maybe twenty-five (25) minutes before the bars are actually closing so I really didn't have time to hang out that much. My keys, when the bar closed, my keys were missing I started freaking out because I like, "where are my keys?" my house keys are on there, my garage keys are on there, my mail keys are on there like everything's on there.

CH: Did you like set them down?

AL: All I remember last time is having my cigarettes in my hand, my wallet in my hand, and my keys in my hand and I literally ordered one set of drinks and that was from Alleged. That is the only place I can think of other than Historic, when I went to Historic and they had pizza there and I know Josh and Angie like the bartenders at Historic and Josh was like, "do you want a pizza?" and I was like, "yeah!" but I was there with Diamond I don't know if they showed up after because they did come up after so I don't know if they were there with me at the time or what not because like I said we're always in groups and we wander like I would wander.

SZ: This was the day before?

AL: This was Saturday, that Saturday before, my keys went missing I started freaking out so I took off by myself going to Alleged because it had already shut down, I was banging on the door I was like, "please...I need my keys!" They let me in the waitress, or the bartender, walking upstairs she checked there, I checked the bathrooms then went to the bathroom, everything, we couldn't find my keys. So then I caught a ride with a friend that I seen there, he gave me a ride to another friend's house where that I could charge my phone because my phone had been dead. Called my daughter I was like, "hey...can you find the spare key?" She found the spare key came over here, couple hours later I picked up my car after she found the keys (spare) and that was that then that Monday that's when I see him or whatever, went to the bar he wasn't there I just went with some friends. Then he came over there with us again he came after like he had us go pick him up came...

CH: Do you mean Alex?

AL: ...mmhmm (yes) he was fine like there was no indication like anything like this was going to happen. Altercations happen at the bar I was with another set of friends that he wasn't hanging out with, I didn't want to get into that.

CH: What was the altercation over?

AL: I have no idea, I didn't get into it at all if you see the bar footage you see me standing aside, I didn't want to get into anything with that because they were fighting like him and, it was like a group of I want to say...six (6) maybe seven (7) people were like over here and I'm over here at a table they were fighting. I said I have no time for this, I just found out my friend died...I don't want to deal with this so I didn't deal with it. He takes off, if I'm correct he took off comes back jumps the fence.

CH: real quick, you said they were fighting? Was it physical at all?

AL: No...like yelling, I from what I understand, is they worked it out like they had solved it, went in the bathroom because I went into the hallway to use the bathroom they were all standing like right there in the middle and I didn't see him, I just assumed because [at this point I noticed that my audio recorder had stopped working and restarted the device]

CH: Okay.

AL: And...then all of a sudden we see them jumping the fence, him and I don't know who else it was. I'm assuming it was his brother (Sheldon), I don't know for sure because it all happened so fast. All of a sudden I hear, "somebody has a gun!" the voice told me to jump up and get behind the wall. There's a wall...right before you go into Historic there's a little wall right there where the door is they told me to get behind there and I stood right there I didn't go inside the bar or anything like that.

CH: So...the fence, you saw him jump the fence?

AL: I did.

CH: Okay, where is that...because I'm not familiar with that area.

AL: In the back of the bar.

CH: In the back of the bar?

AL: Yep, that was in the back of the bar.

CH: Is that whole area fenced in? There's no gate or door or anything?

AL: There is a gate but it's locked I believe, I'm not sure and all I know is that they "hopped" the fence.

CH: Okay.

AL: I hid because somebody said that they had a gun. I didn't go in there I did nothing. The boys that I was with was like Alyssa get behind the wall, that's what I did because I didn't want to get hurt. I just heard that somebody had a gun...I didn't physically see he had a gun all I know is that somebody had a gun there. Comes out he asks for my keys I say, "No!" He's like than give me the house keys because I would always hold everybody's phones, wallets, everything because we had a tendency when we went there. People lose their phones, people lose their wallets, that's why they need to leave them in their car or they hand them to whomever was

driving sober that night. I said, "You're not getting them" and he was like, "then give me the house keys." I gave him his house keys and that was the last time that I seen him.

SZ: Can I ask you a clarifying question? Do you care?

CH: No.

SZ: Okay, so you said he had, on the particular night that we're talking about...

AL: Yes.

SZ: That you left and went and picked him up and took him back down there?

AL: mmhmm (yes).

SZ: Do you know what time it was?

AL: I want to say that it was around 11:00, it couldn't have been any earlier than that but I want to say around a 11:00-ish but it couldn't have been any earlier than that.

SZ: So let me, before we get into any more discussion, let me explain something to you okay? We have to do a complete investigation. That includes identifying everybody that was there right? We know he left with somebody...

AL: Yeah.

SZ: If you want to get your car back sooner than later we need to figure out who that person was. **AL:** Yeah, that's what I'm here for.

SZ: So let me, I just wanted to tell you that before we asked any more questions, okay? So, when you went and picked him up...

AL: mmhmm (yes).

SZ: Where did you go?

AL: I went to his house.

SZ: ...and who was with him?

AL: His brother was already with me.

SZ: His brother?

AL: Yes.

SZ: What's his brother's name?

AL: I know him as, "Saint."

SZ: Okay.

AL: ...and I had just met his brother two weeks before that.

SZ: Okay, now how did his brother end up with you then?

AL: Because his brother left with me.

SZ: Okay let's, so start from the beginning...

AL: So when I found out Izzy had died I went to the house I'm sorry about that I had went to the house and I said, I had called him and said, "Hey did you guys know that Izzy died?"

SZ: Izzy is the buddy that...

AL: died the day before. They said, "yes" I was crying hysterically. They said get back to the house. I said, "No" I'm not getting back to the house because I don't want you driving like that because I was hysterical.

SZ: Okay.

AL: Went to the house.

SZ: And where is this house at?

AL: It's on 12th street, on 12th street you take a right and then you take a left and it's like the third left or like the fourth.

SZ: 12th street I'm sorry say that again, 12th street and what was the direction?

AL: So if you're coming from say 25th, 12th street you take a right and then it's going to be on...

SZ: On Washington?

AL: I don't know because I'm just, I just barely moved here in September but I think it's Washington.

SZ: What's the landmarks there? Like Washington there would be a Wineagers not Wineagers.

AL: There's umm Mo Bettah's

CH: Chik-Fil-A

AL: Yeah, that left side of the road, so if you're going...I want to say east...would that be east? It'd be the fourth right I believe If I'm correct, the fourth right and his house is right there the second house on the right.

SZ: Okay, so it's a house? Okay, and who lives there?

AL: Him, his brother...his brother just started living there two weeks ago. I just met his brother two weeks ago and some roommates. I don't know the roommates all I know is it's someone that lived there that he works with.

SZ: So you show up there and go ahead.

AL: They just told us to come back, they wanted to talk to me. When I got to the house I was crying I said, "I don't believe this." Because Izzy had done this before well had faked a death before. So I didn't believe this...that he was really dead and they're like, "It's true." I called Izzy's dad because I have his, Izzy literally lives right here at the corner over behind these apartments. Called his dad and he confirmed that it was true. I said, "I'm on my way." Took off and that's when Saint jumped in the car with me and he said, "You're not going by yourself" and I said, "I'm fine." He jumped in the car, we went down there. Seen his mom, his mom confirmed that it was true. We sat there with her for about maybe fifteenish, twenty minutes consoling and saying we're sorry and stuff like that. We left, I went to the bar he came with me

SZ: Saint?

AL: mmhmm (yes).

SZ: Historic Bar?

AL: Yes, went to the Historic. We sat there we were hanging out with my friends. He was wondering to come back or whatever. Then that's when I guess umm Alex, I know him as "Chase," would call and ask him to pick him up. So, I wouldn't let them use my car. I would go with them I take them. Went and picked him up he came with us back.

SZ: Alright, so when you turned back to the bar it was you, Saint and Chase?

AL: And another friend.

SZ: Of yours?

AL: uh huh (yes)

SZ: Okay, who is that?

AL: I know him as hammer.

SZ: Okay.

AL: And he was one of the guys I was sitting with the entire time at the bar he is an older guy.

SZ: Did Hammer...was he at Alex's house or Chase's house?

CH: Yeah, where did you pick him up?

AL: Hammer was at Historic, he was at Historic when I got there.

CH: He left with you?

AL: mmhmm (yes).

CH: Where did you pick Chase up at?

AL: At his house.

CH: And then brought him back to Historic? Okay.

AL: And they did their own thing like they drank or whatever, like I said we were over here, an altercation happened and I did not move because I was like I have no time for this. Like my mind was he just lost [inaudible]

SZ: So there was some type of verbal altercation between Chase, and Saint, and somebody else there.

AL: A few people it was like a bunch of friends and they were in the left, I'm on the right, right here and they're like right here.

SZ: Okay so then did you leave after that?

AL: No I sat in my little corner and let them do what they wanted to do.

SZ: And so they left?

AL: mmhmm (yes) after that.

SZ: So when you say they jump the fence, that's when you saw them jump the fence to leave?

AL: No-no, they walked out of the front doors and left.

SZ: Okay,

AL: They left.

SZ: How long were they gone?

AL: I want to say thirty minutes or so at least thirty minutes I know they went to Kokomo's because they said they're going to Kokomo's they called some friends and I was like where are they at? They were like, they went to Kokomo's do you want to go? I said no. I said I don't want to go with them because I could see them getting drunk.

SZ: So when you said they jumped the fence...when they came back?

AL: Yes sir.

SZ: Okay, did you see them jump the fence or did someone tell you that?

AL: No, I seen them jump the fence.

SZ: Where were you at when that happened?

AL: I was, my back was turned and I heard some people come over the fence and I turned and seen them run straight into the bar.

SZ: Okay, and what was Chase...what did he look like? What was he wearing?

AL: umm I believe he was wearing a black mask and I honestly don't remember the exact clothes he was wearing...I'd be lying if I said that...I don't know.

SZ: Did he look different then what he had on before?

AL: No, just other than a mask.

SZ: that he had the mask on?

AL: mmhmm (yes).

SZ: And who...was it Saint with him?

AL: I believe so, absolutely.

SZ: And it was just the two of them?

AL: Yes sir.

SZ: Okay, they came back in and then kind of walk us through...you said someone said they had a gun, but kind of walk us.

AL: well I didn't say they had that...all I could hear was screaming, I heard screaming and they heard...

SZ: from in the bar?

AL: Yes from in the bar, and they said, "he has a gun...he has a gun!" and that's when we jumped up and I hid behind...

[At this point I noticed that my audio recorder had stopped working again and restarted the device]

AL: Because I didn't actually see it, physically see it, I was standing behind the wall the entire time I didn't go in the bar, I didn't see anything. I peeked over and I told Angie because I could see Angie from the corner where the door was and I said, "Angie come back and hide with me!" She came outside and that was it and then one of the friends was like, "it's over...everything's okay." We went and sat back down and then a couple of minutes later they come back out this time he doesn't have a mask on.

SZ: Okay, when you say they...a few minutes later they come out of the bar?

AL: They come out of the back of the bar.

SZ: Okay.

AL: Not the front of the bar...the back of the bar

SZ: And it was Chase and Saint?

AL: Alex mmhmm (yes).

SZ: And...

AL: He looked at me and said, "Give me your keys!"

SZ: I said, "no" and he said, "give me the keys" and I said, "no!" then he swore at me and he's like, "give me the effing keys to my house then!" and I went like this and threw it at him.

SZ: Okay.

AL: And that was that, he hopped the fence.

SZ: Him and Saint hopped the fence?

AL: They hopped the fence and left.

SZ: Okay, and then what happened?

AL: and then we sat there and we continued to drink and everything next...my car was parked in not exactly in the front of The Historic. If The Historic is right here, my car is like this...this is Historic my car is parked kind of at a slant not in front of it...

SZ: But on the 25th Street side?

AL: Yes sir...mmhmm...it was parked right there.

SZ: Alright, so then go ahead.

AL: and then I continued to sit with my friends and I just said I can't do this. I don't want to go with them like I didn't want to go with them. I heard more commotion umm in the bar and I heard somebody say there's this guy named, "D-Nice" a black guy. I heard them say D-Nice just punched Sofia (unknown last).

SZ: Just did what?

AL: Punched Sofia.

SZ: Sofia? Okay...who's, "Sofia?"

AL: She was just another girl that we used to hang out with and I said, "Ok" and then I could hear them screaming like I'm gonna hit whoever whatever. I freaked out I was like I'm leaving I don't want none of this part of this because I knew that D-Nice knew that umm Alex and all of them that were there that night I used to hang out with them like I would hang out with them all of the time. He infamous for hitting girls.

SZ: D-Nice?

AL: Yes, this is like the third girl at least that I know that he's hit at least and he just gets away with it.

SZ: Okay.

AL: and from what I understand he was out there ummm in the front or in the front, I didn't physically see this, this is what I heard...that he was at the front of the bar arguing with her and something happened and he punched her in the face. I can't say if that is true or not because I didn't see it. It's just what I've heard and what I could hear was screaming.

SZ: and this is after Alex and those guys had already left?

AL: Yep

SZ: so then what?

AL: So then all of the sudden I heard that cops are after that I heard someone say we're going to call the cops or whatever because he punched her we still sat there it wasn't my problem but then I heard them freaking out saying he was going to hit whoever else D-Nice was like threatening all kinds of people. You could hear him screaming from the front of the bar and nobody was doing nothing because everybody is afraid of him. So I took off and left and by then it was almost two in the morning I believe it was by then because she wasn't serving alcohol because people were already leaving. I left and then that's when I got around the fence.

CH: did you leave out of the back of the fence.

AL: I had left out of the back of the thing and I could hear them say, "He left...he left!" and I'm like who left? I was thinking it was D-Nice I don't know that's all I heard them saying is, "he left...he left!" that's all I heard nothing more, nothing less. I sat there on the corner waiting

because I was scared that D-Nice was going to see me and then I went around I was like where the hell is my car? It wasn't there, I started calling my friends from inside of the bar saying, "My cars not here, my cars not here!" like I was freaking out crying they came out there with me. My car wasn't there so they gave me a ride to look around and see for some reason they kept on saying like, "you didn't park here" I was like, "yes I did, I know where I parked my car I know where the hell I parked my car!" I wasn't even drinking that night. It wasn't there and so they took me back because I didn't have my phone, it was, my phone is always freaking dead always dead because I work long shifts and I can't have my out it's dead. I went and got a charger for it and that's when I called the police and reported that it was stolen and then I called my friend Shae and said, "Your phone is in the car...do you have access to track it down?" She said yes give me a minute. She gave me the address of where it was and that's when I got a ride and I went there and I told them how I tracked my car down and that's it. Then later on I found out that it was actually Alex the one that took my, I was going to swear, took my car.

SZ: Do you think that he had the keys?

AL: He had to have the keys there's no other explanation of it and the crazy thing was two, a couple days before that, I came up to my house and shit looked like it had been, "ran through" and I called my kids and I was like, "when you guys left did you guys like leave cupboards open or anything like that?" and my daughter was like, "mom I don't remember." But I just thought it was my children like leaving the doors open and stuff in my room. It looked like it had been rummaged through. But I just assumed that my daughter, my son, were looking for shoes or they were looking for something it didn't click in my head because I honestly thought my keys were lost the entire time.

SZ: Have you had any conversations with Saint?

AL: No.

SZ: You haven't had any conversations with him since this?

AL: Oh since this yes, absolutely, yes.

SZ: So, what's his part?

AL: He just told me that he jumped out of the car. That's what he told me and I asked him, I said, "did you guys take my keys that night?" and he told me he was like, "I don't know if he took them all I know is that we had the keys." And I said, "Saint, you know that I didn't give you my keys so you guys stole my keys from me!" and he won't confirm or deny that he just keeps on telling me not to talk to you guys and I told him straight up I'm not going to lie about anything, I have nothing to hide. I have nothing to lie about. I'm not going to lie for nobody and risk my life or my children's lives for nobody in this world.

SZ: Well I mean here's the thing is like we have to do this case to figure out, A) if anyone did, we got what we're trying to do is just figure out what happened right and tell the story. Okay so, Saint's with him that doesn't necessarily mean that Saint or whatever his name is, is going to be charged with anything right? We just need the facts.

AL: Anything you want to know I will tell you I have nothing to lie about and I have nothing to hide.

CH: I have a question about the mask, can you describe the mask?

AL: Yeah it was just black.

CH: Like a ski mask or like a...

AL: Like cotton.

CH: Cotton?

AL: mmhmm

CH: It was like 2 eyes holes or it was like...

AL: two eye holes and I believe if I'm correct, it had a mouth. I didn't like sit there and stare because I'm like telling my back was turned so when they hopped the fence it was like they were passing by me and I was like this...So it wasn't like I had been turned watching them hop the fence.

CH: Did Saint have a mask on too?

AL: No.

CH: So, you knew that it was Alex because why?

AL: Because of how tall he is. Alex was tall. Alex was taller than Saint. Everywhere that Alex went Saint went.

CH: Okay.

AL: They were never without each other...other than I'm assuming work. But Saint, I'm telling you just came around two weeks ago. I never had met him before two weeks ago, and that's the truth.

CH: But ever since you met him two weeks ago, if you saw Chase you'd see Saint.

AL: mmhmm.

CH: They were always together?

AL: Yep.

SZ: and you didn't uhh...you didn't see Alex with the gun?

AL: I personally did not see it...I just heard them say, "he has a gun...he has a gun!"

SZ: You didn't see who had the gun?

AL: No sir, I did not.

SZ: Did uhh...did Chase seem, when you picked him up from the house, did he seem different? Was he acting different?

AL: No and that's the thing this came out of nowhere. The Chase that I knew would never do something like that but again I've only known him a couple months but from what he expressed to me...he was excited that he had just got this new position at his job. He was like the gut that went to the bars every night of the week. He was bragging because he had another girl. That's the Alex that I knew. This isn't the Alex that I knew that would go steal a, especially my car of all people, and then shoot at cops because he knows that I'm a single mother with 3 children. He knows that my children are my life. So it's mind boggling that this even happened like I didn't even believe that he was the one that did it because that doesn't, that doesn't make sense and that's the truth that was not him. The person that I knew was always smiles always laughed,

wanted better for himself he wanted to do good for himself so I don't know what this, what generated this or what...I don't know populated...or what...how this happened.

SZ: So you don't know who he was arguing with? The nice guy or D-Nice guy?

AL: They call him, "D-Nice."

SZ: Was he arguing with him at the bar?

AL: Not at the beginning. But I know, from what I understand is, remember when I said he walked, when he jumped the fence he went in there? At that time I believe he was I can't say that for sure because I didn't see it. This is all hearsay. I did not physically, I'm just telling you what I physically saw and what I heard. I didn't physically see any altercation at all that night with him and D-Nice. The only altercation I seen was the other but that's the only other altercation that I seen.

CH: Okay, how did you...after everything went down...how did you hear about it?

AL: From 1, the detective, the detective had told me that someone had died in the car. Or not died in the car I'm sorry. Died at the scene of the crime and that was before because when we went to go pick up the car, he said, "it's a scene" or, "it's a crime scene" or something like that the cop that I talked to and we said, "is he dead...who's dead?" and he said, "I can't really say anything" and I said, "well here's my information, gave it to him, he took it, I was with my friend she gave me a ride. The detective called back, told me the same thing and sure enough my phone started blowing up maybe thirty/forty minutes after that saying it was Alex. Like, the phone went crazy. All of our friend's phones were like going nuts and I believe it was from his girlfriend that told everybody.

CH: Alex's girlfriend?

AL: I believe so, one of the girlfriends because like I said...he never had one main girlfriend. Alex had multiple girls that he saw there was not just main, one main girl. There was tons of girls.

AL: Anything that you guys want to know, I will tell you. I don't care, I have nothing to hide anything.

CH: You've told us a lot.

AL: Anything, I have nothing to hide and like I told the guy before, I have heard stuff over the days and I...I'll tell you guys anything that you want to know. I'll do whatever I have to do I have nothing to hide.

CH: you have, you've told us a lot and that's very helpful. So thank you.

AL: I have nothing to hide, I didn't know that he was going to do this. I didn't know that he took my car. I shouldn't have reported the car stolen.

SZ: So did you call the police that night?

AL: I'm the one...not for...

SZ: not for the gun...but the...

AL: No...yes for my car, when the...yes absolutely when I knew that my car was gone...absolutely. Friend or not...like I said I don't give a shit who it was.

SZ: But here's the thing...not that it's going to help you but...the officers were responding to a Man With a Gun call and they got the description of the car that had left. They didn't stop the car

because you had reported it, “stolen.” They stopped the car because it had left the bar, someone called in a, “fight” and someone called in a, “man with a gun.” The officers got the description of the car, they saw it (car), they pulled the car over, the car took off, and then they found it (car) later.

AL: See that’s not what the stuff was saying on the news, like stuff they were saying on the news that I’ve already done interviews with cops. I have not and that’s what it says on the news.

SZ: Yeah? The news doesn’t know what it’s talking about. It has...and we’re going to put out a video which describes that, we’re going to the call and we’re going to put...there will be the 911 call of the bar and the fight, and all of that. So...

AL: Is it going to be of me too reporting it stolen?

SZ: uhh...I don’t know...I don’t if that’s part of it or not, we’re going to have to look and I think the officers, if I remember right, I don’t think they got the stolen car part. I think they just got the fight.

AL: I...I just know that I’m so scared I can’t have my kids here and I need my kids.

SZ: Yeah...well we’ll review that and uhh...

AL: I will do whatever I have to do.

SZ: I know, we’ll review that we’ll see about unfortunately with stuff like this which I doubt they’re going to put the 91...they wouldn’t put the information out there. Stuff like this everybody gets like, “we have to release information” because of the new laws. The public’s right to know about officer involved shootings and stuff like that. Uhh so, so a lot of it becomes, “public” and we don’t have the option we have to release stuff but we can redact certain names right? So we release stuff but we redact the names. So we can do stuff like that.

AL: If you do, will you at least give me a, “heads-up?” so I don’t have to be here.

SZ: Yeah. So, we’ll uhh...when we go...it’s going to be a couple weeks before that video comes out. But maybe Cam can give you a call before it comes out we can tell you.

AL: So I can get out of here? Because I really don’t want my kids hurt.

SZ: Yeah, no...I understand. That’s a legit concern. So, but we’ll see what we can do in the video to try to limit that.

CH: Do you have any questions for us?

AL: I’m just wondering when I’m going to be able to go back? I just want to be with my kids and I just want to...I’ve already spent so much money taking Ubers to work because nobody is talking to me now and... so I can get out of here so I can go be with my kids. I’m sorry I’m crying I’m really scared.

SZ: Do you have her phone number?

CH: Yeah.

[End of interview]

OME FINAL REPORT SUMMARY: On June 13, 2023 @ 0935 hours State of Utah Office of the Medical Examiner Dr. Ben MURIE, D.O. conducted a forensic autopsy examination of Alex LOPEZ at the State of Utah Office of the Medical Examiner –

. The concluded opinion by Dr. B. MURIE submitted finding(s) on the 24th day of August, 2023 is as follows: “This 23-year-old male, Alex Chase Lopez, was involved in an altercation with law enforcement. Gunfire was exchanged and Mr. Lopez was shot. Given the investigative information and the examination findings, it is my opinion that the cause and manner of death are as stated above (Manner of Death: Homicide – Cause of Death: Gunshot Wounds)” – dated the 24th day of August, 2023.

Specifically, gunshot wounds of an indeterminate range of fire to include: Head, Abdomen (right and left aspect), and left lower extremity. A toxicology examination resulted in the following: cocaine*, benzoylecgonine**, ethanol***, caffeine****, 7-aminoclonazepam*****, and cocaethylene***** detected.

*Cocaine is a tropane alkaloid that acts as a central nervous system stimulant. As an extract, it is mainly used recreationally and often illegally for its euphoric effects and is a DEA Schedule II drug.

**Benzoylecgonine is the major metabolite of cocaine. It is formed by hydrolysis of cocaine in the liver, catalyzed by carboxylesterases. It is excreted in the urine of cocaine users after processing in the liver.

***Ethyl Alcohol (drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgement, reduced alertness and impaired muscular coordination.

****Caffeine is a central nervous system stimulant of the methylxanthine class. It is mainly used as a eugeroic or as a mild cognitive enhancer to increase alertness and attentional performance.

*****7-Aminoclonazepam is an active metabolite of clonazepam. Clonazepam is an intermediate to long-acting benzodiazepine hypnotic used in the treatment of insomnia and in the prevention and treatment of various seizure disorders.

*****Cocaethylene (Cocaine/Ethanol by-product) is the ethyl ester of benzoylecgonine. It is structurally similar to cocaine, which is the methyl ester of benzoylecgonine. It is formed when cocaine and alcohol are in the circulation at the same time.

Call Detail Records [CDR]:

On July 19th, 2023 this investigator petitioned the 2nd District Court (Ogden, UT) with a Search Warrant Affidavit that granted access to the Call Detail Records (CDR) of Sheldon Lopez’ cellular telephone service. This investigator requested the following information to be provided by the cell phone carrier/provider: Subscriber information, Billing and Credit Information, Service Information, and Call Detail Records (CDR). The Search Warrant Affidavit was reviewed and signed by 2nd District Court Judge

Joseph BEAN dated the 19th Day of July, 2023 @ 04:34 PM. After which time the Search Warrant was submitted to the cellular telephone provider electronically following their specific guidelines.

On August 3, 2023 this investigator received an electronic response by Sheldon LOPEZ' cellular telephone carrier/provider to include the information requested in the Search Warrant submitted to them on July 19, 2023. The information provided by the cellular telephone carrier/provider indicates that Sheldon LOPEZ' cellular telephone was using cell towers near the location of Historic Bar and 8th Street, Ogden, UT 84404 before, during, and after the incident. However, an exact location during the specific time range cannot be determined. A summary of the time spent near each tower location provided is as follows (Note - typical coverage radius of a cell tower is 1 to 3 miles and in dense urban environments, a cell tower usually reaches ¼ mile to 1 mile before handing off a user's connection to another nearby cell tower site):

*6/13/2023 11:21:11 PM to 6/13/2023 11:32:58 PM –
6/13/2023 01:18:21 AM to 6/13/2023 01:29:03 AM -
6/13/2023 01:36:47 AM to 6/13/2023 02:12:03 AM -
6/13/2023 02:26:28 AM to 6/13/2023 02:26:52 AM -
6/13/2023 02:34:10 AM to 6/13/2023 06:43:57 PM –
6/13/2023 05:33:40 AM to 6/13/2023 07:59:56 AM –
6/13/2023 06:14:15 PM to 6/13/2023 06:28:34 PM –
6/13/2023 07:54:34 AM to 6/13/2023 09:54:34 AM -*

FOUND PROPERTY:

On September 24, 2023 homeowner Neil SIMMONS contacted the Ogden City Police Department to report that he had found an item in his backyard , Ogden, UT 84404) that did not belong to him (**23G69683**). Officer Z. SCOTT responded to the reported address and made contact with the complainant, Neil SIMMONS. It was reported that Neil SIMMONS was in the backyard of his property spending time with his grandson (unidentified) when he noticed a yellow backpack placed in some foliage at the back of his property.

Neil SIMMONS reported that he did not recognize the backpack and was certain that it did not belong to him. He then inspected the backpack and the items inside hoping to determine the rightful owner. Neil SIMMONS continued to explain that the only property inside of the backpack was a laptop and upon opening the lid he observed the lock screen to have the name, "Alex Lopez." Neil SIMMONS recognized that the name matched the individual who was involved in an officer involved shooting earlier that year.

Officer Z. SCOTT took custody of the backpack, laptop, and transported the items to the Ogden City Police Department to be entered for safekeeping (found property). On October 11, 2023 Investigator S. HANEY and this investigator responded to , Ogden, UT 84404 to meet with Neil SIMMONS to show us where he had located the backpack and search his property for any additional evidence related to this case. After a lengthy search of Neil SIMMONS' backyard property, we were not able to locate any additional evidence that may be related to this case. Neil SIMMONS was encouraged to contact the Weber County Attorney's Office with any further information regarding this case.

INTERMOUNTAIN WEST REGIONAL COMPUTER FORENSICS LABORATORY (IWRCL):

On August 10, 2023 @ 1345 hours The Apple iPhone 13 (Model: A2482) seized on June 13, 2023 @ 0415 hours and determined to belong to: Alex LOPEZ was transported to the Intermountain West Regional Computer Forensics Laboratory – for forensic examination. This was authorized by Second District Court Judge Reuben J Renstrom was signed Search Warrant #2703011 on August 9, 2023 @ 1529 Hours.

A Probable Cause Affidavit was submitted indicating that on item(s) described as: Apple iPhone 13/Model: A2482/Color: Green/SIM: “R15-T-Mobile” evidence of said account and all related records of text messages, SMS messages, MMS messages, Chats, photos/images taken and received, videos taken and received, pictures messages, web history, all user account information, device locations, all iMessages (iPhone only) sent and received, all audio and video recordings and all chat app account information to include all communication from those apps be turned over to the Weber County Attorney's Office.

- All deleted text messages, SMS, MMS, iMessages, photos, video and apps.
- Text messages
- SMS messages
- MMS messages
- Chats
- Photo's / Images taken and received from outside sources.
- Videos taken and received from outside sources.
- Pictures message
- Web History
- All user accounts
- Device locations
- All Imessages sent and received
- All audio and video recordings
- All chat app account information to include all communication from those apps

Weber County Attorney's Office is NOT a contributing agency to the IWRCL, therefore any submitted evidence is put on a, “waiting list” as those agencies who ARE a contributing to the IWRCL take precedence. Because of this the Apple iPhone 13 submitted in this case took exactly 256 days to complete the forensic examination. Upon receiving the completed results, this investigator inspected what was provided and was only able to locate photographs of Alex LOPEZ holding a firearm that appears to match the one used in this incident (SEE PHOTOS BELOW). Nothing else of evidentiary value was located on the device.



Created: 06/02/2023



Created: 06/02/2023



Created 06/02/2023



Created 05/03/2023

CONCLUSION: This conclusion will address the actions of Officer Brayden CUFAUD to determine if the use of deadly force was reasonable and justified under Utah law.

On June 13, 2023, Alex Lopez began shooting his firearm without provocation and in an ambush style attack attempting to seriously injure and/or murder Ogden City Police Officers Brayden CUFAUDE and Michael DOUGHERTY. It is clear from the surveillance video and body cameras obtained and reviewed that Alex LOPEZ was intending to seriously injure and/or murder the police officers who arrived with their patrol vehicles. This took place as Alex LOPEZ stood partially obstructed by a tree in darkness near the vehicle that had been taken without the owner's authorization.

When Officer Brayden CUFAUDE relocated the Lincoln Navigator, shortly after the occupants inside of the vehicle fled from a traffic stop, he immediately took fire from Alex LOPEZ who fired at least six (6) times during the incident (this is determined as it is unknown as to exactly how many bullets he had and fired as possible additional shell casings could have gone undetected). Officer Brayden CUFAUDE took cover behind his assigned patrol vehicle and returned fire six (6) times towards Alex LOPEZ. This was evident from bullet impacts to Officer Brayden CUFAUDE's patrol vehicle.

Officer Michael DOUGHERTY also took fire from Alex LOPEZ as he arrived to assist Officer Brayden CUFAUDE. This was evident from a bullet impact to Officer Michael DOUGHERTY's patrol vehicle. Eventually, Officer Michael DOUGHERTY made it to the back of Officer Brayden CUFAUDE's vehicle where the two officers could communicate and formulate a plan to apprehend Alex LOPEZ.

Officer Brayden CUFAUDE was the only Ogden City Police Officer to fire his assigned handgun in the direction of Alex LOPEZ. Alex LOPEZ was struck by four (4) bullets ultimately ending his life while concealing himself from the police in front of the Lincoln NAVIGATOR. It can only be assumed, as Officer Brayden CUFAUDE declined to make a statement to this investigator, that Officer Brayden CUFAUDE was in fear for his own life when he decided to take deadly force action.

However, it can be safely assumed that he knew as shots were being fired at both himself and Officer Michael DOUGHERTY they were in immediate danger of being killed or seriously injured when he initially found the Lincoln Navigator and returned fire. It is also unclear as to exactly what he knew or saw when he arrived on the scene. It is clear by body cameras and residential

surveillance that there was active gunfire from Alex LOPEZ when Officer Brayden CUFAUDE fired his weapon.

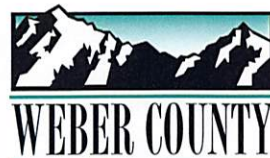
There were upwards of six (6) shots fired at officers during this incident. This was evident by the shell casings located near Alex LOPEZ's body and the bullet impacts on the patrol vehicles. It is clear from the evidence that Alex LOPEZ was trying to seriously injure or murder the officers before being shot himself. He posed a clear danger to the police officers, the residents who were asleep in their homes, and anyone else in the neighborhood that night that might have attempted to stop him.

The facts of this case very clearly show that Officer Brayden CUFAUDE was acting in self-defense of not just himself but Officer Michael DOUGHERTY and the nearby community he had sworn to protect. Officer Brayden CUFAUDE was in imminent danger of being killed by the unexpected and completely unprovoked attack/ambush by Alex LOPEZ. Using less than deadly force would have been inadequate under these circumstances.

Alex LOPEZ was under the influence of illicit drugs and alcohol that may have caused him to become excessively aggressive. He also had additional live rounds/bullets that were readily available to him. Officer Brayden CUFAUDE, assumed to being afraid for his own life saved his own life, his fellow officer's life, and possibly the lives of others through his quick and decisive actions.

The digital videos obtained corroborates what Officer Michael DOUGHERTY described had taken place and what the physical evidence supported. All of the information contained in this report should be considered when determining if Officer Brayden CUFAUDE was justified in using deadly force against Alex LOPEZ.

*Cameron Hartman
Criminal Investigator
Force Investigations/Homicide Task Force
Weber County Attorney's Office*

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May 20, 2024

Chief Eric Young
Ogden Police Department
2186 Lincoln Ave.
Ogden, Utah 84401

RE: OFFICER-INVOLVED SHOOTING - OFFICER CUFUADE

Dear Chief Young:

Investigator Cameron Hartman, with assistance from investigators with the Weber County Force Investigation Team and the Weber County Homicide Task Force, has completed the investigation of the officer-involved shooting involving officer Bradyn Cufauade which occurred on June 13, 2023 in the 700 block of 8th Street. Officer Cufauade did not provide a witness statement.

I have thoroughly reviewed the investigation and discussed it at length with investigators and senior prosecutors in my office. The circumstances and evidence set forth in this letter are just a summary of the much-more detailed information provided in the full investigation report provided along with this letter. My conclusions are as follows:

Summary:

At approximately 0125 hours on June 13, 2023 Weber Area Dispatch received a "man with a gun" call. The unidentified caller reported that she was "pretty sure there's a shooting happening outside the [Historic] bar" in Ogden. The caller stated that the incident occurred approximately two minutes prior. She further described seeing the following: "a tall guy with tattoos and a mask" arrive in a Lincoln Navigator, and that he had a gun: "there was also another girl driving a Chevy Malibu with another girl and that they all have guns." The caller then stated that the man with the gun left the bar in a black Lincoln Navigator driving north on Lincoln boulevard.

A short time later, Officer C. Taylor located the Navigator in the 300 block of 17th Street and performed a traffic stop. As Officer Taylor was waiting for other officers to arrive, the Navigator sped away eastbound on 17th Street. Officers witnessed the vehicle run a red light at the intersection of 17th Street and Washington boulevard. Officer Taylor told dispatch that they were pursuing the vehicle and provided a license plate number. Taylor lost sight of the vehicle and other officers joined the search for the vehicle. At approximately 0136 hours, Officer B. Cufauade informed dispatch, "I got it over here on 700 8th Street" quickly pulling in behind the west-facing Lincoln which was parked in front of a residence on 8th Street on the north side of the street.

As Officer Cufauade was slowing to a stop, Alex Lopez was standing on the north sidewalk near the Lincoln Navigator. Lopez immediately began shooting at Officer Cufauade's patrol vehicle striking the vehicle on the driver's side front grill. Cufauade was still in his patrol vehicle when the first shot was fired. He quickly tripped his overhead police strobe lights, placed his vehicle in park, jumped out and retreated to the rear of his car to take cover. Officer M. Dougherty arrived in his marked police vehicle just seconds after Officer Cufauade. Three gunshots can be heard on Dougherty's body cam as Cufauade returned fire from behind the rear of his vehicle. Alex Lopez then fired a round toward Officer Dougherty striking his vehicle in the hood on the driver's side. Dougherty jumped out of his vehicle and took cover behind the driver's door and A-pillar of his vehicle. Dougherty drew his firearm and yelled "police . . . don't move!" and Cufauade then yelled, "Show me your hands!" Dougherty then informed dispatch, "four-one shots fired . . . shots fired!" Dougherty then ran over behind Cufauade's vehicle, and additional shots were exchanged between Cufauade and Lopez. When the exchange of gunfire began, Cufauade told Dougherty that he saw two individuals leave the scene.

Officer B. Bourne arrived on scene during the gunfire exchange and made her way to the other officers behind Cufauade's vehicle. Officer Bourne was directed to take her shield around the east side of the residence of 708 E 8th Street and to take a position on the west side of that residence for a better view of the front of the Lincoln Navigator. This house is directly south of where the three (3) officers were. Bourne repositioned herself and informed the other officers, "I've got eyes-on he's not moving." Followed by, "I've got good eyes-on him, he's not moving at all." After several minutes, officers approached Lopez who was lying on the street in front of the Lincoln Navigator and placed him in handcuffs. Medical assistance arrived shortly thereafter and determined that he was deceased. A 9mm Taurus handgun with extended magazine was found in Lopez' hand, and several spent 9mm casings were found lying next to Lopez' body. In addition, multiple live 9mm rounds were found in his pocket, and another extended 9mm magazine with 28 live rounds was located near his body. It was determined that Officer Cufauade was the only police officer to fire his weapon. It appears that he fired a total of six shots. Alex Lopez was also found to have shot approximately six times at the police officers. An autopsy revealed that Lopez had cocaine and alcohol in his system at the time.

Analysis

Pursuant to Utah Code Section 76-2-404(2) “The defense of justification applies to the use of deadly force by an officer . . . when: (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.” In *Graham v. Conner*, 490 U.S. 386 (1989), the United States Supreme Court instructed that “reasonableness” for law enforcement officers must be assessed objectively, in light of a “reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* At 396 (internal citations omitted). The *Graham* court also explained that “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Id.* At 397.

In this case officers were called out to a “man with a gun” call. It was reported that one or more individuals carrying firearms had arrived at the Historic bar, and the caller expressed concern that a shooting was going to take place. A man with a gun had been seen leaving the bar in a black Lincoln Navigator. Officers attempted to stop the Navigator, but it sped away. Within minutes, Officer Cufaude located the Navigator, now stationary, on the side of the road in a residential neighborhood. Immediately, and without provocation, Cufaude was met with gunfire from someone near the Navigator. Cufaude’s vehicle was struck with a 9mm bullet, and he quickly lit up his overhead police lights and took cover behind his vehicle. Moments later Officer Dougherty arrived in another marked police vehicle and the assailant fired at him as well, with a bullet striking the front of his vehicle. Both officers yelled at the shooter to “show me your hands,” and “don’t move!” The shooter did not flee, but continued to exchange gunfire with Officer Cufaude.

Because Officer Cufaude did not provide a statement, we are left to draw reasonable inferences from the totality of the circumstances in order to determine whether his use of force was justified under the law. Fortunately we have Officer Dougherty’s statement in addition to a great deal of physical and circumstantial evidence to assist us in our determinations. A thorough review of the evidence including body/dash cam footage, 911 call, dispatch recordings, witness statements, bullet counts, etc. leads us to certain conclusions. For instance, it is reasonable to infer that Officer Cufaude was aware of the nature of the situation he was about to encounter because dispatch called it out as a “man with a gun.” Clearly Cufaude was aware that he and Dougherty were under attack by an assailant who was actively shooting at them. The shooter continued to fire at Cufaude and Dougherty despite the fact that they arrived in marked police vehicles with at least one set of overhead police lights flashing. This would have made it obvious that they were

police officers. Therefore it was clearly reasonable for Officer Cufaupe to believe that deadly force was necessary to prevent death or serious bodily injury to him, his fellow officers, and/or nearby residents. We conclude therefore that Officer Cufaupe was justified in his use of force in light of all the facts and circumstances.

Please feel free to call me if you would like to discuss this further.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Allred", with a stylized flourish at the end.

Christopher F. Allred
Weber County Attorney