

# Utah County Attorney

## Criminal Division



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November 3, 2014

Chief Andrew Burton  
Saratoga Springs Police Department  
1307 N. Commerce Drive, Suite 120  
Saratoga Springs, Utah 84045

Re: September 10, 2014, Officer Shooting of Mr. Darrien Hunt

As you know, pursuant to Utah Code Section 17-18a-401, I am charged and authorized to "conduct, on behalf of the state, all prosecutions for a public offense committed within [the] county." Pursuant to Utah Code Sections 26-4-6, -7 and -21, I investigate Utah County deaths that occur, among other reasons, as a result of violence, gunshot or accident, I am to "determine if the decedent died by unlawful means," and I am to "determine if criminal prosecution shall be instituted."

The Utah County Law Enforcement Officer Involved Incident Protocol Task Force has concluded its investigation into the September 10, 2014, shooting of Mr. Darrien Hunt by City of Saratoga Springs Police Officers. After reviewing the results of that investigation and the pertinent statutes and case law, I find that Saratoga Springs Corporal Matthew Schauerhamer and Officer Nicholas Judson were justified in their use of deadly force against Mr. Hunt, and this office will therefore not institute a criminal prosecution against Corporal Schauerhamer or Officer Judson.

The following is a brief factual summary of what I believe occurred and a short analysis of how I arrived at my findings and decision:

### FACTS

On September 10, 2014, at approximately 9:40 a.m., Officer Judson was dispatched to a suspicious person in the area of Harvest Hills Boulevard and Redwood Road in Saratoga Springs, Utah. The suspicious person was reportedly walking down Redwood Road carrying a sword.

Within three or four minutes of being dispatched, Officer Judson saw Mr. Hunt walking south on Redwood Road near the Panda Express Restaurant at 1413 North Redwood Road in Saratoga Springs. Officer Judson made a U turn on Redwood Road, drove south and saw Mr. Hunt turn into the Top Stop Gas Station parking area at 36 West State Road 73 in Saratoga Springs. Officer Judson turned into the Top Stop parking lot, stopped and tried unsuccessfully to

verbally make contact with Mr. Hunt. Officer Judson then parked and tried to catch up to Mr. Hunt on foot.

At about 9:44 a.m., Corporal Schauerhamer arrived at the Top Stop to assist Officer Judson. Corporal Schauerhamer pulled into the Top Stop parking lot and saw Officer Judson walking behind Mr. Hunt, apparently trying to catch up. Corporal Schauerhamer watched Mr. Hunt walking briskly in front of the Top Stop toward the Cyprus Credit Union to the west of the Top Stop. Corporal Schauerhamer pulled through the Top Stop parking lot and parked in between the Cyprus Credit Union and the Top Stop car wash.

As Corporal Schauerhamer got out of his marked patrol car, Mr. Hunt walked to the front of that car and Officer Judson walked to the front passenger side of the car. Mr. Hunt was within three to four feet of each officer as they began talking. Both officers observed that Mr. Hunt had a sheathed samurai type sword, either in his left hand or affixed to his left side. Mr. Hunt had earbuds in and had been presumably listening to music, but removed at least one of them when he and the officers began talking. As the officers began speaking with Mr. Hunt, the situation was “normal” in that Mr. Hunt was calm and—other than carrying a sword in a public place—seemed non-threatening. The officers did not detain or arrest Mr. Hunt, and he did not try to avoid or elude the officers. The officers and Mr. Hunt engaged in an “everyday” type conversation about what Mr. Hunt was doing and where he was going. Corporal Schauerhamer recalls the conversation as follows, and Officer Judson’s recollection is substantially similar:

Schauerhamer to Hunt: “Hey, man. What’s going on?”

Hunt: “I’m looking for a ride.”

Schauerhamer: “Ok. Well hey, I need you to talk to you a sec. Do you mind setting your Samurai sword on my car?”

Hunt: “I can’t do that.”

Schauerhamer: “Why not?”

Hunt: “It’s my sword.”

Schauerhamer: “Ok. You can’t just set your sword on the hood of my car for a second?”

Schauerhamer: “So what are you doing?”

Hunt: “I’m looking for a ride to Orem.”

Schauerhamer: “Ok. “Who’s gonna give you a ride?”

Hunt: “Anybody.”

Schauerhamer: “Huh. Well I can give you a ride to Orem, but you gotta give me that sword.”

Hunt (something like): “Why can’t I have the sword with me?” “It’s my sword.”

Schauerhamer: “Well, you’re gonna be in the back of a police car, man. You can’t have a sword with you.”

Both Corporal Schauerhamer and Officer Judson indicate that at about this point in the conversation Mr. Hunt’s demeanor changed. Officer Judson believed there was a short pause, and both officers report that Mr. Hunt then rapidly and without warning withdrew the sword from its sheath, moved toward (Corporal Schauerhamer uses the word “jumped”) and swung it at one or both of the officers (it is unclear from the officers’ interviews—both apparently thought the other was in the most danger; one other eyewitness seems to indicate Mr. Hunt swung the sword toward Corporal Schauerhamer). It is readily apparent that both officers, in the instant

after Mr. Hunt unsheathed the sword and swung it toward them, believed the sword to be what it appeared—a three to four foot long weapon capable of killing or causing serious bodily injury. While it is unclear exactly how close Mr. Hunt was to the officers as they spoke and as Mr. Hunt withdrew the sword, they were close enough that Officer Judson felt he had to physically turn and retreat in order to avoid being struck by the sword and one witness, Ms. W, indicated that if the officer Mr. Hunt swung the sword at hadn't moved back it would have struck him in the stomach.

Both officers drew their service weapons and shot at Mr. Hunt. It is unnecessary for purposes of my analysis to determine the sequence and placement of shots, but it appears likely that in this first volley of shots, as Mr. Hunt was turning, reaching for Officer Judson, Corporal Schauerhamer shot Mr. Hunt in the rear of his right shoulder area and in his right forearm.

After this first volley of shots, Mr. Hunt turned and began running. Corporal Schauerhamer pursued him with Officer Judson following. Corporal Schauerhamer yelled “stop!” to Mr. Hunt, who nonetheless continued running east and then north toward the Panda Express Restaurant. As Mr. Hunt ran north, onto the east side of the Panda Express building, Corporal Schauerhamer fired one more round at Mr. Hunt. Mr. Hunt then ran around the north side of Panda Express, heading toward the Wal-Mart parking lot immediately to the west of the Panda Express.

As Corporal Schauerhamer rounded the north side of the Panda Express building he had closed to within 10-15 feet of Mr. Hunt. It is important to note that Mr. Hunt had still not dropped the sword or the scabbard. Corporal Schauerhamer indicated that “all [he] could think about as [he] was chasing him was stopping him before he got back to people,” referring to the people in the Wal-Mart parking lot and at the Top Stop, and he was worried that “[Hunt] was gonna come around [the corner of the Panda Express] and hack the first person he saw.” Corporal Schauerhamer, while on the north side of the Panda Express, fired three more times at Mr. Hunt. Some of these rounds struck Mr. Hunt and he fell onto the sidewalk. During this pursuit—from the initial encounter until falling onto the sidewalk--Mr. Hunt continued to maintain the sword in one hand and its sheath in the other. He did not drop the sword until he fell on the sidewalk.

Corporal Schauerhamer quickly arrived to Mr. Hunt's location, called for EMS and a helicopter, but also observed that Mr. Hunt was critically injured. Mr. Hunt apparently passed away shortly thereafter—before EMS arrived.

The area where this incident occurred was a retail shopping area in Saratoga Springs. At the time of this incident, there were employees, customers, and other persons present at the Top Stop, the Cyprus Credit Union, the O'Reilly Auto Parts store immediately across the parking lot from the Panda Express (at 1428 North Redwood Road) and the Wal-Mart parking lot. The Panda Express was closed. Consequently, after Mr. Hunt swung or stabbed at the officers and began running, the Top Stop and Cyprus Credit Union establishments and customers were immediately accessible to Mr. Hunt. After running east and north, the O'Reilly Auto Parts Store employees and customers were immediately accessible to Mr. Hunt. And, after running west in front of the Panda Express, the Wal-Mart customers in the parking lot and, back to the south, the Top Stop and Cyprus Credit Union employees and customers were immediately accessible to Mr. Hunt. In fact, there were persons present at each of these locations.

## LAW

The pertinent section of law is Utah Code Section 76-2-404, Peace Officer's Use of Deadly Force. Section 76-2-404 states: "(1) A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force 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 another person." Section 76-2-404(2) also states: "If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1)(b) or (1)(c)."

In a somewhat different context (civil rights claims), the U.S. Supreme Court and other federal courts have provided guidance on when an officer is constitutionally permitted to shoot a fleeing person.

In *Tennessee v. Garner*, 471 U.S. 1 (1985), an officer encountered an individual suspected of burglarizing a home. The officer ordered the fleeing suspect to stop but the suspect refused and proceeded to climb over the fence. The officer shot the suspect even though the officer was "reasonably sure" the suspect was not armed. The officer was relying upon a Tennessee statute which stated that if, after a police officer has given notice of an intent to arrest a criminal suspect, the suspect flees or forcibly resists, "the officer may use all the necessary means to effect the arrest." *Garner* at p.4. The suspect's father sued claiming the officer violated his son's constitutional rights by using excessive force.

The U.S. Supreme Court in *Garner* stated that the "use of deadly force to prevent the escape of all felony suspects, whatever the circumstances is constitutionally unreasonable. It is not better that all felony suspects die than they escape. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force." *Garner* at 11. However, the court continued its analysis by stating, "[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. *Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious bodily injury, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.*" *Id.* at 11-12. (Emphasis added.)

Similarly, in *Montoute v. Carr*, 114 F.3d 181 (11<sup>th</sup> Cir. 1997), officers responded to a call where a large crowd was involved in fighting and also reports of gunfire. Upon arriving at the scene, an officer heard a shotgun fire and observed Montoute walking away from the officer carrying a pistol-grip, sawed-off shotgun which was a felony in Florida. *Carr* at 182. As the officer approached Montoute, who was carrying the weapon, Montoute stated, "Don't shoot me, Officer. I on your side, man. I just take the gun from the guy." The officer repeatedly told Montoute to drop the shotgun but he refused and began running away. The officer pursued Montoute and fired a shot which struck Montoute with a non-life-threatening wound. Montoute sued the officer claiming the officer had used excessive force but the officer raised the defense of qualified immunity. *Id.* at 183-4.

The U.S. Appeals Court for the 11<sup>th</sup> Circuit began its analysis by stating, "In order to be entitled to qualified immunity from a Fourth Amendment claim, an officer need not have actual

probable cause [to believe Montoute posed a threat of serious physical injury to either the officer or others] but only ‘arguable probable cause,’ i.e., the facts and circumstances must be such that the officer reasonably could have believed that probable cause existed.” See *Williamson v. Mills*, 65 F.3d 155, 158 (11<sup>th</sup> Cir. 1995) (‘to enjoy qualified immunity, [the officer] need only have *arguable* probable cause’). *Carr* at 184. The court continues by saying, “We have repeatedly held that because only arguable probable cause is required, the inquiry is not whether or not probable cause actually existed, but instead whether an officer could have believed that probable cause existed, in light of the information the officer possessed. *Id.* Montoute “argues that once he passed where Carr [the police officer] was standing and was running away, no officer reasonably could have believed that Montoute continued to pose such a risk.” *Id.* at 185. The court disagreed with Montoute’s argument and stated, “We are not convinced that the danger Montoute posed vanished in a matter of a few steps. More to the point, an officer in those circumstances reasonably could have believed that the danger Montoute presented did not end after he passed Carr. We accept for the present purposes that, once past Sergeant Carr, Montoute never turned to face him again, and Montoute never actually pointed the sawed-off shotgun at anyone. But there was nothing to prevent him from doing either, or both, in a split second. At least where orders to drop the weapon have gone unheeded, an officer is not required to wait until an armed and dangerous felon has drawn a bead on the officer or others before using deadly force. *Id.*

The court concluded by stating, “In view of all of the facts, we cannot say that an officer in those volatile circumstances could not reasonably have believed that Montoute might wheel around and fire his shotgun again, or might take cover behind a parked automobile or the side of a building and shoot at the officers or others. Indeed, if the officers had allowed Montoute to take cover, or perhaps circle back around to the crowd, he could have posed even more danger than when he had presented a clear target as he approached them.” *Id.*

Finally, in *Ryder v. Topeka*, 814 F.2d 1412, (10<sup>th</sup> Cir. 1987), officers received information that certain individuals were planning to commit a robbery involving a Pizza Hut and that the individuals were armed with guns and knives. *Ryder* at 1415. Officers arrived at the scene and concealed themselves nearby the restaurant. While on scene, the officers received word from an informant that part of the group had broken off and decided to rob the restaurant at 11:00 p.m. instead of 11:30 as originally planned. The three suspects entered the restaurant and the officers moved in to make arrests. The suspects were taken into custody and removed from the scene. Once again, officers concealed themselves to await for the second group of suspected robbers. Officers observed the second group of three suspects arrive at the restaurant. Two suspects entered the restaurant while one waited outside as a lookout. When the two suspects exited the restaurant, officers raced to the scene with their weapons drawn ordering the suspects to stop. Ryder, one of the suspects, refused to stop and the officer began pursuing her. The suspect neared a building when the officer fired and struck the suspect in the back. Ryder survived the shooting and subsequently sued the officer claiming the officer violated her constitutional rights by using deadly force.

The U.S. Court of Appeals for the 10<sup>th</sup> Circuit cited to *Tennessee v. Garner*, 471 U.S. 1 (1985) to assist it in analyzing the facts. The court quoted *Garner* saying, “Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not just justify the use of deadly force to do so.” See *Garner* at 11.

However, the court reminds us that the *Garner* decision also addresses the circumstances where it is constitutionally permissible for an officer to use deadly force “to apprehend a fleeing felon.” *Ryder* at 1417. These circumstances include where a “suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious harm.” *Ryder* at 1418 quoting *Tennessee v. Garner*, 471 U.S. 1, 11. The court in *Ryder* relied upon the guidance in *Garner* to determine the following issues: “(1) whether Detective Meyer had probable cause to believe that the suspect he was pursuing posed a threat of serious physical harm to himself or others; (2) whether the deadly force employed by Detective Meyer was necessary to prevent the suspect’s escape; and (3) whether Detective Meyer gave some warning, if feasible, to the suspect.” *Id.* Although Detective Meyer did not see the suspect actually carrying a weapon when he pursued her from the restaurant, the court in *Ryder* looked at the totality of information Detective Meyer possessed at the time of the encounter. The court stated that “a jury could infer that Detective Meyer had probable cause to believe that the suspect he was chasing down the darkened alley was both armed and prone to violence.”

In analyzing the second prong set forth in *Ryder*, the court reviewed the testimony from both Detective Meyer and expert witnesses who testified at trial. Detective Meyer testified that he was concerned about pursuing the suspect around the corners of buildings—with the suspect going out of his view—which could have placed his life in jeopardy. In addition, trying to pursue the suspect in a vehicle involves taking additional time on the part of the officer which could have allowed the suspect an opportunity to escape. The court in *Ryder* concluded that “[b]ased on a careful review of the evidence presented at trial, we conclude that there was sufficient evidence to support the jury’s verdict that the use of deadly force was necessary to prevent Ryder’s escape. *Id.* at 1423.

## ANALYSIS

**Initial Encounter/First Shots:** There are at least four available witnesses to Corporal Schauerhamer’s and Officer Judson’s initial encounter (in front of Corporal Schauerhamer’s car, in between the Cyprus Credit Union and the Top Stop) with Mr. Hunt: the two officers, Ms. W and Mr. Z (there were additional witnesses, but none that remained attentive until the officers’ use of deadly force). All four witnesses indicate that Mr. Hunt, as he was speaking with the officers, abruptly and without apparent provocation withdrew his sword from its sheath and immediately swung it or stabbed toward at least one of the officers. Mr. Hunt’s actions, in their apparent speed, violence and unprovoked nature, evidenced an intent to kill or cause serious bodily injury to one or both of the officers. I would note that even if this was not Mr. Hunt’s subjective intent, from the officer’s perspective there could have been no other purpose in Mr. Hunt’s actions. In fact, Corporal Schauerhamer indicated that because of how fast and violent Mr. Hunt drew the sword, he was “100% certain” Mr. Hunt’s intent was to hurt them.

Thus, in this initial encounter, it is clear that both officers discharged their firearms in order to prevent their own death or serious bodily injury, or to prevent the death or serious bodily injury of the other officer. Their belief that deadly force was necessary to prevent death or serious bodily injury was objectively reasonable given the fact that Mr. Hunt was swinging or stabbing at them with a three foot sword and was in close enough proximity that one of the officers

physically retreated and one jumped back in order to avoid the sword blade.

**Second Encounter/Last Shots:** The only available witness to Corporal Schauerhamer's shot fired on the east side of the Panda Express is Corporal Schauerhamer (additionally there is a partial video clip). There are two available witnesses to Corporal Schauerhamer's shots fired on the north side of the Panda Express Building, Corporal Schauerhamer and Mr. H (who is able to provide only partial information). As noted above, after the first volley of shots between the Cyprus Credit Union and the Top Stop, Mr. Hunt turned and began running east and north toward the Panda Express. Corporal Schauerhamer pursued him with Officer Judson following. Corporal Schauerhamer yelled "stop!" to Mr. Hunt, who ignored or didn't hear the command and continued running. As Mr. Hunt ran onto the east side of the Panda Express building, Corporal Schauerhamer fired another round at Mr. Hunt. As noted above, Corporal Schauerhamer indicated that "he was worried that "[Hunt] was gonna come around [the corner of the Panda Express] and hack the first person he saw." When asked about this shot, Corporal Schauerhamer indicated that he felt he was also still in danger from Mr. Hunt both because he couldn't let Mr. Hunt escape while still armed and apparently willing to use the sword against people, and because "all [Hunt] had to do was turn around and it was back on again."

Mr. Hunt then ran around the north side of Panda Express, heading west. As Corporal Schauerhamer rounded the north side of the Panda Express building he had closed to within 10-15 feet of Mr. Hunt, and he fired three more times at Mr. Hunt. Referring to these shots, Corporal Schauerhamer stated that "all [he] could think about as [he] was chasing him was stopping him before he got back to people," referring to the people in the Wal-Mart parking lot and at the Top Stop. It is also evident, given the gap between them and the nature of the pursuit, that if Mr. Hunt had quickly turned around he would have been able to use the sword against Corporal Schauerhamer before Schauerhamer could react. Some of these rounds appear to have struck Mr. Hunt and he fell onto the sidewalk. In fact, the round that struck Mr. Hunt in the right side of his back and was ultimately the fatal shot, likely was discharged during this volley of shots. During this pursuit—from the initial encounter until falling onto the sidewalk--Mr. Hunt continued to maintain the sword in one hand and its sheath in the other. He did not drop the sword until he fell on the sidewalk.

As noted above, the area where this incident occurred was a retail shopping area in Saratoga Springs and at the time of this incident, there were employees, customers and other persons present at the Top Stop, the Cyprus Credit Union, the O'Reilly Auto Parts store and the Wal-Mart. Consequently, after Mr. Hunt swung or stabbed at the officers and began running, the Top Stop and Cyprus Credit Union establishments and customers were immediately accessible to Mr. Hunt. After running east and north, the O'Reilly Auto Parts Store employees and customers were immediately accessible to Mr. Hunt. And, after running west in front of the Panda Express, the Wal-Mart customers in the parking lot and, back to the south, the Top Stop and Cyprus Credit Union employees and customers were again immediately accessible to Mr. Hunt. Again, as noted above, there were persons present at each of these locations.

Thus, in this second encounter or series of shots, I find that Corporal Schauerhamer's actions--discharging his firearm at Mr. Hunt on the east and north sides of the Panda Express--were objectively reasonable; Corporal Schauerhamer shot Mr. Hunt in order to prevent

his death or serious bodily injury and in order to prevent the death or serious bodily injury of other people.

I note that neither Corporal Schauerhamer nor Mr. H indicate they saw other persons in the immediate vicinity of the north side of the Panda Express. However, the law does not require that other persons be immediately present. The law requires that Corporal Schauerhamer “reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to [himself] or another person.” Corporal Schauerhamer’s belief that deadly force was necessary to prevent death or serious bodily injury to himself and to others was objectively reasonable given Mr. Hunt’s prior, unprovoked assault, the fact that he continued to carry in his hand an unsheathed samurai type sword even after two police officers shot at and likely wounded him, the fact that he did not stop after given a verbal command to do so, and Corporal Schauerhamer’s reasonable (and true) belief that there were multiple persons Mr. Hunt could have assaulted or even killed if he had been allowed to continue to escape (if left to escape Mr. Hunt would easily have reached any of the above mentioned commercial establishments prior to the arrival of back-up police forces). Stated differently, I don’t find it reasonable to require that Corporal Schauerhamer permit a person who is armed and has most immediately attempted to wound or kill police officers to escape into a presently populated retail area. While the results of what occurred between Mr. Hunt and the officers is most tragic, borrowing from the 11<sup>th</sup> Circuit Court of Appeals analysis in *Montoute*, if the officers had allowed Mr. Hunt to escape, take cover, or perhaps circle back to the Top Stop or continue to the Wal-Mart, he would have posed an extreme danger to Utah County citizens.

#### **Other Issues:**

There has been a claim by some persons that the sword was not, in fact, a weapon. A dangerous weapon is defined in Utah Code Section 76-10-501(6)(ii) as “an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.” Further, this section provides factors used to determine if an object, other than a firearm, is a dangerous weapon: “(i) the location and circumstances in which the object was used or possessed; (ii) the primary purpose for which the object was made; . . . (iv) the manner in which the object was unlawfully used; (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and (vi) the lawful purposes for which the object may be used.”

The claim that Mr. Hunt’s sword is not a weapon has no merit in the context of what occurred and, in fact, the sword was clearly a dangerous weapon. An in-depth application of the dangerous weapon factors from 76-10-501 is not necessary because Mr. Hunt’s sword was most obviously “an object that in the manner of its use or intended use [was] capable of causing death or serious bodily injury.” Multiple witnesses confirm that the object carried by Mr. Hunt appeared to be a samurai type sword. These witnesses were able to infer the nature of the object even though the actual sword remained sheathed up until Mr. Hunt withdrew it to swing or stab toward the officers. In fact, neither officer had an opportunity--prior to Mr. Hunt swinging it at them--to view the sword’s blade. Nonetheless, in the brief instant the officers were able to view it, it would have appeared to be constructed of metal, over three feet in total length with a blade length of over two feet, and its use at that moment (Mr. Hunt swiping or stabbing at them) was



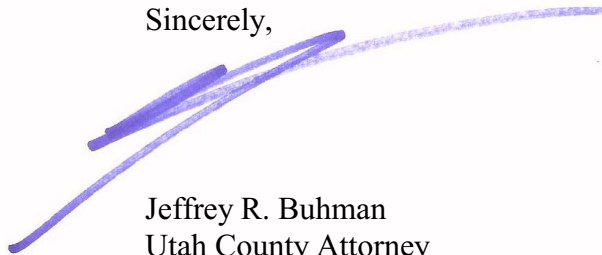
clearly intended to cause death or serious bodily injury. Further, the investigators into this incident found that the sword's point is sharp and its blade is relatively sharp (not sharpened to "professional" standards, but not dulled as a souvenir-type blade might be intentionally dulled).

There has also been a claim that the officers used deadly force because of Mr. Hunt's race. This claim is pertinent to my analysis (regarding the officer's use of deadly force) only if I determine that the officers have committed an underlying offense and the officers are eventually convicted of a specific offense. Because, as noted below, I find the officers were justified in their use of deadly force and will not be charged with a criminal offense, there is no application of Utah Code Section 76-3-203.4, Hate Crimes—Aggravating Factors. Nonetheless, in my review of this investigation, I have found no evidence whatsoever that Mr. Hunt's race, ethnicity, color, gender or age was a factor in what did or did not occur between the Saratoga Springs police officers and Mr. Hunt on September 10, 2014.

### CONCLUSION

Based on the totality of circumstances, I conclude that Corporal Matthew Schauerhamer and Officer Nicholas Judson were legally justified under Utah Code Sections 76-2-404 in their use of deadly force against Mr. Hunt on September 10, 2014. Pursuant Utah Code Section 17-18a-401, I determine that this office will not institute a criminal prosecution against either Corporal Schauerhamer or Officer Judson.

Sincerely,



Jeffrey R. Buhman  
Utah County Attorney

cc: Saratoga Spring Chief Andrew Burton; Robert Sykes