



**Office of the District Attorney**  
**Fifth Judicial District**

*Serving Clear Creek, Eagle, Lake, and Summit Counties*  
Heidi S. McCollum, District Attorney

January 23, 2024

Agent in Charge Gregg Slater	(sent via email)	Gregg.Slater@state.co.us
Agent Tammi Krebs	(sent via email)	Tammi.Krebs@state.co.us
Colorado Bureau of Investigation		
690 Kipling Street		
Lakewood, CO 80215		

**Re: Officer Involved Shooting – deceased Connor Hart (CBI File 2023-458)**  
**Letter of Declination**

Dear Agents Slater and Krebs:

Thank you for presenting your investigative findings regarding the officer involved shooting which occurred October 16, 2023 in Silverthorne, Colorado. I have had an opportunity to review the investigation by your agency, including written reports, dash-cam footage, body-cam footage, audio recordings, interviews, photographs, and physical evidence. Pursuant to C.R.S. §§16-2.5-301 and 20-1-114, I am issuing this report and declination letter. Herein is my determination based on information contained in your agency's investigation.

On Monday, October 16, 2023 from approximately 7:57pm to 8:08pm there were multiple events that began at the TJ Maxx at 297 Summit Place in Silverthorne, Colorado and ended at the bottom of the I-70 EB off ramp in Silverthorne. What follows is the sequence of those events during that time. While only one officer was involved in the shooting of the suspect, law enforcement personnel from multiple agencies responded, including Silverthorne PD, Colorado State Patrol, Summit County Sheriff's Office, Dillon PD, Frisco PD, and Breckenridge PD.

Report of car theft in-progress:

Summit County Dispatch received a 911 call from the TJ Maxx store at 7:57pm. The caller reported that someone was trying to steal a car in the parking lot. Police were dispatched at 7:58pm to the TJ Maxx location at 297 Summit Place, Silverthorne.

PO Box 2000  
Georgetown CO 80444  
303-217-5222

PO Box 295  
Eagle CO 81631  
970-328-6947

PO Box 965  
Leadville CO 80461  
719-486-4170

PO Box 488  
Breckenridge CO 80424  
970-453-3520

Dillon Police Officer Ryan Rice was the first officer on scene at the TJ Maxx store. Officer Rice was not able to actually contact the suspect. Officer Rice tried to contact a man who appeared to be breaking into a Volvo, and the suspect began to run north through the parking lot toward Highway 6. Officer Rice reported that the suspect had fled on foot and the suspect was heading north toward Highway 6.<sup>1</sup>

Cariacking attempt (#1) at the 7-11/Conoco station:

Silverthorne PD Sergeant Jacob Arneson was on duty and as part of responding to the information from dispatch, he asked dispatch how the reporting party knew that someone was trying to steal a car. Dispatch responded to Sgt. Arneson that the reporting party said the suspect had broken the window. Sgt. Arneson heard the suspect had fled on foot and Sgt. Arneson began looking for someone matching the description, which was that the suspect was wearing a camo jacket and was travelling north on Highway 6. The suspect at this time was heading westbound on foot, either on or adjacent to Highway 6 toward the 7-11/Conoco station located at 120 Blue River Pkwy in Silverthorne.

Sgt. Arneson began driving west on Highway 6 and noticed several people standing at the edge of the 7-11/Conoco parking lot at the top of the embankment who seemed to be looking at both Sgt. Arneson and the highway. Sgt. Arneson thought that was curious and pulled into the 7-11/Conoco Station and pulled in behind three already parked cars to see if any of these individuals had seen someone matching the suspect's description. As Sgt. Arneson pulled into the 7-11/Conoco parking lot, he rolled down the passenger window and asked one of the individuals if they had seen someone running. He received an immediate response from a man that he described as appearing 'frantic' who told Sgt. Arneson that a man was stealing his car, and that the man had a gun.

The man who said this was later identified as Pablo Sanabria. Mr. Sanabria and his wife, Irma Cristancho, were both sitting in his brother's (Juan Sanabria) car. Pablo was in the front passenger seat and his wife was behind him in the rear passenger seat. They both described the suspect getting into the driver's seat of the car, pointing a handgun at Pablo's head and demanding the keys to the car. Ms. Cristancho was able to get out of the car while the suspect was pointing the gun at her husband. In a later witness statement, Mr. Sanabria said that a man jumped in the front driver's seat and pulled a gun and pointed the gun at him while he was sitting in the front passenger seat. A police officer then arrived and the suspect got out of the car and began to run away.

Juan Sanabria, the owner of the vehicle, was standing outside of his vehicle when he saw the suspect walk up and get into the driver's seat of his car. He said the suspect pointed a handgun at his brother Pablo. That is when an officer arrived and he told the officer that the suspect had a gun. The man with the gun ran when the officer pulled into the parking lot, and the officer ran after him. Mr. Sanabria said the officer gave several warnings and then described hearing gunshots as "fire was exchanged".

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<sup>1</sup> At the location, Highway 6 runs slightly northwest and southeast, but the lanes are designated as eastbound and westbound.



Upon hearing Mr. Sanabria say that a man just tried to steal his car and that the man had a gun, Sgt. Arneson got out of his patrol car and saw what appeared to be a man, wearing a camo jacket get out of the driver's side of one of the parked cars in front of him and begin to run away from the gas station parking lot. This man, the suspect, jumped down the embankment and headed back onto Highway 6, again heading west. It was later learned that the suspect had pointed a gun at the passenger of the vehicle he was in and had demanded the keys.

Sgt. Arneson immediately got out of his patrol car and ran down the embankment from the 7-11/Conoco parking lot onto westbound Highway 6 following the suspect. The suspect started running west on Highway 6. Sgt. Arneson unholstered his gun because of the information he received from Mr. Sanabria. Sgt. Arneson gave several loud commands for the suspect to stop and show his hands. All of Sgt. Arneson's commands to the suspect to stop were ignored. As Sgt. Arneson ran after the suspect, he saw the distinct shape of a grip of a black handgun. The gun was in the suspect's right hand as he was running.

Another witness to this event, Ms. Chavarria described what she saw. Ms. Chavarria was at the 7-11/Conoco helping her brother pick up his car. Ms. Chavarria witnessed the suspect in Pablo Sanabria's car point a gun at another guy in the car. After the man had pointed a gun at the guy in the car, she said the man with the gun got out of the car and ran into the street. She saw an officer run after him who was telling the man to "stop" and to "leave the gun", but the man kept running.

#### Carjacking attempt (#2) on eastbound Highway 6:

The suspect continued to run west into oncoming traffic. Sgt. Arneson now had confirmation that the suspect had a gun. Sgt. Arneson continued to give loud verbal commands which were ignored. The suspect continued to run west in the middle of three lanes into oncoming traffic on Highway 6.

Sgt. Arneson saw the suspect approach an on-coming white SUV heading eastbound and tried to forcefully open the driver's door. He saw the suspect directly face the driver. Knowing that the suspect had a gun, Sgt. Arneson determined that this driver's life was in danger as they were being actively carjacked by the suspect. At this point, Sgt. Arneson fired a set of five shots at the suspect. Sgt. Arneson did not see any immediate physical reaction from the suspect, indicating that he had not hit the suspect. The driver of this vehicle was never able to be identified and interviewed.

#### Carjacking attempt (#3)

Sgt. Arneson continued to shout three commands: "Stop"; "Show me your hands"; and, "Drop the gun" or "Drop it". Sgt. Arneson pulled out his flashlight for additional light to assist him. The suspect continued to run west on eastbound Highway 6 turning left heading up onto the eastbound off ramp. The suspect approached one of the vehicles stopped at a red light at the bottom of the I-70 eastbound off-ramp. The suspect approached the driver's side of the stopped vehicle. Sgt. Arneson did not have a clear line of shot at this time and as such did not fire his weapon. Sgt. Arneson saw the suspect attempt to carjack this vehicle because the suspect stopped at the driver's side door and tried again to forcefully open

this vehicle's door. This vehicle, sped away. The driver of this vehicle was not identified and no statement was obtained from them.

During this entire encounter, Sgt. Arneson never saw the suspect drop anything. Sgt. Arneson stated in a later interview that he realized the suspect was growing more desperate. The suspect was continuing to try to carjack multiple vehicles, and Sgt. Arneson was concerned that the suspect was willing to use and capable of using deadly force to gain access to a vehicle to flee. The suspect was not complying with any of the commands that were being given, and Sgt. Arneson was concerned for the lives of the people in the vehicles that were being subjected to attempted carjackings by the suspect.

#### Carjacking attempt (#4):

The driver of a brown Ford F-150 truck, Mr. Steven Hoffbauer, had exited eastbound I-70 and was near the bottom of the off ramp when he saw a police vehicle pass him from behind on his left. The police vehicle got into the left-hand turn lane at the bottom of the off ramp, and turned right, heading east on Highway 6.

At this point, Mr. Hoffbauer was approximately three to four car lengths from where one would stop for the light at the bottom of the off ramp. He then noticed someone "stumbling through the intersection like they might have just gotten hit by a car". Mr. Hoffbauer's first thought was that when cars were moving over for the police vehicle that had just come down the off ramp, that possibly one of the cars accidentally hit this person with their car. As Mr. Hoffbauer was concerned that this individual may have just been hit by a car, he was thinking of how he may be able to help.

The individual stumbled in front of Mr. Hoffbauer's truck and came around to his driver's door. As Mr. Hoffbauer began to roll down his window, the individual opened Mr. Hoffbauer's door. Mr. Hoffbauer then felt what he described as a muzzle flash, he heard a bang, and he felt "gun powder" on his face. Mr. Hoffbauer also described the event as, "I felt something hit my face." Mr. Hoffbauer immediately accelerated away from the area by turning left onto Highway 6 continuing west under both lanes of I-70. Mr. Hoffbauer turned around and headed back east on Highway 6 to the 7-11/Conoco where he saw multiple flashing lights from law enforcement vehicles. He stated that he thought that would be a safe space to give a report of what had just happened to him.

Directly behind Mr. Hoffbauer was Timothy McCandless. (Mr. McCandless and Mr. Hoffbauer are co-workers, but Mr. McCandless did not know that it was Mr. Hoffbauer in the truck in front of him at the time of the incident.) Mr. McCandless described hearing gunshots as he was exiting I-70 onto Highway 6 and he saw the suspect running up the off ramp. Mr. McCandless said he saw the suspect holding a gun in his right hand and he saw an officer approximately 10 yards behind him loudly yelling to "stop" and to "drop the gun". He saw the suspect open the door of the truck directly in front of him. When asked how much time elapsed from when the suspect touched the driver's door handle to when the truck sped away, Mr. McCandless said: "Long enough for the door to go from a crack to wide open, the individual leaned into the car, a gun fired, and then it looked like, I don't know if he stepped back or if the gentleman pushed him out of the car and gunned it."



### Suspect falls:

Sgt. Arneson saw the suspect approach Mr. Hoffbauer's truck which was stopped at the time. Sgt. Arneson described that he saw the suspect forcibly open the driver's side door and address the driver. Sgt. Arneson fired six more shots at the suspect until the suspect fell to the ground.

Sgt. Arneson radioed in that the suspect was down and requested emergency medical services. Additional law enforcement personnel in the area were immediately on scene. Frisco PD Officer Cole Wicklund handcuffed the suspect after the suspect had been shot and was on the ground. Medical attention was given to Mr. Hart, however he died on scene at approximately 8:08pm.

The Summit County Coroner identified the suspect as Connor James Hart, DOB: 06-30-1996. An autopsy was conducted at the Boulder County Coroner's Office on October 18<sup>th</sup>, 2023 by Dr. Daniel Lingamfelter, D.O., pathologist. The autopsy report indicates that Mr. Hart suffered two gunshot wounds: one to the left side of his face and exiting on the right side of his face; and, a second entering from behind on the left side of his back and exiting his anterior left chest.

The opinion of Dr. Lingamfelter in the report states:

It is my opinion that Connor Hart, a 27-year-old White male, died as a result of a gunshot wound of the back. The bullet perforated the left lung and grazed the heart, resulting in massive blood loss and his subsequent death. Investigation and autopsy findings are consistent with these injuries being the result of the actions of another person.

Dr. Lingamfelter indicated in his report that the manner of death was ruled a homicide.

### Timeline of events

7:56pm	Dispatch received 911 call regarding the car break in at TJ Maxx parking lot.
7:57pm	The 911 caller and the dispatcher use Voiance (translation service) to assist communication. 911 caller reported that a male is inside a black car and trying to steal it.
7:59pm	911 caller said he does not know who the vehicle belongs to but saw a male break the window and the male is inside the car.
8:00pm	Dillon PD Officer Rice arrives on scene at TJ Maxx parking lot.
8:01pm	Officer Rice airs that the suspect ran; was last seen wearing camo hoodie, pants and white shoes; He was last seen heading northbound on Highway 6 [sic.] on foot.
8:03pm	Inaudible shouting.
8:03pm	Shots fired (Sgt. Arneson).
8:04pm	Suspect down (Sgt. Arneson).

8:04pm           Emergency medical dispatched.

8:07pm           Several gunshot wounds to upper thoracic-patient not breathing

8:09pm           Patient is not breathing

8:10pm           Additional medical requested to stand down.

#### Weapons

A Stoeger brand Cougar 8000LT was identified as the gun that Connor Hart had in his possession throughout this incident. This gun was fired two times by Mr. Hart during these events. During the investigation, two shell casings, confirmed to be from this gun, were recovered after being located near Mr. Hart's body. In the gun, one 9mm round was still in the chamber, and seven live rounds were in the magazine. No law enforcement officers or any civilians were injured as a result of these gunshots.

An ATF search of this gun indicated that Connor Hart was not the registered owner. This gun was reported stolen out of Farmington, NM between 11:30am on June 4, 2022 and 5:30pm on June 5, 2022. The report was made to the Farmington Police Department on June 5, 2022. The reporting party indicated that the gun had been stolen as a result of their car being broken into. The reporting party is the same individual who was confirmed by the ATF search, as the purchaser of this gun.

The gun used by Sgt. Arneson, his duty weapon, was a Glock, 9mm Luger pistol, model 19 Gen5. Sgt. Arneson fired his weapon a total of eleven times during this incident.

#### Connor Hart, DOB: 06/30/96

At the time of this shooting, Mr. Hart had four outstanding warrants for his arrest, one of which was for Motor Vehicle Theft. It is unknown if Mr. Hart was employed. Mr. Hart was captured on surveillance shoplifting at TJ Maxx approximately 10 minutes before the initial report of the in-progress car theft in the TJ Maxx parking lot. Mr. Hart and his girlfriend Katie Suggs, were and are respectively, suspects in multiple vehicle break-ins in Silverthorne which occurred in the days leading up to and including October 16<sup>th</sup>. They were/are respectively, also suspected in shoplifting at various stores in the area that day.

#### Sergeant Jacob Arneson

Jacob Arneson was a sergeant with Silverthorne PD on October 16, 2023. He had been with Silverthorne PD since August 2018 and had no previous law enforcement experience. He had been a Sergeant for approximately one year. He graduated in April 2018 from the POST Academy at the Pikes Peak Regional Law Enforcement Academy in Colorado Springs.

He is a Field Training Officer and a Less Lethal Instructor for Silverthorne PD. He has been to DUI and ARIDE courses and was previously an Intoxilyzer-9000 instructor, but not currently. He has not had any prior military training or experience, and this was the most critical incident that he has been involved in in his law enforcement career.



Sgt. Arneson last qualified for his POST certification shooting requirements in the summer of 2023. At the time of this shooting, his weekly work schedule was 5:00pm to 3:00am, Sunday through Wednesday. Sgt. Arneson was briefed as per usual when he came on duty on Monday evening which included receiving a briefing from the day sergeant and day patrol about a brown Volvo XC60 with obstructed temporary Colorado plates that had been involved in trespassing into (breaking into) vehicles. As such, Sgt. Arneson was asked to conduct extra patrols through town to keep an eye out for the vehicle.

There was no less lethal option available to Sgt. Arneson to stop the suspect from carjacking another person at gunpoint. He was not close enough to use a taser, or OC spray (commonly referred to as pepper spray).

When asked if the oncoming traffic headlights interfered with his line of sight, Sgt. Arneson said that he did not believe so and did not recollect that he was unable to see the suspect because of vehicle headlights.

#### Statutory Determination

A peace officer is justified in using deadly force if: (1) the officer has objectively reasonable grounds to believe that the officer or another person is in imminent danger of being killed or receiving serious bodily injury; (2) the officer does in fact believe that the officer or another person is in imminent danger of being killed or receiving serious bodily injury; and, (3) the officer has an objectively reasonable belief that a lesser degree of force is inadequate. C.R.S. §18-1-707(4.5).

Acting in self-defense or defense of others is subject to the same analysis. C.R.S. §§18-1-704(1) & (2) state in pertinent part that: (1) [...] a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose. (2) Deadly force may be used only if a person reasonably believes a lesser degree of force is inadequate and: (a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury.

In deciding whether Sgt. Arneson was justified in acting in self-defense or defense of others it is irrelevant whether Mr. Hart was actually trying to injure any of the individuals in the cars he attempted to carjack, as long as a reasonable person, under the circumstances would believe that deadly force was necessary to prevent imminent harm or death. The facts must be viewed as they appeared to Sgt. Arneson at the time.

The information obtained in the investigation in this matter, includes the recollections of the events from officers Sgt. Arneson, victims of carjacking attempts, witnesses on scene and statements of other witnesses. These statements are consistent with one another and are supported by Sgt. Arneson's body-worn camera and multiple retail business video cameras. Mr. Hart's actions on October 16, 2023

posed an immediate danger to each victim of the attempted carjackings, every driver and pedestrian on or near Highway 6 at the time of this incident.

Mr. Hart repeatedly failed to comply with the commands of Sgt. Arneson to stop and drop the gun. Mr. Hart's multiple attempts to steal vehicles, regardless whether they were parked, in motion in the middle of a three lane Highway, or stopped at a red light, indicated his intent to continue to victimize people at gunpoint until he got what he wanted ... a car to steal and flee. Mr. Hart's continued attempts to steal occupied vehicles at gunpoint, could only have been interpreted to any reasonable person that he was using deadly force, and intending to continue using deadly force against anyone who stood in his way. Sgt. Arneson's use of lethal force by firing his duty weapon at Mr. Hart, was justified, as he reasonably believed it was necessary to defend and protect random people from being carjacked at gunpoint and being killed in the process. Sgt. Arneson reasonably believed Mr. Hart was using and was going to continue to use imminent deadly physical force. Sgt. Arneson's actions were justifiable self-defense and justifiable defense of others. In light of this determination, the Office of the District Attorney hereby declines to file any criminal charges in the fatal shooting of Connor Hart.

Regards,



Heidi S. McCollum  
District Attorney

cc: Chief Alice Cary, Silverthorne PD  
Chief Cale Osborne, Dillon PD  
Chief Tom Wickman, Frisco PD  
Chief Jim Baird, Breckenridge PD  
Sheriff Jaime FitzSimons, Summit County Sheriff's Office  
Captain Jared Rapp, Colorado State Patrol