



DATE: February 6, 2023
TO: City Council
FROM: Office of the City Attorney
SUBJECT: *Liam Anderson v. Winifred Lepine et al.*, Case No. 2023CV9, El Paso County District Court

This memorandum addresses the facts alleged in the above-referenced case as you consider the claims made against the involved City employees.

NATURE OF THE CASE

On July 25, 2019, Plaintiff Liam Anderson crashed a vehicle and was found by two citizens with his throat slashed by a self-inflicted wound. As the citizens attempted to render aid, Mr. Anderson stole their vehicle, sped off and crashed that vehicle into the yard of Winifred Lepine. Ms. Lepine reported to 911 operators and responding officers that after hearing the crash she stepped out on her back deck to find Anderson running directly towards her overpowering her as she tried to retreat into her home. Ms. Lepine escaped Mr. Anderson then attempted to hide in a bedroom with her two children, but Anderson forced his way into that room as well. She reported Mr. Anderson repeatedly tried to strangle her as she physically struggled with him. Her husband, Stephen Lepine, arrived home and, assisted by a neighbor, fought with Mr. Anderson until law enforcement arrived. Mr. Anderson kicked several police officers while they took him into custody and rendered aid for his injuries.

Mr. Anderson was charged with numerous felony offenses including Attempted First-Degree Murder, Burglary of a Dwelling, and Assault on a Peace Officer. Mr. Anderson plead guilty to Attempted First-Degree Murder, Robbery and Burglary and was sentenced on June 21, 2021 to 34 years in the Colorado Department of Corrections.

Mr. Anderson has brought a pro se civil action against 11 named CSPD employees who were involved in the investigation of the events of July 25, 2019 and 3 named CSPD employees who were involved in responding to records requests made by Mr. Anderson and his family in the years since his convictions.¹ Anderson's complaint includes additional claims against the Lepine family, the neighbor, the El Paso County Sheriff's

¹ 2 former CSPD employees have not been served with this lawsuit and their representation is not being requested at this time.

Office, the Fourth Judicial District Attorney's Office and his former criminal defense attorney, Will Cook.

Mr. Anderson first asserts claims of civil fraud, false reporting, and slander/libel against CSPD Defendants claiming that police reports and media statements, which included the statements of the Lepines, the neighbor and other witnesses, allegedly perpetuated the false narrative of strangulation. He further claims CSPD Officers failed to describe in their reports his attempts to flee the Lepine residence and the physical attack he suffered at the hands of Mr. Lepine and his neighbor.

Anderson's second claim against CSPD Defendants alleges violations of due process and withholding of evidence in a criminal prosecution under the Colorado constitution. Specifically, Mr. Anderson claims that some 911 audio recordings, BWC recordings, police radio traffic recordings and photographs were not turned over to the prosecution during the pendency of the criminal case. Additionally, he claims that records requests made since his convictions have been delayed or are incomplete.

Mr. Anderson seeks monetary as well as non-monetary relief.

RECOMMENDATION

The Civil Action Investigation Committee has met and recommends that the City represent Officers Alexis Falcon, James Eckels, Nathan Schnur, Levi Braun, Dylan Peters, Sgt. Robert Dazey, Cpl. Troy Lindvall and CSPD employees Mark Lackey, Marisa Salazar, Tiffany Vaughan, Alana Shuff and Jeremy Sheldon as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. All City employees were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, City Council should reserve the right not to pay any award of punitive damages.