



Sheriff Richard A. Reigenborn

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## MEMORANDUM

**TO: Division Chief Chris Laws**  
**FROM: Sergeant Jeremy Whytock**  
**DATE: July 16, 2019**  
**SUBJ: Executive Summary IA2019-0018**

**LOCATION OF OCCURRENCE: North Main Street and Lincoln Avenue, Breckenridge, CO 80424**

**DATE OF OCCURRENCE: July 13, 2019**

**EMPLOYEE(S) INVOLVED: Deputy James Daugherty III**

**EMPLOYEE(S) SUPERVISOR: Sergeant [REDACTED]**

### **BACKGROUND:**

On July 13, 2019 at 2:14 A.M., Deputy James Daugherty was involved in a physical altercation with [REDACTED] and [REDACTED] in the city of Breckenridge. During the altercation, [REDACTED] was injured and received stitches above his left eye. [REDACTED] also suffered serious bodily injury to his right ear, Doctor [REDACTED] [REDACTED] signed off on serious bodily injury [REDACTED] [REDACTED] Deputy Daugherty was arrested for second degree assault and posted bond.

### **ALLEGATION 1.**

Adams County Sheriff's Office Policy, Standards of Conduct, 201.2.11 CONFORMANCE TO LAW

Sheriff's employees shall obey all laws of the United States and of any state or local jurisdiction in which they are present. When an employee is arrested or issued a criminal or traffic summons for which 8 points or more may be assessed, the employee's immediate supervisor must be notified when it is practically possible. A conviction for the violation of any law shall be "prima facie" evidence of a violation of this section. The dismissal or other disposition of any criminal offense shall not preclude the charging of a

Sheriff's employee with violating these Standards of Conduct. The material elements constituting a violation of these Standards to be proven shall be based upon the elements of the law, statute or ordinance alleged to have been violated through a preponderance of evidence. If an employee is found guilty by a judge or jury or pleads guilty or nolo contendere to any charge or violation of law, the Sheriff's Office need not reestablish that the violation of law occurred.

## **ALLEGATION #2**

Adams County Sheriff's Office Policy, Standards of Conduct, 201.1.6 PROFESSIONAL CONDUCT

A Sheriff's employee is a conspicuous representative of government; and to the majority of the people, the employee is a symbol of stability and authority upon whom they can rely. An employee's conduct is closely scrutinized; and when actions are found to be excessive, unwarranted or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an employee, on- or off-duty, may reflect directly upon the Sheriff and the County, employees must at all times conduct themselves in a manner that does not bring discredit to themselves, the Sheriff's Office, the Sheriff or the County.

## **INVESTIGATION:**

### **WITNESS: Breckenridge Police Officer Micole Kotz**

Summary of Breckenridge Police report, officer supplement.

On July 13, 2019 at 12:53 A.M., Officer Kotz responded to a radio call of a dispute at Napper Tandy's. The call was a trespassing call where two males in black shirts refused to leave the bar. The notes indicated there was a deputy from Adams County on scene.

When Officer Kotz arrived at Napper Tandy's, she saw Officer Kruse speaking with two males with black shirts. Both males in black shirts were identified as [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] told Officer Kotz they were talking to a girl and another male in a green shirt (Deputy James Daugherty) approached them and said "I'm a cop and I can get you arrested." Deputy Daugherty told them to leave or he was going to call the police and flashed his Adams County Sheriff's identification card. [REDACTED] said he pulled out his military identification and said go ahead and call the police. [REDACTED] said they sat down and waited for police to show up because they knew they didn't do anything wrong.

Officer Kotz spoke with the owner [REDACTED] confirmed both [REDACTED] and [REDACTED] were not causing any problems and no one with authority in the building told them they had to leave. [REDACTED] said another male later identified as James M. Daugherty III had been speaking to a female that night and once [REDACTED] started talking to her, Deputy Daugherty told him he was a cop and he

needed to leave. ██████ said the female leave before the police arrived. ██████ said there were no complaints from the female to any of their staff and there were no issues until Deputy Daugherty created one. ██████ said both ██████ and ██████ were welcome to come back to the bar and he wanted Deputy Daugherty trespass from the bar. While Officer Kotz was speaking with ██████, he saw Deputy Daugherty standing approximately 15 feet way with his feet spread apart, his arms crossed, staring at ██████ and ██████

Officer Kotz spoke with Deputy Daugherty. Deputy Daugherty said he was playing pool with an unknown female. ██████ and ██████ started harassing the girl. She went to the bouncer and told him, but the bouncer did nothing. Deputy Daugherty said he stepped in to defend the girls because ██████ and ██████ were harassing them. He announced himself as a police officer and called the cops when they didn't leave the bar. The females left the bar once Deputy Daugherty called the police and he didn't know who they were. Deputy Daugherty said it is his duty to protect the girls because the bouncers ignored them. Officer Kotz told Deputy Daugherty he was being trespassed from the establishment. Deputy Daugherty was angry the bar was trespassing a police officer from their establishment and was in disbelief.

Officer Kotz watched Deputy Daugherty leave the bar and walked west down Lincoln Avenue, across Main Street and west on Ski Hill. Officer's Kruse and Kotz stayed in front of Napper Tandy's. Approximately five minutes later, Officer Kotz saw Deputy Daugherty walking east on Ski Hill, cross the street and walked up to them. Deputy Daugherty said he left his credit card in the bar. Officer Kotz retrieved the credit card from Napper Tandy's. When he returned, Deputy Daugherty was arguing with Officer Kruse.

Deputy Daugherty left upset and walked to Main Street. He went south on Main Street, a few minutes later Officer Kotz saw him walk north on Main Street and walk into Gold Pan Saloon. Officer Kotz and Officer Kruse returned to their duties.

At approximately 2:13 A.M. Officer Kotz saw Officer Kruse driving up Watson Ave. going westbound. She stopped and spoke with Officer Kruse and she said she saw a male taking his shirt off on Main Street and Lincoln Avenue. She said she was going to loop back around to see if anything suspicious was going on. Officer Kotz looped back around going south on Main Street just passing Gold Pan when she heard Officer Kruse call out on the disturbance at 2:14 A.M at 100 Ski Hill Road in front of Craniology in Breckenridge Colorado.

Officer Kotz arrived seconds after Officer Kruse aired the disturbance. Officer Kotz saw Officer Kruse with three male parties. Officer Kotz recognized all three males from an earlier radio call of a dispute at Napper Tandy's. Officer Kotz exited her vehicle and told Deputy Daugherty to move to Main Street in front of Craniology to separate him from ██████ and ██████. Officer Kotz observed red splatter on Deputy Daugherty's left cheek, his nose, and on his forehead. She saw red smear marks on his hands that appeared to be blood. His left knee had a small scrape. Officer Kotz asked Deputy Daugherty if he was hurt or needed medical attention. Deputy Daugherty said no.

Officer Kotz asked Daugherty what happened. He told Officer Kotz he was walking home and the two guys from Napper Tandy's jumped him and tried to swing on him. He attempted to deescalate the situation by telling them to calm down while he put one of them in a headlock and then the police arrived.

Officer Kotz asked him how the incident started. He said they started yelling at him and a man in a red shirt ran up from south Main Street and started defending him from the two men and got into a physical altercation with [REDACTED] and [REDACTED]. He tried to break up the fight and the guy in the red shirt ran away and then the police car pulled up. Officer Kotz asked if he knew the man in the red shirt. He said he had never met him before. Officer Kotz asked him why he thought the man came up and started to defend him by getting into a physical altercation with two guys for a verbal argument. Deputy Daugherty said they were already fighting when he walked around the corner. He saw them in the physical altercation with the man in the red shirt and he ran up to separate them. He was able to put one of them in a headlock while the man in the red shirt ran away. Officer Kotz asked what the man in the red shirt looked like. He said he was white and had a red shirt on. Officer Kotz asked for his build, hair color. Deputy Daugherty said he didn't recall, all he knew is he had a red shirt on and he was white. Officer Kotz asked what direction he ran, and Deputy Daugherty said he ran west on Ski Hill Road. Officer Kotz asked Deputy Daugherty if he heard why the unknown man in the red shirt was fighting the other guys. He said they were "shooting the shit" and having a conversation when the man in the red shirt started swinging on them. Officer Kotz asked what they were talking about. He said how they were harassing women.

Officer Kotz informed Daugherty there were cameras in the area and asked him if those cameras would show anything different than what he had told him. Deputy Daugherty said no, but it would look like he was friends with the man in the red shirt, but he does not know him and he just tried to break up the fight. Officer Kotz asked him why it would look like he is friends with the guy in the red shirt. He said he met the man in front of Gold Pan 15 minutes earlier. They walked around the corner where he saw the two men from Napper Tandy's, they started arguing with them and then a fight broke out between [REDACTED] and the guy in the red shirt, he tried to break it up and the guy in the red shirt ran away. Officer Kotz asked Deputy Daugherty if he met the man in Gold Pan. He said yes and then changed his answer to no, and said he was not sure if he was in Gold Pan, and he met him outside and he didn't know anything about him.

Based on the blood splatter, the multiple changing stories from Deputy Daugherty, Deputy Daugherty's body language towards [REDACTED] when Officer Kruse arrived on scene and the severity of injury to the [REDACTED] Deputy Daugherty was issued a summons to court by Officer Kruse. Daugherty was argumentative and initially refused to sign the summons to court and said he had to call his Field Training Officer (FTO). Officer Kotz informed Deputy Daugherty if he did not sign the summons promising to appear in court he would be placed under arrest and taken to the summit county jail. Deputy Daugherty signed the summons and loudly said "you're not pro law enforcement" as he walked away.

The unknown man in the red shirt was never found to provide his side of the story.

Officer Kruse spoke to victim [REDACTED]. Officer Kotz observed [REDACTED] had blood on his face and appeared to be injured.

Officer Kotz followed up with [REDACTED] and [REDACTED] on July 13, 2019 at approximately 6:00 P.M. [REDACTED] said he and [REDACTED] left Napper Tandy's and started to walk towards River Mountain Lodge. They crossed Main Street and saw a man in a green shirt (Deputy Daugherty) and another unknown male running towards them from Main Street coming from the south. He recognized the male as the man who threatened them at Napper Tandy's. He did not recognize the other male but they appeared to be friends. He said Deputy Daugherty started yelling at them regarding how he was kicked

out of the bar and it should have been them for harassment. ██████ told him they are all service men (army, air force and marines). ██████ said, "this set him off" and he shoved ██████ they locked arms and the man in the red shirt who was with Deputy Daugherty punched him in the ear. He and Mr. Daugherty went to the ground where Mr. Daugherty continued to punch him and put him into a choke hold. ██████ said he remembered having a hard time breathing and trying to yell to ██████ to get this guy off him. He said he saw a police patrol vehicle and its lights pull up. Deputy Daugherty released him, and he tried to get away from Deputy Daugherty as fast as he could. ██████ said he was having a hard remember details of the night. The Doctor told him he has a concussion. Officer Kotz informed ██████ if he remembered anything else to let him know.

Officer Kotz observed a large bruise on ██████ left palm. ██████ right knee was skinned, his right ear was purple and had stiches. On the right side of ██████ forehead, he had two cuts both approximately one inch long and it appeared to be swollen between the cuts. Around his left eye was black, dark purple and red. It appeared swollen, he had stiches on his left eyebrow. The white of his eye were now red nearer his nose. The middle of ██████ throat had red mark that reached from his Adam's apple up his throat stopping under his chin. ██████ said he did not get x-rays of his right wrist or left ankle because he was exhausted and just wanted to get home after a long night at the hospital. He said he was having a hard time walking on his left leg due to the injury and his right wrist hurt.

Officer Kotz spoke to ██████ ██████ said they returned inside Napper Tandy's and the owner bought them a beer to apologize for the misunderstanding. When they left Napper Tandy's they walked down to Main Street. As they were crossing Main Street he recognized Deputy Daugherty running at them from South Main Street. He and another male wearing a red shirt caught up to them on the side walk next to Craniology. ██████ said he felt like Deputy Daugherty was waiting for them to leave Napper Tandy's. Deputy Daugherty seemed upset and was not calming down. They were walking away when a ██████ made a comment about them being brothers in arms or servicemen. This comment made Deputy Daugherty angry and he pushed ██████ Deputy Daugherty and the unknown male started punching ██████ as he fell to the ground. ██████ said he saw Deputy Daugherty jump on top of ██████ and put his hands around Mr. Keister's throat. He heard ██████ yell for him to help get Deputy Daugherty off him. ██████ said he saw a police patrol vehicle pull up and the man in the red shirt ran away. He was able to get Deputy Daugherty off ██████ and they attempted to create distance while Officer Kruse came to their aid.

Officer Kotz spoke to ██████ a bar tender at Gold Pan Saloon. ██████. ██████ said he recalled Deputy Daugherty coming into the bar. He had a baseball style hat, and a tattoo on arm. He sat in silence and had ordered two Coors lights. ██████ said Deputy Daugherty was talking to a man in an orange shirt about an incident that happened at Napper Tandy's. ██████ said he recalled Deputy Daugherty saying he was a Police Officer and he was disrespected and treated like he didn't know what he was doing. ██████ said he sounded like he was "amping up" himself and the man in the orange shirt. ██████ said the man with the Orange shirt had been in Gold Pan a good portion of the night. He was not with anyone and he paid cash for all his drinks. He did not appear to know Deputy Daugherty before this meeting. ██████ said they both left the bar together at approximately 1:45am.

Officer Kotz spoke to ██████ Owner of Napper Tandy's. ██████ said he continued to speak with ██████ and ██████ after the trespassing incident at his bar because he was upset they were wrongfully accused. ██████ said they were not angry and continued to have a good time the rest of the night. They did not talk about the incident nor did it seem like they had thought about the incident

for the rest of the night. ██████ said he watched ██████ and ██████ leave his bar at exactly 2:00 P.M. Mr. Bulfin said he did not have any video footage of the incident that happened previously because it happened outside.

**WITNESS: Breckenridge Police Officer Jennifer Kruse**

Summary of Breckenridge Police report, officer supplement.

On July 13, 2019 at approximately 2:14 A.M, Officer Jenifer Kruse was routine patrol in the area of South Main Street and Lincoln Avenue, Town of Breckenridge, County of Summit, State of Colorado. Officer Kruse observed several males on the deck at Breckenridge Outfitters. One of the males did not have a shirt on and appeared to have a red piece of clothing in his hand.

Officer Kruse went around the block and came back to South Main Street and Lincoln Avenue. When Officer Kruse arrived, there were three males that appeared to be in an altercation. One male, later identified as Deputy James Daugherty, appeared to have a male in a blue shirt, later identified as ██████ ██████ in a headlock, and one of the males was yelling.

Officer Kruse activated her emergency lights and the males immediately split up. ██████ moved west down the sidewalk. Deputy Daugherty continued to move aggressively with fists clenched towards ██████ ██████ Officer Kruse gave Deputy Daugherty loud verbal commands to stop and back up. After the second time giving commands, Deputy Daugherty complied. A third party, identified as ██████ immediately sat down on the deck at Breckenridge Outfitters when Officer Kruse turned on her emergency lights. Officer Kotz arrived on scene and Officer Kruse asked her to speak to Daugherty.

Officer Kruse told ██████ to sit down on the deck and he complied. Officer Kruse observed blood on ██████'s face that appeared to be coming from above his left eye. She also observed a small skin flap on the ring finger of his left hand. ██████ also had blood on his hands. Officer Kruse photographed ██████ injuries. Officer Kruse requested medical to respond to evaluate ██████ injuries.

Officer Kruse recognized all three parties from an earlier altercation that had occurred at approximately 12:53 A.M., at Salt Creek, 110 Lincoln Avenue. During the earlier altercation Officer Kruse responded to Salt Creek. Deputy Daugherty immediately identified himself as an Adams County Sheriff's Deputy. Deputy Daugherty appeared to be intoxicated, she could smell as strong odor of an unknown alcoholic beverage coming from his person, his eyes were bloodshot and glassy, and he had an agitated demeanor. Deputy Daugherty pointed out ██████ and ██████ and informed her that they had been harassing two women at the bar and they had refused to leave the bar when he told them to do so.

Deputy Daugherty stated, ██████ and ██████ had been hitting on and harassing a girl that Deputy Daugherty had been playing pool with. Deputy Daugherty had brought it to the attention of the bouncers but was upset when the bouncers did not do anything. Deputy Daugherty identified himself as a Police Officer, and told ██████ and Mr. Hall that they needed to stop harassing women and they needed to leave the bar.

Officer Kruse and Officer Kotz spoke with Deputy Daugherty, ██████ Mr. Hall, the bouncer, and the owner of Salt Creek. The women involved had left the scene prior to their arrival. Officer Kruse determined a crime was not committed. The owner of Salt Creek wanted Deputy Daugherty trespassed for the evening, and felt that Deputy Daugherty was creating a problem because ██████ and ██████ had started talking to a woman that Deputy Daugherty was interested in.

Officer Kotz and Officer Kruse trespassed Deputy Daugherty from Salt Creek. Deputy Daugherty stated it was his "civic duty to intervene" and he could not believe that we were not going to do anything about it. Deputy Daugherty also stated, "I can't believe they are kicking a Law Enforcement Officer out." Officer Kruse informed Deputy Daugherty that especially when he is intoxicated he should not intervene unless someone is in immediate danger, and he should just call the local police for assistance. Deputy Daugherty stated "they could have been in danger" repeatedly. He then stated, "it's harassment it's in the CRS." When we ended the contact Deputy Daugherty still appeared agitated and could not understand why he was being asked to leave the bar. Deputy Daugherty stated he was going to meet some friends and gestured towards South Main Street. It should be noted that [REDACTED] and [REDACTED] also appeared to be intoxicated at the time of this contact.

Officer Kruse asked [REDACTED] what happened at South Main Street and Lincoln Avenue. [REDACTED] said he and [REDACTED] had run across Deputy Daugherty, and another male that appeared to be friends with Deputy Daugherty, on their way home at South Main Street and Lincoln Avenue. Deputy Daugherty told them they can't harass women, and then Deputy Daugherty and the other male started throwing punches, and took him to the ground.

Officer Kruse asked [REDACTED] what the other male looked like. [REDACTED] said the other male was a Hispanic male with a beard, wearing a red shirt and black shorts. [REDACTED] said Deputy Daugherty repeatedly told him and [REDACTED] that he was a cop. She asked him how he got the injury on his hand. [REDACTED] stated he was trying to protect his face when Deputy Daugherty and the male in the red shirt were hitting him. Officer Kruse asked [REDACTED] if he had thrown any punches. [REDACTED] said he did throw punches to protect himself once the fight went to the ground.

Officer Kruse spoke to [REDACTED] While talking to [REDACTED] she observed a smear of blood on the right side of his face and a small amount of blood on his hand. [REDACTED] said he and [REDACTED] were walking home and ran across Deputy Daugherty and a male in a red shirt. They recognized Deputy Daugherty as the person that they had the altercation with at Salt Creek. Deputy Daugherty immediately started to yell at them stating that they were in the wrong talking to women. Deputy Daugherty and the male in the red shirt then started swinging. [REDACTED] said he was trying to get the males off of [REDACTED] [REDACTED] stated at one-point Deputy Daugherty had [REDACTED] face down on the ground in a head lock and would not release him. Once Officer Kruse arrived on scene and activated her emergency lights, the male in the red shirt took off running, and Deputy Daugherty let [REDACTED] go.

Officer Kruse asked [REDACTED] if he was injured. [REDACTED] stated he was not. Officer Kruse asked him how he got the blood on his face. He stated he got the blood on his face while trying to pull Deputy Daugherty off of [REDACTED]

Officer Kruse briefly spoke to Deputy Daugherty. Officer Kruse observed small spots of blood on his face, and blood on his hands. Deputy Daugherty also had a small scrape on his left knee. Officer Kruse asked him if he knew who the male in the red shirt was. Deputy Daugherty stated that he did not know the male and did not know where the male went.

Deputy Daugherty was summonsed into Breckenridge Municipal Court for third degree assault. While explaining the summons, Deputy Daugherty became argumentative and stated that he did not do anything and he was just breaking up a fight. He then stated that he would not sign the summons. Officer Kruse informed him if he did not sign the summons she would have to take him to jail. Deputy Daugherty said, "I need to call my FTO before I sign anything." Referring to his Field Training Officer in Adams County.

Officer Kruse told Deputy Daugherty he needed to sign the summons, or she would be taking him to jail. He signed the summons and then stated, "I guess you guys aren't pro Law Enforcement." Officer Kruse released Deputy Daugherty on the summons. As Deputy Daugherty was walking away he stated, "This is fucking ridiculous."

At approximately 4:52 A.M., Officer Kruse received a phone call from the on-duty Nurse at Saint Anthony's Summit Medical Center (SMC). The nurse informed her that [REDACTED] injuries were consistent with serious bodily injury (SBI). Officer Kruse responded to SMC to obtain a written physician's report of serious bodily injury. The attending Physician, [REDACTED] [REDACTED], completed and signed a Physician's report of serious bodily injury. On the form Doctor Dhaliwal stated the following:

[REDACTED] Officer Kruse took additional photos of [REDACTED] injuries, and had him fill out a medical records release, and a voluntary statement.

**WITNESS: Breckenridge Police Officer Kendra Coffin**

Summary of Breckenridge Police report, officer supplement.

Officer Kendra Coffin was asked by Officer Jenifer Kruse to attempt to make contact with Deputy Daugherty to arrest him. Officer Kruse provided an affidavit in support of warrantless arrest, which outline the probable cause to arrest Deputy Daugherty. Additionally, Officer Coffin was asked to get video footage of the assault-taking place.

Officer Coffin went to Breckenridge Outfitters and met with an employee who identified himself as [REDACTED]. Officer Coffin informed [REDACTED] an assault had taken place just outside of the business, on the sidewalk on July 13, 2019 around 2:14 A.M. Officer Coffin asked [REDACTED] if there was video coverage of the area. [REDACTED] stated there was not. [REDACTED] showed her the video camera coverage he did have. The video coverage was only inside of the store. Merchandise was blocking the windows which was blocking the view to the outside where the assault took place.

At approximately 9:25 A.M., Officer Coffin called Deputy Daugherty and asked if he would be willing to come to the Breckenridge Police Department to speak about the incident last night. Deputy Daugherty said he would walk to the Police Department. Deputy Daugherty arrived at the Breckenridge Police Department around 10:00 A.M. At this time Deputy Daugherty was informed the charge of third degree assault had been changed to second degree assault due to the victim having serious bodily injury (SBI). Deputy Daugherty was placed under arrest at approximately and was transported to the Summit County Jail where he was booked in on second degree assault.

**SUBJECT: Deputy James Daugherty III**

On July 18, 2019 at 11:07 A.M., Sergeant Dan Monares and I conducted an interview with Deputy James Daugherty III in the Internal Affairs Office at the Adams County Sheriff's Office Headquarters, 332 N. 19<sup>th</sup> Avenue Brighton, CO 80601. Attorney Reed Elkus represented Deputy Daugherty. I recorded the interview and the information below is a summary of the conversation. For the complete interview please see the attached recording.

Deputy James Daugherty was given the Garrity advisement. Attorney Elkus signed the form as the witness. Deputy Daugherty said he graduated the P.O.S.T academy in June 2019. He has been a deputy with the sheriff's office for one month. He is currently in F.T.O, phase III, in the Detention Facility.

Deputy Daugherty said on July 13, 2019 he was in Breckenridge Colorado for a friend's bachelor party. He was at Napper Tandy's bar with his friends playing pool and drinking alcohol. They were playing pool with an unknown female. He said the female and her friend had gone to the bouncer at the bar and he overheard them telling the bouncer that they were being harassed by two males (later identified at [REDACTED] and [REDACTED] outside the bar. Deputy Daugherty said the bouncer didn't do anything about it and he went to [REDACTED] and [REDACTED] and told them to leave the bar. He told them he was a law enforcement officer and they needed to leave the bar. [REDACTED] and [REDACTED] refused, and Deputy Daugherty called the police. Deputy Daugherty said the group of people he was with left the bar before the police arrived. Deputy Daugherty talked to the officers and the bar owner wanted everyone to leave the bar. Deputy Daugherty said he left Napper Tandy's and walked over to the Gold Pan Saloon.

I asked Deputy Daugherty why he decided to step in and confront [REDACTED] and [REDACTED]. He said it was kindness. I asked him if he had the right to tell the two males to leave the bar. He said no, "I messed up there." I asked Deputy Daugherty if he was drinking alcohol and how much. He said he drank over six beers. I asked him if he was intoxicated, he replied, "yes."

Deputy Daugherty said when he was at Gold Pan Saloon, he met an unknown male outside the bar. He had a conversation with him. Deputy Daugherty could not remember the unknown male's name, but he was a white male, 24 to 26 years old with blue jeans and a red shirt. The male was 5'9" tall and weighed about 170 pounds. The male might have had small facial hair but wasn't for sure. He believed the male party had a tattoo on his forearm.

I asked Deputy Daugherty if the unknown male was inside the bar with him. He said he believed the male was. I asked Deputy Daugherty if he spoke to the male while inside the bar, he said, "I don't recall." I asked Deputy Daugherty if he was angry that he was kicked out of Napper Tandy's. He said he wasn't angry, he just didn't know why. I asked him if he made a comment to the Breckenridge police officers that he couldn't believe the bar was kicking out a cop. Deputy Daugherty said, "I may have, I don't recall."

I asked Deputy Daugherty during his conversation with the unknown male at the Golden Pan Saloon, what was he talking about. Deputy Daugherty said he believed they talked about "life stuff" and couldn't recall. I asked him if he was talking about being kicked out of the other bar and two guys were harassing girls. He said, "I don't believe so." Deputy Daugherty said they started walking down the street. They walked on Main St. and then turned right on Ski Hill Road. I asked Deputy Daugherty how far apart Napper Tandy's was from Golden Pan Saloon. He said about a block.

Deputy Daugherty said when he turned on Ski Hill Road, he saw [REDACTED] and [REDACTED]. He said the two recognized him from Napper Tandy's and started an argument. Deputy Daugherty said the two were angry because he had called the cops on them. I asked Deputy Daugherty what comments [REDACTED] and [REDACTED] made to him. He said, "I don't recall." I asked him what the unknown male was doing at this point. Deputy Daugherty said he was standing there. He said [REDACTED] and [REDACTED] started yelling at him and coming at him. The unknown male stepped in the help him out. Deputy Daugherty said the argument got heated and he just wanted everyone to separated. Deputy Daugherty said he was trying to separate the unknown male as one of the other males was trying to separate their friend. That was when the fight broke out. I asked him why he just didn't walk away. He said that was what he should have done but he didn't.

Deputy Daugherty said [REDACTED] was pushing [REDACTED] back as he was trying to get the unknown male back. He said the two of them were arguing. I asked him what kind of comments were being made and he

said he couldn't recall. Deputy Daugherty said the unknown male punched ██████ in the face and he fell. The unknown male was on top of ██████ punching him. Deputy Daugherty got between them and was trying to push the unknown male off and away. ██████ was trying to pull ██████ away. The police showed up and the unknown male took off running west on Ski Hill Road.

Deputy Daugherty was asked what he was doing at the time the police arrived. He said "They said I was advancing towards him, uhm which I was actually trying to get him to sit down because he was bleeding everywhere. That way the police can come in and talk to everyone who was there." He said he was not advancing on anyone. Sergeant Monares asked Deputy Daugherty if he struck anyone. He said, "I did not.". He was asked if he had anyone in a choke hold. Deputy Daugherty said, "I don't believe so." Sergeant Monares asked "Yes or No." Deputy Daugherty replied, "I can't recall." Sergeant Monares explained that it was important that he remembered. Deputy Daugherty said he didn't put anyone in a choke hold. I asked him how many times the unknown male punched ██████ in the face. He didn't know. I asked him where on ██████ face was bleeding from. He said his whole face was bloody. Deputy Daugherty said he didn't have ██████ in a choke hold. He had wrapped his arms around ██████ to prevent him in continuing the fight.

Sergeant Monares asked Deputy Daugherty who had initiated first contact in the street. He said ██████ and ██████ did. He said there was no pushing or shoving prior to the fight starting. Deputy Daugherty said he was not aware of what the unknown male was doing. He said he was standing there but didn't see any pushing. Sergeant Monares asked if he was dealing with his own "Feud" while the unknown male was doing things. He said there might have been, but he didn't remember. It was explained to Deputy Daugherty that he really needed to remember things. He said he was trying to, but he was intoxicated that night. I asked him how intoxicated he was and he said, "I could walk". He really didn't know how intoxicated he was that night.

After a short break, I asked Deputy Daugherty where his friends had gone when they left him at Napper Tandy's. He said they went back to their condo. I asked him why he didn't go home after he was kicked out of Napper Tandy's. He said he should have, but he didn't. I asked him if he ever identified himself as a cop to the unknown male. He said no. I asked Deputy Daugherty if he was agitated that night after he was kicked out of the bar. He said no. I advised him that the bar tender from Golden Pan Saloon said Deputy Daugherty was still agitated that he was kicked out of the bar and there were two guys that were harassing girls there. Deputy Daugherty said he was more upset that his friends left him there then being kick out of a bar. He said he had been kicked out of a bar before, so it didn't agitate him. I explained to Deputy Daugherty that the bar tender said he was so amped up that he was getting the unknown male with him amped up as well. The bar Tender said he and the unknown male left around 1:45 A.M. and at 2:13 A.M. the police roll up on the fight and saw him (Deputy Daugherty) with a guy in a head lock. Deputy Daugherty said, "I don't recall."

I asked Deputy Daugherty if he remembered telling the cops they "were not pro law enforcement". He said no. Sergeant Monares asked him if he was seeking professional curtesy. He said no. I told Deputy Daugherty that according to the affidavit, he first told the officers that he was sucker punched first. Deputy Daugherty responded, "I didn't get punched at all." I told Deputy Daugherty the second version he gave the police was that the two guys were fighting someone else. He said, "No." I then said the third version he gave the police was the two guys were fighting themselves. Deputy Daugherty was confused on which two parties were fighting each other. Deputy Daugherty said if we had proof that he had the guy in a head lock, he said "It is what it is, I don't recall doing it. I'm not lying to you guys. I just don't recall. I'm trying to be one hundred percent truthful to you." Sergeant Monares asked Deputy Daugherty what was causing the blurs that night. Deputy Daugherty said he had alcohol, he had too much to drink. Deputy Daugherty did not remember any comments he might have made to the police.

**End of Interviews**