

Subject: Buen, Gould Indictment
Date: November 22, 2022

DATE FILED: November 23, 2022 3:08 PM
CASE NUMBER: 2022CR129

DISTRICT COURT, EAGLE COUNTY, COLORADO Post Office Box 597 Eagle, CO 81631 Tel. (970) 328-6373	COURT USE ONLY
The People of the State of Colorado v. ANDREW BUEN; KYLE GOULD, Defendants.	
Office of the District Attorney, 5th Judicial District Heidi S. McCollum, District Attorney, #31704 Stephen F. Potts, Chief Deputy District Attorney, #50479 Ryan Kornegay, Deputy District Attorney, #53965 PO Box 285, Eagle, CO 81631 Phone: (970) 337-3707 E-mail: HMcCollum@da5.us E-mail: SPotts@da5.us E-mail: RKornegay@da5.us	GJ Case: 22CR199 Div.:
INDICTMENT	

FIFTH JUDICIAL DISTRICT GRAND JURY INDICTMENT

Of the term of the District Court in the year 2022-23, the Fifth Judicial District Grand Jurors, chosen, selected, and sworn in the Fifth Judicial District, in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following described acts, all done contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the State of Colorado, as stated in the counts attached hereto:

The essential facts supporting the charges of the indictment are as follows:

From the late evening of June 10, 2022, to the early morning of June 11, 2022, Christian Glass was traveling on Interstate 70 eastbound in a 2007 Honda Pilot and exited the Interstate at the Silver Plume exit in Clear Creek County, Colorado. Silver Plume is a small rural mountain town and the exit which Mr. Glass used provides no services for travelers. Mr. Glass drove his vehicle into Silver Plume, wherein the exit road meets another road at a T. Mr. Glass drove west on name of road and attempted a U-turn at which time he drove his vehicle over a boulder and lodged the front passenger-side wheel between that boulder and another. Mr. Glass called Clear Creek 911 Dispatch to report that he was stuck and needed help. During this telephone call Mr. Glass made statements that he was being followed and other statements which would indicate to anyone listening that he was paranoid, hallucinating and/or delusional and experiencing a mental health crisis. When asked by Dispatch if he had weapons, Mr. Glass told Dispatch that he had a hammer and a small knife with him from rock hunting and would throw them from the vehicle when help arrived. Dispatch directed Clear Creek Sheriff's deputies to Mr. Glass's location in Silver Plume.

Deputies Andrew Buen and Timothy Collins drove in separate patrol cruisers to Mr. Glass's location in Silver Plume and found that he was lodged between the boulders and could not move the vehicle. Mr. Glass was inside his vehicle and was communicating with deputies from inside his vehicle. In response to a question from Deputy Buen asking if there were any weapons in the vehicle, Mr. Glass responded that he had a hammer and small knife with him and would throw them out the window to the deputies. Deputy Buen told Mr. Glass not to throw the items out of the vehicle. Chief Randall Williams from the Georgetown Police Department, Idaho Springs Police Officer Brittany Morrow, Colorado State Patrol Trooper Ryan Bennie, and Colorado Gaming Commission Officers Krista Lloyd and Mary Harris all arrived on the scene as back-up to the Clear Creek Deputies.

Chief Williams attempted to engage in conversation with Mr. Glass through the driver's window. Mr. Glass initially communicated verbally but still evidencing that he was undergoing a mental health crisis. Williams attempted to develop a rapport with Mr. Glass and to coax him out of the vehicle so they could further assess his needs and render aid or assistance if necessary. Officer Morrow also spoke with Mr. Glass in a helpful and understanding manner and attempted to find out why Mr. Glass was in distress and to coax Mr. Glass out of the car.

Deputies Buen and Collins were present outside of the vehicle at all times and additionally were attempting to communicate with Mr. Glass. Deputy Buen's interactions with Mr. Glass fluctuated between conversational in tone to being verbally aggressive towards Mr. Glass. Deputy Collins attempted several times to step-in to talk with Mr. Glass when Deputy Buen's demeanor became verbally aggressive with Mr. Glass. Deputy Buen appears not to have picked up on any of the verbal cues or offers from Deputy Collins to help with the communication with Mr. Glass. Chief Williams noticed that Mr. Glass had a small knife in the vehicle along with some rocks which were the size of a baseball.

At some point during the encounter, Deputies Buen and Collins were in communication with Clear Creek County Sheriff's Sergeant Kyle Gould, the shift supervisor, regarding the events at the scene. Deputy Buen spoke with Sgt. Gould using Deputy Buen's cellular telephone and during this conversation, Deputy Buen muted his body worn camera audio and did not record this conversation. Sgt. Gould was viewing the encounter utilizing a remote viewing feature through the deputies' body cams. After this phone conversation between Deputy Buen and Sgt. Gould, Deputy Buen told Chief Williams that the decision had been made to extract Mr. Glass from the vehicle. At that point, no one on the scene had made a determination that there was probable cause or reasonable suspicion that a crime had been committed or was being committed.

Law enforcement then escalated the encounter with Mr. Glass in an effort to remove him from the vehicle. Deputy Collins jumped onto the hood of Mr. Glass's vehicle while the other officers on scene, including Chief Williams continued to attempt to coax or order Mr. Glass out of the vehicle. Mr. Glass at no time made any threats to any law enforcement and was at no point armed with a firearm.

Deputy Buen broke out the front passenger side front window using a baton and Chief Williams attempted to break out the rear driver side window but was unsuccessful. Deputy Buen shot six bean bag rounds into Mr. Glass which were unsuccessful in removing him from the vehicle. The rear driver side window was broken by a bean bag round. Chief Williams and Deputy Buen both deployed Tazers into Mr. Glass which caused Mr. Glass to scream in agony and panic. Mr. Glass then took the knife and swung it in various directions in a state of complete panic and self defense. Chief Williams attempted to open the driver side rear door and Mr. Glass swung the knife in his direction through the broken rear window. Deputy Buen fired his service pistol five times into Mr. Glass. Chief

Williams at no point was in imminent danger of being stabbed by Mr. Glass and Mr. Glass never attempted to exit the vehicle.

Law enforcement personnel immediately removed Mr. Glass from the vehicle and rendered medical attention. Mr. Glass was pronounced dead at the scene. But for the decision by Gould to remove Mr. Glass from the vehicle there is no reason to believe that Mr. Glass would have been a danger to any law enforcement personnel, to himself, or to any member of the public, and the decision to remove him from the vehicle directly led to the death of Mr. Glass. The coroner's report found that Mr. Glass's death was a homicide as the result of being shot.

COUNT NUMBER ONE

MURDER IN THE SECOND DEGREE, F2, §18-3-103, C.R.S.

On or about June 11, 2022, within the State of Colorado, **ANDREW BUEN** unlawfully, feloniously, and knowingly caused the death of Christian Glass; in violation of section 18-3-103, C.R.S.

AS TO – MURDER IN THE SECOND DEGREE

A TRUE BILL

A NO TRUE BILL

[REDACTED]

I, [REDACTED], the Foreperson of the 2022-23 Fifth Judicial District Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2022-23 Fifth Judicial District Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2022-23 Fifth Judicial District Grand Jury.

[REDACTED]

FOREPERSON

COUNT NUMBER TWO

OFFICIAL MISCONDUCT, M1, §18-8-404, C.R.S.

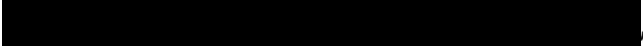
On or about June 11, 2022, **ANDREW BUEN**, a public servant, with intent to obtain a benefit for any person or maliciously cause harm to another, unlawfully and knowingly committed an act relating to his office but constituting an unauthorized exercise of his official function or violated a statute or lawfully adopted rule or regulation relating to his office; in violation of section 18-8-404, C.R.S.

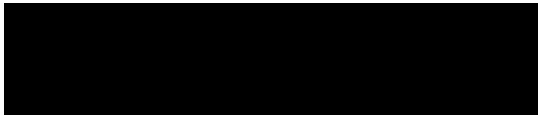
AS TO – OFFICIAL MISCONDUCT

A TRUE BILL

A NO TRUE BILL



I, , the Foreperson of the 2022-23 Fifth Judicial District Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2022-23 Fifth Judicial District Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2022-23 Fifth Judicial District Grand Jury.



FOREPERSON

COUNT NUMBER THREE

RECKLESS ENDANGERMENT, M2, §18-3-208, C.R.S.

On or about June 11, 2022, **ANDREW BUEN** unlawfully and recklessly engaged in conduct that created a substantial risk of serious bodily injury to Christian Glass; in violation of section 18-3-208, C.R.S.

AS TO – RECKLESS ENDANGERMENT

A TRUE BILL

A NO TRUE BILL

[REDACTED]

I, [REDACTED], the Foreperson of the 2022-2023 Fifth Judicial District Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2022-23 Fifth Judicial District Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2022-23 Fifth Judicial District Grand Jury.

[REDACTED]

FOREPERSON

COUNT NUMBER FOUR


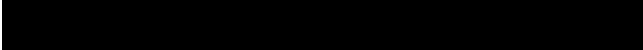
CRIMINALLY NEGLIGENT HOMICIDE, F5, §18-3-105, C.R.S.

On June 11, 2022, within the State of Colorado, **KYLE GOULD** unlawfully and feloniously caused the death of Christian Glass by conduct amounting to criminal negligence; in violation of section 18-3-105, C.R.S.

AS TO – CRIMINALLY NEGLIGENT HOMICIDE

A TRUE BILL

A NO TRUE BILL

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I, , the Foreperson of the 2022-23 Fifth Judicial District Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2022-23 Fifth Judicial District Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2022-23 Fifth Judicial District Grand Jury.


FOREPERSON

COUNT NUMBER FIVE

RECKLESS ENDANGERMENT, M1, §18-3-208, C.R.S.

On or about June 11, 2022, **KYLE GOULD** unlawfully and recklessly engaged in conduct which that created a substantial risk of serious bodily injury to Christian Glass; in violation of section 18-3-208, C.R.S.

AS TO – RECKLESS ENDANGERMENT

A TRUE BILL

A NO TRUE BILL

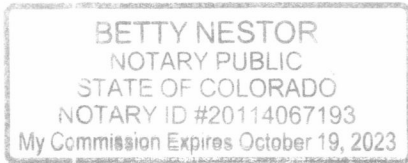
[REDACTED]

I, [REDACTED], the Foreperson of the 2022-23 Fifth Judicial District Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2022-23 Fifth Judicial District Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2022-23 Fifth Judicial District Grand Jury.

[REDACTED]

FOREPERSON

Subscribed and sworn to before me in the County of Eagle, State of Colorado,
the 22nd day of November 2022



Betty Nestor
NOTARY PUBLIC

My Commission Expires: 10/19/2023

HEIDI S. MCCOLLUM
District Attorney
Fifth Judicial District

Heidi S. McCollum
Atty. Reg., #31704

The 2022-2023 Fifth Judicial District Grand Jury presents the within
Indictment, and the same is hereby ORDERED FILED this 23rd day of
November, 2022.

WARRANTS TO ISSUE

Bond amount: \$ 50,000 cl for **ANDREW BUEN.**

Bond amount: \$ 2,500 cl for **KYLE GOULD.**

[Signature]
CHIEF JUDGE