



January 10, 2024

Henry L. Solano
District Attorney
Office of the District Attorney
323 Main St.
Walsenburg, Colorado 81089
(719) 738-1510

Joy Moss
Agent
Colorado Bureau of Investigations
Pueblo Regional Office
79 N. Silicon Drive
Pueblo West, CO 81007
Sent by Email

Re: Investigation concerning use of force CBI 2023-116
Death of Michael John Burch in the Huerfano County Jail

Summary of conclusion: No criminal charges will be filed

Agent Moss

The alleged use of force occurred on or about March 28, 2023. Mr. Michael John Burch subsequently on or about April 4, 2023 was found in his cell and pronounced dead. I thank you and CBI staff for the thorough investigation. The issues presented are whether use of force was used in a manner contrary to criminal law. Additionally, given the information identified at the time there is sufficient information to identify the defense of self-defense. This includes defense of self or others. The threshold for triggering such defense is not extensive. However, the effect of that is to add additional burdens on the People in the prosecution of the case. The People have to not only prove any criminal charge beyond a reasonable doubt but must disprove any self-defense claim beyond a reasonable doubt. The circumstances are such that there are two aspects of self-defense. One is self-defense of one's self but acting to prevent or intervene to prevent someone from injuring themselves or another.

The ethics rules applicable to prosecutors requires at all states including the initial charging that there is a belief with admissible evidence the prosecution can meet the applicable burdens beyond a reasonable doubt. When viewed in this light after having reviewed all of the information, interviews, and video, it is my conclusion that criminal charges should not be filed.

I met with family members and their representative. A copy of this is simultaneously being provided to their representative.

Respectfully,

Henry L. Solano
District Attorney
Cc: Adam Schultz

Las Animas County Courthouse
200 East 1st St., Suite 102
Trinidad, CO 81082
Phone (719) 846-9224 • Fax (719) 845-1632

Huerfano County Office
323 Main St
Walsenburg, CO 81089
Phone (719) 738-1510 Fax (719) 738-1091