



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

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Press Release

*Investigation of the death of Christopher Eyer on August 20, 2021, in the area of
735 Arapahoe Avenue, Boulder, Colorado*

The investigation and legal analysis of the stabbing that resulted in the tragic death of Christopher Eyer (DOB: 2/19/1991) has been completed. Boulder Police Department conducted a thorough, extensive investigation in this case, interviewed all witnesses, and collected all relevant evidence. The Boulder Police Department requested the District Attorney's Office review the investigation.

The District Attorney's Office received the investigation file on October 7, 2021, and evidence continued to be transferred to the DA's Office's through November 10, 2021. The Autopsy Report, including results from the Toxicology Report, was provided on November 24, 2021. The District Attorney's Office conducted a complete review of the reports, documentation, and media files. Under the applicable Colorado law as applied to the evidence provided in this matter, the District Attorney's Office has determined that no charges can or should be filed.

On the evening of August 20th, 2021, Mr. Eyer was at the St. Julien Hotel for an event. Friends suggested that he leave the hotel due to his level of intoxication and his conduct. His friends convinced Mr. Eyer to take an Uber back to his hotel, and assisted Eyer in ordering an Uber. Mr. Eyer walked off before the Uber arrived.

The investigation showed that Mr. Eyer was likely involved in a series of assaults in and around the St. Julien Hotel. The victims and witnesses described a man matching his description who attacked them without provocation, while threatening to kill them. He attacked one hotel guest in the doorway of the guest's hotel room and attempted to enter the room. He punched another male outside the hotel, spit in a woman's face, choked another woman, and attempted to

choke and punch another man that had just parked his car. (None of the witnesses confidently identified a photo of Christopher Eyer when presented with a photo lineup. However, the photograph for Mr. Eyer was a driver's license photo that was several years old and did not accurately reflect the length of his hair or facial hair.)

Shortly after the above assaults took place, Mr. Eyer called a friend. Mr. Eyer told her that he had just assaulted someone at the bar, was running from the police, and was hiding from the police.

Minutes later, at approximately 10:30 pm, two young men, Mr. Deffenbaugh and Mr. Bengard, encountered Mr. Eyer just east of 765 Arapahoe Avenue. Neither Mr. Deffenbaugh nor Mr. Bengard had any prior criminal history. Mr. Eyer was lying in a planter on the north side of Arapahoe Avenue. Mr. Eyer emerged from the planter and charged at the two men from a distance, threatening to kill them without provocation. Mr. Eyer yelled anti-gay slurs throughout the attack and repeatedly threatened to kill them. The two men tried to run and retreat to their home as Eyer struck Bengard in the back of the head. Eyer chased Bengard and Deffenbaugh several hundred feet back to the door of their apartment. Bengard struggled with his keys in the door lock. Deffenbaugh fell as he approached the steps leading to the apartment door. Eyer jumped on Deffenbaugh and repeatedly struck him in the head. Bengard attempted to intervene by tackling Eyer and choke Eyer but could not stop the attack.

Bengard was ultimately able to enter his apartment where he retrieved a folding knife from the kitchen. The knife was approximately 8 inches in total length, with a blade length of approximately 3 ½ inches. After retrieving the knife, Bengard stabbed Eyer multiple times, but Eyer continued to assault Deffenbaugh. Ultimately, Bengard retreated into his apartment and locked the door, while Eyer remained on top of Deffenbaugh. Deffenbaugh was eventually able to get up and ran to the second floor of the apartment complex. Mr. Eyer began to chase Deffenbaugh up the stairs before he collapsed from his injuries. Eyer was transported to Boulder Community Hospital. Several residents of the apartment complex witnessed the end of the assault and provided aid to Eyer prior to the arrival of first responders. Unfortunately, he did not survive his injuries. Mr. Deffenbaugh was also treated at Boulder Community Hospital after sustaining a nasal fracture, concussion, knee and leg injuries.

The autopsy report revealed that Mr. Eyer had a blood-alcohol content of 0.224. He had a total of 13 stab wounds.

The standard for use of physical force in defense of a person is set forth in §18-1-704, C.R.S. “[A] person is justified in using physical force upon another person in order to defend himself from what he reasonably believes to be the use or imminent use of unlawful physical force.” §18-1-704(1), C.R.S. With respect to the use of deadly force, “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 receiving great bodily injury; or c) the other person is committing or reasonably appears about to commit ... assault as defined in sections 18-3-202 or 18-3-203.”

The evidence collected throughout this investigation shows that Christopher Eyer was the initial aggressor on August 20, 2021. The investigation further established that the Bengard reasonably believed that Christopher Eyer was using physical force against his roommate, Deffenbaugh, and that Eyer was also going to use physical force against him. Further, Bengard reasonably believed that he and Deffenbaugh were in imminent danger of being killed or receiving great bodily injury, and a lesser degree of force would be inadequate to prevent imminent death or serious bodily harm. Additionally, at the time where deadly force was used, Eyer was committing the crime of Assault in the Second Degree.

Applying the pertinent law to the facts presented through this investigation, the District Attorney’s Office would be unable to prove beyond a reasonable doubt that the use of deadly force on Christopher Eyer was unjustified. In all criminal cases, the District Attorney’s Office filing standard requires that there be a reasonable likelihood of conviction. Based on these legal and ethical requirements, the District Attorney’s Office determined that criminal charges should not be filed.

District Attorney Michael T. Dougherty stated: “The series of events on August 20th that led to the death of Christopher Eyer are terrible and unfortunate, and while criminal charges are not appropriate based on the evidence of self-defense, we must acknowledge the immense loss suffered by the family and friends of Mr. Eyer. We are sorry for their loss and, also, mindful of the significant impact on everyone involved in this tragic situation.”