OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT
Michael T. Dougherty, District Attorney

October 28, 2026

VIA ELECTRONIC MAIL

David Moore, Chief of Police
Longmont Police Department

RE: Investigation into the fatal shooting of Dariss Malikie Yearby on August 10, 2026, involving Officer Joshua Barry at 2319 Bluebird Drive, Longmont, Colorado

Dear Chief Moore,

The Boulder County Critical Incident Team and the Office of the District Attorney for the 20th Judicial District have completed the criminal investigation and review of Longmont Police Officer Joshua Barry's tragic, fatal shooting of Dariss Malikie Yearby. Based upon my review of this criminal investigation and after a thorough legal analysis, I have determined that the shooting was legally justified and, as such, there are no crimes that can be proven against a reasonable doubt.

The Boulder County Investigation Team, also known as the Boulder Critical Incident Team (the "BCIT") investigated this case. The multi-agency team is designated to investigate use-of-force incidents in which any law enforcement officer within the 20th Judicial District uses deadly, or potentially deadly, physical force against a person, while acting under the color of official law enforcement duties. This definition and team protocol are broader than that required by state law, which is limited to incidents involving the discharge of a firearm by a peace officer that results in injury or death.

I want to acknowledge the Longmont Police Department ("LPD") for immediately notifying the BCIT following this incident. By doing so, LPD enabled the BCIT to quickly respond and conduct an extremely thorough investigation. Consistent with Boulder County protocol, the BCIT took over and conducted the use-of-force criminal investigation involving Officer Barry.

The BCIT investigation was conducted for the purpose of determining whether criminal charges are warranted against Officer Barry for the fatal shooting of Dariss Yearby (DOB: 1/20/2006) on August 10, 2026, within the City of Longmont. The investigation and review of this incident do not evaluate or review the appropriateness of police tactics or whether policies and procedures were followed. While every death is tragic, my role and authority in these reviews is solely to determine whether criminal charges are warranted.

My decision, based on criminal law standards, does not limit administrative action by LPD or any civil action where less-stringent laws, rules, and levels of proof would apply. Rather, the authority and role of the District Attorney is to determine whether Officer Barry committed criminal offenses that can be proven beyond a reasonable doubt. Based on my review, it is clear that Officer Barry did not commit any crime that can be proven beyond a reasonable doubt. Under the circumstances presented here, his conduct was lawfully justified under Colorado law.

BACKGROUND

The BCIT completed a very thorough investigation into this incident and generated detailed reports and documentation. The BCIT file includes recorded witness interviews, diagrams, police communications and reports, photographs, a 3D laser scan of the scene, and video recordings related to the incident.

A review of the reports and documentation provided to my office has been completed and I, along with members of my staff, have been fully briefed regarding this incident by Team Commanders in charge of this investigation.

I conclude that, under the applicable Colorado law, no criminal charges can or should be filed against Officer Barry. My findings, analysis, and conclusions of law with respect to Officer Barry's use of force in this incident are as follows:

SUMMARY OF DECISION

Under Section 20-1-114(1), C.R.S., "The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-302, release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request."

The discharge of a firearm in this case did result in Mr. Yearby's death, and therefore, this report is mandated by Section 20-1-114(1). Additionally, as District Attorney, I believe this report is necessary to inform the public of the nature and reasons for my decision. I will release this report in the interest of transparency and to explain the circumstances under which the law enforcement officer fired his weapon and why he is not criminally liable. Also, as you are aware,

our office conducts a Community Town Hall after every officer-involved shooting to fully address any questions from community members. I will do so in this case, consistent with our normal protocol.

On the date of this incident, the Longmont Police Department responded to a domestic disturbance involving Ms. Hannah Thayer and Mr. Yearby. A protection order was in place, prohibiting Mr. Yearby from having any contact with Ms. Hannah Thayer. Ms. Jamie Thayer, Ms. Hannah Thayer's mother, called 911 and reported that Mr. Yearby was inside her residence, located at 2319 Bluebird Drive, Longmont, Colorado, and actively engaged in an argument with her daughter. Officers responded to the residence. Ms. Jamie Thayer, who was not present at the residence but was observing through a Ring Doorbell located at the front door of the residence, gave permission for the officers to enter the home. Prior to the encounter with officers, Mr. Yearby had indicated that he did not want to return to jail and would cause the officers to take his life. He communicated his plan in a draft message to a family member and, also, to Ms. Hannah Thayer.

Officers gave multiple commands for Mr. Yearby to come outside. After not hearing a response, officers entered the home and proceeded upstairs. They found Mr. Yearby and Ms. Hannah Thayer inside a bedroom. Mr. Yearby was holding Ms. Hannah Thayer in a headlock with one arm and with his other hand concealed inside or behind a bag pointed at Ms. Hannah Thayer's head. Mr. Yearby repeatedly told officers that he had a gun. Officers gave Mr. Yearby multiple commands to drop what he was holding and to let Ms. Hannah Thayer go. After not responding to the multiple commands, Officer Barry shot Mr. Yearby once, killing him.

Applying the applicable statutes to the facts presented through this investigation, Officer Barry is not subject to criminal prosecution for his actions. In all cases, including those involving law enforcement officers, the District Attorney's Office criminal filing standard requires that there be a reasonable likelihood of conviction to bring criminal charges against an individual. As in other cases prosecuted by this office, this legal and ethical requirement guides our analysis. It is the same ethical standard in every investigation and prosecution in Colorado.

DETAILED STATEMENT OF FACTS

On February 20, 2025, Longmont Police Department responded to Longs Peak Hospital on the report of an assault. Ms. Hannah Thayer had been strangled repeatedly and reportedly lost consciousness. Medical staff at the hospital documented bruising on Ms. Thayer's throat, petechiae in both her eyes and inside her mouth, and general bruising. Medical staff believed these injuries indicated a substantial risk of death or long-term impairment. Ms. Thayer reported that over the course of an hour, Mr. Yearby had assaulted her and strangled her approximately 15 times.

As a result of a Longmont Police Department investigation, Mr. Yearby was charged with one count of Attempted Murder in the Second Degree, a Class 3 Felony, Assault in the First

Degree – Strangulation, a Class 3 Felony, one count of Assault in the Second Degree – Strangulation, a Class 4 Felony, one count of False Imprisonment, a Class 5 Felony, and one count of Assault in the Third Degree, a Class 1 Misdemeanor, all as acts of Domestic Violence. A protection order issued in that case prohibited Mr. Yearby from contacting Ms. Hannah Thayer or having any contact with her whatsoever.

On April 2, 2025, the District Attorney's Office requested a $100,000 cash/surety bond due to the lethality risk and seriousness of the case. The defense requested a personal recognizance bond. The Court granted a $20,000 personal recognizance bond with conditions including no contact with the victim, no substances, participation in monitoring programs, and no weapons. As a result of the Court's decision, the defendant was released.

On May 21, 2026, the District Attorney's Office learned the defendant violated the protection order by contacting the victim. A motion to modify bond was filed by the District Attorney's Office. Pursuant to the Court's Order, the defendant was arrested on May 27, 2026. At a hearing on May 28, 2026, the District Attorney's Office again requested a $100,000 case/surety bond. The judge imposed a $20,000 cash/surety bond with no cash-only option, citing victim safety and case integrity. The defendant bonded out of the Jail on June 10, 2026.

The case was originally set for trial on March 6, 2026, then scheduled for a five-day trial beginning July 20, 2026. On June 30th, the defense moved to continue the trial. The prosecutors objected to any delay in the July trial date. Over the prosecutor's objection, the Court granted the continuance, resetting the trial to December 14, 2026.

On August 10, 2026, around 2:30 p.m., Longmont Police Department Dispatch received a call from Ms. Jamie Thayer, who was in Breckenridge, to report that Mr. Yearby was in her residence with her daughter, Ms. Hannah Thayer. Around 2:35 p.m., officers from LPD responded to Ms. Thayer's home located at 2319 Bluebird Drive, Longmont, Colorado. The police officers who responded were in uniform and activated body-worn cameras.

While police were in route, Ms. Jamie Thayer reported to the 911 dispatcher that Mr. Yearby had previously tried to kill her daughter and there was an active case against him. Further, Ms. Jamie Thayer reported that Mr. Yearby was threatening to kill her daughter and that there was an active protection order preventing contact between Ms. Hannah Thayer and Mr. Yearby. At the time, there was an open phone line between Ms. Jamie Thayer and Ms. Hannah Thayer, and Ms. Jamie Thayer was relaying what was occurring contemporaneously to 911 dispatchers. Ms. Jamie Thayer told the 911 operator that she had previously seen pictures of Mr. Yearby with a gun but was unsure if he had a weapon at the time.

This satellite image of the residence shows the Thayer household outlined in red.

The above image shows the scene – a residential area with numerous other homes nearby. The front door of the subject address faced east, with a garage and driveway that also faced east.

Officers Mathis and Lockhart were initially dispatched to the scene, while Officer Michael Mendelsohn also self-dispatched to the scene. Officer Mathis was the first to arrive at 2:35 p.m. Dispatch was able to provide a photo of Mr. Yearby for the officers and confirmed the existence of an active protection order between Mr. Yearby and Ms. Hannah Thayer. Dispatch also relayed an update that Mr. Yearby was threatening to kill himself and that Mr. Yearby and Ms. Hannah Thayer were aware that officers were there.

Officer Mathis approached the front door of the residence and found the front door slightly ajar. He repeatedly knocked at the door and made loud announcements into the home stating it was the police department and asking for Ms. Hannah Thayer to come downstairs. Officer Mathis, then joined by Officer Mendelsohn and Officer Lockhart, heard no response and did not see anyone on the first floor of the home.

While the officers were standing on the front lawn, Ms. Jamie Thayer began speaking to them over the Ring Doorbell intercom system. She asked officers if she could verbally let the officers into the residence, to which officers confirmed she could. Ms. Jamie Thayer gave officers permission to enter the home and reiterated that she believed Mr. Yearby would kill Ms. Hannah Thayer and has attempted to before. She also told officers that Mr. Yearby and Ms. Hannah Thayer were likely upstairs.

Officers opened the front door and made an announcement to Mr. Yearby, stating it was the Longmont Police Department and that he needed to come downstairs with his hands open

and empty. Officers heard noises coming from the second level of the home and continued to make announcements for Mr. Yearby to come downstairs. After hearing no response, officers entered the home and proceeded upstairs.

After reaching the second floor of the home, Officer Mathis observed Mr. Yearby and Ms. Hannah Thayer inside a bedroom. Mr. Yearby was standing next to Ms. Hannah Thayer, holding her in a headlock with his left arm. Mr. Yearby's right hand was concealed inside a tan backpack, that was held across his chest pointing up towards Ms. Hannah Thayer's head. Mr. Yearby repeatedly told the officers that he had a gun. Meanwhile, Ms. Hannah Thayer was screaming, asking Mr. Yearby to stop and saying that Mr. Yearby was lying and didn't have a gun. At no point did Mr. Yearby show law enforcement officers what, if anything, he had in his hand. He continued to yell that he had a gun.

After the exchange described above, Officer Barry arrived on scene and ran into the house, joining the three officers on the staircase leading upstairs. At this point, Ms. Hannah Thayer was screaming loudly, and Mr. Yearby was repeatedly yelling that he had a gun. Together, the four officers pushed towards the bedroom with Officer Barry now being the forward most officer. The officers gave commands to Mr. Yearby to drop the bag he was holding and to let Ms. Hannah Thayer go. Officer Barry gave the order to Mr. Yearby to drop what he was holding seven times, with another officer giving at least one additional command. After Mr. Yearby did not comply with these statements, Officer Barry discharged his firearm once, striking Mr. Yearby.

Officers then attempted to provide medical aid, along with paramedics who quickly arrived on scene. Mr. Yearby was quickly taken to UCH Longs Peak Hospital via ambulance where he was tragically pronounced deceased.

Autopsy Findings

Board-certified Forensic Pathologist Dr. Daniel Lingamfelter completed the autopsy of Dariss Yearby on August 12, 2026, at the Boulder County Coroner's Officer. Dr. Lingamfelter's postmortem examination included a thorough external and internal examination and the taking of radiographs, toxicology samples, and photographs.

Dr. Lingamfelter documented one gunshot wound to Mr. Yearby's right eye. The round perforated the right eye and entered Mr. Yearby's skull. The autopsy also noted superficial incised wounds on both of his upper arms, A postmortem blood sample was collected and tested. Mr. Yearby's blood showed the presence of Delta-9 THC and metabolites of Delta-9 THC and nicotine.

Dr. Lingamfelter opined that Mr. Yearby died as the result of a gunshot wound of the head and that the manner of death was homicide. "Homicide," as used in the context of a forensic pathologist's opinion on the manner of death, means that Mr. Yearby was killed by another person. It does not reflect the statutory legal definition of homicide.

Scene Preservation and Evidence Collection

After the scene was secured, members of the BCIT and the Longmont Police Department took steps to preserve and document the scene. Photographs and laser scans were taken before evidence was collected. The BCIT obtained a search warrant to search Ms. Jamie Thayer's residence. The BCIT conducted a thorough search of the scene and collected several pieces of evidence.

The BCIT recovered and searched the backpack that Mr. Yearby was holding during the time of the incident. The backpack did not contain a firearm. The search uncovered two kitchen-style knives out of place, with one located in the kitchen sink and one located in Ms. Hannah Thayer's bed in the room where the incident took place.

The knife that was collected from the bed had stains on it, and it was submitted to the Jefferson County Regional Crime Laboratory ("JCRCL"). The JCRCL determined there was no visible blood on the knife but obtained a partial DNA mixture from the knife handle. They determined that the DNA mixture was approximately 990 times more likely to be observed if it originated from Dariss Yearby and two unknown unrelated individuals than if it originated from three unknown unrelated individuals.

The BCIT recovered one Hornady 9mm Luger cartridge casing from the entrance to the bedroom. This coincides with the video of the incident, the officers' interviews, and the round count from Officer Barry's duty weapon. The BCIT also collected Officer Barry's duty weapon which was inspected by Boulder Police Armorer Matthew Counts. Officer Barry carried and used a Glock 45 9mm handgun. He carried three magazines, each with a 22-round capacity. The magazine in the handgun had 21 rounds loaded, consistent with Officer Barry firing one shot.

The BCIT was also able to collect two cell phones, one belonging to Mr. Yearby and another belonging to Ms. Hannah Thayer. BCIT secured a warrant to search the devices.

As further discussed below, Ms. Hannah Thayer told officers that Mr. Yearby had written a message to his mother, which she had taken a photograph of. The BCIT investigators were not able to find that photograph. However, they were able to extract the draft message typed on Mr. Yearby's device. The message read, "Mom I love you I'm going to kill my self I'm sorry I love y with all of me and I'm sorry this has to happen I can't go back for something I ain't do ima hurt make sure ur ok in heaven and make sure yall ok I wish shit was different but this is life and u do noting wrong u was the best mom ever to me."

Interview with Officer Joshua Barry (and BWC Video)

Officer Barry submitted to a voluntary interview at the Longmont Police Department headquarters. Under the law, Officer Barry was not required to provide statements to the BCIT. The interview was conducted by Boulder Police Detective Taylor Hickam and Boulder Police Detective Raul Montano. The interview was audio and video recorded.

Officer Barry has worked with the Longmont Police Department for five years. Officer Barry has worked patrol with LPD and is part of the SWAT team, a firearms instructor, and a Canine Decoy. One week prior to August 10, 2026, as part of his role on the SWAT team, Officer Barry attended a training day that involved live fire hostage scenarios. As part of this training, participants would enter a structure and conduct hostage-rescue operations. Officer Barry successfully completed this training.

Officer Barry had been on shift on August 10, 2026, and was wearing his uniform which is equipped with a body-worn camera. He had been getting fuel for his vehicle when the call for service first aired. Dispatch provided information that the reporting party stated the male party had some type of warrant or a murder investigation involving that person. Additionally, dispatch relayed that the reporting party could hear the male saying something to the effect of he was going to kill the female and that there was an active disturbance. Officer Barry had initially planned to return to the police station but after hearing the call and understanding it could be dangerous, decided to respond as well.

As Officer Barry was responding, dispatch was able to identify the male party and found he did have a restraining order in place with the female party, and that he was restrained from contacting her. Officer Barry stated during his interview that these facts made him think this was a domestic violence situation. Although he wasn't sure where the restraining order came from, the existence of the restraining order, the possibility of him under investigation for some type of murder charge, and that the male party said he would kill the female party caused Officer Barry to be concerned.

Officer Barry received updates from the police radio as he approached the scene. He heard the officers on scene request a code three, which he explained was meant for high risk or more emergent-in-nature calls. As Officer Barry arrived in the neighborhood, he heard Officer Mendelsohn radio that officers had made entry to the residence and were upstairs, and the male had taken the female hostage and requested all other officers respond emergent to the residence. Following this, he heard dispatch air a code ten, which meant that every available officer was to respond as quickly as possible. Officer Barry activated his emergency lights but did not activate his siren as he was around the corner and attempting to locate the residence. Officer Barry came upon the house, parking his vehicle at the end of the driveway with the emergency lights still on.

Officer Barry left his vehicle and approached the house, seeing that the front door of the residence was open. As Officer Barry was going into the residence, he heard what sounded like a female screaming, as if "something bad was happening to her." Officer Barry moved up the stairs and observed Officer Mathis at the top of the stairs, looking right, with his weapon drawn. Officer Barry moved past Officer Lockhart and attempted to do a threshold assessment. He observed a dim room without lights on and activated his weapon flashlight. Officer Barry recalled seeing a blonde female and a black male with his arm around her neck, holding her in a "classical hostage pose."

Officer Barry believed from the information that had been aired that there was probably a weapon in play, likely a gun. He checked Mr. Yearby's hands and saw that Mr. Yearby's left hand was holding a bag and Mr. Yearby's right hand was concealed behind the bag and appeared to be holding something against Ms. Hannah Thayer's body. He asked Mr. Yearby what he had in his hand and Mr. Yearby responded that he had a gun. Officer Barry told Mr. Yearby, "I will shoot you," and Mr. Yearby responded, "Shoot me." Officer Barry moved in closer and Mr. Yearby began to back up, pulling Ms. Hannah Thayer with him. As Mr. Yearby backed up, the back of his legs hit the bed that was behind him, causing him to briefly sit down on the bed. Mr. Yearby told officers to back up and then he stood back up, causing Ms. Hannah Thayer and Mr. Yearby to come closer to officers.

It was at this point that Officer Barry transitioned his focus from Mr. Yearby's hands to his face, making the decision to use lethal force. Officer Barry took aim at Mr. Yearby, putting his gun sight on Mr. Yearby's forehead. Officer Barry then made the decision to pull the trigger and took the shot, firing once. Officer Barry saw Mr. Yearby fall and Ms. Hannah Thayer scream and run past him. Officer Barry stated that he decided to use force because he believed that Mr. Yearby "was going to take action, he was going to shoot the female or my partners." After firing his weapon, Officer Barry moved towards Mr. Yearby to make sure Ms. Hannah Thayer could exit safely.

Officer Barry continued to hold cover and coordinate with officers to administer medical aid until he was told he could leave the scene. Officer Barry then moved back outside before being driven back to the Longmont Police Station.

During his interview, Officer Barry stated that he had been trained in hostage situations as part of SWAT and that he felt like he acted in accordance with that training. He believed Mr. Yearby was intentionally concealing his right hand, which escalated the situation by creating an unknown factor. Officer Barry stated he had, "to take what he's saying as one hundred percent the truth" given Mr. Yearby's actions. He ultimately felt like if he didn't act in that moment, Mr. Yearby would have killed or seriously injured Ms. Hannah Thayer or his fellow officers.

Interview with Officer Shane Mathis (and BWC Video)

Officer Shane Mathis was interviewed at Longmont Police Department by Louisville Police Detective Scott Farrell and Boulder Police Detective Taylor Hickam. Office Mathis has been with Longmont Police Department for six years and holds the rank of Officer. Officer Mathis has also been in the Colorado National Guard for twelve years, serving as a battery Commander.

Officer Mathis said he was in a drive-thru line to get food when the call came in. After realizing he was the nearest officer to the address, he exited the line and proceeded to the address. At the time, Officer Mathis was informed that a male and female inside the home were having an argument where the male threatened to kill the female, and that this information came

from the female's mother who had an open line with the female party. By the time he arrived at the address, he was informed that there was a protection order restraining the male party from the female party.

Officer Mathis arrived on scene and parked south of the residence along a fence line, attempting to keep his patrol vehicle out of sight. As he approached the front door, he saw multiple cameras and believed he would be seen before he could make contact with anyone inside. This was confirmed over the radio by Officer Mendelsohn, who informed him that the CAD updates stated the individuals inside could see an officer(s). When reaching the front door, Officer Mathis waited and listened to see if he could hear an argument. He stated that the house was completely quiet except for a dog on the stairs that barked. Officer Mathis proceeded to wait three to five minutes before knocking on the front door. It was at this point Officer Mathis realized the front door was slightly ajar, and so he knocked on the glass of the screen door. Officer Mathis knocked two or three times but did not receive a response. Following this, Officer Mendelsohn arrived on scene.

Officer Mathis stated the dog pushed the door open more and he was able to see into the home. He was able to see most of the ground floor and didn't see anyone, leading him to believe the individuals inside were either upstairs or downstairs. Officer Mathis then called out for Ms. Hannah Thayer, identifying himself as a police officer and asking her to come talk to him. He didn't receive any response and asked dispatch to attempt to contact Ms. Hannah Thayer. Officer Mathis then called out for Mr. Yearby to come downstairs with his hands open and empty and again identified himself as law enforcement. Once again, he did not receive any response.

Officer Mathis then received information from dispatch that during an altercation in Denver, Mr. Yearby had fought with officers and Marshals had to be involved to restrain him. This caused Officer Mathis to back up from the door. As he backed up, the Ring Doorbell activated and Ms. Jamie Thayer asked, through the doorbell intercom, if she could give him permission to enter the home and that she believed Mr. Yearby was going to kill Ms. Hannah Thayer. Officer Mathis then drew his firearm and made another set of announcements to Mr. Yearby, stating that if Mr. Yearby did not come out that officers were coming in to get him. Officer Mathis, during this time, also heard a door inside the house, upstairs and to the right, creaking open.

After not hearing a response, Officer Mathis confirmed with Officer Mendelsohn that he was ready to make entry and they entered the home, with Office Mathis on point, followed by Officer Mendelsohn and then Officer Lockhart. Officer Mathis proceeded up the stairs due to the opening of the door. At the top of the stairs, he turned with his gun pointed and saw Mr. Yearby had Ms. Hannah Thayer in a headlock with her head pinned against his chest. Mr. Yearby had his right hand concealed in a tan backpack that was pointing up towards Ms. Hannah Thayer. He thought that Mr. Yearby might have a knife at Ms. Hannah Thayer's throat, but the immediate words out of Mr. Yearby's mouth were, "I have a gun."

As soon as Mr. Yearby said he had a gun, Officer Mathis split to the left and Officer Mendelsohn came to his right. He had his sights on Mr. Yearby and had moved his finger to the trigger of his handgun and began applying pressure because Officer Mathis believed, "he probably had a gun." Officer Mathis stopped because Ms. Hannah Thayer was actively saying that Mr. Yearby did not have a gun. Officer Mathis ordered Mr. Yearby to let Ms. Hannah Thayer go and Mr. Yearby kept repeating that he had a gun.

Officer Mathis said at this point he looked at his partner and said that he had a shot and could take the shot, and that Mr. Yearby was saying he had a gun, but Ms. Hannah Thayer was saying he didn't have a gun. After that exchange, Officer Barry arrived on scene and came running up the stairs. Due to the tight space, Officer Barry pushed past Officer Mendelsohn and moved forward to get an angle on the doorway, with the other officers stepping forward to match Officer Barry's position. Realizing that he did not have a clear shot anymore because of officers in his way, Officer Mathis holstered his firearm and drew his Taser. Officer Mathis said he drew his taser to his chest and armed it, and as he looked up the gunshot happened.

Officer Mathis confirmed he only heard one shot and Mr. Yearby fell to his right immediately. He then got Ms. Hannah Thayer out of the house and retrieved a medical kit from a patrol vehicle. Following that, Officer Mathis was taken out of the house and driven back to the police station by other officers.

Officer Mathis was asked if during this he was afraid for his life or other officers' lives. He stated, "Yes, to some degree," but that mostly he feared for Ms. Hannah Thayer's life. He feared that Mr. Yearby had a gun in the backpack and that Mr. Yearby was going to kill her if they didn't back up.

Interview with Officer Michael Mendelsohn (and BWC Video)

Officer Michael Mendelsohn was interviewed at the Longmont Police Department by Detective Jonah Snyder and Detective Taylor Hickam, both with the Boulder Police Department. Officer Mendelsohn has been employed with Longmont Police Department for 5 years, currently serving in the position of Master Police Officer. Prior to working with Longmont Police Department, Officer Mendelsohn worked as a communication specialist with Jefferson County Sheriff's Office beginning in 2015 and attended the academy in 2018.

Officer Mendelsohn stated he had just finished another call and was headed to assist an officer on a different call when he saw the call was dispatched. He saw the notes indicating the call may be high risk and chose to attach himself as a third unit. When approaching the scene, he began relaying information from dispatch over the radio to Officer Mathis, who was on scene. After arriving on scene, Officer Mendelsohn attempted to see if anyone was in the garage. He then heard a female voice give them permission to enter the residence and aired over the radio they would be entering through the front door.

Officer Mendelsohn continued to radio updates as the officers entered the residence and proceeded upstairs. As they moved up the stairs, Officer Mendelsohn heard muffled screaming. After reaching the top of the stairs, Officer Mendelsohn looked right and saw Ms. Hannah Thayer and Mr. Yearby, recognizing Mr. Yearby from a photo sent by dispatch. He observed Mr. Yearby pressed directly behind Ms. Hannah Thayer, with their bodies touching. He heard multiple screams that there was a gun but doesn't recall if it was a male or female screaming this information. He saw both Ms. Hannah Thayer and Mr. Yearby looking directly at Officer Mathis and himself as they had their guns drawn and pointed at Mr. Yearby.

Officer Mendelsohn described Ms. Hannah Thayer as appearing terrified, screaming hysterically. Officer Mendelsohn, later in the interview, stated he was absolutely afraid for Ms. Hannah Thayer's life, as she looked like a hostage as depicted in movies. He further stated that everyone was screaming there was a gun involved and he absolutely believed Mr. Yearby was armed to some degree, whether with a gun or knife. Officer Mendelsohn believed Mr. Yearby had immediate capability to harm Ms. Hannah Thayer and was concerned for himself and Officer Mathis as they did not have many areas to move due to their location on the top landing of the stairs.

Officer Mendelsohn radioed that they were upstairs and Mr. Yearby had Ms. Hannah Thayer hostage. He heard dispatch airing a code 10 and alert tones in his left ear while hearing screaming and commands in his other ear. Officer Mendelsohn observed Officer Barry running up the stairs while Officer Mathis gave orders to Mr. Yearby to drop the gun or show his hands. Officer Barry passed Officer Mendelsohn to his right. Officer Mendelsohn was concerned about his line of fire if Officer Barry were to move and redirected Officer Mathis's firearm. Officer Mendelsohn then moved to the threshold of the door, taking the left side while Officer Barry took the right.

Officer Mendelsohn transitioned to less lethal force, knowing Officer Mathis and Officer Barry had their firearms out. He holstered his firearm and drew his taser. He then heard a single shot ring out followed by Ms. Hannah Thayer immediately running through the doorway to the stairs. He aired "shots fired" and requested someone grab Ms. Hannah Thayer and begin medical treatment. He requested Officer Mathis run down and grab a medical bag and gloves as he did not have any. Once he acquired gloves, Officer Mendelsohn grabbed Mr. Yearby's left arm to conduct a weapon sweep. Officer Guerrero began CPR compressions on Mr. Yearby and Officer Mendelsohn offered to take over. Officer Guerrero told Officer Mendelsohn to leave the house and have other officers complete the task, so Officer Mendelsohn left.

Interview with Jamie Thayer

Jamie Thayer, Ms. Hannah Thayer's mother, was interviewed by Boulder County Sheriff's Office Detective Kyle Arehart and Longmont Police Department Detective Savannah Vowers. Ms. Jamie Thayer explained that on the day of the incident, she had been up in Breckenridge when she received a call from Ms. Hannah Thayer. She couldn't hear Ms. Hannah Thayer speaking but could hear Mr. Yearby yelling at Ms. Hannah Thayer. Based on recent events, Ms. Jamie Thayer assumed that Ms. Hannah Thayer was calling because she needed help, so Ms. Jamie Thayer called 911 from another phone.

Ms. Jamie Thayer explained the background of the relationship between Mr. Yearby and Ms. Hannah Thayer to the dispatcher and repeatedly expressed her concern for Ms. Hannah Thayer's safety and life based on a previous incident where Mr. Yearby assaulted Ms. Hannah Thayer. Ms. Jamie Thayer saw officers approach on the Ring Doorbell and gave permission for the officers to go inside. She heard officers order Mr. Yearby to come out with his hands up twice. Ms. Jamie Thayer described herself in a panic and then heard Ms. Hannah Thayer screaming "bloody murder."

Interview with Hannah Thayer

Hannah Thayer was interviewed by Boulder Police Department Detective Raul Montano and Longmont Police Department Cody Clark. Ms. Hannah Thayer told the detectives that Mr. Yearby was her boyfriend of two years and that previously, they had been in a fight, and a protection order had been put in place. She said that Mr. Yearby had been staying at her house since Friday or Saturday after Ms. Jamie Thayer left to go to Breckenridge. She explained that on the day of the incident, she had accidentally called Ms. Jamie Thayer, and Ms. Jamie Thayer must have called the police.

Ms. Hannah Thayer and Mr. Yearby saw police officers outside her home, and she didn't know what to do because she did not want Mr. Yearby to go back to jail. When police officers knocked on the door, they didn't answer the door. She recalled that Mr. Yearby told her he was going to hold her like a hostage so police would shoot him and kill him.

When officers entered the house, she and Mr. Yearby were pressed together while Mr. Yearby was holding a backpack pretending he had a gun. Ms. Hannah Thayer stated that Mr. Yearby did not have a gun, but Mr. Yearby told police he had a gun and was going to shoot her. She stated that the police officers were telling Mr. Yearby to stop, put his hands up, and to let her go. She said that officers gave Mr. Yearby time to stop and Mr. Yearby did not stop. Ms. Hannah Thayer told officers that Mr. Yearby was lying and only wanted to kill himself. She said she attempted to empty the backpack to show officers there was no gun, but then Mr. Yearby was shot by the police and fell backward. Ms. Hannah Thayer then ran downstairs.

Ms. Hannah Thayer told the detectives that Mr. Yearby had tried committing suicide in the past. She stated that he would do so by cutting himself and that had occurred earlier in the

day, before police arrived. Ms. Hannah Thayer stated that Mr. Yearby told her that it was too hard and he was sad and did not want to do court stuff anymore and did not want to live. Following those statements, Mr. Yearby had taken a steak knife from her kitchen to cut himself on the arms about 10 minutes before police arrived. She wasn't sure if the knife was in the kitchen or in her bedroom. Ms. Hannah Thayer believed Mr. Yearby's intent was to kill himself when he cut himself.

Ms. Hannah Thayer also told detectives that Mr. Yearby talked about killing himself often because they could not legally see each other. Mr. Yearby had told her multiple times that he would rather die than go back to jail. He had repeatedly talked about having the police shoot him even prior to this incident and after he got out of jail for violating the protection order, and that was his plan if he was caught violating the protection order again. She stated that Mr. Yearby had typed a message on his phone and told Ms. Hannah Thayer to send it to his mother after he dies, but she had not read the message herself.

Interview with Civilian Witness

The BCIT conducted a neighborhood canvas of the area surrounding 2319 Bluebird Drive, led by Assistant Chief Investigator Chris Merkle from the Boulder County District Attorney's Office. Many neighbors reported seeing people coming and going to 2319 Bluebird Drive in the past but did not notice anything suspicious or out of the ordinary on August 10, 2026.

On August 12, 2026, Investigator Merkle spoke to Jon Hildebrand who lives near 2319 Bluebird Drive. He reported that on August 10, 2026, around 2:30 p.m., he was outside preparing to take his dog on a walk. He stated that he heard a commotion coming from 2319 Bluebird, that sounded like the muffled sound of a male yelling inside the residence. Mr. Hildebrand reported this caught him off guard and wasn't sure if the male was yelling at a female inside the residence, the TV, or something else. He stated that the male's voice sounded angry and Mr. Hildebrand was unsure if he should call the police or not. By the time he returned home 45 minutes later, the street was shut down and there was a very large police presence. Mr. Hildebrand also said that his wife was home the entire time but was inside and did not hear or see anything.

LEGAL AUTHORITY

Criminal liability is established in Colorado only if it can be proven beyond a reasonable doubt that an individual committed every element of a criminal offense defined by Colorado statute, and it is proven beyond a reasonable doubt that the offense was committed without any statutorily recognized justification or excuse. While knowingly or intentionally shooting and killing another human being is prohibited by statute as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of deadly force is justified. One of these specific circumstances is the use of deadly force to defend oneself or a third person. Asecond specific circumstance is the use of deadly force by a peace officer in making an arrest.

The evidence establishes that Officer Barry intentionally fired his weapon resulting in a fatal wound to Dariss Yearby. Officer Barry described these circumstances where he fired his weapon believing he was in imminent danger of being killed and/or that others were in imminent danger of being killed. The determination of whether the officer's conduct was criminal is, therefore, primarily a question of legal justification.

The legal framework for the analysis in this case is found in the following sections of the Colorado Revised Statutes:

C.R.8. 18-1-407 Affirmative defense

(1) "Affirmative defense" means that unless the state's evidence raises the issue involving the alleged defense, the defendant, to raise the issue, shall present some credible evidence on that issue.

(2) If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the offense.

C.R.S. 18-1-710 Affirmative defense

The issues of justification or exemption from criminal liability under sections 18-1-701 to 18-1-709 are affirmative defenses.

C.R.S. 18-1-704 Use of physical force in defense of a person

(1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

(2) Deadly physical 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 of receiving great bodily injury.

C.R.S. 18-1-707 Use of force by peace officers

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

(2) When physical force is used, a peace officer shall:

> (a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
> (b) Use only a degree of force consistent with the minimization of injury to others;
> (c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

(d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

C.R.S. 18-1-901 Definitions

(3)(d) "Deadly physical force" means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

Accordingly, the issue is whether at the time Officer Barry used deadly physical force, he reasonably believed that he, or another person, were in imminent danger of being killed or suffering serious bodily injury.

LEGAL ANALYSIS

In this case, the actions of Officer Barry were legally justified under Colorado law. At the time he discharged his firearm, he was justified in using deadly physical force pursuant to C.R.S. 18-l-704(2)(a) and C.R.S. 18-1-707. The question of legal justification is whether a reasonable officer, confronted with the same facts and circumstances, could have concluded that it was necessary to use deadly physical force to defend himself or another and stop the threat that Dariss Yearby presented, and if so, whether that use of force was reasonable and appropriate in response to that specific threat. The answer to those questions is yes.

Both statutory provisions provide an affirmative defense to the taking of human life if done in order to protect oneself, or another, from the imminent use of deadly physical force. C.R.S. 18-1-704 is an affirmative defense applicable to all persons defending themselves or a third party. C.R.S. 18-1-707 is an affirmative defense limited in application to law enforcement officers making an arrest. C.R.S. 18-1-707 is applicable in this case because Officer Barry was carrying out his duties and responded to an imminent threat of death or injury to himself and others.

Prior to the shooting, Mr. Yearby had indicated that he planned to cause the police to shoot and kill him. At the time Officer Barry discharged his service weapon, his actions were objectively reasonable. He believed that Mr. Yearby was holding a gun as Mr. Yearby was purposely concealing his hand inside or behind a bag and repeatedly stated that he had gun. Officer Barry was also aware that there was a protection order prohibiting Mr. Yearby from being present near Ms. Hannah Thayer and saw Mr. Yearby pointing his concealed hand toward Ms. Hannah Thayer as he held Ms. Thayer in a headlock.

Mr. Yearby was repeatedly given commands to drop the gun and to let Ms. Hannah Thayer go. He did not. Officer Barry believed Mr. Yearby would harm Ms. Hannah Thayer, his fellow officers, or himself and his belief that Mr. Yearby posed an imminent threat of serious bodily injury and/or death to Ms. Hannah Thayer, his fellow officers, or himself was reasonable.

CONCLUSION

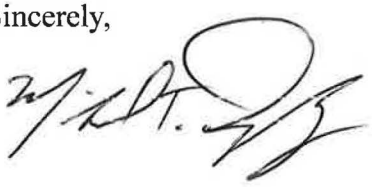
It is the conclusion of my office that, based on the applicable law and the facts and circumstances of this case, Officer Barry's actions during this incident were legally justified as set forth in C.R.S. section 18-1-704 and 18-1-707. As a result, my office will not be filing criminal charges against Officer Barry.

I appreciate the cooperation provided by LPD as well as the extremely thorough investigation conducted by the BCIT. These criminal investigations are important to the officers and civilians involved, as well as to our community.

In the interests of transparency and per our Boulder County protocol, I will be releasing this letter to the public. These materials will also be posted on the District Attorney's website. Our office will also host a Community Town Hall, as we do after any officer-involved incident, to present the findings surrounding my decision and to answer any questions. Our jurisdiction is one of the only ones in Colorado to host Town Halls following an officer-involved incident. It allows us the opportunity to play the video and audio recordings from the incident if there are any questions or concerns from those involved and/or community members. I recognize that the Longmont Police Department has released the video and audio pursuant to a newly enacted law, but the Town Hall will also allow an opportunity for additional questions or discussion.

Pursuant to our policy, following the Town Hall, the Longmont Police Department will become the custodian of records related to this case, and any future records inquiries will be directed to your agency. Please contact me if you require further information.

Sincerely,



Michael T. Dougherty