

Gordon P. McLaughlin
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FOR IMMEDIATE RELEASE

Contact: Eighth Judicial District Attorney's Office
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RE: June 26, 2020 arrest of Karen Garner

Date: April 15, 2021

The 8th Judicial District Attorney's Office shares the community's concern regarding the level of force shown in the video footage of Ms. Garner's arrest. Ms. Garner's misdemeanor case was dismissed by the previous administration (motion to dismiss attached). The current administration has not previously had the opportunity to review this incident and no investigation regarding any improper use of force has been presented to our office. This matter was brought to our attention when media reports surfaced yesterday evening. The Loveland Police Department has announced it will conduct an investigation into the officers' conduct. The District Attorney's office is processing the information we have and will continue to review facts as they are provided. Our office is committed to fair and professional reviews of alleged excessive use of force. After further review, the District Attorney's Office will consider whether an independent criminal investigation is warranted.

COUNTY COURT, LARIMER (LOVELAND) COUNTY, COLORADO Court Address: 810 E 10TH STREET, SUITE 110, LOVELAND, CO, 80537-4942	DATE FILED: August 24, 2020 4:59 PM CASE NUMBER: 2020M926
The People of the State of Colorado v. KAREN A GARNER	△ COURT USE ONLY △ Case Number: 2020M 926 Division: L2 Courtroom:
Order: Motion to Dismiss	

The motion/proposed order attached hereto: GRANTED.

Upon Motion of the People, the Court Hereby dismisses this case without prejudice.

Pursuant to §24-72-705, C.R.S., the Defendant may be eligible to petition the Court to seal this case. To seal this case, Defendant must pay a \$65.00 filing fee and all other fees, costs, fines, and restitution unless the Court has vacated the order. Instructions are located at www.courts.state.co.us

Issue Date: 8/24/2020



JOSHUA BLAKE LEHMAN
 County Court Judge

COUNTY COURT; LARIMER COUNTY, COLORADO 810 East 10 th Street, Suite 110 Loveland, CO 80537-4942 (970) 622-2100	
PEOPLE OF THE STATE OF COLORADO vs. Defendant: KAREN A GARNER	▲ COURT USE ONLY ▲
CLIFFORD E. RIEDEL District Attorney; Eighth Judicial District of Colorado Paige N Hammer, #51904 Deputy District Attorney 810 East 10 th Street, Suite 210 Loveland, CO 80537-4944 Phone: (970) 619-4410; Fax: (970) 619-4414	Case No: C0852020M000926 Courtroom: L2
MOTION TO DISMISS CASE	

COMES NOW CLIFFORD E. RIEDEL, the duly elected, qualified and acting District Attorney in and for the Eighth Judicial District of the State of Colorado, by and through his duly appointed, qualified, and acting Deputy District Attorney, Paige N Hammer, and respectfully moves this Honorable Court to dismiss the case filed against the Defendant and states as a reason therefore that:

1. Defendant is charged w/ three charges: Theft less than \$50, Obstructing a Peace Officer, and Resisting Arrest. This is her second known contact with law enforcement; the first being a speeding ticket in 2002.
2. It is alleged that Defendant attempted to steal items worth approximately thirteen dollars from Walmart. Walmart employees stopped Defendant, recovered the items, and then Defendant fled on foot. Law enforcement officers found Defendant and attempted to speak with her about the theft. Defendant resisted officers' attempts to do so and physically resisted when officers put her under arrest.
3. Counsel for Defendant provided the People documentation regarding Defendant's mental state. Specifically, a psychiatrist diagnosed Defendant with dementia from which she has a lack of insight, disorientation, and sensory aphasia and recommended she live somewhere that allows for 24/7 care. To put a point on it, Defendant appears to be incapable of understanding her surroundings or her actions. Defendant's family has since placed her in a 24-hour supervised care facility that is best suited to handle her day-to-day needs
4. In lieu of pursuing a competency finding and prolonging a resolution to this case, the People ask the Court to dismiss this case in the interests of justice. Given Defendant's current living situation, the People do not feel as though Defendant presents a danger to the community nor a risk of recidivism.

Respectfully submitted this 21st day of August, 2020:

CLIFFORD E. RIEDEL
District Attorney

By: /s/ Paige Hammer
Paige N Hammer, #51904
Deputy District Attorney

CERTIFICATE OF SERVICE

I certify that (*) I requested electronic service of the above via CCEF () A true and correct copy of the above has been deposited in the US Mail to counsel of record this 21st day of August, 2020:

Sarah Schielke

/s/ Paige Hammer
DDA
County Court Division

Attachment to Order - 2020M 096