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Fax Cover Sheet**To:** Denver Post **From:** Mike Knight**Fax:** (303) 820-1369 **Date:** June 9, 2005**Phone:** (720) 874-8514 **Pages:** 11**Re:** Blockbuster Grand Jury **CC:****If you don't receive all pages, please call # (720) 874-8500****Message:****Confidentiality Notice**

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MEDIA RELEASE

Date: June 9, 2005

Today the 2005 Arapahoe County Grand Jury released a report of their findings regarding the shooting incident which occurred on November 13, 2004 at the Blockbuster video store in Aurora. After hearing testimony and evidence from several eyewitnesses, the Aurora Police and the Arapahoe County Coroner it was the decision of the Grand Jury not to issue any indictment in this matter and instead to issue a report of their findings. The Grand Jury report is a public record and is attached to this media release.

The Arapahoe County District Attorney's office and Aurora Police Department will be holding a press conference at 3:30 p.m. this afternoon to answer questions related to this matter.

The press conference will be held in the main conference room of the Arapahoe County District Attorney's office, 7305 S. Potomac Street, Ste. 300, Centennial, Colorado.

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DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 South Potomac Street, Englewood, CO 80112	
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant: GLENN EICHSTEDT	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Attorney: CAROL CHAMBERS, 18th Judicial District Attorney 7305 S Potomac St., Suite 300, Centennial, CO 80112 Phone Number: 720.874.8500 Atty. Reg. #: 14948	Case Number: 05CR0189 Division/Ctrm:
2005 ARAPAHOE COUNTY GRAND JURY REPORT	

The Arapahoe County Grand Jury of 2005 has determined that it would be in the public interest to issue a report with regard to the shooting and death of Aaron Davis and the shooting of Benita Coleman-Davis on November 13, 2004 at the Blockbuster store located at 15022 East Mississippi Ave., Aurora, Colorado. By this report the Arapahoe County Grand Jury of 2005 certifies that it has considered the statutory definition of "public interest" as defined by §16-5-205.5, C. R. S. and specifically finds that the investigation of the Blockbuster shooting involved allegations of commission of a class 1, class 2 or class 3 felony. §16-5-205.5 (5)(d) C.R.S. (1st Murder is a class 1 felony; 2nd Murder is a class 2 felony; 2nd Murder/Provoked Passion is a class 3 felony; and, manslaughter and 1st Assault are class 3 felonies.).

The Arapahoe Grand Jury of 2005 heard the testimony of seven (7) eyewitnesses, including Benita Coleman-Davis, 2 expert witnesses, the Arapahoe County Coroner and the Aurora police officer who was the lead investigator in the case. The eyewitnesses testified to similar facts, although their testimony varied on certain details. All of the witnesses testified that they observed an argument involving two men and a woman in the parking lot of the Blockbuster video store located at 15022 East Mississippi Ave. All of the witnesses observed that Glenn Eichstedt was bleeding from the left side of his upper forehead and all of the witnesses testified that Mr. Eichstedt fired his gun at Mr. Davis.

The evidence/testimony showed that Mr. and Mrs. Davis pulled into the parking lot of the East Café, which is in the same strip mall as the Blockbuster store, to pick up Chinese food for dinner. (The front of the Blockbuster store faces east; the front of the East Café faces south. The East Café and Blockbuster share a parking lot but are not connected buildings). Mr. Davis was

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driving the couples' Toyota 4Runner and parked in a space, with one vehicle to the left and an empty space to the right. The Davis vehicle was pointed north. Mrs. Coleman-Davis went into the East Café to order dinner, while Mr. Davis remained in his truck. Mr. Eichstedt and his passenger arrived at the East Café a short time later. Mr. Eichstedt dropped his passenger off so she could go into the restaurant and reserve a table. Mr. Eichstedt parked his mustang next to the Davis vehicle, also facing north. (Mr. Eichstedt's passenger did not witness the shooting.) Mr. Eichstedt got out of his car and headed for the restaurant, at which time Mr. Davis got out of his truck and accused Mr. Eichstedt of opening his car door in such a manner that the door hit the Davis' vehicle and caused damage. Mr. Eichstedt returned to his car and stood between his car and the Davis' truck as the two men began to engage in a loud argument about the "dinged" car door. The time was approximately 6:20-6:25 in the evening. The lighting according to witnesses was good, with some natural light and two light poles producing sufficient artificial light. All of the witnesses, who were asked, testified that the lighting was adequate and that they did not have any problems observing the events they described.

Mrs. Coleman-Davis testified that she and her husband attended a wedding reception in the late afternoon and that they each had one alcoholic drink before going to the reception. On the way home from the reception, they decided to get dinner from the East Café. She went inside to get their dinner and Mr. Davis waited in their automobile. She came out of the East Café with the couple's dinner and noticed that her husband and a white man (Mr. Eichstedt) were arguing about damage to the Davis' vehicle. They were standing between the two vehicles. She testified that her husband had a metal bar in his right hand, which rested on his hip and was pointed backward. She stated that her husband carried the metal bar in the truck with him, but she had never seen him pull it out before. He was resting his left elbow on the hood of the truck with his left hand under his chin and over his mouth. The white man was being aggressive, was gesturing with his hands and said, "show me the damage" and "I didn't damage your truck". He also yelled several times at Mr. Davis, "what do you want to do little man, what do you want to do?" She did not hear her husband respond and never heard him yell or talk to Mr. Eichstedt nor did she hear Eichstedt ever threaten Mr. Davis or use any racial slurs. However, she was able to identify her husband's voice in the background of a recorded 911 call and acknowledged that he must have been talking as well. The three parties were all standing close to one another and in between the two vehicles. Mrs. Coleman-Davis said she attempted to calm the two men down. She stepped between the two and when she did, Eichstedt

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leaned into her with his chest, physically touching her shoulder. Mrs. Coleman-Davis demonstrated how Eichstedt leaned "in on her" and how she pushed back at Mr. Eichstedt with her right arm. At this point the parties were all close enough to be touching each other. Mr. Eichstedt took a couple steps backward and then started to come back toward Mrs. Coleman-Davis. At that point, according to Mrs. Coleman-Davis, her husband jumped in front of her and struck Mr. Eichstedt in the head with the metal bar. The metal bar was in Mr. Davis' right hand and he hit Mr. Eichstedt on the left side of the head. Mrs. Coleman-Davis demonstrated an arcing overhand blow. Mr. Eichstedt began bleeding from the head. Mrs. Coleman-Davis testified that this was the first physical contact between the two men and that prior to that time, neither man had thrown a punch at the other. She also indicated that she did not see a gun in Eichstedt's hand during the argument or prior to hearing a gun shot. Mrs. Coleman-Davis said she saw her husband hit Mr. Eichstedt only one time in the head. After her husband hit Mr. Eichstedt, she heard a "pop". At that time, Mrs. Coleman-Davis was standing right behind her husband who was standing right in front of Mr. Eichstedt; the three of them were in a row. Mrs. Coleman-Davis did not see the gun either before or after the shooting. She testified that the men were so close they could have been touching. Mrs. Coleman-Davis does not remember anything more about the actual shooting and only heard one shot. She did not know that she had been shot until she was on the phone with the 911 operator and never saw Mr. Eichstedt aim his gun at her. Neither Mr. Davis nor Mr. Eichstedt ever returned to their vehicle and retrieved anything during the argument. Mrs. Coleman-Davis was struck twice, once in the abdomen, a bullet was recovered during surgery, and once in the upper right chest and back, which was a perforated wound. (There is an entry wound and an exit wound.) Mrs. Coleman-Davis' doctor was unable to determine which wound was the entry wound and which was the exit wound. Mrs. Coleman-Davis's injuries were life threatening and she did suffer serious bodily injury as that term is defined by statute.

An eyewitness testified that he was a passenger in a white truck and drove to the parking lot in front of Blockbuster. The vehicle was next to, and to the left of, a Toyota 4Runner (the Davis' vehicle) facing north. The truck was parked in the parking space at the end of the row and was closest to Blockbuster. When he got out of his truck, he did not notice anyone sitting in the driver's seat of the Davis' vehicle. He went into Blockbuster. When he exited Blockbuster, he observed a black man (Mr. Davis) and a white man (Mr. Eichstedt) arguing; both were screaming at each other. He was approximately ten (10) feet away from the parties. A black woman (Mrs. Coleman-Davis)

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was also standing right beside the men. They were standing very close together, behind his truck. He heard the white man, say, "I can kill you right here, right now". The black man pushed the white man and then the two began exchanging punches and the woman also started punching the white man. The white man landed a clean punch to Mr. Davis' face and then Davis pulled a bar and hit Mr. Eichstedt once on the head with a bottle or a pipe. Mr. Eichstedt took two (2) or three (3) steps backward and said "look what you've done to me". At that point, Mr. Eichstedt produced a gun and shot toward Mr. Davis four (4) times. The witness and his family turned and ran back into the Blockbuster for safety. He did not see the shooting, but saw Eichstedt produce the gun and heard four (4) shots being fired, one after another. When Mr. Eichstedt produced the gun, the witness saw Mrs. Coleman-Davis standing behind her husband. The police arrived moments later.

An eyewitness testified that she drove to the parking lot in front of Blockbuster and parked her white truck next to, and to the left of, a Toyota 4Runner (the Davis' vehicle) pointed north. The vehicle was in the parking space at the end of the row and was closest to Blockbuster. When she got out of her truck she did not notice the 4Runner and therefore did not notice anyone sitting in the driver's seat of the 4Runner. She went into Blockbuster. When she exited the inner doors of Blockbuster, she heard people arguing. The arguing became louder as she came out of the second set of doors. She could not understand what they were saying, but they were screaming at each other. Three people, a black couple (Mr. Davis and Mrs. Coleman-Davis) and a white man (Mr. Eichstedt), were standing very close to each other behind the witnesses' truck. She heard the white man yelling at the couple, he was pretty upset and was gesturing. The white man tried to reach over the woman who was standing between them to hit the black man. In the process, he pushed the lady, who struck back at him. Both Mr. Davis and Mrs. Coleman-Davis then began hitting Mr. Eichstedt. The woman moved out of the way and the two men continued to punch each other. Then Mr. Davis hit Mr. Eichstedt on the eyebrow with a bottle and Eichstedt stumbled back between the witnesses' car and the Davis' car. His whole face on the left was covered with blood. The witness then heard glass break, saw the man wipe the blood from his head and start to shoot. She did not see the gun, but heard four (4) shots as she and her family ran back inside the Blockbuster for protection. The two men were approximately 6 feet apart when Eichstedt started shooting. The witness did not pay attention to Mrs. Coleman-Davis after Mr. Davis hit Eichstedt with the bottle and does not know where she was during the shooting. The witness did not hear any profanity or any racial slurs. She

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never saw either of the men return to their respective vehicles to retrieve weapons. The police arrived moments later.

An eyewitness testified that he was working on the evening of November 13, 2004 at a business in the same strip mall as the Blockbuster and the East Café. He was making a delivery in his car and was driving in front of the storefronts immediately to the south of Blockbuster. He was headed north out of the parking lot. As he stopped at a crosswalk, just south of Blockbuster, he observed a black couple (Mr. Davis and Mrs. Coleman-Davis) and a white man (Mr. Eichstedt) approximately 15-20 feet in front, and slightly to the east, of him. The white man had blood on his face. He thought the couple was helping the man. He could not hear what the people were saying because his windows were rolled up. The people were facing each other with the couple facing east and the man facing west and they were within three (3) to four feet (4) of each other. The witness did not see anything in their hands. He realized that the couple was not helping the man when the black man began striking the white man in the head in the area where he was already bleeding. Mr. Davis hit Mr. Eichstedt three (3) or four (4) times. It looked like there was a key chain in the black man's hand. The witness saw Eichstedt push Mr. Davis, but he was not fighting back. The witness lost sight of the three people momentarily when a car pulled in front of him and blocked his line of sight. Once he regained his line of sight, he did not see the woman, only the two men. The white man pushed the black man back between 2 vehicles, at which point the white man was facing the witness and the black man had his back to the witness. The witness saw more aggression from the black man and saw the flash from the gunshots and heard three (3) shots. The shots were fired within seconds of the last punch. The two men were standing really close, within a hand reach of each other. When the white man shot the black man, he had his hand on the black man's shoulder. After the shooting, he saw the woman again between the same two vehicles. The black man walked to the back of a white truck (other witnesses' vehicle) and collapsed. The white man pointed the gun at the black man and then at the woman but did not fire again. The witness called 911 and the police arrived shortly thereafter and took the gun from the man.

Another eyewitness testified that she came out of the Blockbuster store and saw three people yelling at each other, but could not understand what they were saying. It was a black man and woman (Mr. Davis and Mrs. Coleman-Davis) and a white man (Mr. Eichstedt). She saw a cell phone in the woman's hand, who was standing behind her husband behind the witnesses' truck. The white man pushed the black man, which caused him to bump into the black woman. The black man got mad and

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started hitting the white man, and then the men both started hitting each other. Mrs. Coleman-Davis was also hitting Mr. Eichstedt with her cell phone. The witnesses testified that the white man fell to the ground. Eichstedt then said to Mr. Davis, "look what you did to me". The witness did not know if Mr. Davis had anything in his hand when he hit Mr. Eichstedt, but Mr. Eichstedt was bleeding. Mr. Eichstedt got up and the two men went between the vehicles. The two men were very close. The witness demonstrated a bear hug and said that she heard four shots and saw two flashes. When the shots were fired, she and her family ran back into Blockbuster. The police arrived a short time later.

Another eyewitness testified that she was going to Blockbuster with her son. She pulled into the parking lot driving west headed toward the store. She saw several people in the middle of the parking lot between two rows of cars. At first she thought they were kids playing tag, but as she drew closer she realized they were adults and they were fighting. She saw one white man and a light-skinned black man or a Hispanic man and a light-skinned black or Hispanic woman. The witness stated that she honked her horn because she was afraid she might hit one of them; they did not respond. The white man and the black man were swinging at each other, with the female in the middle. She did not remember hearing anything. The white man was bleeding from the left side of his head and it was dripping down his face. She did not see any injuries to the other man and the woman and she did not see anything in their hands. She continued traveling westbound in her car until she got to the front of the store, where she turned left, heading south and the left again, heading east. The witness testified that as she was turning, she heard two (2) shots. She sped up because she did not know where the shots are coming from, but knew they are behind her. After she completed her turns, she looked back over at the people and saw Mr. Eichstedt fire two more shots toward Mr. Davis. Eichstedt's arm was extended and the two men were approximately five (5) feet apart. Eichstedt was between the 4Runner and the white truck and Mr. Davis was at the back of the white truck. She did not see the woman at that time. The witness backed her vehicle into a parking space to the south of Blockbuster. She did not see the white man point the gun at Mr. Davis after the four (4) shots were fired. Her son went in to rent movies and she remained outside. She saw the police arrive, but did not talk with them. She left the area when her son came out of Blockbuster.

Mr. Eichstedt made numerous statements at the scene after the police arrived. According to witnesses, he handed the gun to the first officer that arrived. He told the officers he had a concealed weapons permit for the gun. He also made the following spontaneous statements to the police: "here, I'm the one that shot him"; "this was over a door"; "he hit me with the pipe"; "she freaked out and

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jumped on me"; " I only shot him"; "the mustang is my car"; "this one is their car" (pointed to 4Runner); "they were jumping all over me"; and, "damn this was all over a door". Eichstedt was taken to the hospital. Upon his release, he agreed to accompany police officers to the police station and agreed to make a statement to the police about the events that had occurred. Mr. Eichstedt was advised of his *Miranda* rights and voluntarily spoke with the police. He stated that he and his girlfriend had planned to go to the East Café for dinner. He had dropped her off at the restaurant and she went in to get a table while he parked the car. He parked to the west of the East Café, in a row facing north. He got out of his car and headed for the restaurant. The man (Mr. Davis) parked next to his vehicle to the west got out of his car and accused him of damaging his vehicle. Eichstedt said he walked back toward his car and got into an argument with the man about the accusation. The two men were standing between their cars and Eichstedt asked the man to show him where he "dinged" his car. They were yelling at each other and using profanity. Eichstedt started to walk away, but Davis continued to engage him in the argument about the damage to his 4Runner. Mrs. Coleman-Davis appeared and also accused him of hitting their car. Mrs. Davis jumped in front of him and pushed him and then Mr. Davis punched him in the side of the head. Mr. Eichstedt said it was the hardest punch he had ever felt. He fell to the ground and realized the man had a pipe in his hand. He said that he thought the man was going to "bash his brains in". Eichstedt told the officers that he was going to be killed. He pulled his gun from his pants pocket and fired. Mr. Davis was pounding his head when he shot. Davis hit him seven (7) or eight (8) times with the pipe. He did not intend to shoot the woman, and if she was shot, it was an accident. At the time of the shooting, Mr. Davis was on top of him as he was getting up from his knees. Mr. Davis was so close, Eichstedt was unable to extend his hand when he shot him; they were wrestling. Eichstedt thought he fired three (3) shots. He admitted yelling at Davis and admitted using profanity. He denied making the threat, "I can kill you right here, right now". He put his gun in his pocket when he got dressed earlier in the day and always carried it because he owned a restaurant/bar, that he had been robbed previously and he needed it for protection. Mr. Eichstedt admitted to drinking a couple of beers earlier in the day. He again told the detectives that he had a concealed weapons permit for the gun. Mr. Eichstedt was 52 years old and indicated that he was 6'1" and weighed 235 pounds.

The gun used by Eichstedt was recovered by the Aurora Police Department from Mr. Eichstedt at the scene. It was a .38 caliber revolver. Mr. Eichstedt did have a valid concealed weapons permit.

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The metal bar used by Mr. Davis was recovered from the Blockbuster parking lot. It was a solid bar approximately eight (8) to ten (10) inches long and 1-1½ inches in diameter.

The doctor who treated Mr. Eichstedt in the emergency room that night testified that Eichstedt suffered several blows to the head that were consistent with being hit with the metal bar recovered at the scene. Because he suffered a head wound, Eichstedt had x-rays of the skull. He did not have a skull fracture or damage to the brain. Eichstedt had a Y-shaped laceration to the scalp that was 10 centimeters, ≈four (4) inches and required 15-30 stitches to repair. The doctor noted several wounds to the head, including a wound to the top of the head near the forehead, two wounds to the side of his head, as well as to the ear and to the neck and jaw. In the doctor's opinion, Eichstedt suffered serious bodily injury from a deadly weapon as these terms are defined by statute.

The Arapahoe County Coroner, Dr. Mike Doberson testified to the cause of death of Mr. Davis and the results of his autopsy. He also noted that Mr. Davis had refused some medical treatment. Dr. Doberson conducted both an external and internal exam of Mr. Davis. Mr. Davis was 39 years of age, 5'9" inches tall and weighed 166 pounds at the time of his death. Mr. Davis' toxicology results indicated that he had a very small amount of alcohol in his system. He suffered two gunshot wounds and both were perforated. The point of entry of the fatal gunshot wound was to the lower left chest and the bullet exited the lower left back. The bullet caused damage to the liver, stomach, and pancreas and to the left kidney of Mr. Davis and the cause of death was severe hemorrhage. Mr. Davis essentially bled to death. The path of the bullet was front to back, slightly downward and slightly right-to-left. The wound was a contact wound, meaning the muzzle of the gun was touching Mr. Davis when he was shot. Dr. Doberson explained that a contact wound has several identifying factors which were present in Mr. Davis wound. The point of entry had marks on the skin called stippling which is gunpowder burns on the skin; there was soot inside the wound; and, the outline of the muzzle was clearly visible on the skin surrounding the bullet entrance. Dr. Doberson opined that the clothing Mr. Davis was wearing was thin enough for the gunpowder to penetrate and leave marks. The other wound to Mr. Davis was a superficial wound. The bullet entrance was on the top of the right shoulder and the bullet exited the right arm. This gunshot wound was an intermediate range wound, meaning the gun was fired from a range of several inches to possibly a foot and a half to two (2) feet. This wound also had stippling around the entrance point. The trajectory of this wound was left to right, slightly downward and slightly back to front. The bullet only injured muscle and soft tissue. Dr. Doberson was not able to determine which wound was suffered first.

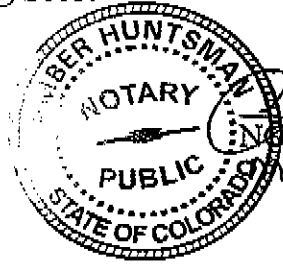
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Based on all of the evidence, including defense of person, as set forth above, the Arapahoe County Grand Jury of 2005 has determined that the shooting death of Aaron Davis and the wounding of Benita Coleman-Davis, by Glenn Eichstedt, while tragic, cannot be the basis of any criminal charges against Glenn Eichstedt and has therefore, issued a "no true bill" as to all charges presented for possible indictment.

I, _____ the Foreperson of the 2005 of the Arapahoe County Grand Jury, do hereby swear and affirm that this report issued by the 2005 Arapahoe County Grand Jury was arrived at after deliberation and with the assent and agreement by at least nine members of the 2005 Arapahoe County Grand Jury.

FOREPERSON

Subscribed and sworn to before me in the County of Arapahoe, State of Colorado, the 12 day of May, 2005.



[Handwritten Signature]
Commission Expires: 07/24/2008