

Victim in mistaken Unified Police shooting files notice of claim for at least \$2.75 million

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Courts • He seeks \$2.75 million, in addition to punitive damages, after an officer mistakenly fired at him.



Jeremy Harris | Courtesy of KUTV Unified police were involved in a shooting Friday night near 7200 S. 150 West in Midvale.

By Bob Mims | The Salt Lake Tribune · June 19, 2016 12:21 pm

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A Unified police officer faces no criminal charges for shooting a bystander last October after mistaking him for a gunman who allegedly had just shot the lawman, but he and the department may face a civil lawsuit seeking millions of dollars.

Dustin Evans, the 30-year-old man wounded in the leg and hand when now-UPD Detective Cory Tsouras opened fire in October, filed the notice of claim with Salt Lake County on April 11 through his attorney, Rocky Anderson. Evans seeks \$2.75 million for himself and his wife, in addition to punitive damages.

Anderson challenges UPD's claim that Evans and alleged gunman Jeremy Michael Bowden were similar in appearance and dress. For example, Evans is 5 feet, 7 inches tall, 160 pounds and is clean-shaven with short brown hair, while Bowden is 5 feet, 11 inches, 200 pounds, and was bald and bearded at the time of the incident.

"Tsouras's conduct was intentional, wanton, reckless, and willful, entitling Evans ... to punitive damages against Tsouras," Salt Lake County, and UPD, Anderson wrote, alleging multiple instances of negligence and violations of various constitutional rights.

Evans says he still is recovering from his wounds and has been unable to work since the incident. Anderson seeks at least \$2 million for Evans; another \$750,000 for his wife Miranda; attorney fees; and punitive damages to be determined at trial.

Earlier this week, Salt Lake County District Attorney Sim Gill released a 26-page decision in which he said that while he could not justify Tsouras' use of potentially deadly force during the episode, neither would he prosecute Tsouras for "a mistake — one which was not criminal in nature."

Sheriff Jim Winder responded with a news conference expressing his displeasure with Gill's determinations, and providing additional details to explain the unique scenario faced by Tsouras that night.

"Place yourself in a position in which you've been shot at and have been shot," Winder said.

On the night of Oct. 30, 2015, UPD Officer Nate Clark found a stolen vehicle at a Midvale parking lot. When Bowden, the alleged car thief, was about to get behind the wheel of the vehicle, the officer blocked the car, turned on his UPD cruiser's light bar, and exited to confront Bowden.

Bowden ran west from the scene, through trees and shrubbery and a field toward a car wash located near 7200 South and 200 West. It was there he encountered Tsouras in his cruiser, and Bowden allegedly fired multiple shots at the officer.

One bullet struck Tsouras in the seam of the officer's bulletproof vest. Another slug went through the officer's head rest, and a third was later discovered lodged in the headrest.

Bowden then jumped over a wall and landed on the roof of a carport, where officers later found the 9mm handgun used to shoot at Tsouras.

Moments later, Tsouras — mistaking Evans for Bowden as Evans ran to a car wash office to take shelter — opened fire.

Bowden, for allegedly shooting at Tsouras, has been charged with first-degree felony attempted aggravated murder, which is punishable by up to life in prison. No trial date has been set. He remains in the Salt Lake County jail on \$1 million cash bail.

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