

Man mistakenly shot by police filed notice of intent to sue

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SALT LAKE CITY — Contrary to statements made Wednesday by Salt Lake County Sheriff Jim Winder as he defended an officer who shot a bystander he mistook for a suspect, a notice of claim was issued in April notifying the department of a potential lawsuit.

The notice of claim, dated April 11 and provided to the Deseret News by the man's attorney Thursday, calls for compensation of at least \$2 million in legal fees as well as punitive damages for the shooting victim, Dustin Evans, and an additional \$750,000 for his wife, plus punitive damages for her.

Evans was shot Oct. 30, 2015, when a police chase erupted at the Midvale car wash he had just arrived at. The shooting was determined to be not legally justified Wednesday by Salt Lake County District Attorney Sim Gill, who at the same time announced he will not pursue criminal charges against the officer.

Unified police officer Cory Tsouras was pursuing Jeremy Michael Bowden, 33, who had just shot at him in his police vehicle, when the officer lost sight of the fleeing Bowden, according to the investigation. Moments later the officer

happened upon Evans, who was attempting to take shelter from the gunfire in the car wash, and believed him to be Bowden.

When Evans didn't heed Tsouras' instructions to stop — investigators determined Evans likely couldn't hear the officer over police sirens — Tsouras fired, hitting Evans twice. Meanwhile, Bowden escaped over a fence and was later apprehended by police.

According to the notice of claim, the first shot struck Evans' left wrist and exited through his hand. The second hit Evans behind his right knee and exited below his knee cap.

Thinking that Evans was Bowden, the officer said he saw something in Evans' hands and thought he was loading or unjamming a gun. He then shot Evans out of concern he was armed and was going to continue shooting, according to the officer's statement quoted in the investigation.

In the claim, Evans' attorney, former Salt Lake City Mayor Rocky Anderson, disputes the description given by police that Bowden and Evans are of similar appearance and build, and that they were wearing similar clothing on the night of the shooting.

The claim alleges Tsouras' actions were "intentional, wanton, reckless and willful" and violated Evans' rights. Since the shooting, Evans says his injuries have left him with permanent disabilities, prevented him from returning to construction work, impacted his relationships with his wife and children, and resulted in ongoing fear and depression.

Evans' wife, the claim says, has also experienced lingering fear since her husband was shot and is now without his support providing for their family.

At a press conference Wednesday, Winder told reporters, "We have received no notice of claim" when asked if any legal action had been taken against the department. On Thursday, Winder acknowledged his statement at the press conference was incorrect and apologized for the error.

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