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Bystander shot by police speaks after D.A. rules on shooting

SALT LAKE COUNTY, Utah -- Unjustified. That's how Salt Lake County District Attorney Sim Gill described an officer-involved shooting on October 30th in Midvale.

Officer Corey Tsouras arrived at the Rocket Express Car Wash around 8:00 p.m. Tsouras was backing up another officer in pursuit of a car theft suspect named Jeremy Bowden, who had fled on foot.

No one disputes what happened next. Bowden is caught on dash cam video firing one of what police believe we're a total of eight shots at Officer Tsouras. The bullets hit the patrol car, shattering windows and passing through the driver's headrest. One shot lodged in Tsouras' bullet-proof vest.

During the exchange, as Tsouras is retreating to put some distance between him and the gunman, Dustin Evans drives into the car wash. Evans is in the middle of the shooting.

Surveillance video captures him crawling out the passenger side of his car and running for the building. Evans then turns toward his car, raising one hand, presumably to lock the car. It's in that moment Sheriff Winder says Tsouras fired on Evans.

"Before we judge people, place yourself in a position in which you are being shot at and have been shot," said Sheriff Jim Winder with the Unified Police Department.

Evans and Bowden were wearing similar clothing that night. It was October, around 8:00 p.m., well past sunset. Tsouras fired at least three rounds, possibly more. Two struck Evans, one in the hand, another in the leg. Another bullet from Tsouras's gun shattered a glass door. Employees had been sheltering behind that door, but none were hurt. The same cannot be said for Evans.

"Without my brace on, I constantly trip over my foot, so it's a struggle," Dustin Evans said.

He has had six surgeries and physical therapy up to four times a week. Evans still has no feeling in one foot. Married with three kids, he worries about keeping up with his 2-year-old. The long-term healing is a struggle, but it's nothing compared to the night he was accidentally shot.

"I'm thinking, 'Oh crap, I'm going to die here and not even going to be able to tell my wife that I love her, or hey I love my kids, tell them that daddy's not going to come home,'" Evans said.

On Wednesday morning, the District Attorney made his ruling public.

"We felt that it was unreasonable and unjustified in Officer Tsouras shooting Mr. Evans," said District Attorney Sim Gill.

Gill said the investigation shows Tsouras lost track of the suspect, and when he re-engaged with who he thought had shot at him, he was no longer in the direct line of fire. A mistake, Gill calls it, but a reasonable one.

"Sometimes mistakes will happen, but they don't always rise to the level of criminal charging," Gill said.

No charges will be filed against Officer Tsouras.

Evans seems to accept it was an accident. Though he has retained his own attorney, he does not seem phased that Tsouras will not face charges for the shooting. What bothers him is Tsouras being back at work three weeks after the shooting, a luxury Evans doesn't have.

"I don't want the cop to lose his job and all that stuff, I just want him to be held accountable for what he did to me," Evans said.