


# Police shooting ruled not justified; No charges to be filed

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## Innocent bystander shot in October 2015 police shooting

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SALT LAKE CITY (ABC 4 Utah) - A deputy was unjustified in an October shooting but won't be prosecuted.

That was the finding by the Salt Lake District Attorney in an October 2015 officer involved shooting.

Unified Police were chasing a fugitive in October near 200 West and 7200 South.

Dustin Evans happened to be at a car wash near the location when he heard police sirens and then watched the fugitive pull out a gun.

"He was casually basically walking backwards shooting at the cops," said Evans.

He hit under his car fearing the fugitive Jeremy Evans would start shooting at him.

Surveillance video showed Evans eventually running from his vehicle.

District Attorney Sim Gill said the deputy lost track of Bowden and then spotted Evans and mistakenly thought he was the suspect. That's when the deputy opened fire.

"As soon as I got to the door, I didn't even feel the bullets hit me said Evans. "The door shattered and I just fell."

That was in October and Evans still hasn't returned to work. He was shot in the leg and wrist.

"I got a brace on leg (and I) don't know if I am going to be wearing it for the rest of my life.," he said. "My hand, movement of my wrist is not where it used to be."

After investigating the shooting, the district attorney ruled the shooting was not justified but won't file criminal charges against the officer.

"A mistake happened but there was no criminal intent on that," said Gill. "To prosecute (the officer) would compound another injustice and that's

something our office will not do."

The sheriff disagreed with Gill's ruling and stood by the actions of his deputy.

"Place yourself in a position of being shot at and been shot," said Sheriff Jim Winder. "Our officer was impacted by a round in his chest, had his windows blown out and trying to save lives. He was trying to react in split second."

Evans said he didn't want the officer to face criminal charges but was hoping he'd be disciplined.

As for Evans, he doesn't want the officer charged criminally but was hoping he'd be disciplined,

"I ultimately got shot by someone who is supposed to save me, protect me," he said. "(He's) Somebody that we look to everyday for protection and I am the one that gets shot by that. It hurts."

Evans' attorney said plans are underway to file a lawsuit if negotiations fall short.

"Police have to know who they are shooting at," said Rocky Anderson, Evans' attorney.