

NEW EVIDENCE

This image, taken in the midst of the April 20, 1999, attack on Columbine High, shows the relationship between Jefferson County sheriff's deputy Neil Gardner, the west doors where gunman Eric Harris shot at responding officers, and the library. Gardner said in an interview with investigators that he fired eight shots at Eric Harris near the west doors. However, recently released evidence indicates that three of the bullets he fired were found in the second-floor library.

Daniel Rohrbough lies dead on a sidewalk, soda from a can he dropped trickling downhill near him. At left, students crouch behind a car with a police officer who aims his gun at the school.

Photograph by **Rodolfo Gonzalez**
April 20, 1999



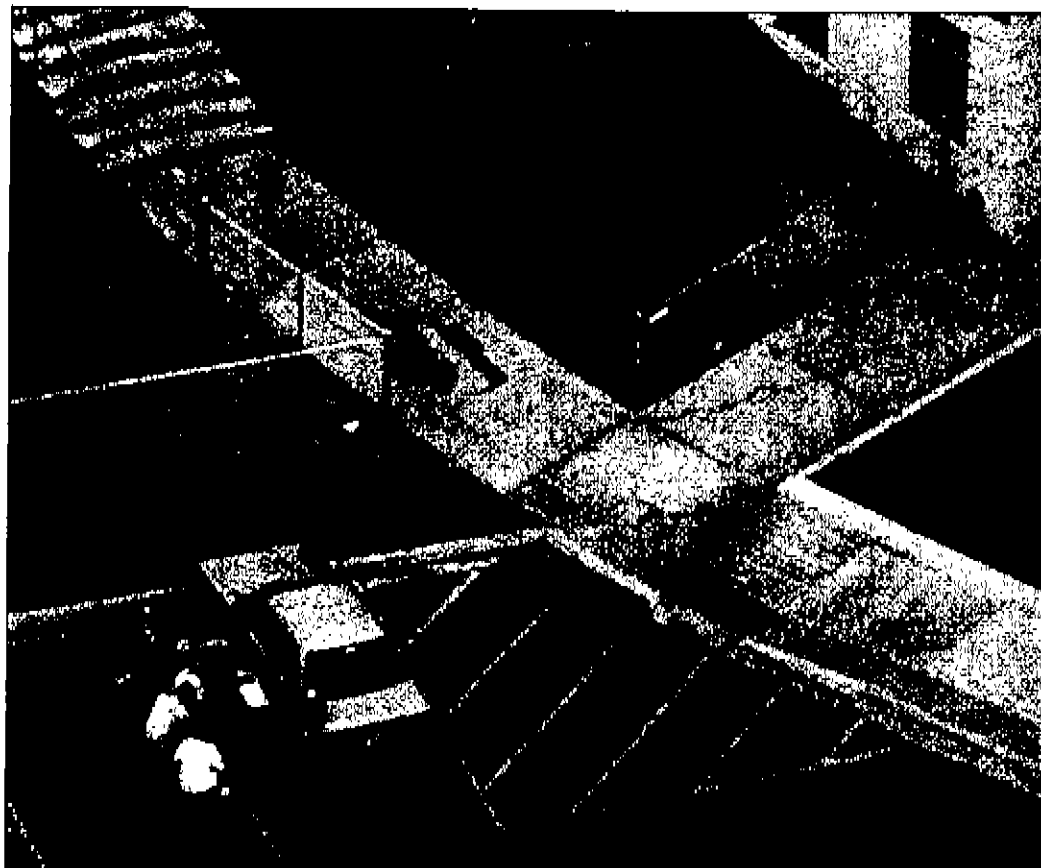


Photo by Rodolfo Gonzalez - Rocky Mountain News

RealAudio: Janet Rocky Mountain Director of Photo talks about this d photo: "It's impor show what really happened."

Rodolfo Gonzalez photographer: It s as a pretty typical c early morning phor Assignment Photo Steve Dykes gave "heads up" about a assignment in my r woods. "Mickey & Mouse are in town their new Disney K which is an oversiz Indoor adventure/p

"Well it could be w thought to myself. "

be worse?" That is something I will never care to whisper again. It got worse! It got worse rea

As I packed up my lights and said good-bye to Mickey, Minnie and the store's GM. The pager on my belt started to shake. "WHAAAAT!!!!" I moaned.

"SHOOTING AT COLUMBINE HIGH SCHOOL, Plz Call ASAP!"-message on my pager.

With a call into the photo desk I could tell this was not something light hearted, like maybe a senior prank or something. Steve Dykes, Photo Editor, was brief but urgent, "Need you to get on a helicopter right now." As it was I was only minutes away from the local commuter airport and was on a helicopter and hovering over Columbine High School with 20 minutes.

I think the emergency calls came out at 11:21 a.m. and I was joining the circling flight pattern above the high school along with 6 or 7 other aircraft a few minutes prior to noon.

As we joined other aircraft we kept pretty high as we circled the school in fear of

drawing weapons fire or aggravating the scenario below. Much was unknown at the time.

As I leaned out of the side bay door of the helicopter hand holding a 400mm and wishing I had something longer the helicopter crept over the side of the school showing a severely damaged cafeteria with blown out windows and glass everywhere. It took me a few seconds with the wind and camera shake from the helicopter before I spotted a group of kids huddled and hiding behind a car with a police officer's weapon drawn and pointing towards the school's entrance. As I tried to focus on the kids behind the car I saw a shape lying on the sidewalk leading in the corner of the camera's frame. "Hey, there is a kid laying on the sidewalk down there" I yelled to the pilot. At that moment I had know idea who he was or his condition. You can say a lot for adrenaline! To bad it goes away. As the pilot and I circled the school time and time again I started to tell myself, "ahh there's no way that's a kid! maybe it's a bunch of book bags, you know, backpacks that students dropped as they ran for cover or something" I guess, deep down, I was really hoping, no, praying it was anything else but a victim.

Later I found out the victim had a name, a family, a life. Dan Rohrbough, is his name. He was fifteen, a freshman, a young man full of life, full of promise. Dan's family found his picture in the next day's edition. It confirmed their son's fate after what I can only imagine was an eternal night of not knowing.

The images made that day and in the days that followed are at the very least, haunting. Days of crying, hugging, and of enormous grief takes it's toll on all. It has taken it's toll on me.

Rodolfo Gonzalez can be reached at: Gonzopix@aol.com



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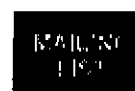


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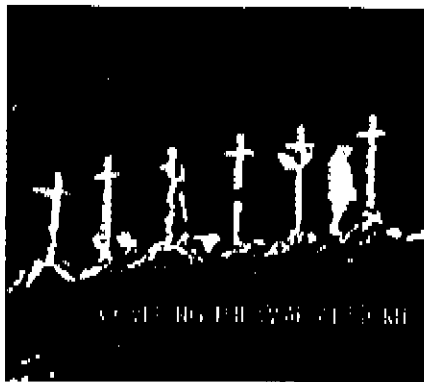


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A Multimedia Presentation of



THE DIGITAL JOURNALIST.

and

BEHIND

Produced by F.R. "Fritz" Nordengren,
David Snider and Dirck Halstead.

This feature is best viewed at an
800x600 pixel screen resolution.

There are three words the country learned in the wake of the school shooting in Littleton, Colorado. Those three words were printed on school t-shirts and bumper stickers as a pep rally slogan. Now, they take on historic value. The words are:

We Are Columbine.

The strength, cohesion, and spirituality of the community and school was brought under the microscope of national media attention when two young men, Eric Harris and Dylan Klebold "declared war" on their high school. "Declared war" is a description given by law enforcement, school officials, and Littleton citizens who describe the events of April 19, 1999.

Events of such a magnitude bring the community in which they happen to the foreground. In this multimedia study, jointly produced by the Digital Journalist, and Behind the Viewfinder, we take to behind the scenes covering the events of late April 1999.

Unique to this coverage, is the participation of James Keivom from the photojournalist journal site: Behind the Viewfinder. James, who writes about his life and work as a freelancer in Boulder, has described in previous diaries covering his 4th riot in 4 years, the most recent one to celebrate the Denver Bronco's championship. As word of the shooting made its way across national news wires, and the "national media" started moving its forces in to cover the story, James wrote a short note to the Behind the Viewfinder project:

-----Original Message-----

From: James Keivom [mailto:keivom@rintintin.colorado.edu]

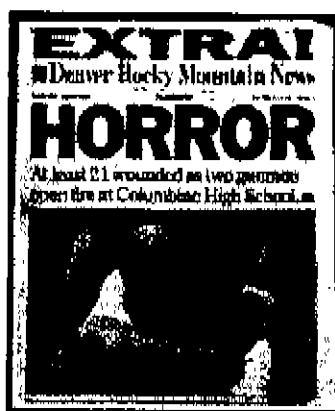
Sent: Wednesday, April 21, 1999 5:26 AM

To: nordengren@digitalstoryteller.com

Subject: SHOOTING PHOTOS

Fritz, here are the images, and their captions are in the file info section. I don't have much to say right now as I have to go and shoot the memorials, but the pictures say enough for now. Being down there was strange, you'd go in phases where you would be numb and then suddenly snap out of it and feel frustrated and angry that such madness could go on. The event was so unpredictable, heck, even Nostradamus couldn't have predicted it.

I'll add the words later on.



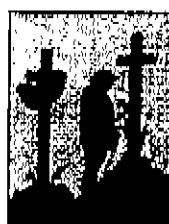
As Kelvom worked as a freelancer, the Denver Rocky Mountain News team of photojournalists took on the incredible challenge of bring this story to the world. Their task required feeding the wire services, Sygma, and other Scripps Howard newspapers. But as community photojournalists who live there, they took on the almost impossible challenge of telling this story to their home town. Covering a war is no easy job. Covering the war at home is the challenge met by the RMN team, and freelancers like Kelvom.

RealAudio: Janet Reeves talks about publishing the extra edition of the Rocky Mountain News - "That was the start of some very good coverage."

Click on the thumbnails to enter each section.



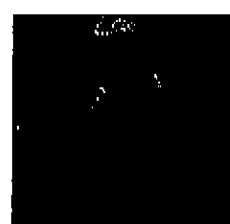
The Shooting



The Day After



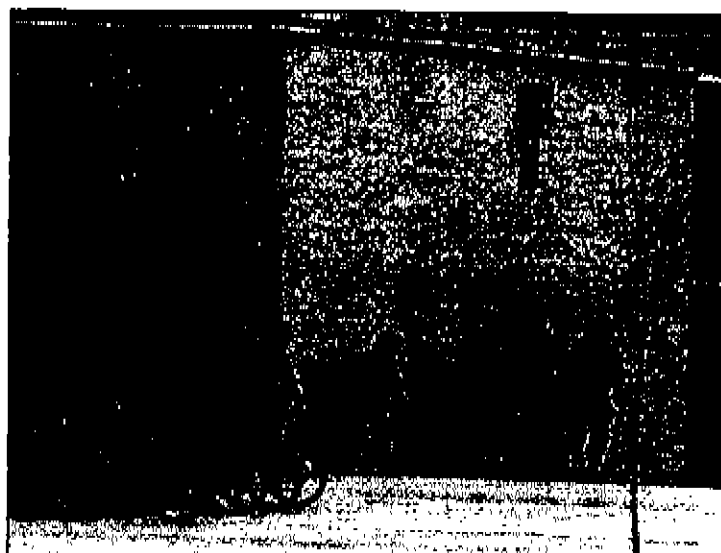
Memorials



Closure

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SWAT team members prepare for Columbine High School where students went on a shooting inside the school in Littleton, Colorado on Tuesday April 20.

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Photo by Hal Stotzke - Rocky Mountain News

COLUMBINE

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Columbine motion accuses cop of killing

Denver officer named in bid for reinstatement of
Rohrbough family's case

By Mike McPhee
Denver Post Staff Writer

Thursday, December 27, 2001 - An explosive motion, filed Wednesday in federal court, names a Denver police officer as the killer of Columbine High School student Daniel Rohrbough.

Attorney Barry Arrington, who represents five of the Columbine victims' families, named Sgt. Dan O'Shea - a member of the SWAT team during the April 20, 1999, shootings - as the person who shot and killed Rohrbough as he fled the massacre inside.

According to the filing, O'Shea broke down in tears two days after the shootings, telling a school administrator "he hadn't slept in days because he may have shot an innocent student."

The motion also accuses Jefferson County Sheriff John Stone and his department of making 29 "blatant, bald-faced lies about the investigation during the past three years."

Arrington listed all 29 incidents in a left-hand column, then wrote what he believes are the true events in a right-hand column, opposite each accusation.

In asking U.S. District Chief Judge Lewis Babcock to reconsider his dismissal of the Rohrbough lawsuit, Arrington concluded that Stone's actions were part of a "cynical, preconceived and purposefully executed plan designed to frustrate both the media's and the victims' families' efforts to uncover the truth.

O'Shea - now assigned to the 16th Street Mall - could not be reached for comment. Denver Deputy Police Chief Dave Abrams said Wednesday night that he was unaware of the accusation against O'Shea.

"I think it's unlikely," he said of the possibility that O'Shea shot Daniel Rohrbough at Columbine. "I would seriously doubt it."

Brian Rohrbough, Daniel's father, said Wednesday, "Obviously we're thankful that someone has come forward with information that allows us to link which police officer shot Dan. This fills in all the gaps in the information we've had to allow us to say, first, that O'Shea is the guy

who did it but, more importantly, that he has said he's the guy who did it."

Arrington said recent publicity about the Columbine case and the dismissal of eight of the nine Columbine lawsuits motivated Jefferson County School District administrator Cellne Marquez to come forward with more information.

Arrington states that Marquez, 47, was visiting Jefferson County preschools two days after the massacre when she encountered O'Shea and his wife in Westridge Elementary School, where their daughter is in preschool.

O'Shea had brought flowers to thank the school for keeping his daughter late on the day of the massacre. O'Shea said he was going to pick up his daughter at 11:30 a.m. when he was dispatched to Columbine.

According to the motion, Marquez thanked O'Shea for responding to the school because she had two children at the high school. O'Shea broke down crying, the motion states.

He allegedly said that he may have mistakenly shot an innocent student but that he was relieved because just that morning, April 22, he had been told that ballistics tests proved that none of the victims had been struck by police bullets.

Arrington said Wednesday that "someone told Sgt. O'Shea a grievous lie," because none of the bullets had been turned over for ballistics tests by the Colorado Bureau of Investigation until May 5, 1999.

Arrington states that O'Shea's handwritten police report has him shooting a 9mm machine gun from the base of a hill on which Rohrbough was shot and killed. Numerous 9mm shell casings were found near where O'Shea said he stood and fired.

According to the motion, Rohrbough's autopsy report stated that there were two entry wounds "in the left front shirt sleeve and one in the lower left front abdomen . . . This finding matches with Daniel Rohrbough facing downhill and Sgt. O'Shea firing from below."

His fatal wound "was consistent with a 9mm," according to the motion. And a bullet fragment was located behind and uphill from Rohrbough's body "exactly where one would expect it to be if he were shot from the front and below."

Additionally, Jefferson County Sheriff's Deputy Jim Taylor said that once he took up a position on the perimeter, he "specifically remembers that when he arrived in the lower student parking lot, a Denver police officer was there somewhere to his left, and he remembers hearing the sound of machine gun fire," according to the motion.

"Deputy Taylor saw a boy (whom he later was able to identify as Daniel

Rohrbough) running at a fast trot down the sidewalk with a group of children, and he saw this boy get shot and drop to the ground," the motion states.

The motion states that Rohrbough was killed after the initial flurry of action and after the decision was made to set up a perimeter.

"From his position in this defensive perimeter, Sgt. O'Shea clearly had an opportunity to reflect and deliberate; yet with a reckless and shocking indifference to the rights of Daniel Rohrbough, a student fleeing for his life with a group of other students, he shot and killed him."

The motion states that O'Shea fired 51 rounds, one-third of all the law-enforcement shots fired.

The motion also states that Jefferson County Sheriff's Deputy Annette Walker, who arrived at the scene late, told Rohrbough's mother that she saw Daniel alive and holding a door to the school open as other students escaped.

"Ms. Walker's statement completely undermines the official report's claim that Daniel was shot dead before any law enforcement officer arrived," the motion states.

Arrington then moved on to castigate the entire investigation.

"Sheriff Stone has chosen to pursue a course of obstruction, delay and stonewalling that amounts to a whitewash at best and an outright cover-up at worst."

He said Stone had one tactic of "distribution of outright and demonstrably false information about law enforcement actions . . . and concealing, denying the existence of, destroying or otherwise hindering the release of accurate information about the events in question."

He then listed 29 statements by the sheriff that he termed lies. They include:

Although the Sheriff's Office positively identified a bullet recovered from Rohrbough's body as having come from shooter Dylan Klebold's weapon, the office now admits positively the bullet did not come from Klebold's weapon and, in fact, was never identified.

The Sheriff's Office adamantly denied that a search warrant affidavit had ever been written, but later admitted under order from Jefferson County Court that it had been drafted.

The Sheriff's Office had said that all victims had been killed or injured before law enforcement arrived on the scene, but now Deputy Jim Taylor admits he was on the perimeter when he saw Daniel Rohrbough shot and killed.

The victims' families were told the bodies were left at the scene for 24

hours because they might have been booby-trapped, but, in fact, news footage shows an officer rolling Rohrbough's body over shortly after the shooting. No booby traps were ever found.

School resource officer Jim Gardner was said to have fired eight shots at shooter Eric Harris near the west doors of the school, while, in fact, three of the bullets found in the library were from Gardner's weapon. "It is impossible for stray bullets aimed at the west doors to wind up in the library," the motion states.

"Nothing short of a wholesale reappraisal of the facts, including especially the officials' timeline, is necessary. Something happened on April 20, 1999, or the months leading up to that date that Sheriff John Stone desperately wants to hide."

Denver Post Staff writer Marilyn Robinson contributed to this report.

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John P. Stone
SHERIFF

John A. Dunaway
UNDERSHERIFF



For Immediate Release – December 28, 2001

Contact: Jacki Tallman
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Public Information Director
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Columbine Shooting Review by El Paso County Sheriff

The Jefferson County Sheriff's Office conducted an extensive investigation into all aspects of the Columbine shootings, including the murder of Daniel Rohrbough. The evidence, including 10 eyewitness reports, demonstrates that Dylan Klebold and/or Eric Harris shot and killed Daniel Rohrbough.

The Rohrbough family has recently accused Denver Police Sergeant Daniel O'Shea of shooting their son. In an effort to avoid any controversy, the Jefferson County Sheriff's Office has asked the El Paso County Sheriff's Office to conduct an independent review into the allegations specific to Denver Police Sergeant Daniel O'Shea, Arapahoe County Sheriff's Deputy Jim Taylor and Jefferson County Sheriff's Deputy Annette Walker.

They have agreed to commence a review. Further inquiry as to the timetable of such a review should be directed to the El Paso County Sheriff's Office. As has been released earlier, the Jefferson County District Attorney's Office previously determined that no law enforcement officers were involved in the shooting of any victims at Columbine High School.

The findings by the El Paso Sheriff's Office will be submitted to the Jefferson County District Attorney's Office for independent review. -end-

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Cop in Columbine suit defended

Some doubt dismissed case will be revived

By Mike McPhee
Denver Post Staff Writer

Friday, December 28, 2001 - As the glare of the Columbine spotlight shifted Thursday to the Denver police officer named for allegedly killing student Daniel Rohrbough, law enforcement collectively defended the officer, saying he did not violate procedures.

At the same time, lawyers and others questioned whether the new information about Sgt. Daniel P. O'Shea's actions during the retaking of Columbine High School on April 20, 1999, would be enough to overturn the dismissal of the Rohrbough family's lawsuit against the Jefferson County Sheriff's Office.

Denver Police Chief Gerry Whitman said Thursday that an investigation by the Jefferson County district attorney's office found that "no injuries or fatalities resulted from any gunfire initiated by Denver police officers." The gunfire that was laid down by officers during the massacre "was utilized as a precautionary measure for entry and security purposes."

No laws were broken, according to Whitman.

And the Jefferson County Sheriff's Office issued a one-sentence statement: "Throughout the investigation, the Jefferson County Sheriff's Office has found no evidence to support the fact that anyone other than (Dylan) Klebold and (Eric) Harris were responsible for all of the injuries and deaths that occurred at Columbine High School."

On Wednesday, attorney Barry Arrington filed a motion in U.S. District Court asking Chief Judge Lewis Babcock to reconsider his dismissal of the Rohrbough suit. He stated that a school administrator, Celine Marquez, gave an affidavit shortly after the dismissal, saying O'Shea tearfully told her that he may have killed an innocent student during the siege.

Arrington pieced together a scenario in his motion in which O'Shea fired a 9mm machine gun from the base of a hill in the direction of a group of students running toward O'Shea. Daniel Rohrbough, one of those students, was hit twice, once in the front of his arm and once in the abdomen; he fell and died. The autopsy said that although the bullets passed through his body, the wounds were consistent with a 9mm round.

Arrington then showed how it would have been impossible for Klebold and Harris to have shot Rohrbough in front. Arapahoe County sheriff's

Deputy Jim Taylor was quoted in the motion, saying he stood near O'Shea and heard a machine gun fire during the same time.

On Thursday, Marquez declined to go into details about her encounter with O'Shea at Westridge Elementary School two days after the Columbine shootings. She did say, however, that she had told "dozens" of friends about O'Shea's alleged breakdown and revelation - that he'd mistakenly shot an innocent student.

"It was no secret," she said. "It was a story I had told others."

In November, Babcock dismissed eight of nine lawsuits, stating that the officers "were required to make multiple, simultaneous decisions in a critically short period of time with no opportunity to reflect or truly deliberate." He said their actions were not "willful and wanton," they did not "shock the conscience of the court" and they are protected under the Colorado Governmental Immunity Act.

That law protects law-enforcement officers from prosecution unless their actions can be proven to be willful and wanton.

Criminal defense lawyers Thursday said they believed that it will be difficult, if not impossible, to prove that about O'Shea's actions.

"The plaintiffs (Rohrboughs) still have the seemingly insurmountable hurdle of showing that the police officer was acting outside the normal scope of his duties," said attorney Dan Recht. "If they can't show that, they can't get around the immunity problem, which is what Judge Babcock based his decision on."

O'Shea refused to talk with the media Thursday, Whitman said. Police Protective Association president Dave Nell said O'Shea has not approached the union to provide him with a lawyer.

O'Shea joined the Police Department in 1986. He has at least one disciplinary action against him - for failing to show up in court in February 1991 - for which he was suspended one day. O'Shea has served on the department's gang unit and the SWAT unit. He currently is assigned to the 16th Street Mall unit.

Dave DeForest-Stalls, director of The Spot, a hangout for at-risk youths at 21st and Stout streets, said O'Shea is respected by the kids because he visits with them.

Official Columbine sheriff's report

Denver Post staff writers John Ingold and Kieran Nicholson contributed to this report.

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Cop denies suit's claim he shot Rohrbough

By John Ingold
Denver Post Staff Writer

Saturday, December 29, 2001 - Denver police Sgt. Daniel O'Shea, accused in court papers of shooting and killing Columbine High School student Daniel Rohrbough, vehemently denied the claims Friday in an interview with 9News reporter Ginger Delgado.

"I arrived at Columbine after that boy was shot," O'Shea told 9News. "I did not kill anybody at Columbine, and I, like everyone else there, gave my best. I'm deeply hurt by these allegations."

O'Shea was one of several Denver SWAT officers to respond to the April 20, 1999, rampage at Columbine. He happened to be driving in the area when the call went out for help, according to the Governor's Columbine Review Commission's report. He arrived about 10 minutes after the shooting began, according to reports.

O'Shea said he shot "cover" fire with his 9mm submachine gun to protect officers and emergency workers evacuating students in the early hours of the attack, according to the commission's report.

O'Shea told investigators that he exchanged fire with the gunmen about 12:30 p.m. as officers tried to evacuate wounded student Richard Castaldo. O'Shea said he saw a "muzzle flash" from a gun and fired at the library door.

According to the review commission's report, gunmen Dylan Klebold and Eric Harris committed suicide about 12:08 p.m. It was possible that O'Shea and another officer may have been shooting at reflections in the school's windows, the report said.

The Jefferson County Sheriff's Office's report on Columbine said Rohrbough was one of the first people shot when the attack began at 11:21 a.m.

According to papers filed in federal court last week, though, O'Shea broke down crying two days after the massacre and told a Jefferson County school administrator that he feared he shot an innocent student at Columbine.

Rohrbough's parents have used this statement as the basis of their accusation that O'Shea shot their son. They have also alleged a cover-up in the investigation by the Jefferson County Sheriff's Office.

O'Shea told 9News that he welcomes the independent review by the El

Paso County Sheriff's Office.

"I'm devastated, as is my family, by these false allegations," he told 9News.

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Columbine probe leader lauded

By Howard Pankratz
Denver Post Legal Affairs Writer

Sunday, December 30, 2001 - The sheriff who will spearhead an independent investigation into the shooting of Columbine High School student Daniel Rohrbough was praised Saturday as a man of integrity and vast law enforcement experience.

But some legal observers nevertheless expressed doubt that he will succeed.

"This is a big, red herring," said Denver lawyer and legal analyst Andrew Cohen. "It is a meaningless, empty gesture."

The man in charge of the new investigation, El Paso County Sheriff John Anderson, is "very much a go-to guy," Arapahoe County Sheriff Pat Sullivan said.

"He has a tremendous reputation, probably far better than any sheriff in the state as far as forensic and criminal investigations go," Sullivan said.

Yet the legal observers contacted Saturday said Anderson could be hamstrung in trying to determine whether Rohrbough was killed by police or the gunmen, Eric Harris and Dylan Klebold.

The roadblock, they said, could be Jefferson County Sheriff John Stone, who asked Anderson on Friday to conduct the investigation.

Cohen, who does legal analysis for the CBS network and a local Denver television station, said that with lawsuits against the sheriff's department still pending, he doesn't believe officers will submit to interviews.

"Even if Anderson is well-meaning and earnest, I don't see how he can compel disclosure of information they don't want to give up," Cohen said.

Barry Arrington, attorney for Rohrbough's parents, claims Denver police Sgt. Dan O'Shea accidentally killed Rohrbough as the student fled Columbine on April 20, 1999.

Anderson told The Denver Post that he expects the investigation to last two to three months and be conducted by a team of four to five people. They will study voluminous documents and interview key witnesses, he said.

But William Erickson, who headed the Governor's Columbine Review Commission, noted that his commission began its work with Stone's promise of complete cooperation.

"Stone made a promise at the first (commission) meeting that they'd cooperate in every way. After the first meeting, we were unable to get any information from anybody in the Sheriff's Office," said Erickson, a former chief justice of the Colorado Supreme Court.

As a result, important witnesses failed to testify, and pertinent documents weren't handed over. And since the commission wasn't given subpoena power by the governor, witnesses couldn't be forced to testify.

Jim Rouse, who formerly represented the Rohrbough family, called the new investigation a good step.

"But I don't know if it is going to be sufficient," Rouse said. "It could be the same old problem - nobody wanted to talk to us, and if nobody wants to talk to them, they aren't going to get very far."

Rouse said that without subpoena power, the El Paso County investigators will be severely handicapped.

Stone has repeatedly declined media interviews. But Jacki Tallman, spokeswoman for the Jefferson County Sheriff's Office, said Saturday that Stone was motivated by one thing.

"He was really hoping this would just help the people it needed to help," Tallman said. "And that includes Mr. Rohrbough (Brian Rohrbough, Daniel's father) because he has such strong opinion about Columbine, about the way we handled this investigation. His (Stone's) intentions were simply to allow somebody else to do this, and maybe he (Rohrbough) would value their findings more than he would value ours."

Tallman said Stone approached Anderson to avoid any additional controversy.

For his part, Anderson said he doesn't see the investigation as a wild goose chase.

"We are not going in with any preconceived notion. We believe that an investigation is simply a search for the truth," Anderson said. "And that is precisely what this will allow this independent investigation to do."

He said his investigators will interview a number of people, including law enforcement officers. But he added that "a lot of it is going to be an objective, independent review of the forensic evidence, witness testimony, the coroner's report, those types of things."

Investigators will study crime scene information, including diagrams and photographs, and interview a "handful of people" who have first-hand knowledge about Rohrbough's shooting.

"It is not going to cover the entire response," Anderson said. "It will focus on the allegation that the shooting was from a Denver police officer, and there was some coverup or malfeasance in the investigation."

Anderson said there are three potential findings:

Rohrbough was killed by a Denver police officer.

He was slain by Harris and/or Klebold.

The physical evidence won't be sufficient to support a definitive conclusion.

Anderson said independent laboratories may assist in the ballistics analysis.

Rohrbough was shot with a 9mm gun. Klebold and Harris used 9mm weapons, and O'Shea used a 9mm machine gun in response to the attack.

"If there is going to be a real bone of contention as to which weapon did or didn't fire which round that struck this young man, then I think there is a potential for us to want to use some outside laboratory," Anderson said.

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editorial

Columbine a federal case?

Sunday, December 30, 2001 - A federal court motion Wednesday, alleging that Columbine student Daniel Rohrbough was killed by a Denver police officer, once again spotlights the dubious credibility of official accounts of the tragedy and the unanswered questions that remain.

The motion filed by Barry Arrington, attorney for five Columbine victims' families, is only a salvo in a running battle for facts about the April 20, 1999, tragedy. Twelve students and a teacher died and more than 20 others were injured in suicidal teen killers Eric Harris' and Dylan Klebold's rampage.

Arrington has asked Chief U.S. District Judge Lewis Babcock to reconsider dismissal of the Rohrbough lawsuit in light of purported new information that Denver SWAT team member Sgt. Daniel O'Shea told a Jefferson County school official he feared "he may have shot an innocent student."

The official Columbine report says a bullet from Klebold's gun killed the Rohrbough boy.

Late last month, Babcock dismissed most lawsuits by victim families but not that of the daughter of teacher Dave Sanders, who bled to death after waiting hours for help.

Jefferson County Sheriff John Stone's credibility has been eroded by his constant obfuscation, obstruction and evasiveness about Columbine, which many observers see as an attempt to cover up his ineptitude.

Indeed, Babcock ripped command officers for violating Jeffco's own procedures by treating Columbine as a hostage situation instead of a shooting in progress. The judge also slammed command officers for thwarting attempts to get medical help to Sanders.

Arrington's filing alleges that O'Shea told school administrator Celine Marquez that his fears about shooting an innocent student were allayed on April 22, 1999, when he was told that ballistics proved no victims were hit by police fire. But, the motion notes, no Columbine bullets were given to the Colorado Bureau of Investigation for testing until May 5, 1999.

Also, the filing alleges that a deputy witnessed Daniel Rohrbough's shooting and heard machine-gun fire. The official report said the Rohrbough boy was slain before officers arrived.

It is important to note that the motion contains allegations, not proven facts, so it would be unfair and premature to come to a conclusion about O'Shea.

From our perspective, despite the best efforts of the families and media to get information, issues are now so convoluted that even discovery in a civil lawsuit may not uncover all the facts.

We once favored a special grand jury on Columbine, but now it may be better for the U.S. Department of Justice, which can investigate local corruption and civil rights violations, to probe this tragedy.

Being killed by a police bullet isn't necessarily a civil rights violation, but a coverup by law enforcement might well be.

The Columbine families and the public deserve to know the whole truth. So far, all they've gotten is fragments and fertilizer.

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Rohrbough autopsy unveiled

Family claims report shows police shot son, not Columbine killers

By Charley Able, News Staff Writer

GOLDEN -- Daniel Rohrbough was killed by a large caliber bullet, one of three that hit the teen-ager during the attack at Columbine High School, according to his autopsy report.

Jefferson County, with the permission of Rohrbough's family, released the autopsy publicly for the first time Wednesday.

The Rohrbough family is suing Jefferson County Sheriff John Stone, the sheriff's office and a number of deputies, claiming bullets from an officer's gun killed Rohrbough as he fled gunfire from the two young gunmen who carried out the April 20, 1999, attack on the school.

"There is absolutely nothing to substantiate that claim," Stone said late Wednesday. "That is totally unfactual."

Sheriff's investigators say Eric Harris and Dylan Klebold killed 12 of their classmates -- including Rohrbough -- and a teacher before taking their own lives.

District Judge R. Brooke Jackson earlier this week ordered the release of the Rohrbough autopsy as well as the release of summaries of the autopsies conducted on 11 of the other victims and Klebold.

Autopsy reports for student Isalah Shoels and Harris were released previously.

Rohrbough died after suffering extensive damage to his lungs, heart, aorta and esophagus from a bullet that ripped through his chest, entering on the left side and exiting through his right shoulder, according to the autopsy.

Another bullet hit him in the left side near the middle of his abdomen, lacerating his stomach and liver. That bullet was recovered from his abdomen.

A third bullet hit him in the left knee and traveled downward, exiting from his calf.

The autopsy report says the wounds are consistent with 9mm ammunition.

Klebold repeatedly fired a 9mm TEC-DC9 during the rampage. A ballistics report issued last year by the sheriff's office lists a number of 9mm weapons belonging to police officers at the scene as well.

Brian Rohrbough, Daniel's father, said Wednesday that his son's wounds indicate he was running from Klebold and Harris when he was intentionally shot by a police officer who thought he was one of the gunmen.

"Our claims are based on physical evidence, not just allegations," Brian Rohrbough said. "Our claims are he was running from the gunmen when he was shot and killed. I do not believe he was caught in a crossfire. I believe he was aimed at by an officer who suspected him as being a gunman."

The sheriff's investigative report, compiled in the months after the shooting and released last spring, indicated Rohrbough was hit in the leg by a shot fired by either Harris or Klebold, then killed as he lay on the ground by two shots fired by Klebold at close range.

Brian Rohrbough said the absence of powder burns proves his son was shot from a distance by an officer, not at close range by Klebold.

The 10-page autopsy report by Dr. Ben Galloway, a forensic pathologist, notes samples of skin from the two "deeply penetrating" wounds show no "significant powder residue."

Brian Rohrbough said the bullet that lodged in his son's liver was identified as having come from Klebold's gun, although he also believes that Daniel's back was to Harris and Klebold as he ran from them.

The apparent contradiction can be explained, he said, by the reports from witnesses that Klebold shot Daniel at close range only after the fatal shot had been fired by police and that Klebold waited until officers left before approaching Daniel and firing that shot.

"What we think happened there is he was shot after he was laying on the ground. That's also consistent with eyewitnesses who all say he was shot one time" as he lay on the ground, Brian Rohrbough said.

"The issue with that bullet, based on the information we have today, it is pretty likely that shot was fired after he was dead."

Brian Rohrbough said he also bases his "friendly fire" claim on the trajectory of the fatal bullet -- which the autopsy says traveled upward at about "25 degrees in the horizontal plane" -- and the statements of two witnesses, a teacher who knew his son Daniel and a police officer who saw him fall.

Both witnesses, Brian Rohrbough said, have agreed to testify for the Rohrbough family in their pending lawsuit.

The sheriff's investigative report says Rohrbough was one of the first victims, shot between 11:19 and 11:22 a.m., minutes before Deputy Neil Gardner, the school resource officer and the first lawman on the scene, was alerted to the attack.

Brian Rohrbough challenged that account, saying his witnesses will testify that at least seven officers were on the scene when Daniel was shot.

Brian Rohrbough said Gardiner is not the officer that he believes shot Daniel.

"That would be an incorrect assumption," he said. "We have neither named an officer nor will we until we have absolute proof."

Part of that proof, Rohrbough said, could come from bullet holes left in the clothes Daniel was wearing. But he said the sheriff's office has refused to return the clothing, claiming it is a "biohazard."

"I believe the clothes either verify my claims or refute them," Brian Rohrbough said. "If the sheriff's office can show us something that refutes them, we will withdraw our lawsuit."

February 1, 2001

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Cop shot Columbine student, court told

By TILLIE FONG

Documents filed Wednesday in federal court claim Denver police Sgt. Daniel O'Shea shot and killed student Daniel Rohrbough at Columbine High School.

"From the evidence we found there is no doubt that this is the guy who shot Dan," Brian Rohrbough, Daniel's father, said.

"We had to have enough evidence to be sure that someone did this. I don't think there's any question now."

The motion, which was filed in U.S. District Court, identifies the officer by name for the first time.

Detective Mary Thomas, spokeswoman for the Denver police, declined to comment on the allegations Wednesday night. O'Shea could not be reached for comment.

The filing was on behalf of the families of slain Columbine students Daniel Rohrbough, Kelly Fleming, Matthew Kechter, Lauren Townsend, Kyle A. Velasquez, and Cassie R. Bernall and sought to have their wrongful death lawsuits reinstated.

The motion for reconsideration cites what it calls a "pattern of falsification and deceit" by law enforcement officers.

O'Shea was identified through testimony from Celine Marquez, a preschool administrator for Jefferson County, who said O'Shea told her two days after the killings that he may have shot a student.

According to Marquez's Dec. 11 affidavit, she was visiting pre-schools April 22, 1999, to make sure that security checks were being done.

While she was at Westridge Elementary School, she said O'Shea and his wife came into the office to give flowers to Cheryl Atzmiller, who had kept their daughter after the shootings until they could pick her up.

Marquez said that O'Shea identified himself as a Denver SWAT officer and began telling her about being called to Columbine. When she thanked him for being at Columbine because her two children attended there, she said O'Shea "broke down and began to cry," saying that he thought he had a clear shot at one of the perpetrators but hadn't taken it because he wasn't wearing proper protective clothing, and that he hadn't slept since April 20th because he may have shot an innocent student," she said in the affidavit.

"He was very emotional and spoke ... about the possibility of friendly fire."

Rohrbough said he didn't know about Marquez's story until a few days before a federal judge dismissed all but one of the Columbine wrongful-death lawsuits against school and police officials.

"I heard it from some friends of mine who talked to her," he said, adding that the story was new to his family.

Marquez said from her home Wednesday night that she frequently told people the story of her meeting with O'Shea.

"I didn't know it would be important to anyone - I felt I was relaying a hero's story," she said. "I feel like I met this person who was a hero. I still do."

Rohrbough said that after all but one Columbine lawsuit was dismissed on Nov. 28, he contacted Marquez and asked if she would be willing to give a statement.

"She said she would, and we're grateful that she did," he said. "Celine Marquez tied all the pieces together."

He cited evidence of shell casings from O'Shea's weapon and a bullet fragment found near Daniel Rohrbough's body, as well as autopsy findings of the trajectory of the bullet.

O'Shea had given a statement to authorities about his actions that day but had not mentioned Daniel Rohrbough.

(Contact Tillie Fong of the Rocky Mountain News at <http://www.rockymountainnews.com>.)

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Who shot Daniel Rohrbough?

Official report says Columbine gunman; family contends it was a police officer

By Kevin Vaughn, News Staff Writer

The morning of April 20, 1999, Daniel Rohrbough went to class at Columbine High School wearing a green T-shirt, a pair of blue jeans and sneakers.

During his lunch break, the 15-year-old was shot to death on a sidewalk outside the school.

On those two points, his family and Jefferson County sheriff's investigators agree.

But what happened in between has been in dispute for more than 2 1/2 years and is the subject of a court filing this week that accuses a Denver police officer of firing the fatal bullet.

According to the official version of events -- the Jefferson County Sheriff's Office's May 2000 report -- Rohrbough was wounded by gunman Eric Harris and Dylan Klebold as he headed outside with friends Lance Kirklin and Sean Graves.

Kirklin and Graves were injured, and, according to the report, Klebold approached a wounded Rohrbough and fired the fatal shot.

But ballistics evidence is inconclusive, and Rohrbough's family contends that his final minutes were very different from the way they were portrayed in the sheriff's report.

They have filed court documents contending that Rohrbough wasn't injured in the opening moments of the attack, but instead was killed by an officer at the scene.

One witness, according to the documents, told Rohrbough's mother that Rohrbough was holding a door open for other students to escape before he was fatally injured.

His father, Brian Rohrbough, doesn't know whether that's true. But he believes there is too much evidence contradicting the official version of events for the sheriff's report to be true.

"I believe he was running down the stairs to safety -- that is, to the police -- when he was shot and killed," Brian Rohrbough said.

Rohrbough believes he and his family will eventually have their questions answered.

"I think we're getting pretty close," he said Thursday. "I think we will know the truth.

"We may not have every tiny little detail, but I think we're going to get what I am looking for."

December 28, 2001

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Columbine mom recalls tearful words

Woman says she didn't know that officer's fear he had killed student wasn't widely known

By Lynn Bartels, News Staff Writer

Celine Marquez never dreamed her tearful conversation with a Denver cop two days after the Columbine shootings would turn into a legal bombshell.

It was simply two shaken parents connecting, the Littleton woman said.

She was a mother with two children at Columbine. He was a father who reportedly feared he had killed a student while responding to the tragedy.

"I never thought it was significant or a secret or anything," Marquez said Thursday of her conversation with officer Dan O'Shea.

But her recollection now is the cornerstone of a lawsuit filed by several Columbine families, who want a federal judge to reconsider his decision to toss out their lawsuits against the Jefferson County sheriff and school district.

The parents of slain student Danny Rohrbough contend that O'Shea -- and not gunmen Eric Harris or Dylan Klebold -- killed their son.

Law enforcement vigorously denies O'Shea or any officer killed any students. O'Shea could not be reached for comment.

- At the request of some families, Marquez on Dec. 11 signed a sworn affidavit outlining her chance encounter with O'Shea.

Marquez said in her statement that O'Shea broke down and cried, saying he thought he had killed a student at Columbine.

"He was very emotional and spoke . . . about the possibility of friendly fire," she said.

Marquez said during the past 2 1/2 years she's told a number of friends what O'Shea said. But only recently, during a gathering of friends who were talking about Columbine, did she realize the families were unaware of the conversation.

"I just always assumed everybody knew about it," she said.

Marquez said her heart goes out to O'Shea. She said she never dreamed her affidavit would be used to finger him as Rohrbough's killer.

"That was as big a shock to me as anyone," she said. " . . . I certainly didn't feel that my statement was significant or carried weight."

Marquez used to work for Jefferson County schools. She said she was at an elementary school on April 22, 1999, when she met O'Shea, who was dropping off flowers for a staff member for watching his daughter the day of the shootings.

Marquez in 1999 criticized Columbine for how it handled an incident involving her daughter, who had gotten a restraining order against an athlete at the school.

Marquez said Thursday that her affidavit has no connection to her daughter's situation.

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Columbine families push case

Court filing alleges Denver SWAT officer killed student; also police delays, cover-up

By Jeff Kase, News Staff Writer

Families of six Columbine victims have taken their legal fight over the 1999 tragedy to a new level by identifying a police officer they suspect of shooting a student and detailing 29 alleged lies by authorities.

A motion filed in federal district court Wednesday says Denver SWAT officer Sgt. Daniel O'Shea shot and killed 15-year-old Daniel Rohrbough. It also cites 29 statements and actions by the Jefferson County Sheriff's Office that the families call "obstruction, delay and stonewalling."

Victims families have long charged that the sheriff's office was withholding or covering up information.

Wednesday's filing uses those allegations to advance their case.

Rohrbough's family, along with the families of victims Kelly Fleming, Matthew Kechter, Lauren Townsend, Kyle A. Velasquez and Cassie R. Bernall, argue that the web of "obstruction and falsification" is so overwhelming that the court must revive their lawsuits, which were dismissed last month.

"Practically every important statement (the sheriff's department) has made in the last three years about what it knew and when it knew it was a blatant, baldfaced lie," the motion says.

- The 29 points cover a wide range of allegations, including purported misstatements about whether victims bodies were booby-trapped, when families could receive relatives' clothing, and whether officers had monitored the gunmen, Columbine students Eric Harris and Dylan Klebold, before the shootings.

County Attorney Bill Tuthill had not seen the motion Thursday but defended the officers.

"It is inappropriate and inaccurate to describe the sheriff's office as having participated in any sort of campaign of misinformation," Tuthill said.

Harris and Klebold rampaged through the school on April 20, 1999, killing 12 students and a teacher before taking their own lives.

Victims' families later sued the sheriff's department and school district, arguing they had failed to catch warning signs and botched the police response once the shooting began.

Last month, U.S. District Judge Lewis Babcock dismissed lawsuits filed by 15 of 16 victims' families.

The motion filed Wednesday says that "a pattern has emerged, a pattern that has become (sic) undeniably clear only recently."

Tuthill said this appears to be a new legal argument on the part of the families. But he was not swayed, noting that approximately 15,000 pages of files have been released.

"It's a theory I don't understand in light of the enormous amount of evidentiary material all the families and the public have had for years," he said.

Officials took issue with the substance of the O'Shea allegation and some of the other 29 points.

Sheriff's spokeswoman Jacki Tallman stood by eyewitness accounts that Rohrbough was shot by Harris and Klebold, despite ballistics information that is open to question.

"We have people who watched it happen," Tallman said. "And that's pretty powerful evidence."

Denver Police Chief Gerald Whitman issued a statement Thursday indicating that Denver police officers acted appropriately at Columbine.

"After investigating the Columbine tragedy, the Jefferson County District Attorney previously determined that 'no injuries or fatalities resulted from any gunfire initiated' by Denver Police Officers," Whitman's statement said.

One of the 29 instances cited by the families was a denial from the sheriff's department that a search warrant affidavit for the Harris home was drawn up more than a year before the shootings. The search warrant did exist, and was recently released under a court order. It contained a suspected link between Harris and pipe bombs.

"Mr. (Barry) Arrington appears to have engaged in hyperbole," Tuthill said, referring to the plaintiffs' attorney. "I'm not aware of us ever denying a search warrant (existed)," he said.

Wednesday's motion also cites testimony by Jefferson County Sheriff's Deputy Annette Walker.

Victims families say Walker told Rohrbough's mother, Sue Petrone, that she saw Rohrbough alive and well after the shooting began.

"Ms. Walker's statement completely undermines the official report's claim that Daniel was shot dead before any law enforcement officer arrived," according to the filing.

Tallman said Walker was assigned to guard the Petrone family at one point after the shooting, but did not make the statements recounted in the court filing.

"She absolutely did not say that," Tallman said.

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Columbine probe

El Paso County sheriff will lead review at request of Jeffco's Stone

By Kevin Vaughan, News Staff Writer

Jefferson County Sheriff John Stone on Friday sought an independent review of new allegations that a Denver police officer fired the bullet that killed a Columbine High student.

El Paso County Sheriff John Anderson agreed to Stone's request.

"They are still working out the scope of it," said El Paso County sheriff's Lt. Melissa Hartman.

It wasn't clear whether Anderson would have the power to conduct new interviews or order new laboratory tests.

Jefferson County sheriff's spokeswoman Jacki Tallman said Anderson could decide what needed to be done.

This is the first time the sheriff's department has asked an agency not involved in the case to investigate any aspect of the April 1999 shootings. El Paso was selected because it's a large department with ample resources.

The parents of Daniel Rohrbough, a 15-year-old Columbine student who was shot outside the school, alleged in a lawsuit filed in 2000 that a bullet from a law officer -- not from murderers Eric Harris or Dylan Klebold -- caused their son's fatal wound.

But it wasn't until Wednesday that Rohrbough's parents, in appealing a federal judge's decision to dismiss their suit, named Denver police Sgt. Dan O'Shea as the officer they believe fired the shot.

O'Shea has not returned messages left by the *Rocky Mountain News*. However, 9 News reported Friday night that he denied he shot Rohrbough.

Rohrbough's family introduced a sworn statement from a woman who said that she spoke with O'Shea two days after the Columbine tragedy and that he was emotionally devastated and told her that he feared he had shot a student in the confusion.

As supporting evidence, the family said in court papers that two law officers had provided them with information that contradicts the official version of events.

One, identified as Arapahoe County sheriff's Deputy Jim Taylor, told the family that he heard submachine gun fire and then saw a boy, later identified as Daniel Rohrbough, shot as he was running.

Taylor is out of town and could not be reached for comment.

A second officer, identified in court papers as Jefferson County sheriff's Deputy Annette Walker, told Rohrbough's mother she saw the boy holding a door open for escaping students. If true, that would undermine the contention of the sheriff's office that Rohrbough was gunned down in the first few flurries of gunfire from Harris and Klebold.

Walker could not be reached for comment.

"Those are serious allegations," Tallman said. "I know that in an effort to avoid any controversy, Sheriff Stone thought this would be the best way to handle this."

Brian Rohrbough, the father of the slain student and a persistent critic of Stone's, said he would reserve judgment on Anderson's review.

"This is just one more self-serving attempt of John Stone's to say he did everything right," Rohrbough said. "The fact that they are only going to look at the stuff around Daniel, and not look in the library . . . indicates they are certainly not looking for the truth."

The only way to get at the truth, he said, is to question witnesses under oath.

"If they look at the evidence I have available right now, they will not be able to come to any other conclusion than O'Shea having shot and killed my son. This should be released publicly."

Rohrbough and other Columbine families have waged a long, public battle with Stone's office over key issues in the case and the release of documents and evidence.

They also have pointed to the official sheriff's report and raised questions about some of the assertions there.

For example, the official report, issued in May 2000, said that Rohrbough was one of the first few students injured, and that Klebold then "goes back down the stairs to the area outside the cafeteria and shoots Daniel Rohrbough again at close range."

However, earlier this year, the families obtained numerous documents about the ballistics evidence. The documents stated that the only bullet found in Rohrbough's body was "consistent" with a gun that Horns -- not Klebold -- carried. And the bullet that caused the fatal wound had passed through his body and was not identified.

Contact Kevin Vaughan at (303) 892-5019 or vaughank@RockyMountainNews.com.

December 29, 2001

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