

REINVESTIGATION INTO THE DEATH OF
DANIEL ROHRBOUGH
AT
COLUMBINE HIGH SCHOOL

ON APRIL 20, 1999

EXECUTIVE SUMMARY



EL PASO COUNTY SHERIFF'S OFFICE
JOHN WESLEY ANDERSON, SHERIFF

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The El Paso County Sheriff's Office would like to extend our sincere appreciation to the following organizations for their trust and confidence: Jefferson County Sheriff's Office, Denver Police Department, Colorado Bureau of Investigation, Arapahoe County Sheriff's Office, Jefferson County Coroner's Office and the staff of Columbine High School. Without their complete cooperation in providing unlimited access to their personnel, records, reports and physical evidence, the depth and thoroughness of the reinvestigation effort into the death of Daniel Rohrbough, at Columbine High School on April 20, 1999, could not have occurred.



INTRODUCTION

On January 4, 2002, Sheriff John Wesley Anderson, of the El Paso County Sheriff's Office, received a written request from Sheriff John Stone, of the Jefferson County Sheriff's Office, outlining the scope of a reinvestigation Sheriff Stone had requested be conducted into the Columbine High School shootings that occurred on April 20, 1999. Sheriff Anderson and Sheriff Stone had previous conversations concerning the need for a reinvestigation into the shooting death of Columbine High School student Daniel Rohrbough. Sheriff Stone asked that the El Paso County Sheriff's Office conduct a reinvestigation into the shooting death of Daniel Rohrbough, as it had been alleged Denver Police SWAT Sergeant Dan O'Shea fired the fatal round killing Daniel. Daniel Rohrbough was one of thirteen (13) victims whose life was tragically and unexpectedly taken in the deadliest school shooting in United States history.

In the written request, Sheriff Stone asked Sheriff Anderson to reinvestigate the death of Daniel Rohrbough as well as focus on allegations regarding specific statements relating to the events surrounding his death. These included:

- Statements alleged to have been made by Deputy Annette Walker (Smoker) of the Jefferson County Sheriff's Office.
- Statements alleged to have been made by Deputy James Taylor of the Arapahoe County Sheriff's Office.
- Statements attributed to Sergeant Daniel O'Shea of the Denver Police Department.
- Any witnesses that may have overheard any statements made by, or related to, the aforementioned individuals.

Sheriff Anderson directed a team of detectives be assigned to further reinvestigate the death of Daniel Rohrbough, with an emphasis on addressing the issues cited in the request received from Sheriff Stone. The team assembled to investigate Daniel Rohrbough's death consisted of:

- Sheriff John Wesley Anderson – 30 years of law enforcement experience, with 14 years investigations experience, elected Sheriff of El Paso County in 1994
- Bureau Chief Larry Kastner – 30 years of law enforcement experience, with 6 years of investigations experience
- Commander Joe Breister – 17 years of law enforcement experience, with 9 years investigations experience
- Lieutenant Frank Frazier – 22 years of law enforcement experience, with 2 years investigations experience
- Sergeant Bill Haragan – 13 years of law enforcement experience, with 4 years investigations experience
- Detective Bill Burns – 12 years of law enforcement experience, with 4 years investigations experience
- Detective Gabe Firpo – 10 years of law enforcement experience, with 3 years investigations experience



- Detective Bob Jaworski – 13 years of law enforcement experience, with 3 years investigations experience
- Detective Jeff Nohr – 23 years of law enforcement experience, with 10 years investigations experience
- Multi-Media Specialist John San Agustin – 5 years of law enforcement experience, with 5 years investigations experience

With the investigative team firmly in place, all pertinent case files, police reports, photographs and evidence items were obtained from the Jefferson County Sheriff's Office and reviewed. Based upon the independent review, it was determined by Sheriff Anderson and Investigations Division Commander Breister that the reinvestigation would be conducted in three separate phases. The three phases were:

- **INTERVIEWS** – Detectives would conduct interviews with students, law enforcement officers and others having significant information into the death of Daniel Rohrbough.
- **TIME LINE** – Detectives would establish a comprehensive time line of critical events beginning with the shooting at Columbine High School and concluding with the securing of the outside area. The time line would be established using radio dispatch recordings, 911 telephone calls, news media footage and other sources of record.
- **FORENSIC ANALYSIS** – Detectives would review ballistic reports, crime scene diagrams, autopsy reports, photographs and laboratory reports of the outside scene and death of Daniel Rohrbough. In addition, detectives would utilize an independent ballistics laboratory for reanalysis of evidence, if necessary, and reconstruct the crime scene based on the evidence available.

Detectives with the El Paso County Sheriff's Office Investigations Division began the reinvestigation into the death of Daniel Rohrbough almost immediately upon Sheriff Anderson receiving the written request. A strict compliance to the rules of evidence and chain of custody was adhered to throughout the entire reinvestigation. Furthermore, the investigative team audiotaped the majority of interviews conducted and photographed items of evidence and the crime scene reconstruction. Upon completion, the findings of the reinvestigation would be presented directly to Dave Thomas, the Jefferson County District Attorney. The following pages of this executive summary cover the course of the reinvestigation by the phases outlined. Each individual phase of the reinvestigation is summarized, with a conclusion of findings based upon the results of the reinvestigation at the end of this executive summary.



INTERVIEWS

During the initial Columbine High School shooting investigation in 1999, interviews were conducted with witnesses by local, state and federal law enforcement agencies throughout the Denver metro area. These interviews were placed into notebooks by the Jefferson County Sheriff's Office and identified by the location of the witness when the incident occurred. After a review of over seven hundred (700) interviews had been completed, one hundred seventy-seven (177) witnesses were identified as possibly having key information that may be beneficial to the reinvestigation effort into the death of Daniel Rohrbough. Furthermore, during the review of witness reports, an additional twenty-seven (27) individuals were identified as being mentioned in other witness reports. However, interview reports for these individuals mentioned could not be located in the written record. These individuals named, with no written interview report being located, were added to the list of interviews to be conducted by the El Paso County Sheriff's Office investigative team.

Finally, through newspaper articles detailing the investigation, Federal Bureau of Investigation (FBI) diagrams and telephone calls received during the course of the reinvestigation, another thirteen (13) individuals were added to the list of those who we determined should be interviewed. This brought the total number of interviews to be conducted to two hundred seventeen (217). Of these two hundred seventeen (217) interviews, one hundred forty-one (141) interviews were completed, thirty (30) individuals did not wish to be interviewed and forty-six (46) individuals avoided contact or could not be located.

Of the thirty (30) individuals who did not want to be interviewed, the reasons for refusing our requests varied. The primary reasons given included the following:

- The individual believed a thorough and competent investigation was conducted and no further information gained would change the outcome of the shootings.
- The individual provided all pertinent information known to them when first interviewed and could add nothing further to the reinvestigation.
- The individual is currently undergoing, or has undergone, psychological counseling with a health care professional. Therefore, the individual did not believe it was in their best interest to speak about the incident.
- The individual put the entire incident behind them and did not want to relive the horror of the Columbine High School shootings.
- The individual did not wish to speak with detectives on the advice of legal counsel.

Of the forty-six (46) individuals who avoided contact or could not be located, numerous attempts were made to speak with them. Detectives attempted contact by one or more of the following means:

- Detectives attempted to contact the individual at the home address provided on the interview report done in 1999.



- Detectives attempted to telephone the individual at the telephone number provided on the interview report done in 1999. If there was no answer and an answering machine picked up, a message was left with a brief explanation.
- Detectives left business cards at the individual's residence with their name, telephone number and a brief explanation.
- Detectives sent letters to the last known address of the individual based on reports, school records and computer generated search methods. The letter explained the reinvestigation and reason for the interview request.

Upon completion of these efforts, many of the forty-six (46) individuals simply refused to respond. There were other instances, however, where no personal information could be found. The matter was further compounded by the lack of personal information on the initial interview reports, such as; address, date of birth and social security number. This, coupled with the fact the reinvestigation was conducted three (3) years from the date of the shootings, resulted in many witnesses moving without a forwarding address available or attending college out of state. Also, one individual was currently a runaway and another was out of the country on a church mission.

STUDENT AND FACULTY INTERVIEWS

Of the one hundred forty-four (144) interviews conducted, one hundred eight (108) were with students and/or faculty members at Columbine High School. Many of the students and faculty members provided pertinent information regarding the reinvestigation of Daniel Rohrbough's death. Some of the witnesses were outside the school, some in the teacher's lounge, some in the cafeteria and others in the library. Listed below are the names of witnesses who did provide pertinent information into the death of Daniel Rohrbough and a synopsis of the information they provided. They are listed alphabetically based upon the area where they were located when they made their observations.

OUTSIDE WITNESSES

1. **JAYSON AUTENRIETH** – Jayson saw one gunman on the stairway shooting while the other gunman was throwing pipe bombs. He then saw Daniel Rohrbough, Lance Kirklin and Sean Graves get shot and fall. He thought the school resource officer was on scene.
2. **LONI BROWN** – Loni saw Anne Marie Hochhalter get shot and noticed two (2) unknown students lying near the stairs, in a fetal position, and neither was moving. She did not see any law enforcement officers in the area.
3. **MARK CHRISTNER** – Mark saw Daniel Rohrbough, Lance Kirklin and Sean Graves get shot and fall to the ground. He did not see any law enforcement officers in the area.
4. **WADE FRANK** – Wade saw Dylan Klebold walk down the stairs and shoot an unknown student at close range with a shotgun. He continued by saying that the



individual shot was moving before he was shot. He did not see any law enforcement officers in the area.

5. **BRIAN FRYE** – Brian saw a gunman, who he described as a white male, dressed in black, with bad acne and a red face shooting at students. He observed the gunman shoot Anne Marie Hochhalter and Lance Kirklin. Brian added that Dylan Klebold had bad acne and a red face. He did not see any law enforcement officers in the area.
6. **SEAN GRAVES** (Wounded) – Sean was with Daniel Rohrbough and Lance Kirklin when they exited the cafeteria. Sean saw Daniel and Lance get shot by two (2) dark figures that were standing on the sidewalk near the west doors. While injured and lying by the cafeteria door, he heard a single gunshot blast near him. He does not remember seeing any law enforcement officers in the area.
7. **STEFANIE HANEY** – Stefanie heard shooting as she was leaving the parking lot. As she was exiting the lot, she saw the school resource officer entering the parking lot.
8. **COURTNEY HAULMAN** – Courtney saw an unknown male and Anne Marie Hochhalter get shot and fall to the ground. However, she was unable to identify the male she saw fall. She did not see any law enforcement officers in the area.
9. **ANNE MARIE HOCHHALTER** (Wounded) – Anne Marie saw Daniel Rohrbough, Lance Kirklin and Sean Graves exit from the cafeteria and get shot by either Dylan Klebold or Eric Harris. She described Dylan Klebold as being a white male, wearing all black and a trench coat and carrying a shotgun. She described Eric Harris as a white male wearing all black. Anne Marie added she saw Daniel fall to the ground after being shot. She is **100% positive** there were no law enforcement officers in the area.
10. **BRAD JENKINS** – Brad saw some unknown students, at the bottom of the stairs, get shot by a gunman. He did not see any law enforcement officers in the area.
11. **LANCE KIRKLIN** (Wounded) – Lance was with Daniel Rohrbough and Sean Graves when they exited from the cafeteria. He then saw Dylan Klebold running backwards on the sidewalk, near the west doors. He knew this was Dylan Klebold because of the blonde hair coming out from underneath the hat he was wearing. Also, the gunman was tall and Eric Harris is shorter than Dylan. Lance then saw Daniel get shot and fall. He tried to catch Daniel but he too was shot. A short time later, Lance became aware of someone coming down the stairs. In an effort to get help for himself, he raised his arm only to feel a sharp pain in his face and see part of his face “blown” away. He did not see any law enforcement officers in the area.



12. **TIFFANY LIEN** – Tiffany saw a gunman, whom she identified as Dylan Klebold, walk down the stairs, pull out a gun and shoot Lance Kirklin. She did not see any law enforcement officers in the area.
13. **MELISSA MILLER** – Melissa saw Lance Kirklin and another male student next to Lance get shot and go down on the stairs. When shown a diagram, the student she saw go down on the stairs is in the exact location where Daniel Rohrbough was located. She did not see any law enforcement officers in the area.
14. **BIJEN MONTE** – Bijen saw Daniel Rohrbough, Lance Kirklin, Sean Graves and Anne Marie Hochhalter get shot and lying wounded on the ground. She believed one of the shooters was Robert Perry. She did not see any law enforcement officers in the area.
15. **ANDREW MORTON** (Faculty Member) – Andrew was the school security officer and responded to the school with Deputy Gardner. Upon arrival at the school, Andrew saw Eric Harris standing on the sidewalk, by the top of the stairs, holding a gun. When Eric Harris noticed Deputy Gardner, Eric began firing in the direction of Deputy Gardner. Andrew related that Eric's gun appeared to jam and shortly after, Eric retreated into the school. Andrew knew Dylan Klebold but did not see him outside when he arrived. He said Deputy Gardner was the first officer on scene.
16. **TESSA NELSON** – Tessa saw a gunman, she believed was Robert Perry, walking down the stairs with a gun slung around his neck. The gunman removed a different gun and started shooting. She saw Lance Kirklin, Sean Graves and Anne Marie Hochhalter get shot. She did not see any law enforcement officers in the area.
17. **MARK OPFER** – Mark was standing next to Daniel Rohrbough when the shooting started. He saw two (2) gunmen and described them as males, wearing all black and trench coats. He then saw Daniel get shot, fall backwards and to the right. He did not see any law enforcement officers in the area.
18. **KEITH PARKINSON** – Keith saw students he could not identify being shot. When this occurred, he believed the school resource officer was on scene.
19. **JOSEPH POTONIAK** – Joseph saw a white male wearing blue jeans and a green shirt get shot and fall to the ground, by the bottom of the stairs. Daniel Rohrbough was wearing blue jeans and a green shirt. He did not see any law enforcement officers in the area.
20. **DENNY ROWE** – Denny saw Daniel Rohrbough get shot, by a gunman, and fall to his knees. He stated the gunman shot a second time in the direction of Daniel and Daniel fell face first into the ground. Denny stated that there were two (2) gunmen and both were males, wearing black trench coats. In a Newsweek article dated May 3, 1999, Denny relates, "Rohrbough was standing just outside the



entrance when a first shot hit him in the thigh. He stumbled and tried to run away, but the gunman wasn't finished. He shot Rohrbough in the back, killing him." He did not see any law enforcement officers in the area.

21. **JUSTIN WOODS** – Justin saw Daniel Rohrbough get shot and fall near the cafeteria. He said the shooters were Dylan Klebold, who was armed with a Tech-9, and Eric Harris, who was armed with a shotgun. He did not see any law enforcement officers in the area.

TEACHER'S LOUNGE WITNESSES

1. **AMY BURNETT** (Faculty Member) – Amy did not want to be interviewed because she felt it would be detrimental to her mental health. However, information from her interview on May 18, 1999, indicated she entered the teacher's lounge around 11:15 a.m., and heard loud "pops." She started to run towards the window but heard more shots and got down on the floor. Before going to the floor, she saw Daniel Rohrbough running and it appeared he was shot.
2. **SUE CARUTHERS** (Faculty Member) – Sue saw Daniel Rohrbough and Lance Kirklin lying on the ground, immediately after hearing shots fired. She added that Daniel was lying face down, with his arms extended in front of him. She could see blood on the cement and noted he was not moving. She also spoke with the 911 operators after Karen Nielsen had placed the call. She did not see any law enforcement officers in the area.
3. **JOYCE JANKOWSKI** (Injured/Faculty Member) – Joyce saw two students down on the sidewalk, lying in a supine position, when she looked out the window immediately after hearing gunshots. However, she could not identify the two students. She did not see any law enforcement officers in the area.



4. **KAREN NIELSEN** (Faculty Member) – Karen observed Daniel Rohrbough, Lance Kirklin and Sean Graves get shot as soon as the shooting started. She placed one of the initial calls to 911 and related that one student was shot in the spine, one in the head, with half his face hanging off, and one student not breathing. She added the shooter was wearing a black trench coat. She did not see any law enforcement officers in the area.

CAFETERIA WITNESSES

1. **JUSTIN ALBER** – Justin saw Daniel Rohrbough get shot and observed Dylan Klebold standing over him with a shotgun. He described Dylan as wearing a black trench coat and black hat. He did not see any law enforcement officers in the area.



2. **NATHAN ANEMA** – Nathan saw Daniel Rohrbough lying on the ground, his jeans soaked in blood. He did not see any law enforcement officers in the area.
3. **CRYSTAL ARCHULETA** – Crystal saw Daniel Rohrbough lying on the ground once the shooting started. She did not see any law enforcement officers in the area.
4. **AARON BROWN** – Aaron saw Daniel Rohrbough and Lance Kirklin on the ground, Daniel was face down. He did not see any law enforcement officers in the area.
5. **JOSHUA BUSCHMANN** – Joshua heard shooting and saw two gunmen he described as white males, wearing all black. He fled the school and saw Lance Kirklin, who had been shot in the face, and Daniel Rohrbough, who appeared dead. Joshua had to “hop” over Daniel’s body. He did not see any law enforcement officers in the area, but when he exited the school about thirty (30) minutes later, he saw the school resource officer and another officer by the soccer field.
6. **JON CURTIS** (Faculty Member) – Jon saw Daniel Rohrbough, Lance Kirklin and Sean Graves lying on the ground. Jon checked Daniel Rohrbough and stated he was dead. He did not see any law enforcement officers in the area.
7. **MATT DEPEW** – Matt saw Daniel Rohrbough get shot and observed him lying face down on the ground. He attempted to call his father, Officer Wayne DePew, at Denver Police Department’s District 4 Office, after seeing Daniel get shot. He did not see any law enforcement officers in the area.
8. **SETH DUBOIS** – Seth saw Lance Kirklin get shot with a shotgun. He did not see any law enforcement officers in the area.
9. **JOEL HATFIELD** – Joel saw an unknown white male get shot by one of the gunmen at close range. He described the gunman as a white male, six (6) feet tall, with red hair, wearing a black trench coat and carrying a double barrel shotgun. Joel said the white male that was shot was located below the stairs. He did not see any law enforcement officers in the area.
10. **LACEY HOHN** – Lacey saw a gunman, who she believes was Robert, unknown last name, pointing a gun at students on the ground. However, she cannot identify the students. Lacey then saw the shooter “jerk” back from the recoil of the weapon, described as a long gun. Prior to this, she saw a gunman standing by the west doors shooting at students. She did not see any law enforcement officers in the area.
11. **ERIC KRITZER** (Faculty Member) – Eric heard popping sounds he thought were firecrackers. He started to look for the student responsible when he saw



Sean Graves down by the cafeteria door. He did not see any law enforcement officers in the area. Later, after being evacuated from the school, he was near a fire truck receiving medical aid. He saw a student lying face down and removed the student's hand from in front of his face in an attempt to identify the student. Eric later learned this student was Daniel Rohrbough.

12. **CHRISTOPHER MARKHAM** – Christopher saw Daniel Rohrbough lying on the ground face down and not moving. He added that Daniel went down immediately after the first series of shots were fired. He did not see any law enforcement officers in the area.
13. **JONATHAN McMASTER** – Jonathan saw Daniel Rohrbough and Lance Kirklin lying on the ground and Daniel was face down. He described Daniel's face as looking splotchy (a term commonly used to describe livor mortis), gray and red. He did not see any law enforcement officers in the area.
14. **BRAD MILLER** – Brad saw Daniel Rohrbough standing outside by the stairs. He observed a tall, white male with blonde hair, wearing a trench coat and Boston hat, shooting aimlessly and throwing pipe bombs. He then saw Sean Graves get shot and fall to the ground by the cafeteria door. He did not see any law enforcement officers in the area.
15. **MICHAEL NAIFEH** – Michael saw Daniel Rohrbough lying face down on the ground with a grimace on his face. He did not see any law enforcement officers in the area.
16. **JUSTIN NORMAN** – Justin saw Daniel Rohrbough get shot, make a moving or jerking action, and fall to the ground. He described the shooter as a white male, with blonde hair and wearing a black trench coat. He did not see any law enforcement officers in the area.
17. **SEAN NOSSAMAN** – Sean saw Daniel Rohrbough fall to his knees with a soda in his hand. Daniel then fell face first to the ground. Sean did not see the shooter nor did he see any law enforcement officers in the area.
18. **JONATHAN OWENS** – Jonathan observed a gunman, no further description, point his weapon at the ground, just outside the cafeteria, and fire. He did not see any law enforcement officers in the area.
19. **DANIEL PALMETER** – Daniel saw a gunman, described as wearing a black trench coat and mask, standing about fifteen (15) to twenty (20) feet from the cafeteria door. He then observed the gunman shooting at someone on the ground but does not know whom. He did not see any law enforcement officers in the area.



20. **CHRISTINA REDMERSKI** – Christina saw two (2) white males, later identified as Daniel Rohrbough and Lance Kirklin, lying on the sidewalk. She thought a fight occurred and upon opening the west door of the cafeteria, saw Sean Graves. Sean said he was shot and could not feel his legs. She asked Sean who shot him and he said the individual in the black trench coat on the hill. She did not see any law enforcement officers in the area.
21. **TYLER STARK** – Tyler saw an unknown male student get shot in the leg and noticed Dylan Klebold throwing pipe bombs. He did not see any law enforcement officers in the area.
22. **COURTNEY STINTON** – Courtney saw Dylan Klebold with a gun standing outside the cafeteria. She added Dylan was pointing the gun downward when she heard a shot. However, she does not know whom Dylan shot. She did not see any law enforcement officers in the area.
23. **TONYA WARLOCK** – Tonya saw Daniel Rohrbough running down the hill, get shot and fall. She stated Daniel’s chest “bowed” out, he fell to his knees and then face first into the ground. She added that he did not move after this. She did not see any law enforcement officers in the area.

LIBRARY WITNESSES

1. **BREE PASQUALE** – Bree saw Daniel Rohrbough lying on the ground. She stated that Daniel had something spilled on the ground by him. She did not see any law enforcement officers in the area.
2. **CAROLE WELD** (Faculty Member) – Carole began hearing “popping” noises at around 11:15 a.m. She went to a conference room, located at the northwest corner of the library, and saw Daniel Rohrbough lying on the ground. She then saw two students standing near the corner of the building by the west doors, shooting in Daniel’s direction. Carole described one of the gunman as firing a Tec-9 pistol and the other gunman firing in an easterly direction. She did not see any law enforcement officers in the area.

LAW ENFORCEMENT INTERVIEWS

In addition to the students and faculty members, twenty-five (25) interviews were conducted with law enforcement officers who were involved with the Columbine High School shootings. Some of the law enforcement officers were members of a Special Weapons and Tactics (SWAT) team, some were patrolmen and others command officers. Listed below are the names of the law enforcement officers who provided pertinent information into the death of Daniel Rohrbough and a synopsis of the information they provided. They are listed alphabetically.

1. **HENRY BLOODWORTH**, *Denver Police Department* – Officer Bloodworth responded to Columbine High School on a mutual aid request. Upon arrival, he



met with Sergeant O'Shea, entered Sergeant O'Shea's police vehicle and proceeded around the school to the southwest side. Once on the southwest side, Officer Bloodworth saw three students down at the bottom of the stairs, one of them being Daniel Rohrbough. When he observed the students down, Sergeant O'Shea had not yet fired his weapon.

2. **VINCENT DIMANNA**, *Denver Police Department* – Captain DiManna arrived at Columbine and went to the southwest side when the fire truck was driven to that particular area. Once in the area, he met with Sergeant O'Shea. Eventually, he and other Denver officers checked on Daniel Rohrbough who was dead. During the check of Daniel Rohrbough, Captain DiManna believes Lieutenant Phelan rolled Daniel onto his side.
3. **MARK DRAJAM**, *Denver Police Department* – Sergeant Drajam arrived at Columbine High School and immediately responded to the southwest side of the school. Once on the southwest side, he observed Daniel Rohrbough lying motionless at the bottom of the stairs. Sergeant O'Shea was not yet on scene.
4. **NEIL GARDNER**, *Jefferson County Sheriff's Office* – Deputy Gardner was the school resource officer assigned to Columbine High School and the first law enforcement officer on scene. As the school resource officer, Deputy Gardner wore a yellow colored uniform shirt. Upon his arrival, he observed Eric Harris by the emergency exit door to the library. Once Eric Harris became aware of his arrival, Eric Harris shot in his direction and he exchanged gunfire with him. However, he did not see Daniel Rohrbough because of his position.
5. **GEORGE GRAY**, *Denver Police Department* – Officer Gray arrived at Columbine High School after Sergeant O'Shea and met up with Sergeant O'Shea when the fire truck was driven around to the southwest side. Officer Gray did observe Daniel Rohrbough lying motionless on the sidewalk. After his involvement at the school, Officer Gray spoke with Sergeant O'Shea who was concerned that an innocent student could have been shot when officers were shooting into the school.
6. **ABEL GUTIERREZ**, *Denver Police Department* – Officer Gutierrez arrived at Columbine High School prior to Sergeant O'Shea. He immediately proceeded to the southwest side of the school and noticed several injured students. Among them was Daniel Rohrbough, who Officer Gutierrez described as laying motionless at the bottom of the stairs. When Officer Gutierrez saw Daniel Rohrbough's body, Sergeant O'Shea was not on scene.
7. **TOM O'NEILL**, *Denver Police Department* – Officer O'Neill arrived at Columbine High School at the same time as Sergeant O'Shea. Together, they proceeded to the southwest corner of the school. Upon arriving, he and Sergeant O'Shea separated and he does not know when or where Sergeant O'Shea fired. However, afterwards he spoke with Sergeant O'Shea who was concerned his



bullets may have accidentally hit someone in the library when he (Sergeant O'Shea) was firing up into the library window.

8. **EUGENE ORTON**, *Denver Police Department* – Sergeant Orton arrived at Columbine High School before Sergeant O'Shea and proceeded to the southwest side of the school. Upon his arrival, he observed a student down at the base of the stairs. When Sergeant Orton saw the student down, Sergeant O'Shea was not yet on scene.
9. **DAN O'SHEA**, *Denver Police Department* – Sergeant O'Shea arrived at Columbine High School between 11:42 a.m. and 11:45 a.m. Upon his arrival, he heard other Denver officers calling for assistance from the southwest side of the school. He and other tactical officers moved around to the southwest side. Once at the southwest side, Sergeant O'Shea observed Daniel Rohrbough lying motionless at the bottom of the stairs. Sergeant O'Shea noted Daniel's position before he fired his first shot.
10. **PATRICK PHELAN**, *Denver Police Department* – Lieutenant Phelan arrived after Sergeant O'Shea and met up with Sergeant O'Shea as a fire truck was being driven around to the southwest side. Lieutenant Phelan checked on Daniel Rohrbough and as he was checking on Daniel, Sergeant O'Shea fired rounds into a window near the cafeteria door. This occurred after the Littleton Fire Department had removed Lance Kirklin and Sean Graves.
11. **GREG ROMERO**, *Denver Police Department* – Officer Romero arrived at Columbine High School with Officer Gutierrez. They met with Sergeant Drajam and Sergeant Orton who were already on scene. All four officers traveled from the east side to the southwest side, where he saw Daniel Rohrbough lying face down and motionless. Officer Romero believed the time was around 11:30 a.m., and Sergeant O'Shea was not on scene. Sergeant O'Shea arrived later and provided cover fire for Officer Romero when he approached the school. Officer Romero took fire and returned fire by shooting into the teacher's lounge window. As Officer Romero was against the building, Sergeant O'Shea did shoot into the library windows from the grassy hill area.
12. **ANNETTE SMOKER**, *Jefferson County Sheriff's Office* – Deputy Smoker assisted in evacuating students from the high school but never saw Daniel Rohrbough until later in the afternoon. The next day, Deputy Smoker was assigned to Leawood Elementary School where she talked with Sue Petrone, Daniel Rohrbough's mother. During a conversation with Sue Petrone, Sue asked Deputy Smoker if students fleeing the school might have possibly trampled Daniel to death. Deputy Smoker replied by telling Sue that Daniel may have possibly saved lives by alerting other students in the cafeteria as to what was transpiring. However, this statement about saving lives was an assumption on Deputy Smoker's part. Deputy Smoker never told Sue Petrone that she observed Daniel holding the door open for other students.



13. **PAUL SMOKER**, *Jefferson County Sheriff's Office* – Deputy Smoker was the second officer on scene, arriving with Deputy Taborsky, and took up a position near an outbuilding. Upon his arrival, he saw Daniel Rohrbough lying motionless on the sidewalk and knew Sergeant O'Shea was not yet on scene. In addition, he observed the paramedics respond and check on Daniel Rohrbough, who was declared dead. When this happened, Sergeant O'Shea was on the grassy hill, providing cover fire.
14. **SCOTT TABORSKY**, *Jefferson County Sheriff's Office* – Deputy Taborsky was the second officer on scene, arriving with Deputy Paul Smoker. Upon his arrival, he saw Daniel Rohrbough lying motionless at the bottom of the stairs. He stated no other law enforcement officers were present other than Deputy Gardner.
15. **JIM TAYLOR**, *Arapahoe County Sheriff's Office* – Deputy Taylor refused to speak with El Paso County Sheriff's Office detectives on the advice of his attorney. However, before declining an interview, Deputy Taylor stated the written statement he provided to the Arapahoe County Sheriff's Office on December 31, 2001, is the absolute truth. In the written statement, Deputy Taylor said he arrived on the northeast side of the school and met with his supervisor, Sergeant Ray Torrez. He and Sergeant Torrez were assigned to assist in the evacuation of students and at no time was he on the south side of the school. Deputy Taylor wrote that he never saw Daniel Rohrbough get shot, hear any gunfire or see any gunfire. Deputy Taylor added the only information stated to the Rohrbough family, by him, was what was shown on television or reported in the newspaper. He concluded by writing, "It is not true that I saw Daniel Rohrbough get shot or any other person as stated in the newspaper." Jim Taylor is no longer a member of the Arapahoe County Sheriff's Office.
16. **RAY TORREZ**, *Arapahoe County Sheriff's Office* – Lieutenant Torrez stated he was assigned with Deputy Taylor during the Columbine High School shooting. He arrived shortly before noon and Deputy Taylor arrived shortly thereafter. Lieutenant Torrez and Deputy Taylor were both assigned to the east side of the school, assisting in the evacuation of students. He and Deputy Taylor never went to the southwest side.

EMERGENCY MEDICAL SERVICES INTERVIEWS

Four (4) interviews were conducted with Emergency Medical Services (EMS) personnel who responded to the Columbine High School shootings. All four (4) EMS personnel are assigned to the Littleton Fire Department. Listed below are the names of those interviewed who provided pertinent information into the death of Daniel Rohrbough and a synopsis of the information they provided. They are listed alphabetically.

1. **MONTE FLEMING**, *Littleton Fire Department* – Paramedic Fleming entered the southwest area to rescue students down by the cafeteria. During his rescue, he checked on Daniel Rohrbough who Paramedic Fleming observed as molted and blotchy (terms commonly used to describe livor mortis), cold to the touch and



without a pulse. He determined that Daniel Rohrbough was dead and began to assist other injured students.

2. **JERRY LOSASSO**, *Littleton Fire Department* – Firefighter Losasso entered the southwest area to rescue students down by the cafeteria. During his rescue, he checked on Daniel Rohrbough who was cold to the touch. After determining Daniel was dead, he began to assist his partner when they started taking hostile fire. A SWAT officer, unknown to firefighter Losasso, provided cover fire by shooting upward into the library windows. The SWAT officer was positioned by the front of the rescue squad.

OTHER INTERVIEWS

Six (6) other interviews were conducted with individuals who the investigative team deemed as being critical to the reinvestigation. All six (6) of these individuals **were not present** at Columbine High School the day of the shootings. Listed below are the names of those who provided pertinent information into the death of Daniel Rohrbough and a synopsis of the information they provided. They are listed alphabetically.

1. **CHERYL ATZMILLER** – On April 22, 1999, Sergeant O'Shea brought Cheryl a plant as a thank you for watching his daughter the day of the Columbine High School shootings. A conversation regarding the Columbine High School shooting ensued between Sergeant O'Shea, Cheryl and Celine Marquez, the pre-school administrator for the school district. During the conversation, Sergeant O'Shea spoke about the incident but never said he shot a student or thought he shot a student. Cheryl indicated if he had made such a statement, she is sure the matter would have been discussed further. Cheryl believes statements attributed to Celine Marquez concerning the conversation with Sergeant O'Shea are due to Celine Marquez's own dissatisfaction with the Jefferson County Sheriff's Office and Columbine High School. Cheryl concluded by saying all statements attributed to Sergeant O'Shea accidentally shooting a student in the media are false.
2. **CELINE MARQUEZ** – On April 22, 1999, Celine spoke with Sergeant O'Shea at Westridge pre-school concerning the Columbine High School shootings. Also present were Cheryl Atzmilller and Susan O'Shea, Sergeant O'Shea's wife. During the conversation, Celine said Sergeant O'Shea told her he was concerned innocent students may have been shot at Columbine High School by law enforcement. This statement lead Celine to use the term "friendly fire" in her sworn affidavit. However, Celine admitted Sergeant O'Shea never used the words, "shot" or "kill" or "friendly fire" during the conversation. In Celine's affidavit, she indicated Sergeant O'Shea had not slept because he thought he might have shot an innocent student. However, the affidavit also states Sergeant O'Shea could have fired into the school but had not for fear of shooting other SWAT members. Her impression was that Sergeant O'Shea was outside looking into the school at the perpetrator through a doorway, window or hallway.



3. **SUSAN O'SHEA** – Susan did not participate in the conversation between her husband, Sergeant O'Shea, Cheryl Atzmiller and Celine Marquez. She does not recall the details of the conversation. However, in conversations with her husband after the Columbine High School shootings, she said Dan was concerned he may have hit an innocent student inside the library. Susan said her husband was concerned because when he fired into the library, he could not see the target.
4. **SUE PETRONE** – Sue believes statements made to her by Deputy Jim Taylor and Amy Burnett are forthright and true. Sue added Deputy Annette Walker told her Daniel was safe, but returned to help other students. Sue does not know if Deputy Walker observed this or if it was her fiancée, Deputy Paul Smoker. She believes Sergeant O'Shea shot Daniel based on the empty casings found near Daniel's body.
5. **BRIAN ROHRBOUGH** – Brian stated four (4) individuals could provide information into Daniel's death that contradicts the explanation given by Jefferson County Sheriff's Office detectives. Brian provided the names of Amy Burnett, a teacher at Columbine High School, an unidentified student whose name appears in a Newsweek magazine article, Wade, a senior at Columbine High School, and Deputy Jim Taylor. The student mentioned in Newsweek magazine was identified as Denny Rowe, and Wade, the senior at the school when the incident occurred, is Wade Frank, both of whom were interviewed.



TIME LINE

This phase of the reinvestigation focused on the development of a time line of events. Among the tapes reviewed were; audio tapes of 911 telephone calls placed to the Jefferson County Sheriff's Office, audio tapes of dispatch communications for the Jefferson County Sheriff's Office and Denver Police Department, a telephone call to the Denver Police Department, a typed transcript of radio transmissions by the Littleton Fire Department, videotape surveillance from the cafeteria of Columbine High School, Channel 4 News videotape and Channel 7 News videotape.

While establishing the time line of events, it was learned there were slight variations in times between the responding law enforcement agencies. This occurred because the law enforcement agencies involved did not have their "official" times synchronized with one another. Therefore, the investigative team synchronized all times to the National Institute of Standards and Technology (NIST) atomic time in Boulder. Once this was completed, two (2) minutes and forty-six (46) seconds were subtracted from the time on the Jefferson County Sheriff's Office dispatch consoles and four (4) minutes were added to the times on the typed transcript for the Littleton Fire Department. All other times were determined accurate with NIST atomic time.

After reviewing all sources of information, detectives compiled a comprehensive and chronological timeline of events as they occurred. The time line also depicts the amount of time elapsed from when Daniel Rohrbough was unequivocally shot and down on the ground, to key events occurring after that particular time. The time line is specific to the death of Daniel Rohrbough and not the entire movements and actions of Dylan Klebold and Eric Harris.

TUESDAY, APRIL 20, 1999

<u>TIME</u>	<u>EVENT</u>	<u>ELAPSED TIME</u> <u>(HH:MM)</u>
11:10 a.m.	First lunch period begins at Columbine High School. Daniel Rohrbough was seated in the cafeteria eating with Nick Buhrer, Anthony Caruso, Sean Graves, Lance Kirklin and James Medaugh. After finishing lunch, Daniel left the cafeteria with Graves and Kirklin. <i>(SOURCE: Interviews with students)</i>	00:00
11:23 a.m.	Deputy Gardner received a radio dispatch to Columbine High School for a female student that was down in the parking lot. <i>(SOURCE: Jefferson County Sheriff's Office dispatch/radio tape)</i>	00:00
11:22 a.m.	The cafeteria videotape, after being recycled, begins to record activity in the cafeteria and depicts the time as	00:00



	11:22 a.m. The videotape shows numerous students standing along the west windows looking out towards the stairs leading to the west entrance. <i>(SOURCE: Videotape from the school cafeteria and time line of events in the Jefferson County Sheriff's Office Columbine High School Shooting report)</i>	
11:23 a.m.	Students in the cafeteria begin to hide under the tables. <i>(SOURCE: Videotape from the school cafeteria)</i>	00:00
11:24 a.m.	Students in the cafeteria begin to run out of the cafeteria, with many fleeing up the stairs located at the east end of the cafeteria. <i>(SOURCE: Videotape from inside the school cafeteria)</i>	00:00
	Deputy Gardner arrived in the southwest parking lot at Columbine High School. Upon arrival, Deputy Gardner immediately drew fire from Eric Harris who was standing on the sidewalk leading to the west doors of the school. <i>(SOURCE: Time line of events in the Jefferson County Sheriff's Office Columbine High School Shooting report)</i>	
11:25 a.m.	Karen Nielsen, an employee of the school, telephones 911 from the teacher's lounge, adjacent to the cafeteria. Ms. Nielsen is heard on tape telling the 911 operator of the shooting at Columbine High School and of three students wounded. She related that one student was shot in the spine, one in the head, with half his face hanging off, and one student not breathing. She added that the shooter was wearing a black trench coat. Daniel Rohrbough was the student she described as not breathing and was unequivocally down at this time. The call concludes at 11:29 a.m. <i>(SOURCE: Jefferson County Sheriff's Office 911 tape)</i>	00:00
11:26 a.m.	Jefferson County Sheriff's Deputies Paul Smoker and Scott Taborsky arrived on the west side of Columbine High School. <i>(SOURCE: Time line of events in the Jefferson County Sheriff's Office Columbine High School Shooting report)</i>	00:01
11:31 a.m.	Denver Police Department Officer John Leitz telephoned the Denver Police Department dispatch center and advised them of the shooting at Columbine High School. Officer Leitz learned of the shooting after receiving a call from Matthew DePew, a student	00:06



at Columbine High School. Matt had called the Denver Police Department, District 4, looking for his father, Officer Wayne DePew. Matt DePew telephoned the Police Department after seeing Daniel shot and lying on the ground. (*SOURCE: Denver Police Department telephone tape*)

11:36 a.m.	Denver Police Department dispatch center broadcasted a simulcast on the radio reference the shooting at Columbine High School. (<i>SOURCE: Denver Police Department dispatch/radio tape</i>)	00:11
11:46 a.m.	Denver Police Department Sergeant Dan O'Shea was heard on the radio asking dispatch what was happening at Columbine High School. After being informed of the shooting, Sergeant O'Shea related, "Show me enroute, in civilian attire." (<i>SOURCE: Denver Police Department dispatch/radio tape</i>)	00:21
11:49 a.m.	Jefferson County Sheriff's Office Sergeant Ken Ester radioed the dispatch center and advised that several members of the Denver Police Department SWAT Team were on the east side of the school. (<i>SOURCE: Jefferson County Sheriff's Office dispatch/radio tape</i>)	00:24
11:53 a.m.	Denver Police Department Officer Bin Tran came on the radio and advised there are, "a bunch of kids down" on the west side. Denver Police Department Sergeant Dan O'Shea responded by telling Officer Tran, "Maintain cover until we can get a rescue team in." (<i>SOURCE: Denver Police Department dispatch/radio tape</i>)	00:28
11:54 a.m.	Denver Police Department Sergeant Dan O'Shea is heard on the radio advising Littleton Fire Department, "Stand by where you are at, don't go in." (<i>SOURCE: Denver Police Department dispatch/radio tape</i>)	00:29
11:57 a.m.	Denver Police Department Sergeant Dan O'Shea came on the radio and informed dispatch that he had entered the inner perimeter. By inner perimeter, Sergeant O'Shea meant the northwest side of the school, near the heating and air conditioning units. (<i>SOURCE: Denver Police Department dispatch/radio tape</i>)	00:32
11:58 a.m.	Littleton Fire Department Rescue Squad 11 and Rescue Squad 13 arrived in the southwest parking lot of	00:33



Columbine High School. They reported that SWAT Teams had their guns drawn and pointed towards the library. *(SOURCE: Typed transcript of radio transmissions by the Littleton Fire Department)*

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| 12:01 p.m. | Littleton Fire Department Rescue Squad 11 and Rescue Squad 13, now parked directly adjacent to the cafeteria and rescuing injured students, reported they are taking fire. Sergeant O'Shea, from a position of cover on the grassy hill area, fired his weapon for the first time. <i>(SOURCE: Typed transcript of radio transmissions by the Littleton Fire Department)</i> | 00:36 |
| 12:04 p.m. | Channel 7 News helicopter began video coverage of the shooting at Columbine High School. The video coverage shows Littleton Fire Department Rescue Squad 11 and Rescue Squad 13 leaving the area directly adjacent to the cafeteria. <i>(SOURCE: Channel 7 News videotape)</i> | 00:39 |
| 12:06 p.m. | Littleton Fire Department Rescue Squad 11 radioed it was enroute to the hospital with one (1), Anne Marie Hochhalter, and Rescue Squad 13 radioed it was enroute with two (2), Sean Graves and Lance Kirklin. <i>(SOURCE: Typed transcript of radio transmissions by the Littleton Fire Department)</i> | 00:41 |
| 12:07 p.m. | Denver Police Department Sergeant Eugene Orton radioed Denver Police Department Officer Greg Romero and asked, "is that body down by the door conscious or just staying there." Officer Romero replied, "he's gonna stay here." Sergeant Orton clarified by saying, "the one in the corner there that I can see." Officer Romero replied, "the one in front of the silver car wearing a green shirt, yes." <i>(SOURCE: Denver Police Department dispatch/radio tape)</i> | 00:42 |
| 12:43 p.m. | Denver Police Department Sergeant Dan O'Shea was observed moving towards the west door with other SWAT officers to rescue Richard Castaldo and Rachel Scott. As Sergeant O'Shea approached the emergency exit door to the library, that was propped open, he fired several additional rounds into the outside wall, by the door. <i>(SOURCE: Channel 4 News videotape)</i> | 01:18 |
| 12:50 p.m. | Denver Police Department Sergeant Dan O'Shea was observed on video moving along the west wall of | 01:25 |



Columbine High School towards the teacher's lounge window. Once by the window, he fired several rounds through the window as cover fire for other officers checking on Daniel Rohrbough. (*SOURCE: Channel 4 News videotape*)

1:09 p.m.

A Jefferson County Sheriff's Office SWAT team entered the cafeteria through the broken out window to the teacher's lounge. The evacuation of students and faculty members trapped inside the school begins. (*SOURCE: Time line of events in the Jefferson County Sheriff's Office Columbine High School Shooting report*)

01:44



FORENSIC ANALYSIS

This phase of the reinvestigation involved several steps that included a review of ballistic reports, laboratory reports, the autopsy of Daniel Rohrbough, evidence reports and diagrams of evidence recovered at the scene, specifically the outside area. Among the reports reviewed were those completed by the Colorado Bureau of Investigation (CBI), Federal Bureau of Investigation (FBI), Jefferson County Sheriff's Office and Jefferson County Coroner's Office.

First, detectives examined outside scene diagrams submitted by the Federal Bureau of Investigation (FBI). Upon review of the diagrams, detectives noted one of the diagrams showed the location of Daniel Rohrbough's body incorrectly. Through witness statements and the actual crime scene investigation, the exact location of Daniel Rohrbough's body can be correctly located on the concrete, just to the south of the stairs leading to the west entrance of the school.

Detectives identified fifty-six (56) critical items of physical evidence that would be pertinent to the reinvestigation. The items were requested, and received, from the Jefferson County Sheriff's Office. They included:

- The 9mm spent bullet projectile recovered at autopsy from the body of Daniel Rohrbough.
- A gunshot residue (GSR) kit collected at autopsy from Daniel Rohrbough.
- Bullet fragments from the crime scene around Daniel Rohrbough's body.
- Spent shell casings from the area around Daniel Rohrbough's body.
- A sweater recovered from the stairs leading to the west entrance of the school.
- The Highpoint Semi-Automatic Carbine Rifle fired by Eric Harris.
- The Intra-Tech Semi-Automatic weapon fired by Dylan Klebold.
- Test fired rounds, empty shell casings and bullets, recovered from the suspect's weapons and the weapons of law enforcement officers.

Detectives submitted the gunshot residue kit and sweater to the Colorado Bureau of Investigation (CBI) for laboratory analysis. It was determined the rest of the evidence would be submitted to an outside, private laboratory. Analysis on the gunshot residue kit showed the presence of particles characteristic of gunshot residue. The results indicate Daniel Rohrbough may have discharged a firearm, been in the vicinity of a firearm when it was discharged or came in contact with an item with gunshot residue on the item. The sweater was torn and disclosed the presence of small particles characteristic of gunshot residue and the presence of human blood. The majority of the blood was deposited on the interior of the sweater. Therefore, a sample of Daniel Rohrbough's blood was submitted to compare against the blood on the sweater. The results showed the blood on the sweater was not that of Daniel Rohrbough.

Second, detectives interviewed Doctor Ben Galloway, a forensic pathologist, who conducted the autopsy on Daniel Rohrbough. Doctor Galloway noted Daniel's shirt and pants had several circular tears but the area around the tears was void of gunpowder



residue. Daniel's face had an abrasion to the right cheek and bruising to the right side of the forehead, above the right eyebrow. The abrasion and bruising is consistent with falling and landing on the right side.

A total of five (5) gunshot wounds, entry and exit, were identified on the exterior of the body, with all wounds void of gunpowder residue. The gunshot wounds were an entry wound to the upper, left anterior chest, an entry wound to the left abdomen, an entry and exit wound to the left knee and an exit wound to the upper right back. The entry wounds are consistent with a bullet fired from a 9mm, .380 caliber, .38 caliber or .357 caliber. The exit wound is three-eighths of an inch (3/8"), in shape, with irregular tearing. Based on the shape, size and appearance of the exit wound, it is consistent with having been caused by hardball ammunition as opposed to hollow point ammunition.

The bullet that entered the chest traversed left to right with an upward angle, before exiting out the back. The bullet caused severe trauma to the heart, rendering it non-functional, and death would have occurred within minutes. The bullet that entered the abdomen traversed left to right with an upward angle and was recovered inside Daniel's body. This bullet lacerated the liver and stomach causing extensive internal damage, however, bleeding in the abdominal cavity was minimal (about half (1/2) a pint).

Doctor Galloway stated medical evidence supports the shot to the chest occurring before the shot to the abdomen. This opinion is supported by the absence of a large quantity of blood in the abdominal cavity. With a significant injury to the circulatory system, mainly the heart, blood flow is immediately interrupted to other vital organs. Had the liver been lacerated before the heart, more blood would have accumulated in the abdominal cavity. Doctor Galloway also mentioned the gunshot wounds to the chest and abdomen are consistent with Daniel falling to his right.

Third, detectives test fired the Heckler & Koch, MP-5, 9mm fired by Denver Police Department Sergeant Dan O'Shea, the Highpoint Semi-Automatic Carbine Rifle fired by Eric Harris and the Intra-Tech Semi-Automatic fired by Dylan Klebold. The purpose of the test fire was to determine the directionality and average distance empty shell casings would be ejected from the weapon.

- **Heckler & Koch, MP-5, 9mm, Serial Number 62350336** – Detectives fired the weapon from the shoulder firing position using single shots, three round bursts and fully automatic. The ammunition used was Speer Gold Dot, 124-grain, jacketed hollow point. The average ejection path of an empty casing was forward nine feet (9') and to the right seventeen feet, two and a half inches (17'2 1/2"). The weapon was noted as having six (6) lands and grooves with a right hand twist. The gun was purchased by the Denver Police Department for use by their SWAT Team and was issued to Sergeant Dan O'Shea, who maintained possession and control of the weapon.
- **Intra-Tech Semi-Automatic, Serial Number D076305** – Detectives fired the weapon from the shoulder firing position and the hip firing position. The ammunition used was Winchester, full metal jacket, 115-grain and Union Metallic



Cartridge (UMC), full metal jacket, 115-grain. The average ejection path of an empty casing was forward three feet, four and a half inches (3'4 1/2") and to the right six feet, nine and a half inches (6'9 1/2"). The weapon was noted as having six (6) lands and grooves with a right hand twist. Just Guns in Federal Heights purchased the gun in September of 1997. After several transfers and sales, Mark Manes purchased the weapon at a gun show in August of 1998. Mr. Manes then sold the gun to Eric Harris and Dylan Klebold. During the search of Columbine High School, the gun was recovered under Dylan Klebold's right leg, with his right hand on the grip and his left hand resting on the sling.

- **Highpoint Semi-Automatic Carbine Rifle, Serial Number A59610** – Detectives fired the weapon from the shoulder firing position and the hip firing position. The ammunition used was Winchester, full metal jacket, 115-grain and Union Metallic Cartridge (UMC), full metal jacket, 115-grain. The average ejection path of an empty casing was backwards two feet, ten inches (2'10") and to the right five feet, four inches (5'4"). The weapon was noted as having eight (8) lands and grooves with a right hand twist. The gun had been shipped to MKS Supply in Dayton, Ohio, in August of 1998. After several transfers and sales, Robyn Anderson bought the firearm in the Denver Metro area at a gun show in December of 1998, specifically for Eric Harris. Eric Harris had allegedly ordered nine (9) magazines for the gun on December 18, 1998, and took possession of them on December 28, 1998. During the search of Columbine High School, this gun was recovered at the feet of Eric Harris and immediately to the right of Dylan Klebold.

Next, El Paso County Sheriff's Office detectives traveled to Columbine High School in order to conduct a crime scene reconstruction. The reconstruction consisted of using string lines to show the trajectory of rounds fired by suspects and officers. However, because of landscape and architectural changes at Columbine High School, an exact reconstruction could not be accomplished.

String lines were strung from the grassy hill area to the library windows, the grassy hill area to the area of Daniel Rohrbough's body, the area near the west door to the area of Daniel Rohrbough's body and the area by the teacher's lounge window to the area of Daniel Rohrbough's body. After all string lines were strung, photographs were taken. The findings established the string line from the area near the west door, where Eric Harris fired, to the area where Daniel Rohrbough's body was located, closely represented the path of the bullets that struck Daniel Rohrbough. An angle measurement of this trajectory showed it to be fifteen (15) to twenty (20) degrees downward.



Finally, detectives transported several items of ballistic evidence to H.P. White Laboratory, Inc. in Street, Maryland for microscopic examination. H.P White Laboratory, Inc. was chosen to conduct the analysis because the laboratory has a national reputation as the leading privately owned laboratory engaged in small arms and



ammunition research, development and testing and was not involved with the initial investigation into the Columbine High School shootings. Among the evidence items taken to the laboratory were:

- The spent bullet projectile recovered at autopsy from the body of Daniel Rohrbough.
- Bullet jacket fragments recovered from the parking lot of Columbine High School.
- One live round of Remington Peters 9mm Luger ammunition recovered on the stairs leading to the west entrance of Columbine High School.
- The test-fired bullets from the Highpoint Semi-Automatic Carbine Rifle associated with Eric Harris.
- The test fired bullets from the Intra-Tech Semi-Automatic associated with Dylan Klebold.
- The test fired bullets from the Heckler & Koch, MP-5 fired by Denver Police Department Sergeant Dan O'Shea.
- Live rounds of ammunition collected from the firearms testing, by the El Paso County Sheriff's Office, of the Highpoint Semi-Automatic Carbine Rifle associated with Eric Harris.
- Live rounds of ammunition collected from the firearms testing, by the El Paso County Sheriff's Office, of the Intra-Tech Semi-Automatic associated with Dylan Klebold.

The Chief Engineer for H.P. White Laboratory, Inc., Lester W. Roane, conducted a microscopic examination on the items, in the presence of detectives from the El Paso County Sheriff's Office. Mr. Roane advised detectives the bullet recovered from Daniel Rohrbough had eight (8) lands and grooves, with a right hand twist, which is consistent with the Highpoint Semi-Automatic Carbine Rifle. Mr. Roane added the bullet recovered from Daniel Rohrbough was a **textbook match** to a test-fired bullet taken from the Highpoint Semi-Automatic Carbine Rifle.



The bullet jacket fragments examined established that one of the bullet fragments had been fired from a barrel with eight (8) lands and grooves. The Highpoint Semi-Automatic Carbine Rifle has eight (8) lands and grooves. This fragment did not indicate the presence of blood or tissue.

An examination of the Remington Peters 9mm Luger live round showed similarities in comparison to rounds ejected from the Highpoint Semi-Automatic Carbine Rifle. Mr. Roane could not definitively say the round was ejected from the Highpoint Semi-Automatic Carbine Rifle, however did say it did not come from the Intra-Tech Semi-Automatic. It should be noted that a comparison was not made to rounds ejected from the Heckler & Koch, MP-5, because Speer Gold Dot hollow point ammunition was used with the MP-5, as opposed to Remington Peters 9mm Luger, full metal jacket rounds.



Other comparisons requested of H.P. White Laboratory, Inc. by the investigative team included attempts to match various cartridges, metallurgy analysis, and comparison of cartridge crimp markings to fired bullets. Although the attempt to match various cartridges was completed with inconclusive results, the metallurgy analysis and crimp marking comparisons were not conducted. It was the opinion of Mr. Roane that tests would not offer conclusive proof benefiting the reinvestigation. Mr. Roane restated the fact that the bullet recovered from Daniel Rohrbough was a textbook match as being fired from the Highpoint Semi-Automatic Carbine Rifle.



CONCLUSION OF FINDINGS


Based on the reinvestigation conducted into the death of Daniel Rohrbough at Columbine High School, it is the conclusion of the El Paso County Sheriff's Office that Daniel Rohrbough was undeniable shot and killed by gunman Eric Harris prior to any law enforcement officers arriving on scene. This conclusion has been derived from detailed interviews conducted with critical witnesses, the establishment of a time line, the results of evidence submitted for laboratory analysis and a crime scene reconstruction.

Physical evidence supports the findings that the victim, Daniel Rohrbough, was standing outside on the sidewalk when gunman Eric Harris shot him. Eric Harris was deliberately firing in the direction of Daniel Rohrbough, from the sidewalk leading from the west doors of the school, with a Highpoint Semi-Automatic Carbine rifle. Based upon the reconstruction, Daniel Rohrbough was most probably shot first in the left leg, which caused him to fall or turn to the right, exposing his left side to the gunman. As he was going down, the next two (2) shots, coming in rapid succession, struck Daniel in the chest and abdomen. Both rounds had the same trajectory and would prove to be fatal. Daniel came to rest lying on his chest/stomach with his head turned to the right, facing the school. His body was eventually rotated during rescue efforts, which caused the crime scene photographs to depict him on his right side. Daniel Rohrbough's death was almost instantaneous and without a doubt, occurred prior to the arrival of any law enforcement officers.

The physical evidence and critical witness interviews that support our finding are as follows:

1. Victims Sean Graves, Lance Kirklin and Anne Marie Hochhalter, all remember Daniel Rohrbough walking outside from the west doors of the school cafeteria, followed by Lance Kirklin and Sean Graves. Once outside, Daniel, Sean and Lance saw the two (2) gunmen at the top of the stairs, leading to the west entrance. Daniel Rohrbough, Sean Graves and Lance Kirklin were together intending to go to the "smoker's pit."
2. Nineteen (19) witnesses saw the gunmen shooting in the direction of Daniel Rohrbough. The gunmen were named or described as: Eric Harris, Dylan Klebold, Robert Perry or white males. Witnesses, to include Sean Graves and Lance Kirklin who were with Daniel, reported seeing Eric Harris shooting, Dylan Klebold shooting and/or throwing bombs and the shorter of the two (2) gunmen shooting. It should be noted that Eric Harris was shorter than Dylan Klebold.
3. Fourteen (14) witnesses saw Daniel Rohrbough turn slightly in an attempt to run or get away, when he was shot in the left leg. As a result of this shot, Daniel began to fall or stumble to the right and was shot two (2) more times. He collapsed onto the sidewalk, landing on his chest and face with the right side of his face impacting the concrete first. The witnesses who saw this include Sean Graves, Lance Kirklin, Mark Opfer and Denny Rowe, all of who were standing in close proximity to Daniel.



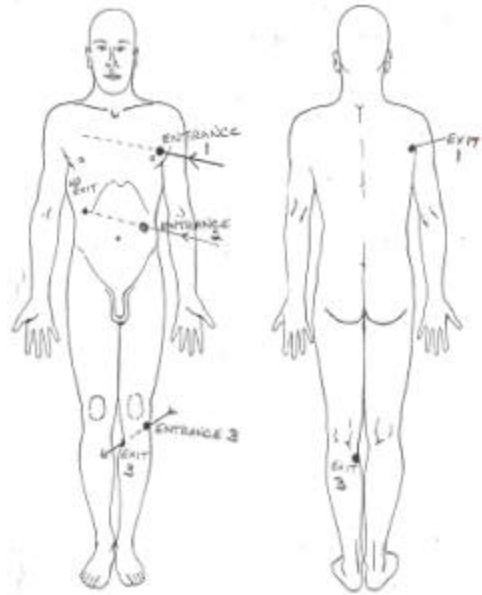
4. The videotape from the school cafeteria shows students rushing to the west windows and looking outside at 11:22 a.m., as the shooting was taking place.
5. Twenty-two (22) witnesses saw Daniel Rohrbough lying face down on the sidewalk with his head turned to the right. Daniel is observed prone, immediately after the first shots are heard, lying motionless, with blood already on his clothing and pooling onto the concrete. The witnesses who saw this include both victims shot within seconds of Daniel, Lance Kirklin and Sean Graves.
6. Witnesses reported seeing a gunman, described as Dylan Klebold or a white male, walk down the stairs and shoot Lance Kirklin at close range. The witnesses did not see or hear any other shots fired by the gunman. Among the witnesses who saw this are shooting victims Sean Graves and Lance Kirklin, both shot within seconds of Daniel, and found by Emergency Medical personnel lying within a few feet of him.
7. Of the one hundred eight (108) witnesses reinterviewed from Columbine High School, only Jayson Autenrieth and Keith Parkinson believe they saw a law enforcement officer on scene before the shooting started. Both Jayson Autenrieth and Keith Parkinson think the school resource officer, Deputy Neil Gardner, may have been on scene. *Deputy Neil Gardner was carrying a Sig Sauer .45 caliber handgun with hollow point ammunition.*
8. Deputy Neil Gardner, the school resource officer, arrived on scene at 11:24 a.m., and exchanged gunfire with a suspect, later identified as Eric Harris. Eric Harris was observed firing a high-powered rifle. The Highpoint Semi-Automatic Carbine Rifle, bought by Robyn Anderson for Eric Harris, is a carbine rifle and the Intra-Tech Semi-Automatic is a pistol. After the exchange of gunfire, Eric Harris retreated into the school and never returned back outside.
9. Karen Nielsen telephoned 911 from the teacher's lounge and told the 911 operators that three (3) students were down. She described their injuries and specifically said one of the individual's was not breathing (later identified as Daniel Rohrbough). The other two (2) students were Sean Graves and Lance Kirklin, both lying within feet of Daniel Rohrbough.
10. Denver Police Department was notified of the shootings at Columbine High School, at 11:31 a.m., when Officer John Leitz received a telephone call at the District 4 office from Columbine High School student Matt DePew. Matt placed the telephone call after personally seeing Daniel Rohrbough shot and lying face down on the ground.



11. Denver Police Department Sergeant Mark Drajam, Officer Henry Bloodworth, Officer Abel Gutierrez and Officer Greg Romero all arrive at Columbine High School before Sergeant Dan O'Shea. Prior to Sergeant O'Shea's arrival, all four (4) officers saw Daniel Rohrbough lying on the pavement, motionless.
12. Denver Police Department Sergeant Dan O'Shea radioed dispatch at 11:46 a.m., inquiring as to what was happening at Columbine High School. When told, he related he was enroute in civilian attire. Sergeant O'Shea was wearing blue jeans and a white T-shirt. Sergeant O'Shea eventually made his way to the area of the school's heating and cooling system, located on the west side, at 11:57 a.m.
13. Littleton Fire Department personnel responded to the southwest side of the school and checked the status of shooting victims Daniel Rohrbough, Sean Graves, Lance Kirklin and Anne Marie Hochhalter. Paramedic Monte Fleming and Firefighter Jerry Losasso both checked Daniel Rohrbough's vital signs. Daniel was cold to the touch, with reddish-purple livor mortis present on the face and no pulse. Both Paramedic Fleming and Firefighter Losasso declared Daniel dead.
14. Denver Police Department's SWAT team moved to the area where Daniel Rohrbough's body was located. Lieutenant Phelan checked Daniel Rohrbough and in doing so, rotated the body to his right side. During the check of Daniel Rohrbough, Sergeant O'Shea fired into the teacher's lounge window for cover.
15. As students and faculty members are being evacuated, numerous students ran around and jumped over Daniel Rohrbough's body. Eric Kritzer, a teacher at Columbine High School, says he saw Daniel's body and moved Daniel's hand in an attempt to identify the body.
16. During autopsy, Doctor Galloway noted the following information:
 - Daniel had an abrasion to his right cheek and contusions in the area above the right eyebrow and anterior hairline. These abrasions and contusions are consistent with Daniel falling and striking the right side of his face as reported by witnesses.
 - The clothing and skin around Daniel's gunshot wounds were void of any stippling or gunshot residue. This is consistent with the shots being fired from a distance greater than three (3) feet.
 - Medical evidence indicates the shot to the chest came before the shot to the abdomen. This is based on a lack of blood in the abdominal cavity. The abdominal shot lacerated the liver, which should have caused significant bleeding in the abdominal cavity. Because there was a lack of blood, the shot to the heart, which interrupted the circulatory system and blood flow, came first. Either shot would have been fatal.
 - The chest shot lacerated the heart and aorta, as well as perforating both the right and left lung. As a result, Daniel died within minutes after being shot.



- The shot to the chest and abdomen are parallel and at an upward angle consistent with Daniel falling or bending to his right.
- Both bullets entered the body on the left side and traversed left to right. The upper bullet traveled through the chest exiting out the right, upper back area.
- The spent bullet projectile recovered from Daniel's body at autopsy was confirmed as a 9mm bullet. Later during laboratory analysis, the bullet was confirmed by ballistics as being fired from Eric Harris' Highpoint Semi-Automatic Carbine Rifle. H.P. White Laboratory, Inc. and the Colorado Bureau of Investigation (CBI) made independent ballistic matches.
- Based on the size, shape and appearance of the exit wound on Daniel's back, that measured approximately three-eighths of an inch (3/8"), it was consistent with being caused by hardball ammunition as opposed to hollow point ammunition. Hardball ammunition or full metal-jacketed rounds generally travel through with minimal expansion. Hollow point ammunition is designed to expand upon penetration, causing a large, jagged exit wound. Eric Harris was firing full-jacketed rounds and Denver SWAT officers were firing hollow point ammunition.



17. H.P. White Laboratory, Inc., described the spent bullet projectile recovered from Daniel Rohrbough's body as a 9mm, full jacket round, with eight (8) lands and grooves and a right hand twist. Analysis on the Highpoint Semi-Automatic Carbine Rifle showed the weapon to have eight (8) lands and grooves with a right hand twist. The Heckler & Koch, MP-5 and Intra-Tech Semi-Automatic both have six (6) lands and grooves with a right hand twist.
18. With the fatal shots to both the chest and abdomen entering the body at similar angles, and the recovered spent bullet projectile from the abdomen confirmed as being fired from the Highpoint Semi-Automatic Carbine Rifle, one can most likely surmise the shot to the chest was also fired from the Highpoint Semi-Automatic Carbine Rifle. The basis for this conclusion is that the exit wound for the chest shot is consistent with ball or jacketed ammunition and Eric Harris was using full-jacketed rounds. All Denver Police Department SWAT Officers, to include Sergeant O'Shea, were shooting hollow point ammunition. Furthermore, if some other individual had shot Daniel Rohrbough besides Eric Harris, that person would have to have been standing directly along side Eric Harris, holding a gun at nearly the exact same height, angle, and fire the weapon within seconds prior to Eric Harris' shot, in order to duplicate the similar angles of the bullets



entering Daniel's body while standing. According to the three (3) surviving victims in close proximity to Daniel, no one other than Eric Harris and Dylan Klebold were shooting.

19. During the crime scene reconstruction conducted at Columbine High School, string lines were strung to determine shot trajectories. A string line from the area where Eric Harris was shooting, drawn to the area where Daniel Rohrbough was located, showed a consistent bullet path to the bullet that passed through Daniel's body. This was replicated with a detective positioned at approximately the same height as Daniel, his left side facing the direction from where the shots were being fired and leaning to the right. While leaning to the right, the body contoured so the left shoulder was elevated, the head turned to the right, with the right shoulder closest to the ground, depicting someone falling to their right. The string line showed the shot placement as having a downward firing angle, but when the body is placed in a supine position, the trajectory is an upward angle. No other string lines depicting shot trajectory were capable of producing a similar wound path.

As for the written request Sheriff Stone sent to Sheriff Anderson, dated January 4, 2002, the four (4) specific requests relative to the events surrounding the death of victim Daniel Rohrbough have been thoroughly investigated.

The first request were statements attributed to Deputy Annette Walker (Smoker) of the Jefferson County Sheriff's Office. During the interview with Deputy Smoker, Deputy Smoker related she spoke with Sue Petrone, Daniel Rohrbough's mother, at Leawood Elementary School the day of April 21, 2002. During the conversation, Sue Petrone asked if students fleeing the school might have possibly trampled Daniel to death. Deputy Smoker replied that Daniel may have possibly saved lives by alerting other students in the cafeteria as to what was transpiring. However, Deputy Smoker said the statement about saving lives was an assumption on her behalf. The conversation was brief in content and consisted of small talk to pass time. Deputy Smoker adamantly denies ever telling Sue Petrone that Daniel was seen holding the door open for other students.

The second request was statements attributed to Deputy Jim Taylor of the Arapahoe County Sheriff's Office. Jim Taylor was contacted but refused to speak with detectives from the El Paso County Sheriff's Office on the advice of his attorney. However, before declining an interview, he did relate the written statement he provided to the Arapahoe County Sheriff's Office on December 31, 2001, was the "truth." In that written statement, he claims to have arrived on the northeast side of the school and met with his supervisor, Sergeant Ray Torrez. He and Sergeant Torrez were assigned to assist in the evacuation of students and at no time was he on the south side of the school. He continued by writing that he never saw Daniel Rohrbough get shot, hear any gunfire nor see any gunfire. The only statement he made to the Rohrbough family was that which was shown on television or reported in the newspaper. He concluded by writing, "It is not true that I saw Daniel Rohrbough get shot or any other person as stated in the newspaper."



The third request was statements attributed to Sergeant Daniel O'Shea of the Denver Police Department. During an interview with Sergeant O'Shea, he said he had a conversation with Cheryl Atzmilller and Celine Marquez. He did become emotional after Celine thanked him for his actions at Columbine High School because she, Celine, had two (2) children that also attended Columbine. As the conversation progressed, he told both Cheryl and Celine that he fired his weapon and his biggest fear that day was the possible harming of innocent people. However, he **adamantly** denies ever telling Cheryl or Celine he shot an innocent person.

The final request was to locate any witnesses that may have overheard any statements made by, or related to, the aforementioned individuals.

The only other individual involved in the conversation with Deputy Annette Walker (Smoker) was Sue Petrone. During an interview with the El Paso County Sheriff's Office, Sue Petrone confirmed she had a conversation with Deputy Walker. It took place at Leawood Elementary School, where Sue was taken to await information about her son, Daniel. However, the context of the conversation is completely different than what Deputy Walker (Smoker) related. Sue said Deputy Walker told her, Daniel was safe and out of harms way but returned to help other students. While helping others, Daniel was shot and killed. She cannot remember if Deputy Walker personally saw this or if it was told to Deputy Walker by her fiancée, Deputy Paul Smoker. Sue added that family members overheard the conversation.

As for statements attributed to Jim Taylor, Lieutenant Ray Torrez with the Arapahoe County Sheriff's Office was interviewed by the El Paso County Sheriff's Office. Lieutenant Torrez was a sergeant on the date of the Columbine High School shootings and Deputy Taylor's supervisor. Lieutenant Torrez said he arrived at Columbine High School first and once Deputy Taylor arrived, they worked together the entire time and at no time did he or Deputy Taylor ever go to the southwest side of Columbine High School.

In addition, Brian Rohrbough, Sue Petrone and Rich Petrone were all interviewed in detail. Sue and Rich Petrone believe former Deputy Jim Taylor was telling the truth when relaying his observations at Columbine High School. They believed his body language and facial expressions conveyed sincerity. Brian Rohrbough referred to the taped conversation as proof of what Jim Taylor said. A partial transcript of the conversation between Jim Taylor and the Petrones, that Brian Rohrbough released, was reviewed. There is no denying that Jim Taylor told of events involving Daniel Rohrbough, which he could not have witnessed at Columbine High School. The motivation for his comments could not be ascertained without conducting an interview with Jim Taylor. As to his precise actions that day, the matter is further complicated due to the fact he failed to prepare a written report documenting his actions on April 20, 1999.

The individuals present during the conversation with Sergeant O'Shea were his wife, Susan, Cheryl Atzmilller and Celine Marquez. Cheryl Atzmilller was interviewed and had spoke with Sergeant O'Shea about the Columbine High School shootings. During the conversation, Cheryl insisted Sergeant O'Shea never said he shot a student or even



thought he may have shot a student. Cheryl was **absolutely** certain of this fact because if he had made such a statement, she and Celine Marquez would have certainly discussed it further. Cheryl believes Celine Marquez either misunderstood or made assumptions based on Sergeant O'Shea's statements. Cheryl said the statements Celine Marquez offered about Sergeant O'Shea shooting Daniel Rohrbough are **false**.

Celine Marquez was interviewed in reference to the same conversation with Sergeant O'Shea. Celine related Sergeant O'Shea told her he was concerned innocent students may have been shot by law enforcement. Based on his statement, Celine assumed Sergeant O'Shea had discharged his weapon, but says she does not recall Sergeant O'Shea ever saying he fired his weapon. She added Sergeant O'Shea never said any officers shot anyone at Columbine and never used the words, "shot" or "kill" during his conversation. Celine herself thinks it maybe possible law enforcement shot an innocent person at Columbine High School, but has no direct knowledge of any officer shooting an innocent person. This is Celine's opinion, but no facts support it.

The last interview pertaining to statements attributed to Sergeant Dan O'Shea was with his wife, Susan O'Shea. Susan was not paying particular attention to the conversation and could only recall Dan telling Cheryl Atzmilller it had been an emotional situation and he was having nightmares. She does not recall Celine Marquez being present during the conversation. Susan added that in conversations with her husband, he had expressed concern that he may have hit an innocent student when he fired into the library windows.

In conclusion, it is the collective opinion of the El Paso County Sheriff's Office that Denver Police Department Sergeant Dan O'Shea did not shoot Daniel Rohrbough as alleged. The murder of Daniel Rohrbough at Columbine High School on April 20, 1999, was undeniably caused by gunman Eric Harris beyond any reasonable doubt. If Eric Harris were alive today, there exists overwhelming probable cause to arrest him for the murder of Daniel Rohrbough.

