

FOURTH JUDICIAL DISTRICT STATUTORY GRAND JURY

REPORT

Investigation of the shooting death of

Brian Prine by El Paso County Sheriff's Office Deputies Brenden Koehlinger and Juanito Cuellar

Scope of the Investigation

The 2025 Fourth Judicial District Statutory Grand Jury investigated the officer-involved shooting death of Mr. Brian Prine that occurred July 18, 2025, at 6549 Tranters Creek Way in Colorado Springs, Colorado. The investigation focused on whether El Paso County Sheriff's Deputies Brenden Koehlinger and Juanito Cuellar, hereinafter referred to as the "targets" of the inquiry, committed any crime or crimes.

The Process

The Fourth Judicial District Grand Jury was selected from a random pool of community members in January 2025 and is comprised of local citizens, each with diverse backgrounds and experiences. The role of the Grand Jury is to decide whether criminal charges, by way of an indictment, should be brought against a potential defendant.

The Grand Jury accepted this investigation on December 15, 2025, and, that day, the Fourth Judicial District Attorney's Office began presenting evidence related to the investigation. During the course of its work, the Grand Jury had authority to subpoena witnesses and request items deemed critical to gathering pertinent facts, in addition to the facts and evidence presented by the District Attorney's Office. Each witness testified under oath and was questioned by District Attorney lawyers and members of the Grand Jury. Each witness who was placed on the stand cooperated with the investigation and answered the questions asked of them.

The Grand Jury moved to deliberate only after each member agreed the evidence presented and the witnesses who testified had provided the appropriate information needed to adjudicate the case. In its presentation of the evidence, the District Attorney's Office remained neutral so as not to bias a potential outcome, and ensured witnesses were held to facts, without expressing personal opinions. The Grand Jury unanimously issued its decision on this investigation with a No True Bill.

A No True Bill issuance denotes the Grand Jury's decision to decline to file charges against a target, due to insufficient evidence to support criminal prosecution. Colorado Revised Statute §20-1-114 states, "If no true bill is returned, the grand jury shall issue and publish a report." This public report represents the independent conclusions of each member of the Grand Jury and was drafted with the support of the District Attorney's Office.

The Evidence

This case was presented to the Grand Jury over the course of two days. The Grand Jury heard testimony from two El Paso County Sheriff's Deputies who were present at the time of the shooting. Additionally, the Grand Jury viewed body worn camera videos of the shooting from each of the four deputies present at the time of the incident. The Grand Jury also heard testimony from the lead detective of the Deadly Force Investigation Team, as well as testimony from an expert witness on Tasers, a less-than lethal tool the deputies on scene possessed at the time of the shooting. Finally, the Grand Jury heard testimony from two separate, independent use of force experts who gave their opinions about the use of deadly physical force by the two target deputies. The Grand Jury did not hear from the two deputies who were the targets of this investigation.

Findings of Facts

The Grand Jury makes the following findings of fact based on a review of all evidence presented:

We have concluded our investigation into the officer-involved shooting that occurred on or about July 18, 2025, by El Paso County Sheriff's Deputies Brenden Koehlinger and Juanito Cuellar. Initially, our reaction to the evidence provided was shock, dismay, anger, and confusion. At first view, the videos and body worn camera footage provided appeared to support a claim that the deputies involved used excessive force and employed reckless behavior. Chaos ensued.

As we heard witness testimony, evidence, and expert opinions, and worked through deliberation, the Jury gained a better understanding of the decisions made by the deputies involved, and the actions they carried out on scene. The Jury was initially concerned with what appeared to be a lack of coordination and communication between the deputies, as well as the manner in which their response was executed.

After reviewing the evidence, which included Body Worn Camera video (BWC) captured by Deputies Cuellar, Koehlinger, Pease, and Logan; the video interviews Deputies Cuellar and Koehlinger; testimonies of witnesses to include Detective Steve Aulino - lead detective with the Colorado Springs Police Department, Use of Lethal Force Experts, and a taser instructor- who possessed knowledge of the TASER Seven used in this incident, the jury gained a better understanding of the facts of this investigation and the actions that transpired in the altercations between Deputy Koehlinger, Deputy Cuellar, and Mr. Prine.

During the course of their response, deputies contacted Mr. Prine on the front porch of his residence and informed Mr. Prine that he was going to be detained. Mr. Prine verbally expressed his intent to resist, then exhibited active, aggressive resistance, lunging forward into another officer. Mr. Prine gained possession of the deputy's taser and discharged it, striking that deputy. In addition, Mr. Prine attempted to gain possession of the firearm from another deputy's duty belt. Mr. Prine gained possession of the taser while deputies were attempting to restrain him. Koehlinger, who was at the base of the driveway speaking with Mr. Prine's wife, then heard a scuffle, which caused him to advance towards the porch. He heard the pop, saw that Mr. Prine had possession of an active taser, and responded to the threat.

Simultaneously, and independently, Deputies Cuellar and Koehlinger, who were at different vantage points, responded with the same action.

In conclusion, the Grand Jury has declared a No True Bill.

Relevant Law

CRS 18-1-707(1),(3) states in relevant part, "Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person. A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and: (a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force; [and] (b) The suspect poses an immediate threat to the

peace officer or another person; [and] (c) The force employed does not create a substantial risk of injury to other persons.” Subsection (4.5) states, “Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.”

Conclusion

Ultimately, it is solely the responsibility of the Grand Jury to decide if there is sufficient evidence to support probable cause, in light of available affirmative defenses, to determine whether the two target Deputies committed any criminal offenses in relation to the shooting incident that occurred on July 18, 2025. The Grand Jury issued a No True Bill for both El Paso County Sheriff’s Deputy Brenden Koehlinger and El Paso County Sheriff’s Deputy Juanito Cuellar, meaning the Grand Jury did not find probable cause to support that either deputy committed any criminal offense.

