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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

Office of the Attorney General

**Statement of**  
**Attorney General Phil Weiser, State of Colorado**  
**- Wednesday, September 1, 2021 -**

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Good morning and thank you for coming. I am here to share with you information about the grand jury's work on the investigation into the death of Elijah McClain.

I think most of you are familiar with Elijah McClain's story. He died following a physical encounter with Aurora police officers and Aurora Fire Rescue paramedics the night of August 24, 2019.

In June 2020, by executive order, the governor appointed me "to act as the State's prosecutor, investigate, and—if the evidence permits—prosecute potential criminal activity by individuals who caused the death of Elijah McClain."

Our department did not seek this investigation. After we were appointed to take on this important responsibility, we took it very seriously. At the time, I said our investigation would be thorough, guided by the facts, and worthy of public trust and confidence in our criminal justice system. These remain our guiding principles for this matter.

As you know, there was an initial investigation into Mr. McClain's death which was limited. Our department had the option merely to review the record of that effort or undertake our own additional fact-finding process to inquire further into the events surrounding Mr. McClain's death. We decided to take the latter course because whenever a person dies after an encounter with law enforcement, the community deserves a thorough investigation. Mr. McClain's family deserves it. And justice requires it.

As our department conducted its work, it became clear that we needed the grand jury and its enhanced investigative powers to obtain documents and compel testimony from witnesses that we otherwise would not be able to obtain using ordinary investigative techniques.

Over the last year, our team faced considerable challenges because the Statewide Grand Jury didn't meet for a lengthy period of time due to the Covid-19 pandemic. In December 2020, we were finally able to engage the Statewide Grand Jury to investigate Mr. McClain's death. On January 8, 2021, my department announced that we had opened the grand jury investigation. That process continued until last Thursday when the grand jury concluded its work and returned its findings.

We are announcing the grand jury's findings made last week now because we needed time to contact Mr. McClain's family (his mother Sheneen McClain and father LeWayne Mosely), and to contact those under investigation for their actions.

At the outset, a few points about the Statewide Grand Jury process bear mention.

- First, a grand jury is made up of impartial citizens called from the community to serve. The grand jury is a core part of our criminal justice system. The citizens who are participating in this undertaking take their roles very seriously. Those who serve on the statewide grand jury not only are very serious and diligent, but also invest considerable time and effort to serve the public. They deserve our gratitude for their work.
- Second, under state law, grand jury activities and materials must be kept confidential. What can be disclosed, and what I will be sharing today, are the relevant facts and circumstances we are authorized to share.
- We recognize that many people, including Mr. McClain's family, concerned citizens, and members of the media have had many questions regarding the grand jury process and its activities. Over the course of this process, we had and continue to have a legal and ethical obligation to maintain the confidentiality and integrity of the investigation. We appreciate the public's patience as we conducted our work.

Late last Thursday, after careful and thoughtful deliberation, the grand jury returned a 32-count indictment against Aurora police officers Randy Roedema and Nathan Woodyard, former Aurora Police officer Jason Rosenblatt, and Aurora Fire Rescue paramedics Jeremy Cooper and Peter Cichuniec for their alleged conduct on the night of August 24, 2019, that resulted in Mr. McClain's death.

Each of the five defendants face one count of manslaughter and one count of criminally negligent homicide.

Officers Roedema and Rosenblatt also each face a count of second-degree assault with intent to cause bodily injury and caused serious bodily injury to Mr. McClain. Both also face one count of a crime of violence related to the second-degree assault (bodily injury) charge.

In addition to the manslaughter and criminally negligent homicide charges, paramedics Cooper and Cichuniec also face:

- One count second-degree assault with intent to cause bodily injury and caused serious bodily injury,
- One count second-degree assault for recklessly causing serious bodily injury by means of a deadly weapon (Ketamine), and
- One count second-degree assault for a purpose other than lawful medical or therapeutic treatment, intentionally causing stupor, unconsciousness, or other physical or mental impairment or injury to Mr. McClain, by administering a drug (Ketamine) without consent.

Cooper and Cichuniec also face two counts of crimes of violence for each of the assault charges.

At this moment, my department is filing the indictment in Adams County District Court. The indictment will be unsealed.

It's important to remind everyone that a grand jury indictment is a formal accusation, based on a determination of probable cause, that an individual committed a crime under Colorado law. All defendants are presumed innocent until proven guilty beyond a reasonable doubt.

Our department has the solemn duty to prosecute this case. Make no mistake, we recognize that this case will be difficult to prosecute—these types of cases always are. Our goal is to seek justice for Elijah McClain, for his family and friends, and for our State. In so doing, we advance the rule of law and the commitment that everyone is accountable and equal under the law.

Many of you will have questions as this case proceeds. We understand that and we want you to understand that our job is to do our talking in court. We thank you in advance for your patience as this case goes forward.

I want to thank the Statewide Grand Jury for their service. And let me thank our team—prosecutors, investigators, and staff—who worked hard on this case for over a year and will continue to do so.

We are here today because Elijah McClain is not here, and he should be.

He was a son, a nephew, a brother, and a friend. When he died, he was only 23 years old. He had his whole life ahead of him and his family and friends must now live on without him.

His death is a loss to all of us.

Elijah McClain's memory will live on as a blessing to all of us.

After his death, Colorado continues to lead on law enforcement accountability.

In a separate civil investigation, my department is investigating whether the City of Aurora, specifically the Aurora Police and Fire Departments, have a pattern and practice of violating the civil rights of its community members. That matter is ongoing. We will announce our findings when that investigation is concluded.

By working to build trust in law enforcement and working to elevate what safe and effective policing looks like, we will advance public safety and honor the profession's commitment to serve all Coloradans fairly and responsibly.

Thank you.