

**D 016 01**

**EXECUTIVE ORDER**

**Declaring a Disaster Emergency Due to Extremely Dangerous Fugitives At-Large in Fremont County and Ordering to State Active Duty Certain Elements of the Colorado National Guard**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular vested in the Governor as commander in chief of state military forces under § 28-3-104, C.R.S., and pursuant to the relevant portions of the Colorado Disaster Emergency Act, §24-32-2100 *et seq.*, C.R.S., I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order declaring that a state of disaster emergency has occurred whereby I ordered to active duty part of the Colorado National Guard, and now order reimbursement for this action from the disaster emergency fund.

1. Background and Need.

On September 28, 2001, Fremont County Deputy Jason Schwartz was fatally shot while transporting Joel and Michael Stovall to jail in Canon City. The men escaped on foot with the deputy's shotgun and walked several miles to Michael Stovall's mobile home in Florence. Approximately three hours after the shooting the Stovalls opened fire on Florence police as they passed by the mobile home to see if the brothers were there. Two Florence police officers were shot and injured as the Stovalls escaped capture.

At 9:00 a.m. on September 29, 2001, I issued a verbal order authorizing the use of National Guard personnel and helicopters to assist in the fugitive manhunt. The two fugitives were apprehended without incident at approximately 10 p.m. on September 29, 2001. The Colorado National Guard supplied 6 personnel and 2 helicopters to provide airborne search assistance for up to 24 hours.

The lives of people in the Fremont County area were in danger after one officer had been killed and two others seriously injured by fugitives that were still at large. Under Colorado Revised Statute §24-32-2103, a state disaster emergency

may be called when there is an “imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin.” Accordingly, I hereby declare that the fugitive manhunt constituted a disaster for purposes of §24-32-2103, C.R.S., and acknowledge my earlier verbal order to activate the Colorado National Guard to assist in the fugitive manhunt.

2. Mission and Scope.

This Executive Order orders the following:

The expenditure of funds from the State Disaster Emergency Fund of an amount up to \$8,451.00 to the Department of Military Affairs.

3. Duration

This Executive Order shall expire thirty (30) days from its date of signature unless extended by Executive Order.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this 30<sup>th</sup>  
day of October, 2001.

Bill Owens  
Governor