



July 11, 2014

Detective Shawn O'Keefe  
Thornton Police Department  
9551 Civic Center Drive  
Thornton, CO 80229

Dear Detective O'Keefe:

At your request, the Office of the District Attorney has reviewed TPD case number 2014-2346, in which the victim is Jamie Matheny and the suspect is Jeremy Sloan. The gist of the criminal allegation is Jamie Matheny's report that her soon-to-be ex-husband, Jeremy Sloan, unlawfully entered the residence and stole two guns that belonged to her. As such, the facts of the case presented potential burglary, criminal trespass, and theft charges.

We reviewed the investigation provided by your agency which included all police reports, evidence reports, recorded interviews, photographs, and other pertinent evidence. In addition to reviewing your investigation, our Office considered information and documentation relevant to a domestic relations case file involving Ms. Matheny and Mr. Sloan. Our review is limited to determining whether criminal charges should be filed. The standard for filing criminal charges is whether there is a reasonable likelihood of a successful prosecution.

There is no direct evidence that Mr. Sloan entered the residence and took the firearms. The circumstances are that there was no forced entry, the firearms were taken out of a locked gun safe, and other items of value were left behind. Assuming Mr. Sloan entered the home and took the firearms, the issue is whether he had legal permission to enter the residence and whether he had ownership rights in the property.

The documentation filed in the domestic relations case sets forth the following facts: 1) Mr. Sloan owned the residence before the marriage, 2) both parties resided there during the marriage, 3) Mr. Sloan moved out voluntarily, but was permitted to enter and remove personal property or "agreed upon marital items" upon request. Because there is no documentation or evidence prohibiting Mr. Sloan from entering the residence, the prosecution is unable to prove beyond a reasonable doubt that his entry into the home was unlawful. As such, there is no reasonable likelihood of conviction for a burglary charge.




The investigation further reveals confusion as to the property alleged to have been stolen. Initially, Ms. Matheny reported an AK-47 and a Ruger revolver to have been taken. Those firearms were apparently listed as contested property in the divorce case. However, later on in the investigation, Ms. Matheny identified different firearms as the ones alleged to have been stolen—a Norico SKS with a 30 round magazine and a Ruger Desert Eagle that may not have been a revolver. Regardless of the make and model, the investigation contains no documentation or other evidence to establish proof of ownership of any of the identified firearms. With no evidence that the firearms alleged to have been taken were solely owned by Ms. Matheny, or that Mr. Sloan took them unlawfully, there is no reasonable likelihood of conviction for a theft charge.

Therefore, considering all of the facts and circumstances revealed in the investigation, there is insufficient evidence to support the filing of criminal charges for this incident. We would be pleased to conduct a further review of this matter with the parties involved should anyone desire such a meeting.

Please let me know if you have questions or if there is anything that I can do to assist your agency.

Sincerely,



Joe Pacyga  
Chief Trial Deputy