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U.S. DISTRICT COURT
DISTRICT OF WYOMING
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MARGARET BOTKINS, CLERK
CHEYENNE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

GENEVIEVE LOWERY, as Wrongful
Death Representative for WILLIAM
LOWERY, the Deceased,

Plaintiff,

v.

Sheridan Police Chief, TRAVIS
KOLTISKA, in his individual and official
capacity; Casper Police Officer, MICHAEL
CHAND, in his individual and official
capacity; OFFICER JOHN DOE 1
through OFFICER JOHN DOE 10 (names
unknown), individually and in their official
capacities; and UNKNOWN OFFICERS
1-20 (names and agencies unknown),
individually and in their official capacities,

Defendants.

Case No

25CV-232-ABJ

COMPLAINT FOR DAMAGES UNDER 42 U.S.C. § 1983

For her claims of relief against Defendants, Plaintiff, Genevieve Lowery, acting in

her capacity as the Wrongful Death Representative of William Lowery, and on behalf of all wrongful death beneficiaries, alleges the following:

PARTIES, JURISDICTION, AND VENUE

1. This action arises under the Civil Rights Act, 42 U.S.C. §1983, and the Fourth and Fourteenth Amendments to the United States Constitution.
2. This Court has federal question jurisdiction over this action under 28 U.S.C. §§ 1331 because it arises under the Constitution of the United States, and 1343(a)(3) and (4) because it seeks to redress the deprivation of rights under the Constitution of the United States and to recover damages.
3. Venue is proper in this Court under 28 U.S.C. §1391(b)(1) and (2) because Defendants reside in Wyoming, and the events giving rise to this action occurred in Wyoming.
4. Plaintiff is Genevieve Lowery, who resides in York County, Nebraska. Ms. Lowery is the sister of William Lowery, the deceased, and has been appointed to serve as his Wrongful Death Representative in Wyoming State Court. *See, In Re: Wrongful Death Representative for William Lowery*, Fourth Judicial District, Sheridan County, Case No. 2025-CV-00174.
5. The Wrongful Death Beneficiaries are Plaintiff, Genevieve Lowery, sister of the deceased, Eileen Hurley, mother of the deceased, and M.B.L. and H.B.L., minor

children of the deceased.

6. Defendant Travis Koltiska is the Chief of the Sheridan Police Department, or was the Chief at the time of the events described below, employed by the Sheridan Police Department, and participated in the events described below. He is being sued in both his individual and official capacity.
7. Defendant Michael Chand is an officer in the Casper Police Department, or was an officer at the time of the events described below, employed by the Casper Police Department, and participated in the events described below. He is being sued in both his individual and official capacity.
8. Defendants Officer John Doe 1 through Officer John Doe 10 are law enforcement officers employed by the Sheridan or Casper Police Departments who participated in the events described below. These Defendants are sued in both their individual and official capacities. Their true names are unknown to Plaintiff at this time but may be ascertained through discovery.
9. Defendants Unknown Officers 1-20 are law enforcement officers either employed by the Sheridan or Casper Police Departments or other agencies, such as the Sheridan County Sheriff's Office, the Natrona County Special Response Team, or the Gillette Police Department Special Response Team, who participated in the events described below. These Defendants are sued in both their individual and official capacities. Their true names are unknown to Plaintiff at this time but may be ascertained through

discovery.

10. At all relevant times, the individual defendant law enforcement officers were acting under color of state law within the meaning of 42 U.S.C. § 1983.

FACTS

Constitutional Framework

11. 42 U.S.C. § 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

12. The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures, including the use of excessive force by law enforcement officers.
13. Under *Graham v. Connor*, 490 U.S. 386 (1989), claims of excessive force by law enforcement officers during arrests, investigatory stops, or other seizures are analyzed under the Fourth Amendment’s “objective reasonableness” standard.
14. The Supreme Court in *Graham v. Connor* established that the reasonableness of an

officer's use of force must be judged from the perspective of a reasonable officer on the scene, considering the totality of the circumstances, including such factors as: (1) the severity of the alleged crime; (2) whether the suspect poses an immediate threat to officers or others; and (3) whether the suspect is actively resisting arrest or attempting to flee.

15. In other words, as stated by the Supreme Court in *Tennessee v. Garner*, 471 U.S. 1 (1985), the question is “whether the totality of the circumstances justifie[s] a particular sort of...seizure.” In this case, the question is whether the totality of the circumstances justified the various uses of force by Defendants, up to and including the shooting and killing of William Lowery.

Standard Law Enforcement Protocols

16. There are various standards in law enforcement relating to the handling of an armed suspect who is barricaded or sequestered inside of a residential home.
17. These standards prioritize safety, containment, and negotiation in order to prevent injury and loss of life, and they also tend to effectuate or protect a suspect's Constitutional rights.
18. These standards include containment, stabilization, intelligence gathering, crisis negotiation, conservative tactical options, and finally, the use of force.
19. *Containment* involves officers establishing secure inner and outer perimeters to prevent

escape and protect bystanders.

20. *Stabilization* involves evacuating nearby residents, designating incident command, isolating communications, and assessing legal standing for arrest or intervention.
21. *Intelligence Gathering* involves collecting as much information as possible regarding the suspect's identity, history, access to weapons, mental health, and motivations before taking action.
22. *Crisis Negotiation* involves specialized negotiators establishing communication with the suspect, building rapport, and encouraging peaceful surrender. Importantly, research shows that negotiations result in peaceful surrender in around 80% of cases, and is thus preferred unless there is an immediate threat to life.
23. *Tactical Options* might include police drones, cameras, or robots for surveillance and communication and to assess threats without exposing officers or the suspect to danger, and chemical munitions to encourage a suspect to exit when negotiations fail.
24. *Use of Force* is a last resort used only when the suspect is actively dangerous or armed, negotiation has failed, and there is an imminent risk to life or public safety. If these circumstances exist, then forced entry by a specialized unit or response team might be justified.

The Facts and Circumstances

25. Mr. Lowery, 46 years old at the time these events took place, had an extensive

criminal record, and was known to officers in the Sheridan Police Department.

26. Mr. Lowery was also known to officers in the Sheridan Police Department to have mental health and substance abuse issues.
27. Although Mr. Lowery had a criminal history, and mental health and substance abuse problems, he was a human being, a father, son, and brother. He had strong and loving relationships with friends and family, including his mother, sister, and children.
28. On February 13, 2024, an officer of the Sheridan Police Department, Sargeant Nevada Krinke, served a trespass notice on Mr. Lowery, who was attempting to move out of an apartment from which he had been evicted.
29. Upon information and belief, Sargeant Krinke knew Mr. Lowery and was aware of his history of mental health problems and substance abuse.
30. Upon information and belief, an altercation occurred when Sargeant Krinke served the trespass notice on Mr. Lowery. Sargeant Krinke is believed to have tackled Mr. Lowery and hit him in the head with his police baton. It is believed that during this altercation, Mr. Lowery, possibly in self-defense, shot and killed Sargeant Krinke.
31. *Before filing this Complaint, Plaintiff repeatedly sought records and bodycam footage from the Sheridan Police Department, the Wyoming Attorney General's Office, and from Wyoming's Division of Criminal Investigation relating to this altercation, but all entities have repeatedly denied the requests.*
32. After the fatal altercation between Mr. Lowery and Sargeant Krinke, Mr. Lowery

locked himself inside of a residential home at the corner of 6th Street and North Sheridan Avenue in Sheridan, Wyoming. Upon information and belief, a friend of Lowery lived in the basement of the home but was not present at the time.

33. Sheridan Police Department officers went to the scene where Sargeant Krinke was killed, and then located Mr. Lowery in the home. It is unknown to Plaintiff how the officers knew Mr. Lowery had shot Sargeant Krinke or how they knew where Mr. Lowery had gone. *Before filing this Complaint, Plaintiff repeatedly sought records and information relating to these questions from the Sheridan Police Department, the Wyoming Attorney General's Office, and Wyoming's Division of Criminal Investigation, but all entities have repeatedly denied the requests.*
34. Upon information and belief, although Sheridan Police officers knew Mr. Lowery had killed Sargeant Krinke, they did not know the circumstances of the killing, including whether or not Mr. Lowery had acted in self-defense, whether a firearm discharged by accident, or any other circumstances surrounding the altercation.
35. While locked inside the residential home, Mr. Lowery posed no threat to officers or to others in the community.
36. Upon information and belief, an elderly woman resided in the home and was present in the home for a short time before police officers coordinated her safe exit. It is unknown how this was accomplished or whether Mr. Lowery cooperated in securing the woman's exit.

37. Mr. Lowery remained in the home for several hours while officers presumably attempted to get him to come out.
38. Plaintiff is unaware of what conservative methods officers may have used to persuade Mr. Lowery to come out of the home.
39. While Mr. Lowery was in the home, Plaintiff, who is Mr. Lowery's sister, and Mr. Lowery's mother, both of whom live in Nebraska, were notified by a local resident of the situation. Plaintiff and Mr. Lowery's mother immediately began driving to Sheridan and tried to establish contact with Mr. Lowery and the Sheridan Police Department.
40. While driving to Sheridan, Lowery's mother spoke with the Sheridan Police Department, who connected her with an Officer White of the Wyoming Division of Criminal Investigations. Plaintiff and Lowery's mother notified Officer White of Mr. Lowery's mental health problems and pleaded with Officer White to hold off doing anything drastic until they arrived because they believed they could talk with their brother and son and persuade him to come out of the home peacefully.
41. At some point during this hours-long sequestration in the home, Sheridan's Chief of Police, Travis Koltiska, called other law enforcement officers and entities for assistance, including the Sheridan County Sheriff's Office, the Natrona County Special Response Team, and the Gillette Police Department Special Response Team.
42. At some point during the hours-long sequestration in the home, officers lobbed in

gas grenades and shot gas projectiles inside the home in an attempt to get Mr. Lowery to come out. He did not. Officers then flooded the home with a firehose. Mr. Lowery still did not come out. Officers then crashed into the walls of the home with an armored vehicle, and then demolished the home using a backhoe and/or other heavy construction equipment. It is unknown who ordered these actions or why, considering Mr. Lowery was in the home by himself and posed no danger to anyone other than himself, and considering his sister and mother were on their way to help persuade him to come out.

43. During the demolition of the home, which could have killed Mr. Lowery, he came out. Whether he fled or was armed is unknown. What is known is that when he came out of the home, at least one officer, Casper Police Officer, Michael Chand, shot and killed Mr. Lowery.
44. It is unknown how many times Mr. Lowery was shot or whether any other officers shot at him.
45. Plaintiff and Mr. Lowery's mother arrived in Sheridan not long after Mr. Lowery was killed, never having had an opportunity to speak with their brother or get him out safely.
46. It is unknown whether the police departments or special units used their own heavy equipment to tear down the home or whether they contracted with a local construction company or simply directed a local company or private citizen to tear

down the home.

47. The defendant officers' actions in forcing Mr. Lowery from the home by demolishing it and then shooting him constitute the use of excessive force in violation of the Fourth Amendment. They did not need to act as they did. They could have waited, allowing the siege to force Mr. Lowery out. They could have waited for Mr. Lowery's mother and sister to arrive to assist in negotiation. Instead, they chose to escalate to threaten Mr. Lowery's life and then end his life.
48. The defendant officers in this case acted as "judge, jury, and executioner" of Mr. Lowery, in violation of Mr. Lowery's Fourth Amendment rights.
49. *Before filing this Complaint, Plaintiff repeatedly sought records and bodycam footage relating to the sequestration of Mr. Lowery in the home, the destruction of the home, and the shooting of Mr. Lowery from the Sheridan Police Department, the Wyoming Attorney General's Office, and Wyoming's Division of Criminal Investigation, but all entities have repeatedly denied the requests.*
50. The withholding of critical evidence prevents Plaintiff from fully investigating the circumstances surrounding Mr. Lowery's death and forces her to file this lawsuit against the defendants.
51. Mr. Lowery left behind his mother, Eileen Hurley, sister, Genevieve Lowery, and two children, M.B.L. and H.B.L.

CAUSE OF ACTION

**Excessive Use of Force in Violation of the Fourth Amendment (42 U.S.C. §1983)
Against Individual Defendant Officers**

52. Plaintiff incorporates the allegations above into this claim.
53. The individual Defendant officers, including Defendants Koltiska and Chand, while acting under color of state law, violated Mr. Lowery's clearly established constitutional rights under the Fourth Amendment by using objectively unreasonable and excessive force against him.
54. The Defendant officers' use of force, including deadly force, was objectively unreasonable because:
- a. Mr. Lowery posed no immediate threat to the safety of the officers or others when he was in the home;
 - b. The officers escalated the situation in the tactics they used to force Mr. Lowery out of the home;
 - c. The officers *created* a dangerous situation when they demolished the residence while Mr. Lowery was inside, threatening his life and forcing him to exit;
 - d. Less intrusive means were available to apprehend Mr. Lowery; and
 - e. Mr. Lowery posed no immediate threat to the safety of the officers or others when he exited the home and was shot and killed by the Defendant officers.
55. The Defendant officers acted with deliberate indifference to Mr. Lowery's constitutional rights and showed a reckless or callous disregard for his life and safety.

56. As a direct and proximate result of the Defendant officers' use of excessive force, Mr. Lowery was killed.
57. As a result of the Defendant officers' use of excessive force, Plaintiff and the other Wrongful Death Beneficiaries have been deprived of the relationship with their brother, son, and father, including the permanent loss of his companionship, society, and comfort.
58. Because the Defendant officers' conduct was motivated by evil intent or involved deliberate indifference to Mr. Lowery's federally protected rights, and reckless or callous disregard for his life and safety, an award of punitive damages is appropriate to punish Defendants and deter similar conduct in the future.

Qualified Immunity Not Available

59. The individual defendant officers are not entitled to qualified immunity because their conduct violated clearly established law.
60. The law was clearly established at the time of this incident: the use of deadly force against a suspect who poses no immediate threat to officers or others violates the Fourth Amendment.
61. The United States Supreme Court's decisions in *Tennessee v. Garner* and *Graham v. Connor* clearly established the constitutional standards governing police use of force, including deadly force.

62. Any reasonable officer would have known that demolishing a home in which a suspect is sequestered, who does not pose an immediate threat to officers or others, and then shooting that suspect when he exits, when he does not pose an immediate threat to officers or others, violates clearly established constitutional rights.
63. The Defendant officers acted in an objectively unreasonable manner in light of clearly established law, and their conduct was not undertaken in good faith.
64. The doctrine of qualified immunity does not shield officers who act as “judge, jury, and executioner” by using excessive force against individuals who do not pose an immediate threat.

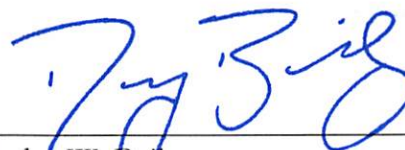
REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests this Court to grant the following:

1. Judgment against Defendants for:
 - a. Compensatory damages in an amount to be determined at trial, including damages to Mr. Lowery’s surviving family members, the Wrongful Death Beneficiaries;
 - b. Punitive damages against the individual Defendant officers;
 - c. Reasonable attorneys’ fees and costs pursuant to 42 U.S.C. §1988;
 - d. Pre-judgment and post-judgment interest; and
2. Any other relief the Court deems appropriate.

DATED October 6, 2025.

BAILEY | STOCK | HARMON | COTTAM | LOPEZ LLP



Douglas W. Bailey
Attorney for Plaintiff