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Shooting of burglary suspect may test 'Make My Day Law'

Leland Vittert | Reporter

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Marcus Duran

DENVER - "Go ahead, make my day." With a loaded .44 pointed at a criminal's face, Clint Eastwood couldn't have been more clear when he uttered that famous phrase in 1983's 'Sudden Impact.'

But Colorado's 'Make My Day Law' is broad and slightly vague when it comes to this week's fatal shooting of a burglary suspect at 3150 N. Gaylord Street in Denver.

"You don't have to believe (a criminal) is going to kill you or hurt you badly, if they are in your home," said Denver defense attorney Dan Recht. "(If) you think they might hurt you in any way, you can kill them,"

Police say at least one of the three suspected burglars entered the home on N. Gaylord St. early Monday morning. What is still not clear is whether 17-year-old Marcus Duran, who was shot to death by the homeowner, was actually inside.

He died from multiple gunshot wounds to the head.

"We have never seen a case like that where one of the co-conspirators...one of the accomplices...was in the home, but the person who was shot was not in the home," said Recht.

Colorado law gives homeowners the right to use deadly force, but leaves it up to prosecutors to see if any individual incident falls under the 'Make My Day' statute.

If the Denver District Attorney decides to charge the homeowner, he could argue at his trial that he was covered by the 'Make My Day Law.'

At least one of Duran's co-conspirators is charged with burglary. Criminal charges against the homeowner will likely depend on who actually went inside.

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