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Details of Deadly Shooting Released

By Shane Benjamin, Herald staff writer

A Fort Lewis College student who was shot and killed earlier this month near Henderson Lake helped jump-start the suspect's vehicle earlier in the day, according to an arrest report.

The act of kindness is one of several details contained in an arrest affidavit made public Thursday by 6th Judicial District Judge Jeffrey Wilson.

Also revealed Thursday: a former U.S. Marine subdued the suspect at gunpoint. Brenden Dow Ashburn, 37, of Durango, is charged with first-degree murder in the death of David Jones, 26.

Ashburn faces a minimum of life in prison and the possibility of the death penalty.

The shooting occurred late Aug. 17 or early Aug. 18 in a remote location about 20 miles north of Durango in the San Juan National Forest.

According to the affidavit, which draws largely from an interview with Eric Berry, Jones' friend who witnessed the shooting, this is what happened:

Jones and Berry, 20, were camped several hundred yards away from Ashburn – a man they had never met.

They helped Ashburn jump-start his vehicle during the day Aug. 17.

Later that night, about 10 p.m., Ashburn visited their campsite and joined them around the campfire. Ashburn was seated on a green metal cooler with Berry to the left and Jones seated across from Ashburn.

"They all consumed whiskey and beer together, and they smoked marijuana," the affidavit says.

After a few hours, Ashburn produced a revolver from his coat pocket. He removed it from the holster and showed it to both men.

Ashburn handed the gun to Berry, and Berry returned it to Ashburn.

Moments later, Ashburn fired one shot straight up into the air.

"Berry and Jones were shocked by his behavior," the affidavit says.

They asked Ashburn to put the pistol away, and Ashburn became agitated. He told them to "shut up" or he would shoot them. He pointed the pistol back and forth at both men while yelling at them.

"They feared for their lives," the affidavit says. "They pleaded with Ashburn and tried to calm him down, but he became more agitated."

After about 15 minutes, Jones stood up "nervously" to tend to the fire while Ashburn remained seated on the cooler.

According to the affidavit, Ashburn took aim and fired one shot at Jones, hitting him in the upper torso.

Jones reached for his chest and walked about 6 feet before collapsing, Berry told investigators. Berry stood up and ran. He looked back once to see Ashburn still seated on the cooler. He ran past an adjacent campsite and yelled, "He shot my friend!"

Berry continued to run along the road before veering into the trees. He heard more gunshots and kept running into the forest until he felt safe. He remained in the forest until daylight.

He eventually came down from a hillside and met up with La Plata County Sheriff's Investigator Kevin Brown, who was driving in the area.

Brown, who wrote the affidavit, was notified of the shooting death at 4 a.m. Aug. 18. It was daylight before he reached the scene of the crime.

Authorities first learned of the shooting at 1:56 a.m. Aug. 18 from David Pribble, a former U.S. Marine.

Pribble told investigators he and his family were camping in the area when he heard the gunshot. He said someone ran through his campsite yelling that his friend had been shot.

Pribble said he grabbed a pistol and ran to the adjacent camp. He confronted Ashburn, who had a pistol in his hand.

Pribble pointed his pistol at Ashburn and told him to drop the weapon. He then activated a laser sight on his pistol and pointed it at Ashburn's chest.

He then "forcibly" took the pistol from Ashburn, the affidavit says.

Pribble tied Ashburn's hands with rope and escorted him back to his camp where he and his wife tied Ashburn to an Aspen tree.

Pribble's wife and son watched Ashburn while Pribble drove up the road to find cellphone service to call 911.

Pribble told investigators he was not fully aware that Jones was dead until he returned to the campsite with a flashlight.

"He immediately saw blood on the ground near the campfire," the affidavit says. "Then he saw Jones a few feet away from the blood. It was obvious to him Jones was deceased."

Deputies arrived about an hour after receiving the 911 call and arrested Ashburn.

Formal charges were filed Thursday in District Court against Ashburn. In addition to first-degree murder, he is charged with placing someone in danger of a deadly weapon, a felony, for pointing the gun at Berry.

Berry, also a student at FLC, declined to comment Thursday for this story.

Ashburn is being held in the La Plata County jail without bail.

Judge Wilson released the arrest affidavit Thursday, saying the arrest record is unlikely to prevent Ashburn from receiving a fair trial.