



For Immediate Release:

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May 22, 2025

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of Corey Shepard on August 20, 2024

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District Attorney Mason assumed the oath of office on January 12, 2021. The 17th Judicial District Attorney's Office endeavors to seek justice on behalf of the citizens of Adams and Broomfield counties in felony and misdemeanor cases. DA Mason and his staff are dedicated to transforming the criminal justice system to better serve the citizens of the 17th Judicial District.

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May 21, 2025

Interim Chief of Police Greg Reeves
Thornton Police Department
9551 Civic Center Drive
Thornton, CO 80229

RE: The officer-involved shooting of Corey Shepard on August 20, 2024

Dear Chief Greg Reeves:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the August 20, 2024 shooting of Corey Shepard by Officers with the City of Thornton. The investigation was led by Adams County Sheriff's Office Detectives Jai Rogers and Ernesto Lemus. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Thornton Police Department. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter includes a summary of the facts and materials that the CIRT presented for review, along with my pertinent legal conclusions.

This review is mandated by Colorado law which requires the public release of a report explaining findings and the basis for a District Attorney's decision relative to the filing of criminal charges when officers are involved in the discharge of a firearm that results in serious bodily injury. As such, this review is limited to determining whether any criminal charges should be filed against the involved officers for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all the elements of a crime beyond a reasonable doubt. The prosecution also has the burden to prove beyond a reasonable doubt that the use of force was *not* legally justified. This independent investigation and review is not intended to take the place of an internal affairs investigation by your agency. The 17th Judicial District Attorney's review does not evaluate compliance with any departmental policies, standards, or procedures.

The circumstances surrounding this incident resulted in criminal charges against Corey Shepard, which, as of the date of this letter, are still pending in Adams County Court. Individuals charged with a crime retain a presumption of innocence until the final resolution of the case. Therefore, while Colorado law requires public disclosure of decisions with respect to the filing of charges against an officer, it also requires that we preserve the integrity of pending criminal cases. Consequently, and based on limitations set forth in the Colorado Rules of Professional Conduct restricting pretrial publicity, this letter does not reveal all the facts pertinent to the entire investigation. Furthermore, to preserve the integrity of the pending case, the full record of this investigation will remain restricted from public access until the conclusion of the criminal proceedings. The record and any video evidence of this investigation will not be

made available with this mandatory review. The involved officers from this incident participated in recorded interviews with CIRT investigators. This review provides a summary of those interviews only as it relates to the legal decision not to file criminal charges against those officers. Mr. Shepard retains the constitutional right to be presumed innocent, which in no way contributed to the overall analysis of this review.

Based on the evidence presented and the applicable Colorado law, there is no reasonable likelihood of success of proving the elements of any crime beyond a reasonable doubt against the involved officers. Therefore, no criminal charges will be filed against the law enforcement officers involved in this incident.

FACTUAL SUMMARY OF THE INCIDENT

On August 20, 2024, members of the North Metro Task Force were conducting a drug saturation operation along the 120th Avenue corridor in Adams County, Colorado. At the conclusion of the operation, Detective Geoffrey Keeling and Detective Annet Cea observed a male in the parking lot of the Maverick gas station located at 5480 E 120th Ave, Thornton, Colorado. This male was known to detectives from previous investigations and was identified as Corey Shepard. Detective Cea and Detective Keeling confirmed that Corey Shepard had an active felony warrant for a weapons violation, noting that Corey Shepard was armed and dangerous. Detective Musa Ayoub with the North Metro Task Force and Officer Adrian Barerra responded to the area to assist.

Detective Cea was driving an unmarked vehicle with Detective Keeling as her passenger. Detective Musa Ayoub was driving an unmarked pickup truck with Officer Adrian Barerra as his passenger. The four law enforcement officers were in plain clothes, outfitted with vests that included "police" insignia on both the front and back.

Detective Cea, Detective Keeling, Detective Ayoub and Officer Barerra exited their vehicles and contacted Mr. Shepard in the parking lot of the Maverick gas station. Mr. Shepard was walking with another male individual who had a dog on a leash. When the vehicles pulled in, Mr. Shepard told his male associate, "That look like the law, huh?" When detectives exited their vehicles and made contact, they immediately identified themselves as police and told Mr. Shepard to "stop right there" and "put your hands up." Mr. Shepard turned and walked away from the detectives who then drew their weapons. Detectives continued to give commands, including advising Mr. Shepard that he was under arrest and to get on the ground. Mr. Shepard continued to ignore commands and walk away from the detectives. On several occasions Mr. Shepard reached towards his waistband and detectives responded, "stop reaching" and "put your hands where we can see them."

The male associated with Mr. Shepard followed police commands and laid down on the ground. Multiple witnesses present at the gas station later stated that the four individuals who were present identified themselves as police and it was also clear from their clothing and commands that they were law enforcement officers.

Mr. Shepard ignored the officers' repeated commands and continued walking toward the

Applebee's parking lot adjacent to the Maverick gas station. Officer Wes Snyder arrived in a marked police car, wearing a police uniform. Detective Ayoub asked Officer Snyder if he was equipped with a taser and Officer Snyder replied affirmatively. Mr. Shepard continued backing away from the detectives and said, "don't fucking tase me" multiple times as he reached toward his waistband and lifted his shirt. Officer Snyder activated his taser, illuminating the red and green laser lights pointed at Mr. Shepard. The officers shouted, "Let me see your hands!" and "Put your hands up!" Mr. Shepard ignored their commands and walked backwards. Mr. Shepard reached to the right side of his waistband, exposing a black handgun with an extended magazine. Officer Snyder deployed his taser, striking Mr. Shepard just below the waistline. Apparently, the taser struck a lighter in Mr. Shepard's right pocket causing it to ignite.

The taser was otherwise ineffective and did not stop Mr. Shepard from moving. Mr. Shepard turned away from Officer Snyder and drew his handgun. Detective Ayoub saw the handgun and fired a single shot at Mr. Shepard. Mr. Shepard began falling forward and he landed on the ground. Detectives yelled, "Gun!" Officer Snyder approached Mr. Shepard as Mr. Shepard was reaching for the handgun as it lay on the ground next to him. Detective Ayoub, Detective Keeling, and Officer Barrera fired at Mr. Shepard striking him multiple times, while Officer Snyder kicked the gun away from Mr. Shepard's hand. Detective Ayoub and Detective Keeling both believed that Mr. Shepard fired one shot during this interaction. It is not clear from the physical evidence recovered from the scene whether Mr. Shepard fired a round.

Detective Ayoub, Detective Keeling, and Officer Barrera participated in recorded interviews with CIRT investigators. Detective Ayoub, Detective Keeling and Officer Barrera turned over their firearms for examination and round accountability. Based on interviews conducted with the detectives, collection of evidence from the scene and the examination of the firearms, it was determined that Detective Ayoub fired three rounds from his handgun, Detective Keeling fired five rounds from his handgun, and Officer Barrera fired three rounds from his handgun.

Criminalists assigned to the CIRT gathered evidence and processed the scene. Mr. Shepard's handgun was recovered on scene. The gun was found with the slide forward and no magazine inserted. There was no round in the chamber. On the ground near the gun was a loaded 30 round magazine with 29 live rounds inside. One live round was recovered from the scene. Upon clearance of the firearm, it was found to be stolen out of Pueblo, Colorado in 2020. During a later examination, the handgun was determined to be operable, although the examiner noted that the gun does not properly feed from the magazine.

Mr. Shepard was transported to the hospital, where he was treated for multiple gunshot wounds. The factual circumstances surrounding this incident resulted in criminal charges filed against Mr. Shepard for menacing, possession of a weapon by a previous offender, large capacity magazine prohibited – during crime, carrying a concealed weapon, obstruction, and violation of a protection order. The criminal case against Mr. Shepard remains pending in Adams County District Court.

LEGAL ANALYSIS

As was previously noted, this review is limited to a determination of whether criminal charges should be filed against the law enforcement officers involved in this incident. In addition, the involved officers participated in a recorded interview with the CIRT investigators. Because the underlying criminal case remains pending, this review provides a summary of the interviews only as it relates to the legal decision to not file criminal charges against the officers. The decision to file criminal charges involves an assessment of all known facts and circumstances as well as an evaluation of whether there is a reasonable likelihood of conviction at trial under the applicable law. Criminal liability is established when the evidence is sufficient to prove all the elements of a crime beyond a reasonable doubt. In addition to proving the elements of a crime, the prosecution must also disprove any statutorily recognized justification or defense beyond a reasonable doubt. Consequently, to file a criminal charge, the District Attorney's Office must be able to prove beyond a reasonable doubt that the involved law enforcement officers' actions were *not* justified under the circumstances surrounding this incident and the applicable law.

Under Colorado law, police officers, like any other individual, have the right to defend themselves or others from the use or imminent use of unlawful physical force when it is reasonable and appropriate under the circumstances. A law enforcement officer may use physical force in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person. However, physical force may be used only if nonviolent means would be ineffective and must use only that degree of force consistent with the minimization of injury to others. An officer's right to use physical force in self-defense is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was not justified. The law applicable to the officers' use of physical force at the time of this incident requires that

[w]hen physical force is used, a peace officer shall:

- (a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
- (b) Use only a degree of force consistent with the minimization of injury to others;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and
- (d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

§18-1-707(2), C.R.S. (2024).

The United States Supreme Court has set forth a standard of “objective reasonableness” in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer’s use of force must (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene “in light of the facts and circumstances confronting them, without regard to [his] underlying intent or motivation.” Further, the United States Supreme Court notes, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-97 (1989).

Applying the legal standard in this case, the first question is whether physical force was appropriate under the statute. Here, law enforcement officers contacted Mr. Shepard due to his active warrant for a weapons violation. This warrant included the caution that Mr. Shepard was armed and dangerous. When the officers contacted Mr. Shepard, they were dressed in plain clothes with tactical vests identifying them as police. The officers also verbally identified themselves as police. The male associated with Mr. Shepard recognized the individuals as police and complied with their commands to get on the ground. Additionally, other witnesses in the area recognized the individuals as police officers. This evidence leads to the conclusion that any reasonable person would have recognized the police presence. While in contact with the officers, Mr. Shepard refused to comply with lawful commands, reached for his waistband, and produced a handgun with an extended magazine, giving the perception that he intended to use deadly force upon the officers. Officers first attempted to employ a non-lethal option of a taser, which was unsuccessful. Mr. Shepard’s display of a deadly weapon then elevated the risk to everyone in the area. Further, officers stated their belief that Mr. Shepard fired a shot from his handgun. For these reasons, I find the officers’ use of physical force to be appropriate and justified.

The second question is whether the degree of force was consistent with the minimization of injury to others. Mr. Shepard had an active warrant for a weapons violation and was known to be armed and dangerous. Further, Mr. Shepard was non-compliant with the repeated commands issued to him by the officers. The officers attempted to employ the non-lethal option of the taser, which was unsuccessful. Mr. Shepard escalated the situation by producing a handgun with an extended magazine forcing the officers to act quickly. Due to the nature of the conduct involved, the officers used an appropriate degree of force.

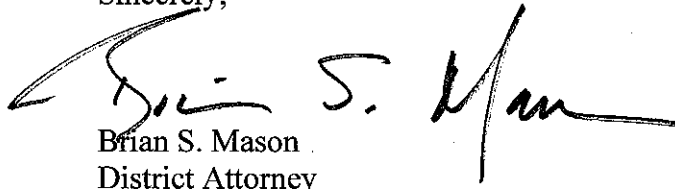
The investigation demonstrates compliance with the remaining provisions of the law as written. The officers who apprehended Mr. Shepard rendered medical aid to him and he was transported to the hospital. Further, his relatives were notified of the incident during the ensuing investigation.

Though not specifically required by the language of the statute applicable here, proper application of the law of self-defense must answer the question of the reasonableness in the use

of force. That is, whether an objectively reasonable officer, confronted with the same facts and circumstances, would have reasonably believed that Mr. Shepard posed an immediate threat to the safety of the officers or others, and that the officers used a degree of force that the officers reasonably believed to be necessary for the purpose of defending themselves or others. The involved officers identified Mr. Shepard as the individual with a warrant who was also believed to be armed and dangerous. During their effort to contact Mr. Shepard, the officers reacted to a rapidly evolving situation where Mr. Shepard refused their commands and drew a weapon at them in response to their show of authority. Accordingly, the facts of this investigation support the finding that any reasonable officer would have responded in the same manner as Detective Ayoub, Detective Keeling and Officer Barrera.

Given the totality of the circumstances and evidence, the prosecution cannot prove that these officers were not justified in using reasonable force under §18-1-707, C.R.S. (2024). Therefore, applying the facts of this incident to the applicable law, no criminal charges will be filed against Detective Ayoub, Detective Keeling or Officer Barrera.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian S. Mason". The signature is fluid and cursive, with a large initial "B" and a long horizontal stroke at the end.

Brian S. Mason
District Attorney