



For Immediate Release:

Chris Hopper
Director of Communications
chopper@da17.state.co.us
da17media@da17.state.co.us
(303) 835-5639

January 16, 2025

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of David Estrada on December 20, 2023, in Adams County.

PowerPoint:

[OISDecisionLetterPP122023.pdf](#)

###

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.

AdamsBroomfieldDA.org, Facebook: [@da17colorado](#) Twitter: [@da17colorado](#)

Instagram: [@da17colorado](#) YouTube: [ColoradoDA17](#)



January 13, 2025

Sheriff Gene Claps
Adams County Sheriff's Office
4430 S. Adams County Pkwy 1st Floor, Suite W5400
Brighton, CO 80601

RE: The officer-involved shooting of David Estrada

Dear Sheriff Claps:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the December 20, 2023 shooting death of David Estrada. The 17th Judicial District Critical Incident Response Team (CIRT) conducted the investigation, led by Detectives Kevin Gifford and Chad Walser from the Thornton Police Department. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Adams County Sheriff's Office. 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.

The District Attorney's Office review is limited to determining whether any criminal charges should be filed against any of 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 of proving 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. As such, the District Attorney's Office review does not evaluate compliance with any departmental policies, standards, or procedures.

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 officer. Therefore, no criminal charges will be filed as a result of this incident.

SUMMARY OF THE INVESTIGATION

David Estrada had warrants for his arrest issued by the Colorado Department of Corrections in February 2023. Based upon calls from anonymous sources, Deputies with the

Adams County Sheriff's Office (ACSO) learned that Mr. Estrada was living in the basement of his mother's residence located in unincorporated Adams County. Further investigation revealed that Mr. Estrada may be selling drugs out of this residence. Attempts to arrest Mr. Estrada proved unsuccessful and the deputies did not believe they could safely arrest him at the residence due to their belief that he had access to weapons.

On December 20, 2023, ACSO Deputies formulated a plan to arrest Mr. Estrada. The plan involved setting up a ruse to lure Mr. Estrada out of the residence. ACSO Deputy Charlie Ramos called Mr. Estrada using a phone number he acquired through one of Mr. Estrada's known associates. Deputy Ramos, disguising himself as an associate of Mr. Estrada's, requested a meeting later that evening. Mr. Estrada fell for the ruse and invited Deputy Ramos to his mother's residence. Deputy Ramos drove an unmarked vehicle to the location. Deputy Jarrod Losh rode in the front passenger seat, while Deputies Aiden Holguin and Jeff May rode in the back seat behind the driver and passenger, respectively. The Deputies each wore their department-issued police uniforms. Their pre-arranged plan was that the deputies would perform a "jump out" tactic, where they would simultaneously exit the vehicle, catch Mr. Estrada by surprise, and safely arrest him. Each of the Deputies had a designated role upon exiting the vehicle. Deputy Holguin would deploy a "flashbang," an explosive device intended to distract Mr. Estrada. Deputy Ramos was to gain compliance of Mr. Estrada and arrest him through the use of commands and handcuffs. Deputy May was equipped with a 40 millimeter tactical launcher for the deployment of nonlethal projectiles, should it be necessary. Deputy Losh was prepared to provide lethal cover for the other Deputies involved in the operation. ACSO Sergeant Travis Wilson was parked in an unmarked car three houses down the street to provide additional cover.

As the Deputies arrived, Mr. Estrada's son came out of the home. Deputy Ramos drove away from the residence without making further contact. Deputy Ramos called Mr. Estrada and advised that he did not want to "do business" with anyone other than Mr. Estrada. Mr. Estrada agreed, and the deputies returned to the residence. Deputy Ramos parked alongside the curb just east of Mr. Estrada's residence. Mr. Estrada came out the front door and stood on the front porch, where the deputies were able to positively identify him.

Mr. Estrada walked from the residence toward Deputy Ramos's vehicle and as he approached the rear bumper, all four deputies got out to arrest him. Deputy Holguin dropped the flashbang, which detonated. Mr. Estrada pulled a handgun and immediately fired it at the deputies. Deputy Holguin was struck in the arm and the foot by the gunfire and he fell backwards into the rear passenger's seat on the driver's side. Deputies Ramos, Losh, and May all fired their weapons at Mr. Estrada, striking him and causing him to fall to the ground. Sergeant Wilson activated his emergency lights and drove toward the front of the residence. Deputies Ramos and Losh pulled Mr. Estrada near Sergeant Wilson's vehicle to provide him medical aid. Mr. Estrada was transported to the hospital, where he was later pronounced deceased. Deputy Holguin was taken to the hospital and treated for gunshot wounds to his right arm and left foot.



Aerial photograph notated with the location of Mr. Estrada and the involved Deputies.

THE INVESTIGATION

Criminalists assigned to the CIRT gathered evidence and processed the scene. A blood trail was identified from the front yard of the residence to the street, where there appeared to be a large bloodstain. The blood patterns were consistent with the report of Mr. Estrada being dragged to the street where he received medical attention.

A black bag was discovered in the street. The bag contained a plaid "Blackhawk" handgun holster and a plaid wallet containing a Colorado Department of Corrections Inmate Identification card for David Estrada. A Browning Arms .380 caliber semiautomatic handgun was found lying on the landscaping rocks in the front yard near the blood trail. The handgrip of the weapon appeared to match the style and design of both the holster and wallet. A fired .380 caliber cartridge casing appeared lodged in the ejection port of the weapon, along with a live .380 caliber round in the chamber. The magazine was seated in the weapon and contained seven live .380 caliber cartridge bullets. Four fired .380 caliber cartridge casings were found grouped together just east of the weapon.



Photo of the handgun that Mr. Ortega held at the time of the incident.



Up close photo of the handgun fired by Mr. Estrada, displaying the malfunction.



Photo of the holster located in the bag in the street.

An expended cannister for a flashbang was located near the sidewalk. Nearby, on the landscaping rocks, criminalists located four fired 9-millimeter cartridge casings. Ten more fired 9-millimeter cartridge casings were located in the street. Various bullet fragments and projectiles consistent with the discharge of a firearm were also located within the vicinity of the firearms evidence. Two additional fired projectiles were recovered from the medical procedure performed on Deputy Holguin's foot.

An examination of the undercover vehicle occupied by the deputies prior to the incident revealed damage consistent with impacts from the shooting. There were defects observed in the exterior window frame on the rear driver's side, a suspected bullet hole in the exterior driver's side rear quarter panel, a perforating defect in the interior driver's seat, and a defect in the front passenger's side floorboard.

A search warrant was later executed on the residence. Investigators discovered several plastic baggies containing various substances that tested positive for illegal drugs such as methamphetamine and cocaine. Additionally, investigators found two boxes and several loose rounds of live .380 ammunition inside the home.

The involved deputies turned over their firearms for examination and round accountability. Deputy Losh carried a Glock 9-millimeter caliber semiautomatic handgun. Deputy Ramos and Deputy May each carried a Sig Sauer 9-millimeter caliber semiautomatic handgun. The three Deputies gave a statement regarding their recollection of the incident. The

interviews, along with the examination of the firearms and other evidence led to the conclusion that Deputy Losh fired six rounds, and Deputies Ramos and May each fired four rounds. The firearms collected from the involved officers and the one found on the scene were test fired and determined to be functional.

The deputies were equipped with a body-worn camera (BWC), and each were activated during the shooting incident. However, the BWC video provides limited value as the lack of lighting exhibited low visibility to the events. The BWC audio confirmed the Deputies' identification of Mr. Estrada, their "jump out" tactic of attempting to arrest him when he approached their vehicle, and the exchange of gunfire.

An autopsy confirmed that Mr. Estrada's death was caused by multiple gunshot wounds. During the autopsy, investigators discovered a .25 caliber semiautomatic handgun in the left front pocket of the shorts worn by Mr. Estrada. The weapon was loaded with one round in the chamber and two rounds in the magazine.



Photo of the handgun found in Mr. Estrada's shorts pocket.

Involved Officer Interviews

Deputies Ramos, Losh, and May participated in recorded interviews with CIRT investigators and explained their recollections of the incident prior to reviewing their BWCs. Deputy Ramos was in the driver's seat of the unmarked vehicle. His role was intended to be giving commands and making the arrest of Mr. Estrada. He recalled identifying Mr. Estrada come out the front door of the residence and approaching the vehicle. The Deputies counted down their planned exit of the vehicle, so it would be simultaneous. As soon as the doors opened, Deputy Ramos saw muzzle flashes and heard gunfire. Although he did not see a gun in

Mr. Estrada's hand, he believed Mr. Estrada was shooting at them and expressed fear for his life. He fired his gun at Mr. Estrada until Mr. Estrada went to the ground and no longer presented a threat to the Deputies.

Deputy Losh sat in the front passenger seat of the unmarked vehicle and was expected to serve as lethal cover for the arrest of Mr. Estrada. As Mr. Estrada approached the vehicle, the deputies simultaneously opened their doors to arrest him. Deputy Losh got out with his handgun drawn and proceeded to the rear of the vehicle. He observed Mr. Estrada holding a gun with his arm extended and saw muzzle flashes coming from the gun. He believed that Mr. Estrada was firing at he and his fellow officers, so he returned fire upon Mr. Estrada. He described being scared for his life. He saw Mr. Estrada fall to the ground and he stopped firing. He heard Deputy Holguin say, "I've been shot! I've been shot!" Deputy Losh and Deputy Ramos tended to Mr. Estrada by rendering aid while waiting for emergency medical services to arrive.

Deputy May was seated in the rear passenger seat on the passenger's side of the unmarked vehicle. His role was to utilize the 40 millimeter less lethal launcher to fire a projectile at Mr. Estrada if deemed necessary. However, just after the countdown and before he got out of the vehicle, he heard gunfire and realized that Mr. Estrada was shooting at the Deputies. He immediately drew his handgun and fired it at Mr. Estrada until Mr. Estrada went down and he no longer perceived a threat. He expressed a belief that the use of lethal force was necessary based on his belief that Mr. Estrada was trying to kill the Deputies.

Other Witness Interviews

Deputy Holguin was seated in the rear passenger seat on the driver's side of the unmarked vehicle. His role was to deploy the flashbang to assist with the safe arrest of Mr. Estrada. He recalled that as soon as he opened the door and got out, he saw Mr. Estrada extend his arm and heard gunfire. Deputy Holguin tossed the flashbang and believed he was shot in the arm. He fell backward into the backseat of the vehicle to take cover and retrieve his handgun. He stepped out of the car to engage and felt pain in his left foot and his right elbow. He saw blood and announced that he was shot.

ACSO Sergeant Travis Wilson drove a separate unmarked car and parked down the street to the west of the residence to provide cover for the arrest operation. He maintained radio contact with the undercover vehicle occupied by the other Deputies. He saw a male come out of the front door onto the porch and heard the Deputies positively identify him as Mr. Estrada. Sergeant Wilson saw the doors to the unmarked vehicle open and the uniformed Deputies get out of the vehicle. He saw Mr. Estrada raise his arm and heard a "barrage of gunshots." He saw Mr. Estrada fell to the ground. He did not see Mr. Estrada shooting the gun but when he approached Mr. Estrada on the ground, he saw the gun lying nearby. Sergeant Wilson did not fire his weapon.

Mr. Estrada's son was inside the home at the time and did not see the incident. He stated that Mr. Estrada is affiliated with the "North Side Mafia" street gang and always carries a handgun. He recently saw Mr. Estrada with a small black handgun.

LEGAL ANALYSIS

As previously noted, this review is limited to a determination of whether criminal charges should be filed against the involved 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, a law enforcement officer may use an amount of force, including deadly physical force, that is necessary and reasonable. Additionally, 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. An officer's right to use reasonable force is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was not justified. The affirmative defenses applicable to the officers' use of force at the time of this incident is found at §18-1-707(4.5), C.R.S. (2024), and that subsection provides:

(4.5) Notwithstanding any other provisions in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

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).

In this case, there is no dispute that Deputies Ramos, Losh, and May all discharged their firearms at David Estrada, causing his death. The legal question for this analysis is whether the deputies' use of deadly force was reasonable and necessary. Applying the proper legal standards to the facts and circumstances of the situation of this case, the issue is whether an objectively reasonable officer would have concluded that David Estrada posed an immediate

threat to the safety of the deputies such that the use of deadly force was necessary to prevent serious injury or death.

Here, the deputies were engaged in the course of their duties to apprehend Mr. Estrada, a fugitive with active warrants for his arrest. The Deputies devised a plan to safely arrest him through a ruse to get him outside of his residence. The deputies then endeavored to employ a “jump out” tactic—the sudden and simultaneous appearance of multiple law enforcement officers—to command Mr. Estrada’s immediate and safe surrender. However, upon being confronted by the deputies’ appearance, Mr. Estrada immediately drew a handgun and engaged them in gunfire, striking Deputy Holguin in the right arm and left foot. Mr. Estrada’s conduct undoubtedly posed an immediate and serious threat to the deputies, causing them to respond with the use of deadly physical force. Deputies Ramos, Losh, and May each stated that they feared for their lives the moment they perceived gunfire from Mr. Estrada. This evidence supports a conclusion that the deputies had objectively reasonable grounds to believe that Mr. Estrada presented a danger and that it was necessary to use deadly physical force against Mr. Estrada.

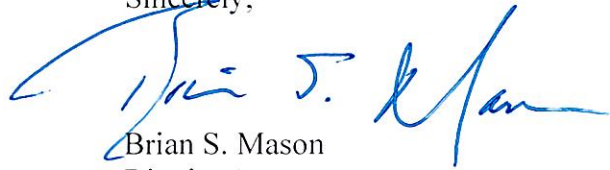
While one may question the inherent safety risks associated with the “jump out” tactic, the use of the tactic here does not suggest that the deputies’ actions were unreasonable. Each of the deputies were dressed in official uniform and clearly visible as law enforcement officers. The operation was intended to take Mr. Estrada into custody using non-lethal force. Yet, as revealed by the evidence, Mr. Estrada engaged the deputies in gunfire immediately upon their exit of the vehicle. There were five expended .380 caliber cartridge casings, suggesting that Mr. Estrada fired his weapon at least five times. Deputy Holguin was shot in the arm and foot at close range. Consequently, Mr. Estrada, by his actions, demonstrated his intent to kill the deputies, leaving no opportunity for the deputies to formulate a response other than to use deadly physical force in defense of themselves and their fellow officers. Fortunately, none of the involved deputies was killed as a result of Mr. Estrada’s actions. There is no evidence to suggest that an objectively reasonable officer would have acted differently than the deputies involved in this incident. Under these circumstances, the evidence supports a conclusion that Deputies Ramos, Losh, and May were justified in their use of deadly physical force against Mr. Estrada. Therefore, no charges will be filed against the deputies involved in this incident.

CONCLUSION

Given the totality of the circumstances and evidence, the prosecution cannot prove that the involved 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, the evidence does not support the filing of criminal charges against Deputies Charlie Ramos, Jarrod Losh, and Jeffrey May for firing their weapons at David Estrada and causing his death.

Please feel free to contact me if you have any questions. _____

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian S. Mason". The signature is fluid and cursive, with a large initial "B" and "M".

Brian S. Mason
District Attorney