



For Immediate Release:

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

June 3, 2025

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of Francisco Cruz on February 18, 2024.

#

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](https://www.facebook.com/da17colorado) Twitter: [@da17colorado](https://twitter.com/da17colorado)
Instagram: [@da17colorado](https://www.instagram.com/da17colorado) YouTube: [ColoradoDA17](https://www.youtube.com/ColoradoDA17)*



June 3, 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 on February 18, 2024

Dear Sheriff Claps:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the February 18, 2024 shooting of Francisco Cruz by Adams County Sheriff's Office Deputy Lane Paintin. The 17th Judicial District CIRT conducted the investigation, led by City of Brighton Police Detective Valerie Rolf and City of Thornton Police Detective Fred Longobricco. 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.

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 officer for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all of 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 Mr. Cruz, which, until recently, remained pending in Adams County District Court. Individuals charged with a crime retain a presumption of innocence until the final resolution of the case. Therefore, despite Colorado law requiring public disclosure of decisions with respect to the filing of charges against an officer, there is great interest in preserving the integrity of the pending criminal cases. Consequently, and based on limitations set forth in the Colorado Rules of Professional Conduct restricting pretrial publicity, we delayed public disclosure of all the facts pertinent to this aspect of the investigation to preserve the integrity of the pending criminal case.

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 against the law enforcement officer involved in this incident.

FACTUAL SUMMARY OF THE INCIDENT

Just before 5:00 p.m. on February 18, 2024, deputies from the Adams County Sheriff's Office (ACSO) were dispatched to 340 West 80th Avenue on a report of a gunshot wound. Once patrol deputies arrived at the location of the call, they contacted the homeowners, who clarified that no one was shot, but that their next-door neighbor, Francisco Cruz, fired a handgun at them and struck their home. According to the homeowners, Mr. Cruz retreated inside his home after the shooting.



As additional deputies arrived, they parked their marked patrol cars to establish a perimeter around the residence where Mr. Cruz was believed to be located inside with his wife. The emergency lights on the patrol cars were activated as deputies gave verbal commands over a loudspeaker, ordering the occupants outside. Deputy Lane Paintin parked near the curb of the street and stood inside the open driver's side door of his patrol car. Sergeant Lonn Trail parked

his vehicle in the street facing the residence, where he got out and stood to the rear passenger's side of his vehicle. Using the car as cover, Deputy Paintin drew his gun and pointed it at the front door as he repeatedly gave commands directed to Mr. Cruz to exit the residence.

Within minutes, Mr. Cruz emerged and stood in the front doorway of the residence with the door open. Mr. Cruz refused to comply with orders to walk out and show his hands. Sergeant Trail announced, "He's got a gun in the right pocket, gun in the right pocket." Within moments, Deputy Paintin stated, "If he reaches again, I'm shooting him." Seconds later, Deputy Paintin fired his handgun at the male four times, striking him in the chest. After the shooting, a K9 officer removed Mr. Cruz from the residence. He was transported to the hospital where he received medical treatment for his injuries. Mr. Cruz was later charged with criminal attempt to commit murder in the first degree for shooting at his neighbors.

INVESTIGATION

The CIRT investigators conducted a comprehensive investigation of the incident that included a parallel criminal investigation into the dispute between the neighbors that led to the initial 911 call. The details of the investigation were revealed in the body-worn cameras that were equipped by the responding deputies, the post-incident interviews, and the crime scene investigation.

The owner of the residence at 340 W. 80th Avenue described a history of disputes between his tenants and the next-door neighbor to the west, Francisco Cruz. According to the homeowner, Mr. Cruz tended to get drunk and confront the tenants. Mr. Cruz was also known to carry a black handgun in a holster in the back waistband of his pants. On occasion, Mr. Cruz would display the gun. During the late afternoon hours of February 18, 2024, the homeowner observed a verbal exchange between Mr. Cruz and the tenants in his driveway. He overheard Mr. Cruz say, "When I want to, I can kill you." Mr. Cruz displayed a black handgun in an intimidating manner. Mr. Cruz's wife came outside and attempted to get Mr. Cruz to come back inside, but Mr. Cruz told her to go back inside. The homeowner overheard Mr. Cruz instruct the tenant to come over to him, stating, "If you do not come, I am going to kill you." When the tenant refused, Mr. Cruz fired one round from the handgun at the tenant, but missed him and hit a bucket on the front porch of the residence. The homeowner recorded Mr. Cruz shooting at the tenant on his cellphone. After the shooting, the homeowner's daughter called the police.

The first ACSO deputy arrived on scene at 4:53 p.m. and contacted the homeowner and tenants. Within minutes, the deputy relayed over the police radio a description of the shooting incident, the name and reported clothing of the suspect, along with a report that the suspect was believed to be located with his wife inside his home at 360 W. 80th Avenue.

Deputy Lane Paintin arrived at Mr. Cruz's residence at about the same time as the first deputy. He parked his marked patrol vehicle along the curb in front of the residence with the emergency lights activated. Deputy Paintin got out, unholstered his firearm, and pointed it at the residence. At 4:54 p.m., Deputy Paintin reported over the radio that he could see a male through the front window of the residence. Following the report of the shooting incident and

description of the suspect over the radio, Deputy Paintin gave announcements to the male to exit the residence. As these commands were given, Sergeant Lonnn Trail arrived on scene in his marked patrol car and parked a few feet away from Deputy Paintin's vehicle. Sergeant Trail's vehicle was also marked and had emergency lights activated. At 4:58:19 p.m., a male, later identified as Mr. Cruz, appeared and stood at the threshold of the front door with the door opened wide. Sergeant Trail observed the male through the high-powered scope affixed to his rifle. At 4:58:46 p.m., Sergeant Trail announced, "He's got a gun in the right pocket, gun in the right pocket." Three seconds later, Deputy Paintin stated, "If he reaches again, I'm shooting him." At 4:58:52 p.m., Deputy Paintin fired four shots at Mr. Cruz.



Still image from Deputy Paintin's BWC seconds before he fired shots upon Francisco Cruz standing in the doorway.

Mr. Cruz remained standing in the doorway for several minutes, ignoring the deputies' repeated commands to get on the ground and to show his hands. A woman, later identified as Mr. Cruz's wife, was also observed through the doorway. Mr. Cruz eventually fell to the ground approximately five minutes after the shooting. Mr. Cruz continued to ignore repeated commands to show his hands and come out of the residence.

The deputies formulated a plan to safely contact Mr. Cruz and to secure the firearm from his possession. A K9 officer pulled Mr. Cruz from the residence as the other deputies used the landscaping wall for cover. Once Mr. Cruz was outside the residence onto the front porch, the deputies approached and took him into custody. An empty handgun holster was located and removed from Mr. Cruz's waist.



Holster removed from Mr. Cruz when he was taken into custody.

Mr. Cruz was transported to the hospital where he was treated for gunshot wounds to the chest and lacerations to his arms and legs from the dog bites. Later, a search of the inside of the residence revealed a black semi-automatic handgun on a small table in the living room. The handgun was identified as a Smith & Wesson SD9 9mm. The magazine had a maximum 15 round capacity and was seated inside of the handgun. There were 14 live cartridges found inside the magazine and, upon clearing the weapon, an empty cartridge casing was ejected, leading to the conclusion that a round had been fired from it. The firearm was tested and confirmed to be capable of firing.



Still image of BWC when semiautomatic handgun was located on a table inside the residence.



Semiautomatic handgun located on a table inside the residence.

Deputy Paintin was interviewed by CIRT investigators. He was equipped with a K9 unit on the day of the incident. He responded to this call wearing a department-issued ACSO uniform and drove an SUV police vehicle marked with ACSO insignia. He had the emergency strobe lights activated during his response.

Deputy Paintin explained that he arrived on scene and parked in front of the suspect's residence. He got out and observed a male and female moving inside the residence. He heard deputies confirm over the radio that there was sufficient information to arrest the suspect for attempted murder. Based on that information, Deputy Paintin drew his gun, pointed it at the residence and gave commands in English and Spanish to the occupants to exit with their hands up. He estimated that he was approximately 50-60 feet from the home. Through a large window in the home, he saw a male and female moving around inside. Moments later, the front door opened, and he observed the male and female standing in the doorway. The female momentarily came outside, but then quickly retreated inside and hid behind the door. Deputy Paintin believed that the male was the shooting suspect based on the description provided by his fellow deputies. He ordered the male to come out with his hands up, while other deputies yelled similar commands. The commands were given in English and Spanish. The male did not comply with commands and remained standing in the threshold. The male moved his right hand as if he were reaching to his right side, causing the deputies to believe he might be armed with a gun. Sergeant Trail was standing nearby and announced that he could see a gun on the male's right side.

Deputy Paintin became concerned that the male would create a dangerous situation by either barricading himself inside with a female hostage or shooting at the deputies. The male continued to ignore commands given to him by the law enforcement deputies. Deputy Paintin observed the male raise his shoulder and reach toward his waist area a second time. Thinking that the male was reaching for a firearm, Deputy Paintin fired at the male four times. Deputy Paintin explained that at that moment, he considered the male had already fired a gun at the neighbors trying to kill them, he believed that the male was about to draw the gun and fire it at him and the other officers standing in the road.

The male had no reaction after being shot and remained standing in the doorway. Deputy Paintin noticed that the male stood still with his hands at his side for a few minutes. The deputies repeated commands for the male to come out with his hands up. The male continued to ignore the commands. After a few minutes, the male fell to the ground. Knowing that the male possessed a gun, but not knowing where the gun was located after the male fell, Deputy Paintin and his fellow officers developed a plan to shield themselves from harm and utilize the K9 to safely approach the male. The K9 approached the male and pulled him away from the threshold of the residence onto the front porch where he was taken into custody. Immediately thereafter, the deputies began to render medical aid to the male.

Deputy Paintin explained that he did not believe alternative uses of force were appropriate. He believed that the Taser would have been ineffective at such a long distance. He considered using the K9 or the beanbag shotgun but thought that they would have likely have induced the male to shoot at the officers because the male suspect had already fired a gun at his neighbors, appeared to be armed with the gun, and continued to ignore commands while standing in the doorway.

Criminalists collected Deputy Paintin's firearm and performed an examination for round accountability. His handgun was identified as a Sig Sauer P320 9mm semiautomatic. The magazine capacity is 17 rounds. Based on an examination of the weapon, criminalists concluded that Deputy Paintin fired it four times.

The other deputies who witnessed the incident were also interviewed by CIRT investigators. Sergeant Trail was positioned in the street nearby Deputy Paintin, approximately six feet away from him. From his vantage point, he could see black semi-automatic gun in a black holster affixed to the waistband of the male's right hip. He saw the male reach down for the gun the first time, but when the male moved his hand, the gun remained in the holster. Sergeant Trail announced to Deputy Paintin that the male had a gun on his hip. Sergeant Trail moved to get his rifle out of his vehicle while Deputy Paintin held the male at gunpoint. Deputy Paintin advised Sergeant Trail that if the suspect reached for the gun again, that Deputy Paintin would shoot him. Sergeant Trail attempted to use the scope on his rifle to get a closer view. While he was manipulating the scope to get a clearer view, Sergeant Trail heard three to four gunshots coming from Deputy Paintin. Sergeant Trail did not shoot because he did not see the male reach for the gun at that moment. After the shooting, Sergeant Trail observed the male continue to stand in the doorway. He also saw another individual behind the door who appeared to be trying to pull the male back inside the home. A few minutes later, the male fell to the ground.

When the male fell, Sergeant Trail observed the holster on the male's waistband, but the firearm was missing. With the male on the ground, the deputies developed a plan to utilize the K9 to safely approach the male because they did not know where the gun was located, or whether the male presented a threat to them. The K9 dragged the male out of the residence to an area where the deputies could safely secure him. Once the male was in custody, they rendered medical assistance and carried him to the ambulance. A short time later, a female came outside of the home and was detained by the deputies. Sergeant Trail later learned that a firearm was located inside the home.

Two other uniformed deputies were positioned in the street nearby Deputy Paintin's vehicle. Each reported that they observed the male standing in the doorway of the home and that they believed he matched the description of the shooting suspect as described by the neighbors. The male ignored the deputies' repeated commands to put his hands up. Only one of the deputies was able to see the holster on the male's waist prior to the incident. Once the male fell to the ground, both deputies observed the holster, but did not see the firearm in it. Neither of these deputies fired their handguns at the male due to their positioning. The deputies assisted with the effort to safely apprehend the male and provide medical assistance.

Francisco Cruz was interviewed at the jail on March 20, 2024. He admitted that on the day of the incident, he was extremely intoxicated. He recalled firing his gun while he was drunk but thought that he was alone in his driveway and claimed that he did not fire it at anyone. He stated that he fired the gun because he was too drunk. He claimed that after shooting the gun, he went inside his home, unloaded the magazine, and put the gun away. His wife was inside with him and told him the police were outside. Mr. Cruz remembered seeing the police outside his home. He recalled the police yelling at him to drop the gun and raise his hands, but that he did not have the gun and could not raise his hands because he was too drunk.

Mr. Cruz was charged with attempt to commit murder in the first degree for the shooting incident. He later pled guilty to assault in the second degree and was sentenced to six years of probation.

LEGAL ANALYSIS

As 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. 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, in order 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 critical question is whether Deputy Paintin’s use of physical force upon Francisco Cruz was appropriate. To begin with, Mr. Cruz did not die after being shot, so Deputy Paintin’s actions do not qualify as deadly force. Regardless, applying the first statutory criteria, the incident to which the police responded was not a minor offense. Deputy Paintin was assisting in the apprehension of a suspect, later identified as Francisco Cruz, who was alleged to have committed an attempted murder by firing a handgun at a neighbor. Deputy Paintin and several other uniformed ACSO deputies arrived at the described location where Mr. Cruz was alleged to have gone after the shooting. The deputies wore clearly identifiable police uniforms and arrived in marked patrol vehicles with emergency lights activated. The deputies observed a male who matched the description of Mr. Cruz standing in the doorway of the residence. They also observed a female inside the residence. The deputies made their presence and authority clear through numerous announcements to Mr. Cruz to come out of the residence with his hands up. Mr. Cruz ignored their repeated commands and simply remained standing in the doorway.

Within moments of arriving on scene, Deputy Paintin believed that Mr. Cruz was still armed with a handgun. He observed Mr. Cruz reach toward his waist, where it appeared he had a gun holster. Deputy Paintin heard a fellow officer announce that Mr. Cruz was armed with a handgun at his waist. Deputy Paintin was concerned that Mr. Cruz had already shot at a neighbor, refused repeated commands to surrender, and had a potential hostage inside the home. The second time Mr. Cruz reached toward his waist area, Deputy Paintin believed that Mr. Cruz was going to draw the handgun and shoot at the deputies. As a result, Deputy Paintin fired his handgun at Mr. Cruz four times to prevent him from shooting at the deputies first.

Deputy Paintin's statements and observations support a reasonable belief that Mr. Cruz was armed with a deadly weapon and presented a threat to the deputies and others. The deputies made repeated efforts to resolve the situation by giving Mr. Cruz repeated commands to exit the residence with his hands up. After several minutes of refusing to obey the commands, it became apparent to the deputies that Mr. Cruz was not going to comply. Other nonviolent means of arrest were considered by the deputies but determined to be ineffective since they believed Mr. Cruz was armed with a handgun on his waist. Deputy Paintin explained his fear that these other alternatives would induce Mr. Cruz to shoot at them with little notice. As such, when he perceived Mr. Cruz's movement to be reaching for his gun, Deputy Paintin fired his weapon at Mr. Cruz to minimize the risk of injury to himself and others.

After the shooting, Mr. Cruz fell to the ground and none of the deputies knew whether he still possessed the firearm. Deputy Paintin devised a plan to approach Mr. Cruz with the K9 to ensure that Mr. Cruz would not be able to access the gun or go back inside, thus minimizing the risk of danger to the deputies and others. The K9 dragged Mr. Cruz out of the threshold of the residence to an area where the deputies could apprehend him and secure the residence.

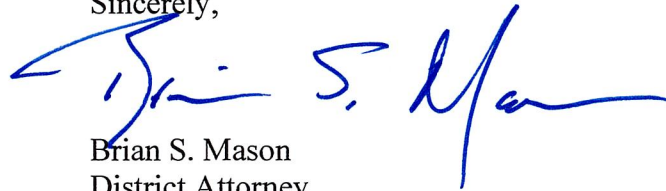
Under the circumstances, the degree of force utilized in this incident was consistent with the minimization of injury to others. Furthermore, it would be unreasonable to expect the law enforcement officers here to attempt to apprehend Mr. Cruz by other alternative nonviolent means. Mr. Cruz shot a gun at his neighbors and was observed to have a holster with a gun in it while he refused reasonable commands to exit the residence. The escalation of this encounter, while seemingly rapid, occurred because of Mr. Cruz's use and apparent display of a firearm and his unwillingness to obey police commands. The investigation here demonstrates compliance with the remaining provisions of the law—the officers who apprehended Mr. Cruz rendered medical aid to him and he was transported to the hospital. Further, his wife was 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. Cruz posed an immediate threat to the safety of the deputies or others, and that Deputy Paintin used a degree of force that he reasonably believed to be necessary for the purpose of defending themselves or others.

Police officers, like any other citizen, are entitled to defend themselves and others from what they "reasonably believe" to be the use or imminent use of unlawful physical force. The evidence of the prior shooting incident involving the neighbors, the holster located in Mr. Cruz's waist, and the loaded handgun later found in Mr. Cruz's residence support Deputy Paintin's reasonable belief that Mr. Cruz was armed and ready to shoot the deputies or others. For those reasons, the facts of this investigation do not support a finding that Deputy Paintin's actions were unreasonable or that he was not justified in the use of physical force not only to effect Mr. Cruz's arrest, but also to prevent the imminent threat of injury to the deputies and others.

Given the totality of the circumstances and evidence, the prosecution cannot prove that Deputy Paintin was 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 Deputy Paintin.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian S. Mason". The signature is fluid and cursive, with the first name "Brian" written in a stylized manner, followed by "S." and "Mason".

Brian S. Mason
District Attorney