



For Immediate Release:

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March 10, 2026

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to an officer-involved shooting on February 8, 2025, involving the Adams County Sheriff's Office.

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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.

*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)*



March 9, 2026

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

RE: The officer-involved shooting of Mr. Paul Richard Montoya Jr. on February 8, 2025

Dear Sheriff Claps:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the February 8, 2025, officer-involved shooting of Mr. Paul Montoya Jr. The 17th Judicial District Critical Incident Response Team conducted the investigation, led by Aurora Police Department Detective Ralph Knight. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Adams County Sheriff's 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 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 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. The 17th Judicial District Attorney's review does not evaluate compliance with departmental policies, standards, or procedures.

I find the actions of the involved officer to be justified in this incident. Furthermore, based on the evidence presented and applicable law, there is no reasonable likelihood of proving the elements of any crime beyond a reasonable doubt against the involved officer. Therefore, my office will not file any criminal charges against the officer involved in this incident.

FACTUAL SUMMARY OF THE INCIDENT

On February 9, 2025, at approximately 8:44 a.m., the Brighton Police Department was dispatched to a homicide occurring at 255 N. 11th Avenue, Brighton, Colorado. Officers located an unresponsive male with a laceration to his neck inside the residence with a machete located nearby. The unresponsive male, later identified as Paul Montoya Senior, was pronounced deceased at the scene.

At approximately 9:04 a.m. Brighton Police Department learned that Mr. Paul Montoya Jr. spoke earlier with a neighbor begging for a gun, indicating that he was ‘God’ and needed to kill his father and himself because they were suffering. Mr. Montoya Jr. was identified as a suspect and was reported to be driving a Honda CRV.

At approximately 9:37 a.m., a single car accident was reported to have occurred in the area of E. 168th Avenue and Colorado Boulevard involving a Honda CRV. It was then reported that a bystander stopped to assist the driver of the Honda CRV and was carjacked at knife point in a Chevrolet Camaro. The Camaro was last seen headed southbound on Colorado Blvd. This information, along with photos of Mr. Montoya Jr., were disseminated to surrounding law enforcement agencies to assist with locating and apprehending Mr. Montoya Jr.

Approximately thirty minutes later, Adams County Sheriff Deputy Noll located the carjacked Camaro parked outside a residence of 750 E. 160th Avenue. Additional units arrived and set up a perimeter. Family members of Mr. Montoya Jr. arrived in the area and advised that A.M.¹, Mr. Montoya’s uncle, lived at the residence. The concerns for A.M.’s safety were mounting.



Aerial view of 750 East 160th Avenue

A team of Sheriff Deputies, including Sergeant Bishop, Deputy Scott, Deputy Noll and Deputy May, responded to the area and developed a plan to approach the residence. Utilizing Deputy Noll’s patrol vehicle, Sergeant Bishop, Deputy Scott and Deputy May rode on the exterior running boards of the vehicle as they approached the residence. Upon approach, Deputy Scott used his patrol vehicle to pin in the Camaro that was parked out front. The deputies disengaged from the vehicle and took differing positions of cover. From the exterior of the residence, the deputies were able to view inside the residence through a large bay window. A.M., who is wheelchair bound, was seen alongside Mr. Montoya Jr. and was visible to the deputies outside. The deputies were concerned this had now developed into a hostage situation.

Commands were given ordering Mr. Montoya Jr. out of the residence. The deputies were able to see Mr. Montoya Jr. moving around inside the residence and believed he might try to escape through the rear of the

¹ Initials are used to maintain the privacy of citizen-witnesses.

residence. Deputy May was positioned outside with visuals of the rear and side of the residence. Mr. Montoya Jr. exited the residence through a side gate, heading toward the front of the residence. Mr. Montoya Jr. was armed with a .22 revolver that he presented and fired at the deputies. Deputy May returned fire, striking Mr. Montoya Jr., who fell to the ground. Deputy Peacock's K9 approached Mr. Montoya Jr. to pull him away from the fence, revealing a revolver located on the ground. Deputy Noll approached and began to assess Mr. Montoya for injuries. Medical personnel arrived on scene to assist. Mr. Montoya Jr. succumbed to his injuries at the scene.

INVOLVED OFFICER INTERVIEW- DEPUTY MAY

Aurora Police Department Detective Knight and Seargent Cruiser interviewed Deputy May on February 11, 2025. The interview was audio and video recorded. Deputy May was interviewed prior to viewing his body-worn camera (BWC) footage or other materials related to the investigation. Deputy May was working traffic overtime enforcement on February 9, 2025. Deputy May started to receive ongoing updates regarding the homicide and suspect information from surrounding law enforcement agencies. Deputy May was provided with a suspect description and information regarding the associated Honda CRV. Deputy May was monitoring the radio and learned of the traffic accident, which developed into a carjacking involving the suspect vehicle.

Deputy May began to drive his patrol vehicle to the area of the carjacking and was updated that the suspect was now associated with 750 East 160th Avenue. Deputy May responded to the perimeter of the address along with other officers and was staged outside of the property. The officers learned that family members were concerned that Mr. Montoya Jr. might be trying to harm the resident, A.M., who was inside. This heightened the need for the officers to contact Mr. Montoya Jr. and ensure the resident was safe.

Deputy May retrieved his rifle and joined other officers to approach the residence. Deputy Noll drove a fully marked patrol vehicle and Deputy May rode on the exterior sideboard as they approached the residence. The officers were stationed outside of the residence, taking cover from the patrol vehicle and the stolen vehicle that was parked out front. Deputy May dismounted from the patrol vehicle and cleared the Camaro parked out-front of the residence to ensure Mr. Montoya Jr. was not inside the stolen vehicle.

Deputy Scott was positioned near the front of the residence, providing him with a visual through the front bay window and observed Mr. Montoya Jr. inside the residence with a gun to his head. Deputy May identified they had poor coverage of the westside of the residence and ran from the front of the residence to an older model Ford truck for cover. From Deputy May's vantage point, he could observe the side door of the residence open, and Mr. Montoya Jr. begin to move in the yard towards the gate that faces north.

As Mr. Montoya Jr. approached and walked through the gate, it became clear to Deputy May that Mr. Montoya Jr. was not surrendering. Mr. Montoya Jr. was armed with a revolver in his right hand, with apparent blood on his clothing. Mr. Montoya Jr. raised the revolver and Deputy May heard a gunshot and observed a muzzle flash. In that moment, Deputy May knew Mr. Montoya Jr. was shooting at him and the other officers and he was in fear for his safety and the safety of the other officers. In response, Deputy May discharged his rifle, striking Mr. Montoya Jr., and stopped firing once the threat was resolved. Deputy May did not personally have time to give commands as Mr. Montoya Jr. presented himself and immediately began shooting.

Deputy May was outfitted with a body-worn camera which was muted during the incident. Additionally, Deputy May's vantage point, behind the pickup truck, obstructed the view of Mr. Montoya Jr. on the body-worn camera footage.

CIVILIAN WITNESS

The following summary includes the relevant information related to the witness' observations of the incident. A.M., Mr. Montoya Jr.'s uncle, is the resident of 750 East 160th Avenue. On February 9, 2025, A.M. heard of

his brother, Mr. Montoya Sr., being killed by Mr. Montoya Jr. Shortly after receiving the news, Mr. Montoya Jr. arrived at A.M. 's residence and walked right in through the front door. Mr. Montoya Jr. did not talk with A.M. for the entire time he was at the residence.

A.M. utilizes a wheelchair or scooter for mobility and was scared after learning the news about his brother. A.M. went into his bedroom and retrieved a .22 caliber revolver handgun. A.M. tried to hide the revolver, by placing it under his leg on the wheelchair. Mr. Montoya Jr. saw A.M. trying to hide the revolver and wrestled the gun away from him. A.M. was concerned if he made one mistake, he would be killed.

A.M. continued to make efforts to talk to Mr. Montoya Jr., but was getting no response. Mr. Montoya Jr. pointed the gun at A.M. one time and then pointed the gun at his own head multiple times. A.M. was concerned and was developing a plan to try and escape. A.M. moved from his wheelchair to his scooter and drove quickly through the doorway and down the ramp. However, A.M. fell off the scooter. Mr. Montoya Jr. assisted in picking A.M. up and bringing him back inside. Mr. Montoya Jr. continued to point the gun at his head. A.M. repeatedly asked him to give him back the gun. Mr. Montoya Jr. was not responsive to these requests.

A.M. observed police officers outside as did Mr. Montoya Jr. A.M. estimated Mr. Montoya Jr. was at his home for approximately forty-five minutes. Mr. Montoya Jr. then went outside and A.M. was unable to observe what happened outside. A.M. heard a command given by the police but was unable to identify what was being said. A.M. heard a round being fired that he identified as sounding like his .22 caliber revolver.

OTHER INVOLVED OFFICERS

There were several Sherriff's Deputies that were present and assisting during the incident, but did not fire their weapons. The following summary includes the relevant information related to the deputies' observations of the incident.

Deputy Scott -Deputy Scott responded to the scene and mounted Deputy Noll's patrol vehicle who drove up the driveway and pinned the Camaro to prevent escape. Deputy Scott took cover at the rear of the patrol vehicle which was parallel to the residence. Deputy Scott could see into the large bay window and observed Mr. Montoya Jr. and A.M. Deputy Scott observed a gun in Mr. Montoya Jr.'s hand which he was waving around and then appeared to put the gun to A.M.'s head.

Deputy Scott gave commands to put the gun down and to place his hands in the air. Mr. Montoya Jr. could hear the commands as he was looking at the deputies when commands were given. Deputy Scott believed that Mr. Montoya Jr. may kill A.M.; however, due to the glare on the window and the trajectory he could not shoot into the residence without putting A.M. at risk. Deputy Scott observed Mr. Montoya Jr. move away from the window and believed he was making efforts to escape. Deputy Scott moved to a new position in anticipation of Mr. Montoya Jr. exiting the residence and, as he did this, he observed Deputy May discharge his rifle.

Deputy Noll- Deputy Noll responded to the scene and utilized his patrol vehicle to approach the residence while the other deputies rode on the exterior running boards of the vehicle. Deputy Noll pulled behind the Camaro and pinned in the vehicle. Deputy Noll exited the vehicle and took a position at the hood of his patrol vehicle. Deputy Noll's patrol vehicle was outfitted with a dash camera. The video begins at 10:28 a.m. as the vehicle begins moving west towards the residence. As the vehicle pulls into the driveway, the deputies begin to disengage from the patrol vehicle. Deputy May is observed checking the Camaro to see if anyone is inside.



View from Deputy Noll's dash camera demonstrating Deputy May clearing the Camaro at 10:29:09 a.m.



View from Deputy Noll's dash camera of Sgt. Bishop, Deputy Noll and Deputy May at 10:29:51 a.m. Deputy May is moving towards the westside of the residence before taking cover behind the Ford Truck.

Sergeant Bishop can be seen utilizing the Camaro as cover and Deputy Noll is utilizing the patrol vehicle for cover. Deputy May then moves west towards the Ford pickup truck. Deputy Scott was providing updates of his observations, noting that Mr. Montoya Jr. was inside the residence with a gun. Shortly after that, Deputy Noll heard a series of gunshots, but did not observe the incident. After Mr. Montoya Jr. fell to the ground, Deputy Peacock's K9 approached Mr. Montoya Jr. to pull him away from the fence. Deputy Noll then observed a revolver on the ground. Deputy Noll approached and began to assess Mr. Montoya for injuries. Medical personnel arrived on scene to assist.

Sergeant Bishop- Sergeant Bishop responded to the scene and was a part of the team approaching the residence. Sergeant Bishop mounted the running board of Deputy Noll's vehicle. After approaching the residence, Sgt. Bishop was advised that Mr. Montoya Jr. had an elderly man at gunpoint inside the residence. A short time later, Sgt. Bishop overheard Deputy May advise that suspect was exiting the residence and then heard a series of gunshots. Sergeant Bishop's body-worn camera provides limited visibility of Mr. Montoya Jr. as he exits the gate armed with a revolver. Sgt. Bishop's body-worn camera represents an arm extended with a gun by the gate in the direction of Deputy May. At 10:29:59 a.m. a gunshot can be heard followed by a series of gunshots.



View from Sgt. Bishop's BWC at 10:30:00 a.m.



Enhanced view from Sgt. Bishop's BWC.

CRIME SCENE INVESTIGATION AND AUTOPSY

Criminalists assigned to the CIRT gathered evidence and processed the scene. Crime scene investigators examined the residence and front yard of the residence located at 750 East 160th Avenue. The residence is a single-story home with a brick exterior that faces west. To the south of the residence is a cement patio and backyard, followed by a detached garage with brick and blue sided exterior that faces generally west. A wooden fence stretches from the residence to the detached garage. The wooden fence contains a gate that opens towards the west, allowing access from the front yard to the cement patio and backyard area. A cement sidewalk runs east to west, connecting the driveway to the backyard through the gate. Multiple vehicles were parked in the extended driveway.



View of the Ford Truck that Deputy May used for cover.

Furthest to the south, was a tan Ford F-250 pickup truck, parked partially between the detached garage and the sidewalk. Parked south of the pickup truck was an orange Chevy Camaro and several law enforcement vehicles. Ten .223 caliber Winchester cartridge casings were located around the pickup truck parked outside the residence consistent with the rounds fired by Deputy May. Measurements of the scene documented the distance from where Deputy May was standing to the location Mr. Paul Montoya Jr. as an approximate distance of thirty-two feet.

The decedent, Mr. Paul Montoya Jr., was observed on the cement sidewalk that connected the driveway to the back patio. A Ruger .22 caliber single-six revolver was located directly in front of the gate on the sidewalk. A.M. reported to investigators that the revolver was previously loaded with five rounds in the cylinder. Examination of the Ruger identified three live rounds, one empty cylinder, and two cartridge casings. Demonstrating that Mr. Montoya Jr. fired twice at the officers.



Ruger .22 caliber single-six revolver collected from the scene.

On February 10, 2025, an autopsy was conducted by forensic pathologist, Dr. Caruso, with the Adams County Coroner's Office. Mr. Montoya Jr. sustained multiple gunshot wounds and a self-inflicted sharp force injury to the neck. Toxicology testing identified the presence of fentanyl. The cause of death was identified as multiple gunshot wounds, and the manner of death was homicide.

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, 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 are found at §18-1-707, C.R.S. (2025), and the relevant portions of that subsection provide:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person.

...

(2) When 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....

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provisions in this section, a peace officer is justified in using deadly physical 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 U.S. Supreme Court seminal case of *Graham v. Connor*, 490 U.S. 386 (1989), the Court has 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. at 396-97.

Accordingly, applying the proper legal standard in this case, the critical inquiry is whether an objectively reasonable officer, confronted with the same facts and circumstances, would have concluded that Mr. Paul Montoya Jr. posed an immediate threat to the safety of the officers or another person, such that the use of force, including deadly physical force, was necessary. Here, the involved deputy responded to a call for assist with an at large homicide suspect. The deputies learned that earlier in the day, Paul Montoya Jr. had killed Paul Montoya Senior and fled the scene. Following the homicide, Mr. Paul Montoya Jr carjacked an individual at knife point and then responded to A.M.’s residence located at 750 East 160th Avenue. The officers and family members were concerned for community safety and the safety of A.M.

A team of Sherriff’s deputies, including Deputy May, approached the residence and were able to see inside through a large bay window. A.M. was seen alongside Mr. Montoya Jr., who was armed with a gun. Officers were rightly concerned that this had developed into a hostage situation. Commands were given ordering Mr. Montoya Jr. out of the residence. The deputies were able to see Mr. Montoya Jr. moving around inside the residence and believed he might try to escape through the rear door.

At approximately 10:29:51 a.m., Deputy May moved towards the westside of the residence to ensure visual of the rear door. Deputy May was positioned behind the Ford Truck for just moments prior to Mr. Montoya Jr. exiting the residence and firing a .22 caliber revolver at the deputies. Deputy May returned fire, striking and

killing Mr. Montoya Jr. The body-worn camera footage captures the initial gunfire at approximately 10:29:59 a.m., followed by a series of gunfire, consistent with Deputy May returning fire and striking Mr. Montoya Jr.

The law enforcement officers used every effort to avoid using force upon Mr. Montoya Jr. The deputies did not approach the residence, but kept a safe distance as they worked to communicate with Mr. Montoya Jr. Deputy May was rightly concerned for the safety of A.M. inside the residence, knowing that he previously took another family member's life earlier that day.

When Mr. Montoya Jr. exited the residence, he produced a gun and fired at Deputy May. Deputy May justifiably believed that someone else could be killed or seriously injured if he did not use deadly force to stop Mr. Montoya Jr. Based upon the observations of the deputy, nonlethal means were unreasonable under the circumstances. In this fast moving, incredibly dangerous situation, Deputy May justifiably fired on Mr. Montoya Jr., killing him.

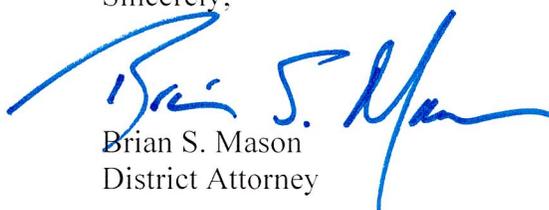
I find Deputy May's actions not only to be reasonable and justified, but courageous as well. There is no evidence to suggest that an objectively reasonable officer would have acted differently than Deputy May did during this incident. Mr. Montoya Jr., by his actions, demonstrated an intent to engage with the police and fire his weapon at law enforcement officers. Mr. Montoya Jr.'s refusal to obey commands and his actions with a deadly weapon caused the deputy to make a split-second and, indeed, reasonable judgment in a tense and quickly evolving situation.

CONCLUSION

Given the totality of the circumstances and evidence, the prosecution cannot prove that the involved officer was not justified in using reasonable force under §18-1-707, C.R.S. (2025). Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of any criminal charges against Adams County Sherriff's Deputy Jeff May.

Please feel free to contact me if you have any questions or if you believe that further investigation is warranted.

Sincerely,



Brian S. Mason
District Attorney