



For Immediate Release:

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November 18, 2024

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of Brandon Martinez in Thornton on May 14, 2024.

PowerPoint Synopsis:
[OISDecisionLetterPP51424.pdf](#)

Surveillance Footage:
[51424ThorntonOIS.mp4](#)

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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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November 18, 2024

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

RE: The officer-involved shooting of Mr. Brandon Martinez on May 14, 2024

Dear Interim Chief Greg Reeves:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the May 14, 2024, police-involved shooting of Brandon Martinez. The 17th Judicial District Critical Incident Response Team (CIRT) conducted the investigation, led by Aurora Police Department Detective Troy Raines. 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 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 are 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. 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, no criminal charges will be filed against the officer involved in this incident.

FACTUAL SUMMARY OF THE INCIDENT

On May 14, 2024, at approximately 7:55 a.m., Officer Seibert with the Thornton Police Department was working off-duty for the Regional Transportation District (RTD) in the area of 104th Avenue and Colorado Blvd. Officer Seibert was driving a marked Thornton Police Department patrol

vehicle. As Officer Seibert was approaching 112th Avenue, he observed a Kia Sorrento run a red light in the area of 112th Avenue heading westbound. Officer Seibert attempted a traffic stop on the vehicle, however, the vehicle continued traveling into the opposite lane of traffic. Ultimately, the Kia Sorrento came to stop on East 112th Avenue. The driver, later identified as Brandon Martinez, then fled on foot. Officer Seibert aired over the radio that the male driver was running southbound headed in the direction of the Margaret Carpenter Recreation Center, located at 11151 Colorado Blvd.

At approximately 8:01 a.m., Thornton dispatch received a 911 call from L.B.¹ She reported that she was sitting in her vehicle parked behind the Margaret Carpenter Recreation Center and was contacted by a male that matched the description of Brandon Martinez. He requested a ride and advised that the police were looking for him. L.B. explained that Brandon Martinez pulled a gun and began hitting her driver's side window. Brandon Martinez ran away from her vehicle towards the recreation center and attempted to contact other citizens in the parking lot for a ride.

Officer Terrell Watson, a motorcycle officer with the Thornton Police Department, was in the area and drove towards the recreation center to look for Brandon Martinez. Officer Watson observed Brandon Martinez in the front parking lot of the recreation center. Officer Watson dropped his motorcycle as he observed Brandon Martinez with a gun pointed in Officer Watson's direction. Officer Watson quickly drew his firearm and commanded Brandon Martinez to "get on the ground." Brandon Martinez immediately opened fire on Officer Watson. Officer Watson then moved behind a vehicle for cover and returned fire. After an exchange of gunfire in the parking lot, Brandon Martinez ran southbound into the park and worked to conceal himself in some foliage. As Officer Watson approached, Brandon Martinez pointed the gun towards Officer Watson. Officer Watson fired twice striking Brandon Martinez. Brandon Martinez suffered multiple gunshot wounds and was provided with lifesaving measures on scene, however, he died from his injuries. Officer Watson sustained no injuries during this incident.

On May 15, 2024, an autopsy was conducted by Dr. Stephen Cina, forensic pathologist, with the Adams County Coroner's Office. Brandon Martinez sustained two gunshot wounds: one to the chest and another to his left shoulder. There was no evidence of close-range firing. The toxicology screen identified the presence of methamphetamine and THC. The cause of death was identified as a gunshot wound to the chest and the manner of death was homicide.

CRIME SCENE INVESTIGATION AND VIDEO EVIDENCE

Criminalists assigned to the CIRT gathered evidence and processed the scene, including firearms examination. Based on the examination of the firearms and evidence at the scene, thirteen 9mm shell casings and an empty magazine associated with Officer Watson were recovered from the scene. Eight 9mm shell casings associated with Brandon Martinez were located on scene. A 9 mm firearm was located on the scene next to Brandon Martinez depicted below.

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

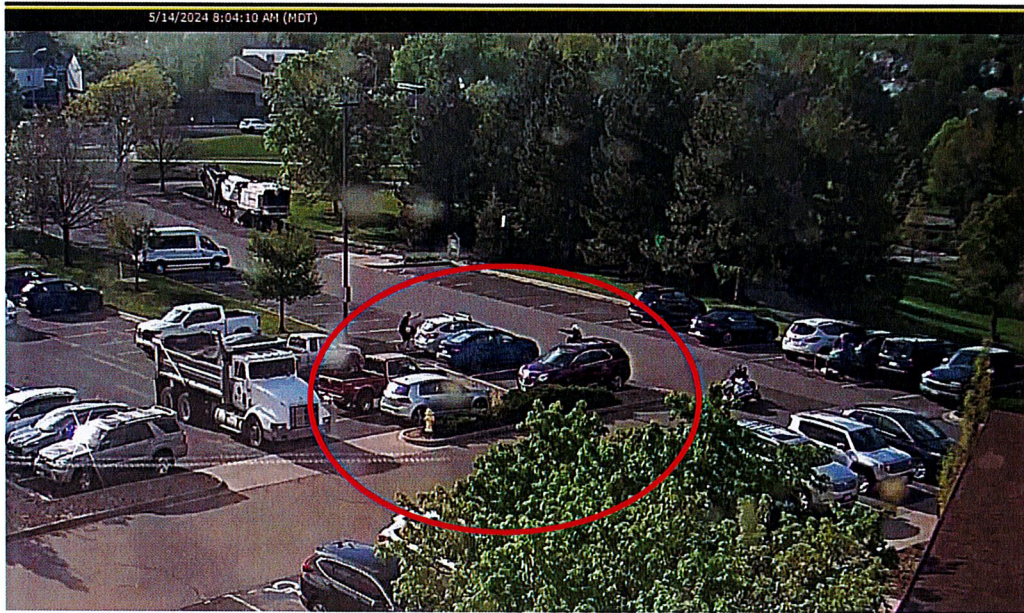


The Margaret Carpenter Recreation Center has surveillance cameras on the exterior of the building that captured a portion of the incident. There is no audio associated with the surveillance. The associated time stamps reflect the accurate time.

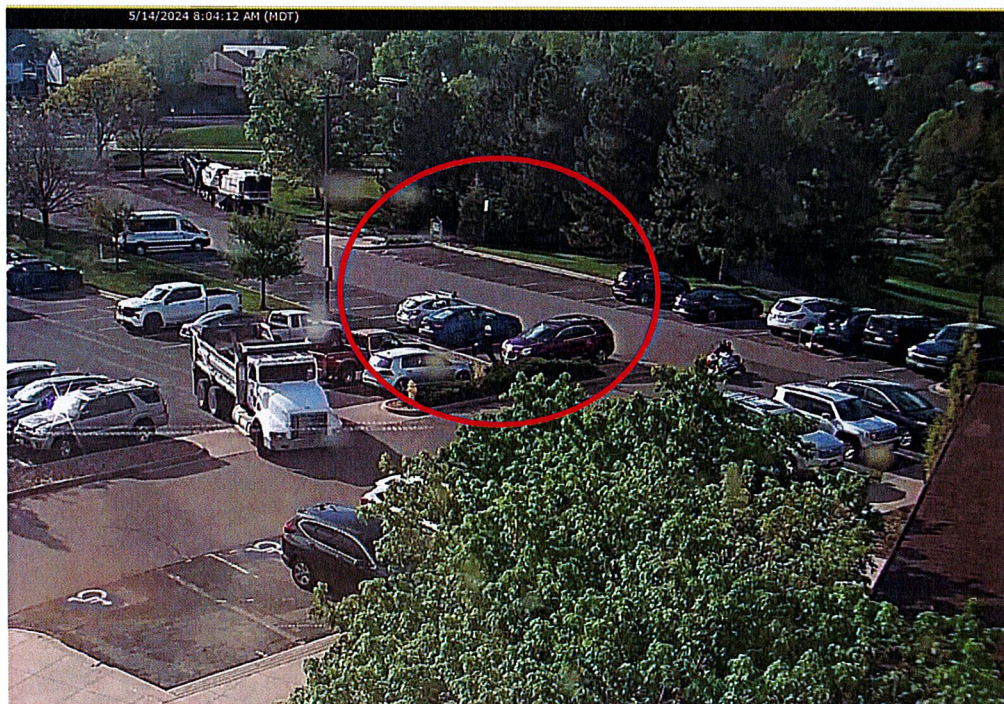


Aerial Image of Margaret Carpenter Recreation Center

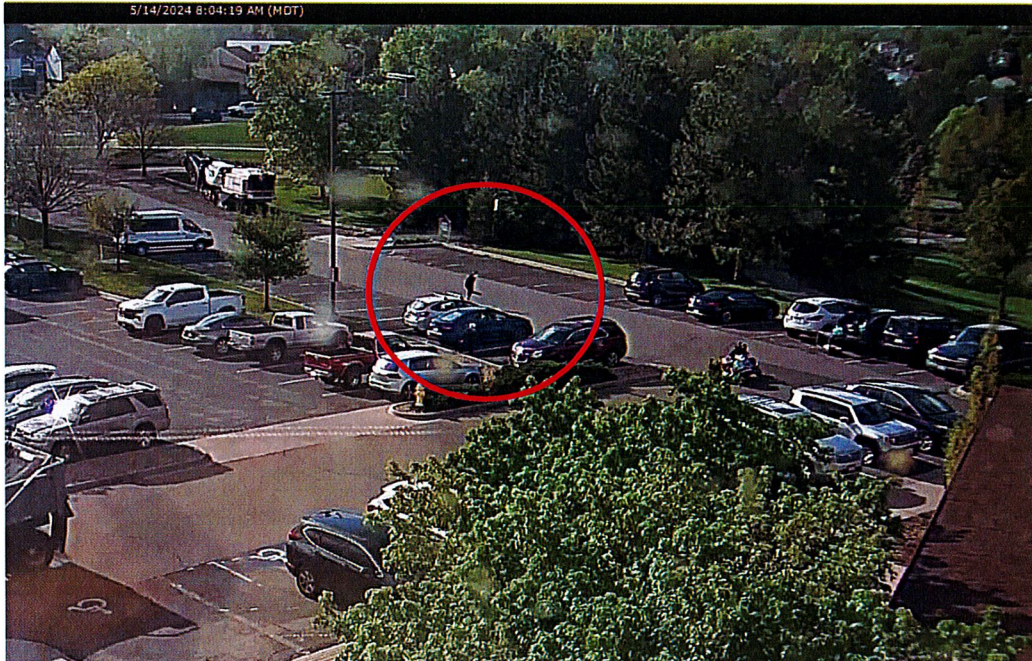
Initially, Brandon Martinez appears on camera oriented to the right of the main entrance at approximately 8:02:37. Brandon Martinez makes his way into the parking lot and begins to approach citizens in their vehicles. Officer Watson enters the parking lot and observes Brandon Martinez. Officer Watson quickly drops his motorcycle as Brandon Martinez presents a gun and fires at Officer Watson. Officer Watson retreats behind a vehicle to protect himself. As observed on the surveillance, Brandon Martinez and Officer Watson exchange gunfire. Brandon Martinez then runs into the park and is pursued by Officer Watson. From a distance, the surveillance shows Brandon Martinez standing in the park at approximately 8:04:33 a.m. Moments later, Brandon Martinez is on the ground.



8:04:10 exchange of gunfire between Officer Watson and Brandon Martinez.



8:04:12 Officer Watson taking cover behind a parked vehicle.



8:04:19 Brandon Martinez running towards the park.

INVOLVED OFFICER INTERVIEW

Aurora Police Department Detective Troy Raines and Sergeant Jeffrey Longnecker interviewed Officer Watson on May 21, 2024. The interview was audio and video recorded. Officer Watson was interviewed prior to viewing his body-worn camera (BWC) footage or other materials related to the investigation.

Officer Terrell Watson reported he has been with the Thornton Police Department for approximately two years. Officer Watson is currently assigned to the traffic motorcycle unit. On May 14, 2024, Officer Watson wore a standard issue Thornton Police Department uniform with a police badge and was equipped with a body-worn camera. During the course of the interview, Officer Watson relayed what had occurred on May 14th. He stated that he was conducting speed enforcement in the area of 104th Avenue and Washington Street. On the radio dispatch, Officer Watson was informed that the wanted party (later identified as Brandon Martinez) fled a vehicle on foot and was possibly running through the trails in the park. Officer Watson then began to ride his motorcycle through the park looking for the suspect. Dispatch then updated that a felony menacing with a gun had occurred in the parking lot of Margaret Carpenter Park.

Officer Watson drove towards the recreation center utilizing the trail system looking for Brandon Martinez. Officer Watson observed Brandon Martinez in the front parking lot of the recreation center. Officer Watson describes Brandon Martinez running towards him, as Officer Watson drops his motorcycle. Brandon Martinez brandished a gun and fired twice at Officer Watson. Officer Watson fired back and retreated behind a vehicle for cover.

Officer Watson and Brandon Martinez exchanged gunfire in the parking lot. There were vehicles

between Brandon Martinez and Officer Watson. Officer Watson could see the vehicle in front of him being impacted by bullets fired by Brandon Martinez. The glass from the car windows were hitting Officer Watson in the face as Brandon Martinez continued firing. Officer Watson was in fear for his safety and the safety of the citizens in the area, as Brandon Martinez was shooting in his direction and the direction of the recreation center.

The gunfire stopped and Officer Watson observed Brandon Martinez running towards the park. Officer Watson described observing Brandon Martinez running and believed he fired at Officer Watson as he was running away. Officer Watson ran after Brandon Martinez and lost sight of him for a moment. Officer Watson thought he might have been in the bushes near the park. Then, he observed Brandon Martinez approximately twenty yards away.

Brandon Martinez, using his right hand, pointed his gun sideways at Officer Watson. Officer Watson explained, "a hundred percent [I] thought he was going to shoot me at that point." Officer Watson was unaware if Brandon Martinez fired, but Officer Watson fired two rounds striking Brandon Martinez. Brandon Martinez fell to the ground and dropped his gun. Once the threat was over, Officer Watson assisted another officer in providing life saving measures to Brandon Martinez.

CIVILIAN WITNESS INTERVIEWS

There were multiple civilian witnesses in the parking lot of the recreation center at the time of the incident. The following summary includes the relevant information related to the witnesses' observations of the incident. Initials are used to maintain confidentiality of civilian witnesses who participated in the investigation.

L.B. arrived at the recreation center to walk around the lake. After her walk, she returned to her vehicle in the parking lot. Brandon Martinez approached her passenger window, and she rolled the window down a few inches. Brandon Martinez requested a ride, and she told him she could not give him a ride. She told Brandon Martinez she wanted to give him a ride, but she was scared. Brandon Martinez advised that he was scared too, as the cops were chasing him. She advised him that this was another reason for why she should not give him a ride. Brandon Martinez then became upset and produced a gun and began to hit her window while stating he was going to shoot her and kill her. L.B. panicked, backed out of the parking lot and sped off. Brandon Martinez was still pointing the pistol at her before running towards recreation center. L.B. believed Brandon Martinez was going to shoot her and she was afraid she was going to die. After driving out of the parking lot, L.B. called 911 at approximately 8:01 a.m.

A.B. was parked in the recreation center parking lot and was approached by Brandon Martinez who repeatedly requested a ride. A.B. declined and stayed in his vehicle. A.B. then observed a police officer on a motorcycle driving through the parking lot with emergency lights on but no sirens. The motorcycle officer encountered Brandon Martinez. The officer dismounted from his motorcycle and instructed him to show his hands. A.B. observed Brandon Martinez draw a firearm and immediately open fire on the officer. A.B. believed Brandon Martinez fired at the officer first, but noted it was close. An exchange of gunfire occurred in the parking lot, then A.B. observed Brandon Martinez run southbound while still firing at the officer.

A.M. was in his vehicle, with his son, parked in the recreation center parking lot waiting for the pre-

school to open. Brandon Martinez approached her passenger side window. He asked for a ride, stating that his wife was having a baby and he needed a ride to a gas station. A.M. declined his request. A.M. observed Brandon Martinez run through the parking lot and then stop and fire his firearm four times to the east, and believed he was shooting at the police. A.M. was not able to clearly see as she moved her son to the passenger floorboard and ducked down once the gunfire started. A.M. looked up briefly and heard additional gunfire.

S.J. is a pre-school director at the Recreation Center. She was in the parking lot unloading items from the trunk of the car. S.J. observed a motorcycle officer in the parking lot drop his motorcycle. S.J. heard the police officer yell “drop the gun,” then Brandon Martinez and an officer began to shoot at each other. To the best of her memory, she believed Brandon Martinez fired first based on the officer’s reaction and how quickly the officer began to shoot. S.J. hid behind the front of her vehicle during the shooting. S.J. then observed the officer run towards the park and heard additional gunshots. S.J. observed Brandon Martinez fall to the ground in the park with an officer pointing his firearm at him. Another officer arrived and immediately began to perform CPR on Brandon Martinez.

LEGAL ANALYSIS

As previously noted, this review is limited to a determination of whether criminal charges should be filed against the law enforcement officer 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, 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. (2024), 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 officers 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.

In *Graham v. Conner*, 490 U.S. 386 (1989) a seminal U.S. Supreme Court case, the U.S. 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. at 396-97.

In this case, there is no dispute that Officer Watson discharged his firearm at Brandon Martinez causing his death. The legal question presented by the facts of this case is whether Officer Watson’s use of deadly force was both reasonable and necessary. 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 Brandon Martinez posed an immediate threat to the safety of the officer or another person such that the use of deadly force was necessary to prevent serious injury or death.

Here, Officer Watson responded to a scene to assist with locating and apprehending Brandon Martinez. Immediately upon his encounter with the suspect, Mr. Martinez produced a gun and began firing at Officer Watson. Officer Watson quickly took cover behind a parked vehicle and returned fire. After an exchange of gunfire, Brandon Martinez fled into the park and worked to conceal his location. Officer Watson nevertheless pursued him, found him and observed Brandon Martinez pointing a gun in Officer Watson's direction. Officer Watson understandably and accurately believed his life was in danger and that the lives of other witnesses in this public park were in danger as well. He further believed, justifiably, that lesser than lethal force would not have been reasonable under the circumstances. In this fast moving, incredibly dangerous situation, Officer Watson justifiably fired on Mr. Martinez, killing him.

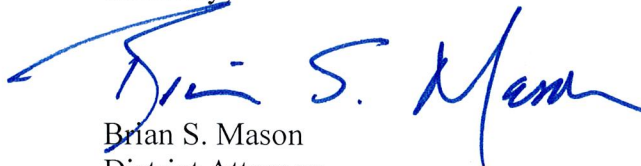
I find Officer Martinez's actions not only to be reasonable and justified, but courageous and heroic as well. Officer Martinez pursued an armed man who had just attempted a carjacking in a parking lot of a popular recreation center in Thornton. Upon encountering him, the suspect immediately began firing at Officer Martinez, placing the officer and everyone else in the vicinity in lethal peril. The use of deadly force was necessary to prevent the suspect from inflicting serious bodily injury or death upon Officer Watson or anyone else in the area. Brandon Martinez presented a clear threat to the lives of the officer and the citizens who were in the area. Officer Watson's decision to shoot Mr. Brandon Martinez eliminated this danger and very possibly saved innocent lives.

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. (2024). Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of criminal charges against Thornton Police Officer Terrell Watson.

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

Sincerely,



Brian S. Mason
District Attorney