



OFFICE OF THE DISTRICT ATTORNEY

GEORGE BRAUCHLER, DISTRICT ATTORNEY
23RD JUDICIAL DISTRICT
SERVING DOUGLAS, ELBERT AND LINCOLN COUNTIES

April 07, 2025

Sheriff Darren M. Weekly
4000 Justice Way,
Castle Rock,
CO 80109

Re: CIRT 25-01, RE: Shooting of Mr. Jalin Seabron

Dear Sheriff Weekly,

The Twenty-Third Judicial District Critical Incident Response Team (herein after "CIRT" Team) has completed its investigation into the February 8, 2025, fatal shooting of Mr. Jalin Seabron, by Douglas County Sheriff's Deputy Nicholas Moore that occurred at the entertainment center known as Main Event in Highlands Ranch, Colorado.

SUMMARY

The Twenty-Third CIRT Team presented the investigation to the Office of the District Attorney and other CIRT members. Applying the law to the facts of this incident, as described in more detail below, and after a thorough review and analysis of the evidence, I find that Deputy Moore's use of deadly physical force was reasonable, necessary, and appropriate to defend himself and others from the perceived threat posed by Mr. Seabron. Given this conclusion, no criminal charges will be filed against Deputy Moore. This letter is being issued pursuant to C.R.S. § 20-1-114(1).

STATUTORY FRAMEWORK

C.R.S. § 16-2.5-301 governs investigations into police officer-involved shootings. This statute provides, in relevant part, that: "Each police department, sheriff's office, and district attorney within the state shall develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff's office, or the Colorado Bureau of Investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district." C.R.S. § 16-2.5-301(1).

The investigation into this shooting incident was conducted by the Twenty-Third Judicial District CIRT Team. CIRT investigates any incident in which a law enforcement officer within the Twenty-Third Judicial District uses deadly force, or attempts to use deadly force, against a human being while acting under the color of official law enforcement duties. The CIRT Team is comprised of highly trained and skilled investigators working under my authority and appointed from multiple

law enforcement agencies, including my office. This multi-jurisdictional team of objective professionals protects the integrity of the investigation by exercising independent judgment in conducting a thorough investigation. To maintain transparency and reduce conflict of interest, officers from the involved agency do not perform critical duties related to the investigation.

The lead investigators for this CIRT investigation are Detectives Darsel Polite and Michael Williams with the Castle Rock Police Department. Other investigators participated from the District Attorney's Office as well as numerous police departments throughout the jurisdiction and other local law enforcement agencies.

C.R.S. § 20-1-114 provides, in relevant part: "The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section C.R.S. § 16-2.5-301, release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request." C.R.S. § 20-1-114(1).

The District Attorney for the Twenty-Third Judicial District is also bound by the professional rules of conduct—specifically Colo. RPC Rule 3.6—which restricts a lawyer who is participating or has participated in the investigation or litigation of a matter from making extrajudicial statements that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter. In order to balance the District Attorney's statutory obligation to publicly disclose and report the District Attorney's findings regarding an officer involved shooting with any ongoing criminal litigation, this letter may be published with redactions in accordance with Rule 3.6. Redactions may be made to this report to include any identifying information of victims, witnesses, or defendants that may prejudice any criminal defendant or jeopardize the integrity of any pending criminal case. These redactions may also include the blurring of faces of any victims, witnesses, or defendants in any photos contained within this report.

This document constitutes a report of the findings of the District Attorney for the Twenty-Third Judicial District and includes the basis of the decision not to charge the involved Deputy with any criminal conduct.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

The Twenty-Third CIRT Team, including the Office of the District Attorney, responded to Main Event on February 9, 2025, to independently evaluate the evidence at the scene. In addition, the team reviewed recorded interviews, including statement of witnesses who heard and saw the events, and evidence collected from the Main Event including surveillance video. Because this case also involves a criminal investigation, some information obtained by the Douglas County Sheriff's Office ("DCSO") in the course of their criminal investigation related to DCSO case number 2025-00011293, was also considered. The CIRT Team reviewed approximately 2900 pages of discovery including reports and interviews conducted as part of both the CIRT and criminal investigations. Finally, the CIRT Team conducted an in-person interview of Deputy Moore as part of the CIRT investigation.

PHYSICAL EVIDENCE

In addition to the reports, interviews, and other documentation obtained during the course of this investigation, the CIRT Team also reviewed physical evidence as it related to the shooting of Jalin Seabron. This includes observations of a gray Nissan Sentra. CIRT members were present for the search conducted of that vehicle. CIRT members also observed the Glock 48 and magazine found in possession of Mr. Seabron, the rifle fired by Deputy Moore, shell casings found at the scene, and any remaining bullets or bullet fragments found during the search of the Nissan Sentra and/or recovered during the autopsy of Mr. Seabron.

SUMMARY OF FACTS RELATED TO THE SHOOTING OF MR. SEABRON

On February 8, 2025, at 11:51 p.m., the DCSO Communications Center began to receive several 911 calls that reported a shooting at the Main Event located at 64 Centennial Blvd, Highlands Ranch, Colorado. Dispatch advised that there were multiple victims down and the shooter was still on scene.



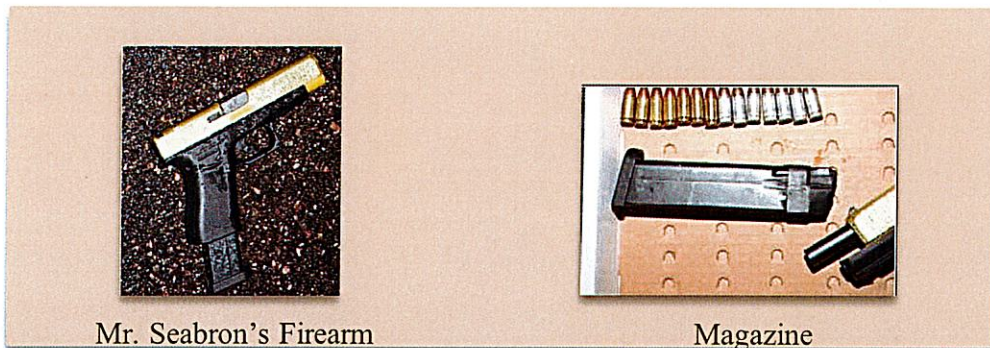
Subsequent investigation into what occurred inside Main Event revealed that an altercation occurred inside a bathroom involving several female participants. At the end of that altercation, approximately 10 shots were fired, and one victim was struck by multiple rounds.

Mr. Seabron arrived at Main Event at around 8:52 p.m. Several witnesses indicated Mr. Seabron was at Main Event to celebrate his birthday. Mr. Seabron was seen bowling with a group of people prior to the events at issue in this letter.

Mr. Seabron was not involved in the initial shooting but was contacted by Neveaha Crowley-Sanders after the shooting. Mr. Seabron spoke with Neveaha Crowley-Sanders and then walked back to the lanes where he was bowling in order to gather personal items. Mr. Seabron, along with several other people, then left Main Event by exiting through the front door. There is no record of Mr. Seabron calling 911 at any time after the initial shooting took place.

As Mr. Seabron exited Main Event, inside surveillance video shows him grabbing an object at his waistband. This object was later identified as a black and gold Glock 48 9mm with an extended magazine with a capacity to hold fourteen 9mm rounds. The firearm was purchased by Mr.

Seabron in August of 2024.



Mr. Seabron's Firearm

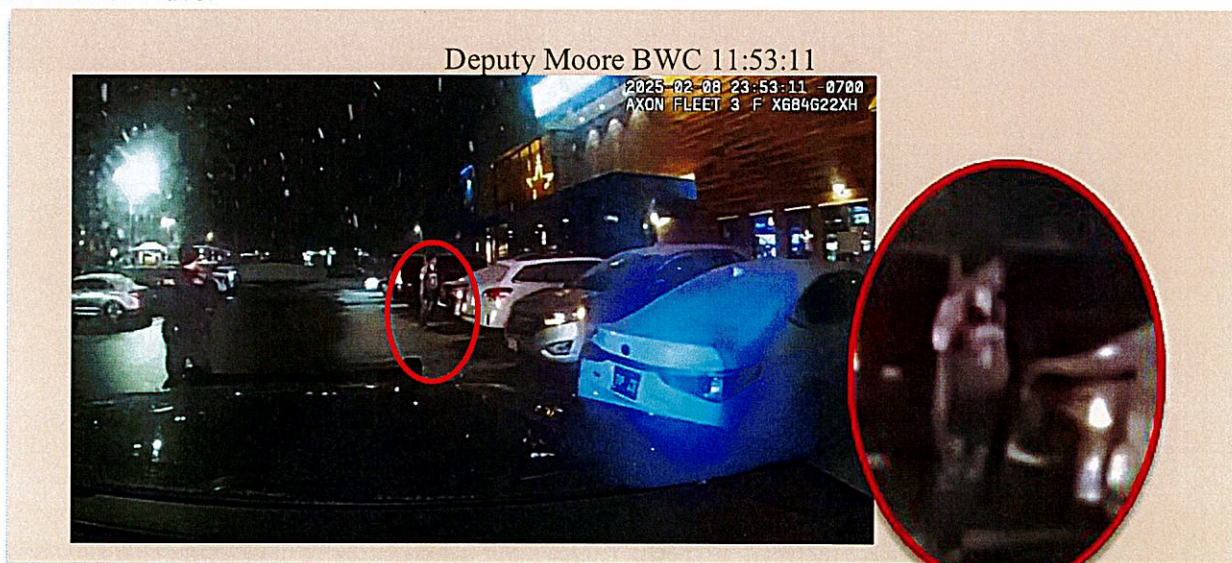
Magazine

Once Mr. Seabron had exited Main Event, surveillance video shows him place items into the back of a Gray, 2014 Nissan Sentra. Three females entered the car with Keylonie Fenery in the driver's seat and Neveaha and Niyonii Crowley-Sanders in the back seat of the vehicle.

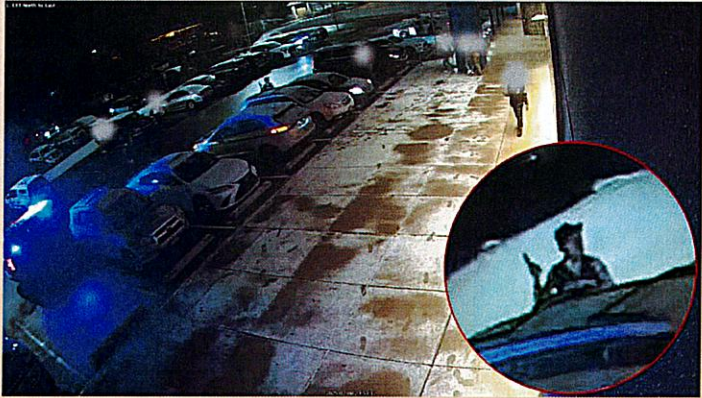
As Mr. Seabron was putting items into the Nissan Sentra, another group of people are seen exiting the Main Event. These people are later identified as Lorine Stegall, Devonta Jackson-Keys, and Phanaiya Walker-Boykin. Ms. Stegall is holding a firearm. Ms. Stegall and Mr. Seabron are engaged in a dispute and are seen on video appearing to be yelling back and forth at each other. Other people appear to try to intervene and pull Ms. Stegall back towards the entrance of Main Event.

At approximately 11:53:06 p.m., Deputy Nicholas Moore arrived on scene as the first responding officer. Deputy Moore was responding as a solo officer and, at the time of his arrival, he was the only officer on scene. Immediately upon his arrival at the scene, Deputy Moore observed Mr. Seabron displaying his firearm. Deputy Moore exited his marked police vehicle. Deputy Moore had activated his red and blue lights prior to his arrival, and his lights remained on when he encountered Mr. Seabron. Deputy Moore's siren was not activated. Deputy Moore exited his vehicle with his department issued semi-automatic rifle. Although Deputy Moore did not identify himself as an officer, he was dressed in a formal police uniform with noticeable markings and designations identifying him as a deputy sheriff.

At 11:53:11 p.m., Mr. Seabron is seen walking behind the Nissan Sentra raising his firearm in the air. This moment is captured most clearly on Deputy Moore's Dash Camera and Main Event surveillance video.



Main Event Surveillance video depicts three separate times that Mr. Seabron either holds up or points his firearm at the parties by the pillar:



11:53:12 PM



11:53:13 PM

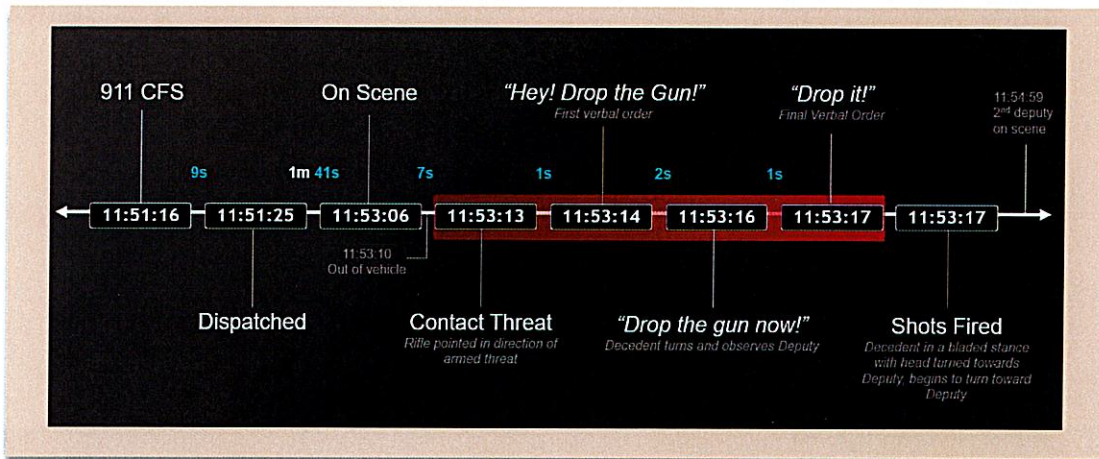


11:53:15 PM

As Deputy Moore approached Mr. Seabron, as recorded on his body worn camera, Mr. Seabron can be heard yelling toward Ms. Stegall stating something to the effect of “back-up or I will do it.”

Deputy Moore, upon making observations of Mr. Seabron with a firearm, gave three commands to Mr. Seabron. A review of the audio from Deputy Moore’s body worn camera records reflects the following:

- 1) At 11:53:14 p.m., Deputy Moore gives his first verbal command stating, “Hey! Drop the gun!”
- 2) At 11:53:16 p.m., Deputy Moore gives his second verbal command stating, “Drop the gun now!”
- 3) At 11:53:17 p.m., Deputy Moore gives his third and final verbal command stating, “Drop it!”



As Deputy Moore attempted to engage Mr. Seabron, Mr. Seabron walked away from Deputy Moore. Body worn camera shows Mr. Seabron attempting to enter the Nissan Sentra through the front passenger side door. At this time, Mr. Seabron was also still verbally engaged with Ms. Stegall and her associates who were standing by a pillar in front of the entrance to Main Event. A review of the body worn camera confirms that at no time after Deputy Moore gave Mr. Seabron commands did Mr. Seabron drop his weapon. Still shots from Deputy Moore’s body worn camera are below:



11:53:23

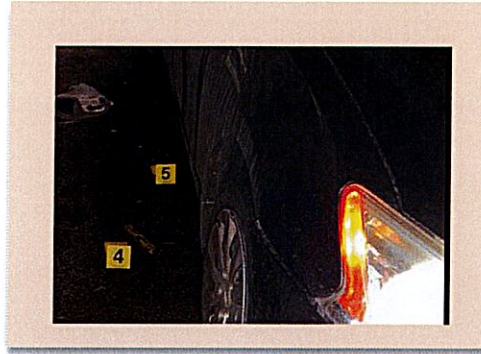


11:53:15

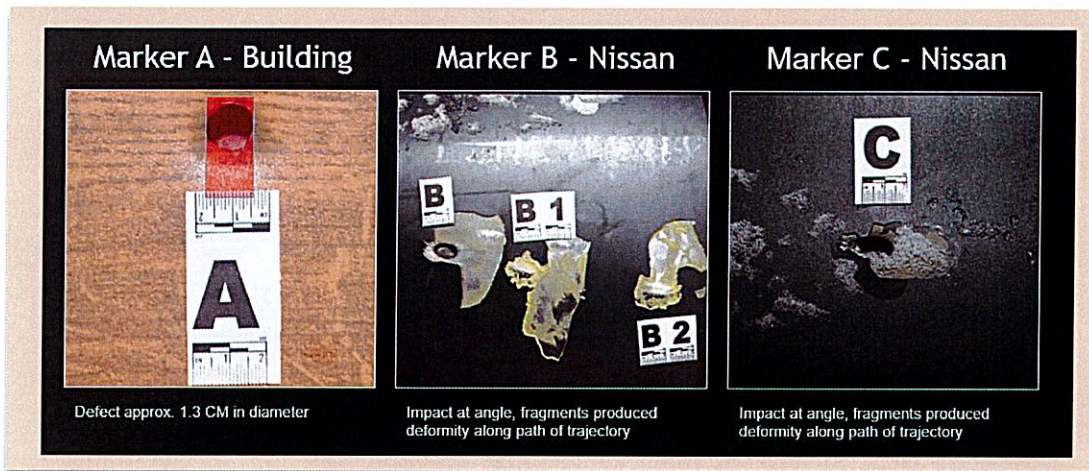


11:53:16

At 11:53:17 p.m., Deputy Moore discharged his weapon. Deputy Moore fired a total of nine rounds, striking Mr. Seabron six times. Mr. Seabron's firearm, the Glock 48, was recovered by the passenger side door.



Crime Scene investigators identified other possible bullet impact sites related to the shooting of Mr. Seabron which were labeled sites A, B, and C. Although site A aligns reasonably with the trajectory of Deputy Moore's line of fire, it is unlikely to have been a result of his 5.56 caliber round due to its larger diameter. Sites B and C were located on the rear passenger door of the Nissan Sentra. All together, these sites account for the three other rounds that did not strike Mr. Seabron.



Deputy Moore remained on scene and continued to maintain the scene until other officers arrived. At 11:55:16 p.m., Mr. Seabron was removed from the passenger seat of the Nissan Sentra. At that time, Deputy Moore confirmed the absence of a pulse. At 11:54 p.m., another Deputy arrived on scene and checked Mr. Seabron for vital signs but found none. CPR was initiated at 11:55:54 p.m. Additional DCSO Deputies arrived on scene at 11:58:38 p.m., and chest seals were applied to Mr. Seabron as compressions continued. CPR efforts continued for over five minutes until South Metro Fire Rescue and EMS arrived. At 00:02 a.m., EMS directed deputies to cease resuscitation efforts and Mr. Seabron was officially pronounced dead on scene.

An autopsy of Mr. Seabron was conducted on February 10, 2025 at the Douglas County Coroner's Office by Dr. Leon Kelly. Dr. Kelly identified 7 gun shot wounds, noting that "the seven gunshot wounds identified are not indicative of seven shots into the decedent, as this investigation determined that of the nine bullets Deputy Moore fired, three struck the Nissan Sentra and were later recovered." Further, Dr. Kelly clarified that the order of the wounds listed below is not

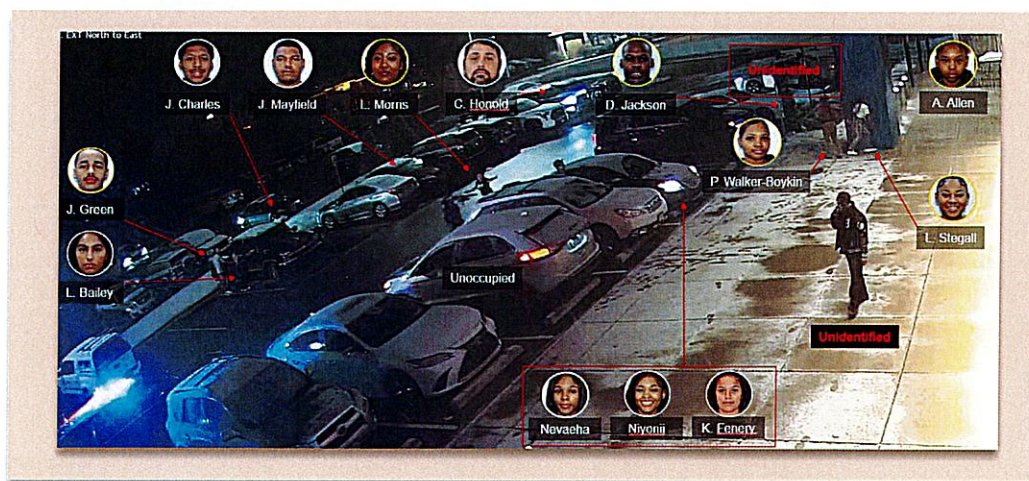
indicative of the order in which these wounds were inflicted. The gunshot wounds and an embedded fragment injury are listed as follows:

1. Gunshot wound of the left axilla;
2. Gunshot wound of the left arm to the chest;
3. Gunshot wound to the left elbow into the chest;
4. Gunshot wound to the left back into the right arm;
5. Gunshot wound of the right back;
6. Gunshot wound of the lower left back;
7. Gunshot wound of the left forearm; and
8. Pseudo-stippling abrasions of the lower left back/upper buttock with an embedded jacket fragment.

Dr. Kelly opined that Mr. Seabron died as the result of multiple gunshot wounds. The most significant and immediately life-threatening of these injuries include perforations of both lungs, aorta and liver. These injuries were sustained when the decedent was shot by law enforcement. Dr. Kelly further opined that the manner of death was homicide. Toxicology results indicated that Mr. Seabron had ethanol alcohol, caffeine, cotinine, nicotine, THC, and psilocin present in his blood at the time he was shot.

WITNESS STATEMENTS

Several witnesses were interviewed about this altercation. Those that were identified and their positions at the time of the shooting are depicted in the diagram below:



Below is a summary of the witness statements from the relevant witnesses who observed the officer involved shooting:

Leianna Bailey was at Main Event to celebrate Mr. Seabron's birthday. While in the parking lot, Ms. Bailey was behind Mr. Seabron's vehicle. She stated that she saw Mr. Seabron getting into his vehicle when he was shot by a deputy. Ms. Bailey stated she did not see the Deputy's patrol car, but just saw him walk up. She stated Mr. Seabron did not turn toward the deputy. She expressed that

she felt the shooting was “overkill.” She also stated that she did not trust law enforcement and did not wish to make a further statement.

Neither Neveaha Crowley-Sanders nor Niyonni Crowley-Sanders provided an official statement, but on scene both made statements to Deputy Moore that were captured on body worn camera. Both females told Deputy Moore that Mr. Seabron was unarmed. Neveaha Crowley-Sanders also stated that Mr. Seabron was trying to defend her.

Leahna Morris was present at Main Event to participate in a gathering organized on the Clubhouse App. She was present for the initial shooting and was present in the parking lot after the shooting. Leahna Morris approached Neveaha Crowley-Sanders and accused her of harming her sister. Mr. Seabron said something, but Ms. Morris could not recall what he said. She then saw a police officer arrive. She observed Mr. Seabron reach into a “jacket” for a firearm when the officer approached and began shooting. Ms. Morris stated she did not definitively see a firearm on the male and did not hear the officer’s commands. She stated it all happened very fast.

Asia Allen was also present to attend the event organized through the Clubhouse app. She also observed the initial shooting and was later a witness in the parking lot. Ms. Allen did not know Mr. Seabron but describes seeing a male with a gun in his hand, pointing that gun towards the air. She heard the male yelling “Ya’ll better back the fuck up before I shoot.” She stated Mr. Seabron was shot approximately two seconds after verbal commands to drop the weapon and after he had said the word “shoot.”

Phanaiya Walker-Boykin was in the event center for the initial shooting. Afterward she stepped outside and saw Mr. Seabron holding a firearm “raised” next to a vehicle near her own car outside of Main Event. She heard the officer issuing commands and recalled the officer stating something like “drop the gun or drop your weapon.” She did not recall the officer announcing himself as police. She stated the officer didn’t really give Mr. Seabron time to drop the weapon.

Lorine Stegall was present for the initial shooting in the bathroom. She also exited Main Event and was in the parking lot when Deputy Moore arrived. In her initial statement, Ms. Stegall recalled seeing a uniformed officer issuing commands and heard him say something along the lines of “drop your gun” or “put your gun down.” She recalled that the male turned towards the officer, after which Deputy Moore fired his weapon. She did not observe Mr. Seabron holding a firearm.

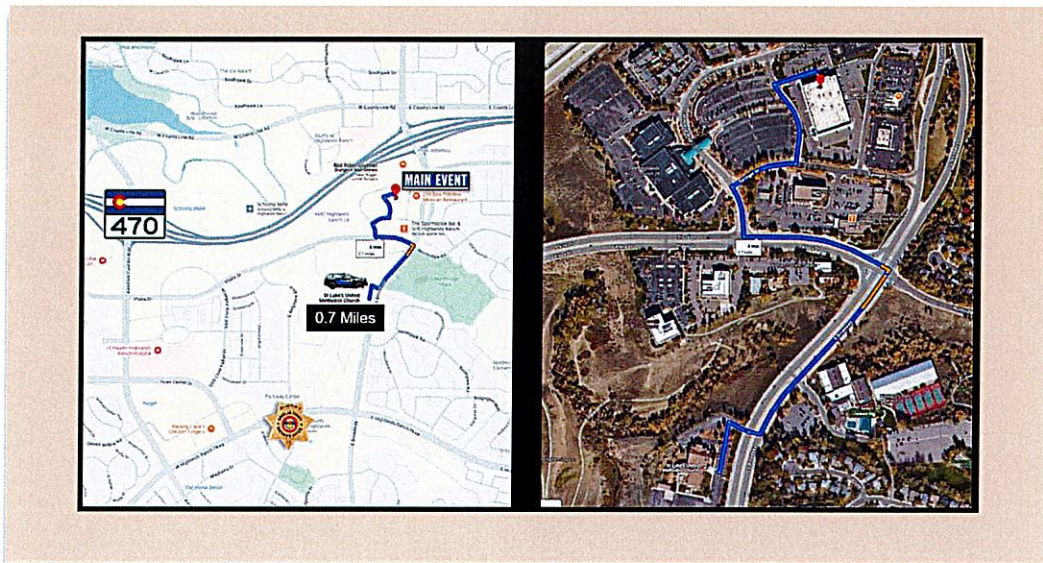
Ms. Stegall was later charged with felony menacing for having a gun in the parking lot. After her arrest she provided a second statement. In that statement, Ms. Stegall stated that she observed Mr. Seabron holding a firearm and standing in front of a vehicle. She saw Neveaha Crowley-Sanders and her sister nearby. Ms. Stegall stated the deputy arrived and gave verbal commands. She stated, “I guess he didn’t (drop it), he shots fired, but I swear when the cop told him to drop his gun, he didn’t even give him a chance to drop his gun.”

Devonta Jackson-Keys also attended the Clubhouse social event. After the initial shooting, he exited through the front exit. Upon reentering Main Event he saw his friend injured. He then saw Ms. Stegall holding a firearm and proceeding toward the exit. He heard Ms. Stegall yelling “Bitch, you shot my friend.” He observed police arriving on scene and took the firearm from Ms. Stegall. He clearly heard the police giving commands stating “put the gun on the ground” at least three

times. He stated there was a brief time between these commands and then he heard gun shots. Mr. Jackson-Keys stated that he wanted to see what the video showed. He also commented, “[t]hat man was gonna get shot by that police officer regardless. ‘Cause why are you walking in the parking lot with your gun out from my understanding...It’s unfortunate for the young man, but he should have followed the order, shit.”

SUMMARY OF FACTS KNOWN TO DEPUTY MOORE ON FEBRUARY 8, 2025

On February 8, 2025, Deputy Moore was in the area of Main Event. He had previously driven through Main Event’s parking lot prior to the shooting. After leaving Main Event’s parking lot, Deputy Moore initiated a traffic stop. At the time of the shooting, he was at the St. Andrew United Methodist Church finishing paperwork. Deputy Moore was .07 miles from Main Event when information about the shooting began appearing on Deputy Moore’s computer as part of the call detail record or “CAD”.



Upon receiving information about an active shooting, Deputy Moore began responding to Main Event. Deputy Moore responded emergent by activating his overhead lights, which are red and blue, but did not activate his siren.

The CAD information available to Deputy Moore is below. The last CAD entry prior to Deputy Moore’s arrival on scene is highlighted in the red box below.

11:52:26 PM Narrative added from associated Call #: 65 - ANOTHER CALLER [REDACTED] SAYING THIS IS A SHOOTING [REDACTED]

11:52:15 PM Narrative added from associated Call #: 65 - HEARD ABOUT 10 SHOTS

11:52:14 PM [REDACTED] SOUNDED LIKE IT CAME FROM THE FRONT OF THE BUILDING - DIDN'T SEE ANYTHING ELSE

11:52:09 PM [REDACTED] SOMEBODY WALKED IN AND STARTED SHOOTING

11:51:56 PM ANOTHER CALLER - GUNSHOTS FROM INSIDE THE BUILDING

11:51:55 PM Narrative added from associated Call #: 65 - COMING FROM THE MAIN ENTRANCE

11:51:55 PM ADTL CALLER -- SHOTS HEARD --- INSIDE 10 SHOTS [REDACTED]

11:51:53 PM Narrative added from associated Call #: 65 - PEOPLE FLEEING OUT OF BUILDING

11:51:49 PM Narrative added from associated Call #: 65 - ADDTL RP / [REDACTED] / HEARING SHOTS

11:51:44 PM Narrative added from associated Call #: 65 - HEARING LOTS OF GUN SHOTS HEARD

11:51:37 PM OPEN LINE

11:51:34 PM Narrative added from associated Call #: 65 - LOTS OF SHOTS HEARD

11:51:34 PM GET OUT OF THE CAR

11:51:32 PM LOTS OF SCREAMING

11:53:34 PM POSSIBLY NEAR BATHROOMS

11:53:31 PM Narrative added from associated Call #: 65 - THIS RP NOT INJURED

11:53:30 PM CALLER --STATING IT WAS A FEMALE WTH A GUN - [REDACTED] -OPEN LINE

11:53:26 PM Narrative added from associated Call #: 65 - ADDTL RP / [REDACTED] / HEARD THE SHOTS

11:53:25 PM Critical: EHARING LOTS OF SHOTS

11:53:16 PM Narrative added from associated Call #: 65 - ADTL CALLER/[REDACTED] SAYING HE IS BOWLING PIN AREA AND HEARING THE SHOTS

11:53:13 PM ADTL RP SAYS SHE IS HIT - NOW SCREAMING

11:52:50 PM [REDACTED] SOUNDED LIKE IT WAS COMING FROM THE FRONT

11:52:43 PM ADTL CALLER - [REDACTED] -- HEARD ONLY --- NOONE SEEN ---POSS WAS INSIDE THE WOMENS BATHROOM

11:52:40 PM Narrative added from associated Call #: 65 - ***CFS 66

11:52:37 PM Narrative added from associated Call #: 65 - THIS RP DIDN'T SEE ANYBODY

*Names and phone numbers of the reporting parties have been redacted.

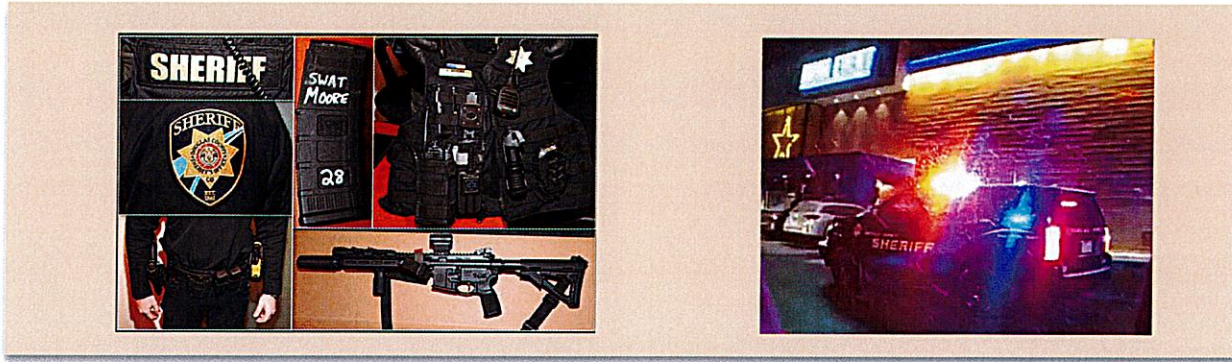
Given the information in the CAD detail report prior to his arrival, Deputy Moore would have been aware that multiple shots had been fired, people were fleeing out of the building, and that the shooting possibly occurred inside the women's bathroom. Prior to his arrival on scene, dispatch had not provided any description, including race or gender, of the shooter to Deputy Moore through CAD. The gender of the shooter was not relayed over CAD until 11:53:30 p.m., after Deputy Moore had encountered and engaged Mr. Seabron.

INTERVIEW OF DEPUTY MOORE

On February 13, 2025, the CIRT Team conducted an interview with Deputy Moore. Detective M. Williams conducted the interview as other members of the CIRT Team watched the interview live.

During the interview, Deputy Moore confirmed he was on duty in his standard issue uniform with DCSO insignia. Deputy Moore was also driving a fully marked DSCO police vehicle. Deputy Moore activated his overhead lights but did not utilize his siren when responding to Main Event which was a tactical decision when responding to the call for an active shooter.

Deputy Moore was dressed in his standard issue uniform and was driving a marked police vehicle on February 8, 2025. Both which are depicted below:



Deputy Moore stated that he was sitting at United Methodist completing demographic information following his previous traffic stop when he was looking at his CAD screen in his police vehicle. As he was looking at the CAD screen, he saw two calls on the board for shots fired and one for unknown trouble at Main Event. Seeing that information and based on his location—being just down the road—he decided to respond. Deputy Moore began responding and was dispatched as he approached the scene. Deputy Moore believed he was responding to an active shooter situation with information that someone came into the event center and fired multiple times.

Upon approach, Deputy Moore grabbed his rifle so that he was ready to engage an active shooter when he arrived at Main Event. Deputy Moore strategically approached from the West as he determined that would be a safer approach with more cover for the main entrance to Main Event. As Deputy Moore approached the building, he observed a fire emergency exit and saw people fleeing out that door and hiding behind cars. Deputy Moore stated this information was “telling me this is an active shooter event.”

In his interview, Deputy Moore indicated that he had no description of the shooter upon arriving on scene. He was not looking at the CAD upon his approach, both because of the slick and icy roads and because he was coming on scene to an active shooter situation.

Deputy Moore drove to the front of the building and stopped his vehicle approximately 50 yards from the main entrance of Main Event. Immediately upon his arrival, Deputy Moore observed a black male—later identified as Mr. Seabron—with a firearm in his hand. Deputy Moore further explained that the male was waiving the gun around, pointing it, and was very agitated. Deputy Moore did not recall what Mr. Seabron was saying, only that Mr. Seabron continued talking as Deputy Moore approached him. Later in his interview, Deputy Moore stated that he was surprised to encounter someone with a gun as soon as he arrived on scene.

Deputy Moore stated that he started giving commands to Mr. Seabron to drop the weapon. Deputy Moore did not recall identifying himself as a police officer, but does remember stating “drop the weapon.” Deputy Moore noted that he was getting out of the police vehicle and that he had really bright red and blue lights. As he engaged Mr. Seabron, Deputy Moore recalled making eye contact with Mr. Seabron and stated “there was at least enough that he acknowledged that I’m not just a citizen coming up to him.” Mr. Seabron then went between the two vehicles as Deputy Moore followed him. At the time Mr. Seabron went between the cars, Deputy Moore stated that he, Deputy Moore, did not observe the firearm and that he, Deputy Moore, thought it might be at Mr. Seabron’s side. Deputy Moore stated that Mr. Seabron was standing at the door and not following

his commands. Deputy Moore gave Mr. Seabron more commands to drop the weapon. Deputy Moore described that after his final command, "he [Mr. Seabron] turns to me and felt like he was either gonna shoot me or someone else." Deputy Moore stated that he assumed Mr. Seabron was the active shooter and fired his weapon. Deputy Moore further explained, "with the limited information that I had, I felt he had just shot up a business, um, and possible patrons inside there. Um, I did not want to give him another opportunity to shoot more people. I was trying to give him an opportunity to comply. Did not comply. Um, worried that he was gonna shoot either someone else that was nearby 'cause there was so many people around or myself, that's when I fired the weapon." Mr. Seabron's weapon was dropped only after Deputy Moore began firing, and he observed the firearm on the ground by the front passenger side door.

It was not until after Deputy Moore confronted Mr. Seabron that Deputy Moore was provided information that Mr. Seabron was not the person who committed the initial shooting. Several witnesses in the car started screaming at the Deputy that he shot their brother. Deputy Moore ordered those parties out of the vehicle. At that time, another person admitted to being the shooter inside the building and stated that the gun used by Mr. Seabron was different than the gun that she had used. Specifically she stated "No. That's his gun. My gun is in the back seat."

As more Deputies arrived on scene, Deputy Moore pulled Mr. Seabron from the vehicle and checked for vital signs but did not feel a pulse. Other Deputies started compressions on Mr. Seabron.

During his interview, Deputy Moore indicated that he has been trained as a SWAT officer but was not on the Douglas County Regional SWAT Team at the time of this event. He is also an active shooter instructor.

Deputy Moore was asked about why he did not use lesser force upon his arrival at Main Event, including potentially deploying his taser rather than his firearm. Deputy Moore stated that lesser force was not an option because at the point of his arrival, he was the only officer on scene and he had reports that people were being shot. Given that information, he made a determination that he was not going to use a less lethal weapon against a more lethal weapon during an active shooter scenario.

During his interview, Deputy Moore was also asked about his decision to use lethal force and the safety of other people in the parking lot at the time he deployed his weapon. Deputy Moore stated that there were other people in the area, however, he had a backdrop of a wall and a car. At the time he deployed his weapon he stated he didn't see anyone else around and believed he had a clear and clean shot for Mr. Seabron before anyone else entered the background or could have been hurt. Deputy Moore was unaware other people were inside the Nissan Sentra at the time he engaged Mr. Seabron.

APPLICABLE LAW

The ethical obligation of prosecutors and the policy of the District Attorney's Office is to only prosecute a case when 1) there is a good faith basis to believe the individual to be prosecuted has committed the crime, and 2) there is a reasonable likelihood of conviction at trial. This is a higher standard than the probable cause standard used by police officers making arrest decisions. Criminal liability for charging is established when there is a good faith basis to believe the individual committed the crime, and there is sufficient evidence to prove all of the elements of the crime

beyond a reasonable doubt, to include the criminal conduct and the criminal mental state. Additionally, the prosecution must disprove any statutorily recognized justification or defense beyond a reasonable doubt.

The District Attorney's review of an officer-involved shooting event is guided by the statutes pertaining to the affirmative defenses applicable to use of force by peace officers, specifically C.R.S. § 18-1-707:

(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; (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.

(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 of death or serious bodily injury 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 provision 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.

With this statute in mind, the Twenty-Third CIRT Team reviewed and examined Deputy Moore's conduct in order to determine whether to charge Deputy Moore with any criminal conduct.

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¹ While the CIRT Team does not consider DCSO policy in making a determination about criminal conduct, the DCSO Policy was provided regarding Use of Force. DCSO policy contains the same language as C.R.S. § 18-1-707.

ANALYSIS AND CONCLUSION

The question presented to the District Attorney's Office is whether Deputy Moore committed a criminal offense. No charges may be legally or ethically brought unless a crime can be proven beyond a reasonable doubt, a standard that applies to officers and civilians alike.

When a person intentionally shoots another person, resulting in that person's death, they commit the crime of murder, unless a legally recognized justification exists. If a justification exists, the person is not criminally liable. Acting in self-defense or defense of others are examples of such justification. These defenses are available to all Coloradans, including officers. Officers are also specifically authorized to use deadly physical force under certain circumstances.

The facts must be viewed as they appeared to Deputy Moore at the time and future developments are irrelevant to the legal analysis. Deputy Moore responded to an active shooter and believed the shooter was still present on scene. Upon his arrival Deputy Moore observed Mr. Seabron, with a weapon, confronting a group of people near the front entrance of Main Event. Deputy Moore observed Mr. Seabron raise his gun and point it towards the people by the pillar and yell at them in an agitated tone. Based on the information known to Deputy Moore including the threat of an active shooter, several people exiting the venue, Mr. Seabron holding a gun up in the air, and Mr. Seabron's escalated verbal engagement with other individuals near the front of the business, these circumstances warranted deadly force and no lesser degree of force would eliminate the potential threat. Moreover, Deputy Moore's intervention likely prevented further escalation between Mr. Seabron and Ms. Stegall in the parking lot as both parties were armed.

Deputy Moore was responding to a dispatch call for an active shooter. Based on his training and experience, his department issued rifle would allow him to more effectively confront any active or ongoing threat. Deputy Moore did not expect to encounter any armed parties in the parking lot but saw Mr. Seabron with a weapon upon arriving on scene. Given the information about multiple shots fired and the situation being an active shooter scenario, Deputy Moore's determination that less lethal force would not be effective was reasonable.

Although Deputy Moore did not announce himself as an officer, other people in the parking lot—both as observed by their physical reaction to Deputy Moore's arrival and as confirmed in subsequent interviews—were able to readily identify Deputy Moore as a law enforcement officer. After reviewing the circumstances as Deputy Moore arrived on scene and immediately encountering a party with a weapon who was pointing that weapon at other people, any delay in engaging the threat would have created a risk of death or injury to him or others in the parking lot. Based on the information known and observed by Deputy Moore, the imminency of the threat on scene required swift and quick intervention. Reviewing C.R.S. § 18-1-707(4), the circumstances were such that the Deputy's decision to immediately give commands to Mr. Seabron—without first verbally identifying himself as an officer—was lawful under the exceptions that an officer must identify himself “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.”

Mr. Seabron was given, in total, three commands to drop his weapon. Mr. Seabron did not react to those commands, nor did he drop his weapon. It is also possible intoxication may have influenced Mr. Seabron's ability to perceive or react to Deputy Moore's commands. However, at

11:53:16 p.m., Mr. Seabron can be seen in both Deputy Moore's body worn camera and on surveillance video looking at Deputy Moore as he is opening the passenger side door of the Nissan Sentra. After opening the door, Deputy Moore gave Mr. Seabron his final command to drop his gun. Mr. Seabron did not drop the weapon and Deputy Moore fired 9 times. Mr. Seabron was struck by 6 rounds and 3 other rounds were recovered from the Nissan Sentra.

Although some witnesses have stated that Mr. Seabron was acting in defense of himself or others, under the circumstances as known to Deputy Moore, this assertion does not alter this analysis. Mr. Seabron was heard yelling "Ya'll better back the fuck up before I shoot" while displaying his weapon and actively threatening people and posing a risk to others in the parking lot. As Mr. Seabron moved toward the front passenger side door, he continued to exercise control over his firearm without following law enforcement commands. Even if his actions were in defense of himself or others, they could still reasonably be perceived as threats to the other people at the entrance of Main Event.

Given the number of factors observed by Deputy Moore at the time of the shooting, the death of Mr. Seabron, while tragic, was justified as Deputy Moore acted in defense of others and himself. As stated above, these defenses are available to all Coloradans, including officers. By law, in deciding whether Deputy Moore was justified in acting in self-defense or defense of others, it does not matter whether Mr. Seabron was actually trying to injure the officer or another person, so long as a reasonable person, under like conditions and circumstances, would believe that it appeared that deadly physical force was necessary to prevent imminent harm. Because Deputy Moore's objectively reasonable belief that a lesser degree of force was inadequate to resolve the imminent threat posed by what he reasonably believed was a gunman, and because Deputy Moore had objectively reasonable grounds to believe, and did believe, that he and other persons were in imminent danger of being killed or suffering serious bodily injury after being dispatched to Main Event on a report of multiple rounds fired, his use of force is consistent with the statutory defense as enumerated in C.R.S. § 18-1-707.

Deputy Moore was legally justified, and no criminal charges can or should be brought against Deputy Moore under Colorado law. A person may be held criminally liable under Colorado law only when the evidence proves beyond a reasonable doubt that they committed every element of an offense defined by Colorado statute.

Please do not hesitate to contact me with questions or concerns regarding my determination of this matter.

Sincerely,



George H. Brauchler
Twenty-Third District Attorney