



**OFFICE OF THE DISTRICT ATTORNEY**  
GEORGE BRAUCHLER, DISTRICT ATTORNEY  
23<sup>RD</sup> JUDICIAL DISTRICT  
SERVING DOUGLAS, ELBERT AND LINCOLN COUNTIES

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December 12, 2025

Sheriff Tom Nestor  
Lincoln County Sheriff's Office  
103 3<sup>rd</sup> Avenue  
Hugo Colorado 80821

**Re: Report of Findings Regarding the Officer-Involved Shooting at 707 Main Street, Limon, Colorado on May 2, 2025**

Dear Sheriff Norton,

On May 2, 2025, an undercover narcotics operation involving the purchase of fentanyl was scheduled to occur at the Loaf N Jug at 707 Main Street in Limon, Colorado at approximately 12:30pm. The suspect was going to be arriving in a known vehicle/Dodge Dart with those narcotics. Upon the arrival of the Dart, deputies attempted to block it in place to arrest the occupants. The driver of the vehicle, Steven Christopher Hudson, did not follow the commands of the officers. Instead, he abruptly backed up, striking an uninvolved citizen's vehicle behind him. Undersheriff Gordon Nall had pinned the left side of the suspect vehicle with his patrol vehicle and was out of his car with his gun drawn next to the Dart. After the suspect struck the vehicle behind him, he then abruptly turned left and drove forward towards Undersheriff Nall. To avoid being struck by the suspect vehicle, Undersheriff Nall pushed his left hand off the Dart while unintentionally discharging a single round from his duty handgun into the front left tire of the suspect vehicle, puncturing it. The vehicle sped away, and the occupants shortly thereafter were apprehended and taken into custody.

I reviewed all the evidence provided by the Critical Incident Response Team to determine whether there was any illegal use of force by Undersheriff Nall during this event

**SUMMARY**

Applying the law to the facts of this incident, as described in more detail below, I conclude that Undersheriff Nall's shooting of the tire was accidental and not an excessive use of force.

**STATUTORY FRAMEWORK**

C.R.S. § 16-2.5-301 governs investigations into police officer-involved shootings. This statute provides, in relevant part:

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.

The investigation into this shooting incident was conducted by the 23rd Judicial District Critical Incident Response Team (CIRT). The lead investigators were Detective Bev Wilson and Detective Ryan Yowell with the Parker Police Department. Other investigators from the District Attorney's Office participated, as well as numerous police departments and sheriff's offices throughout the jurisdiction.

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 16-2.5-301, C.R.S., 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.

This document constitutes a report of the findings of the District Attorney for the 23<sup>rd</sup> Judicial District and includes the basis of the decision not to charge the involved deputies with any criminal conduct.

#### **MATERIALS REVIEWED AND INFORMATION CONSIDERED**

I reviewed materials provided by the lead investigator and members of the CIRT, including body-worn camera video, reports of investigating officers, the interview of the involved officer, and photographs and video of the scene. I was present at the LCSO sub-station in Limon on May 2, 2025 during the CIRT investigation and also attended the CIRT presentation provided to the 23<sup>rd</sup> JD DA's office on Tuesday, November 25, 2025.

#### **SUMMARY OF FACTS**

On May 1, 2025, officers of the Lincoln County Sheriff's Office (LCSO) were engaged in a covert counter-narcotics operation/investigation. During the course of their investigation, under the ruse of the purchase of illicit narcotics (fentanyl), LCSO officer(s) arranged a meeting with the suspects at the *Loaf N Jug* gas station, located at 707 Main Street, within the Town of Limon, Lincoln County, Colorado.

The suspects would later be discovered to be Steven Christopher Hudson (DOB 03/04/1994), Nicholas Clay Oslund (DOB 02/17/1984), and Jasmine Mercedes Padilla (DOB 01/11/1999). Officers learned that the suspects would be arriving in a silver-colored *Dodge Dart* on 2 May.

On May 2 at approximately 12:59pm, while the suspects were stopped at the agreed-on meeting location, the *Loaf N Jug* located at 707 Main Street, at pump #4 (east most pump station), LCSO officers, including Sheriff Nestor and Undersheriff Nall, in clearly marked patrol vehicles, while wearing clearly identifiable police uniforms, attempted to contact and detain the suspects. Using their patrol vehicles, the LCSO officers blocked the *Dart*'s path forward, while Sheriff Tom Nestor "pinned" the left side of the *Dart* with his patrol vehicle's push bumpers; however, the rear of the *Dart* was not blocked, due to the proximity of bystander vehicles. LCSO Captain Michael Yowell, Sergeant Dustin Cunningham, and Deputy Kyle Elliott's patrol vehicle emergency lights were activated. Captain Yowell got out of his vehicle, pointed his duty handgun at the driver and ordered him to get his hands up, repeatedly. Driver Hudson, who had been standing outside his vehicle, initially raised his hands but then immediately jumped in to the *Dart*.

Hudson abruptly backed the *Dart* away from the patrol vehicles in front of him, striking a bystander's car behind him. Undersheriff Gordon Nall was out of his vehicle, on foot, with his primary duty handgun drawn to the left (east) of the *Dart*. Hudson suddenly turned left, accelerated and drove towards Undersheriff Nall. To avoid being struck by the *Dart*, Undersheriff Nall pushed off the front left fender with his left hand while simultaneously discharging a single round from his duty handgun into the *Dart*'s front left tire, puncturing it.

Hudson stopped momentarily but then continued his flight, fleeing north out of the *Loaf N Jug* parking lot, striking a white-colored 2018 Ford utility truck (Colorado plate BRP686), driven by Daniel Lawrie (DOB 08/23/1980) on his way out of the parking lot. Lawrie was inside of the *Loaf N Jug* at the time of the incident.

On westbound Main Street, Hudson continued driving westbound in the eastbound lanes of traffic. Captain Yowell estimated that Hudson was fleeing at approximately 60mph in a 35mph zone. At G Avenue, Hudson approached Colorado State Patrol Corporal Bobby Gonzalez, who was eastbound with his emergency lights and sirens activated, head on. Hudson abruptly moved to the westbound lanes of Main Street, continuing westbound in the westbound lanes. Westbound at J Avenue, Limon PD Sergeant Russell Lengel aired that the *Dart* was traveling at 65mph in a 35-mph zone. The *Dart*'s left front tire was completely deflated and starting to separate from the wheel.

As the pursuit approached US Highway 24, Captain Yowell attempted a TVI, impacting the rear of the *Dart* with his patrol vehicle's front push bumper. The *Dart* departed from control, striking the raised center median immediately east of Highway 24, where it came to rest, disabled. After several minutes of the defendant defying law enforcement commands and their efforts to remove him safely from the vehicle, the defendant grabbed a handgun inside the vehicle. CSP Corporal Gonzalez wrestled the gun from his grasp, and the driver and passenger were arrested.

During a May 7, 2025 interview with Corporal Matt Talmon and Detective Kristen Donoho, Undersheriff Nall stated that the discharge of his firearm was unintentional. He stated that when the driver got into the vehicle, he and the sheriff both had their guns out. The sheriff was telling him to stop and the driver “comes straight at me.” He stated that he had his hand out with his gun pointed towards the front of the suspect vehicle and he accidentally discharged his gun. Undersheriff Nall stated that he believed “He was going to hit me, because he had no intention of stopping.” Undersheriff Nall stated that his only thought was to get out of the way of the *Dart* and that he had not planned and did not intend to use any force. BWC and dash also camera footage clearly demonstrated that Undersheriff Nall’s duty handgun was pointed down towards the *Dart*’s left front tire when discharged. It was clear that Undersheriff Nall had not intended to discharge his handgun at either Hudson or Padilla.

### **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 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.

Generally, in order to establish criminal behavior a prosecutor must have evidence to establish both a voluntary action and a specific criminal mental state. In the situation of an accidental discharge, the relevant possible mental states are defined in C.R.S §18-1-501:

“Voluntary act” means an act performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it

“Criminal negligence”. A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

Two offenses are identified from the Colorado Criminal Code as potentially applicable assuming that both a voluntary act and criminal negligence mental state could be adequately supported by admissible evidence:

C.R.S. §18-12-106(1)(b) Prohibited Use of Weapons applies where a defendant “[W]ith criminal negligence he discharges a firearm...”

Ordinarily, 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.

Additionally, with respect to offenses relating to firearms, officers have an additional affirmative defense stated in C.R.S. § 18-12-101(2):

It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful performance of his duties.

### **ANALYSIS AND CONCLUSION**

The question presented to the District Attorney's Office for the 23<sup>rd</sup> Judicial District is not the appropriate voluntary level of the use of force but whether Undersheriff Nall's unintentional action of shooting his handgun into the tire of the suspect vehicle violated any criminal laws.

The law enforcement officers on scene that day were all wearing body-worn cameras. These cameras recorded both audio and video. The recordings were collected and reviewed by the CIRT investigators. The recordings and the statements of all the deputies involved gave a consistent and accurate account of what occurred throughout the entire incident.

In a law enforcement situation, the firearm is standard equipment and has an appropriate and lawful use. The reasons for Undersheriff Nall deploying a firearm prior to the unintended discharge in this case were based upon the unexpected and intentional actions by the defendant in driving his car directly at Undersheriff Nall which caused Undersheriff Nall to fear for his life. The statements of Undersheriff Nall were consistent with the images and sounds recorded by his and other law enforcement body-worn cameras.

Involuntary discharges of firearms may occur because of a sympathetic contraction which results from a loss of balance or the startle reaction. (See e.g. Evaluation of New York City Police Department Firearm Training and Firearm-Discharge Review Process, Rostker, et al, 2008; Involuntary Firearms Discharge: Does the finger obey the brain? Heim, Niebergal and Schidrbleicher, Police 1, Feb 1, 2006.) This type of sympathetic contraction has been particularly

noted in situations where one side of the body mimics the action of the other side of the body. (See Further Analysis of the Unintentional Discharge of Firearms in Law Enforcement, O'Neill, Applied Ergonomics, et al, vol 68, 1018; and Involuntary Muscle Contractions and the Unintentional Discharge of a Firearm, Enoka, Law Enforcement Executive Forum 2003.)

As pertinent here, the suspect driver turned the wheel of his vehicle to the left, accelerated and drove abruptly towards Undersheriff Nall. To get away and avoid being run over, Undersheriff Nall used his left hand to push away from the car's left fender. At the same time, with his handgun pointed down, he simultaneously discharged a single round from his handgun. The discharging of his weapon with his right hand as he is pushing away with this left hand is the type of sympathetic physical contraction described in the listed research.

Given the insufficient evidence to prove both a voluntary action and the requisite mental state of criminal negligence, prohibited use of a weapon is not an appropriate charge as the evidence would be insufficient for the likelihood of a conviction beyond a reasonable doubt. This charge requires proof of a voluntary act and a criminally negligent mental state. As noted above, peace officers in the performance of their duties have an affirmative defense to that charge. There is no strict liability offense (meaning a charge without a mental state required, like many traffic offences) for an unintended or accidental weapon discharge in the Colorado Revised Statutes.

In conclusion, there is no evidence of any criminal conduct by Undersheriff Nall.

Eva Wilson  
Chief Deputy District Attorney  
23<sup>rd</sup> Judicial District