



For Immediate Release:

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December 18, 2025

## **Decision Letter:**

Attached is the decision letter issued by District Attorney Brian Mason related to an officer-involved shooting that occurred in Thornton on August 11, 2024.

BWC Videos from 8/11/24:  
[81124ThorntonOISBWCs](#)

# # #

*District Attorney Mason assumed the oath of office on January 12, 2021. The 17<sup>th</sup> 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 17<sup>th</sup> Judicial District.*

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December 17, 2025

Thornton Police Chief Jim Baird  
9551 Civic Center Drive  
Thornton, Colorado 80229

RE: The officer-involved shooting of Mr. Pedro Noe Sotelo on August 11, 2024

Dear Chief Baird:

This letter is a review of the criminal investigation into the August 11, 2024, officer-involved shooting of Mr. Pedro Sotelo. The 17th Judicial District Critical Incident Response Team (CIRT) conducted the investigation, led by Aurora Police Detective Ralph Knight. 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 officers for violations 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 17<sup>th</sup> Judicial District Attorney's review does not evaluate compliance with departmental policies, standards, or procedures.

I find the actions of the involved officers to be legally 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 officers. Therefore, no criminal charges will be filed against the officers involved in this incident.

### **SUMMARY OF THE INCIDENT**

On August 11, 2024, at approximately 7:55 p.m., Thornton Police Department dispatch received a call for service to the Bellco Credit Union, located at 9710 Washington Street, regarding a male in the parking lot shooting a gun indiscriminately. The caller reported the male firing several rounds and then holding the gun to his head. A second caller called 911, reporting hearing someone shooting and observed a male firing rounds across Washington Street.

Officer Pfost and Officer Thornton received the dispatch call regarding a party shooting a gun into the air. Dispatch provided the vehicle description of a black SUV with a U-Haul trailer in the Belco Credit Union area. Officer Thornton was working as a field training officer alongside Officer Pfost. Officer Pfost was driving a marked Thornton Police Department vehicle and Officer Thornton was riding as a passenger. Officer Pfost and Officer Thornton arrived in the area, and entered the parking lot from the northside, slowly driving through the parking lot and looking for the involved party, later identified as Mr. Pedro Sotelo.

Officer Pfost parked the police vehicle on the northside of the building and activated the emergency lights. The police vehicle was positioned to provide the officers with visibility of Mr. Sotelo, while simultaneously providing cover from the bank building. As Officer Pfost and Officer Thornton exited their patrol vehicle, Mr. Sotelo quickly exited from the driver's door of a black Chevrolet Tahoe with a gun pointed at both officers, then pointed the gun at his head.

At that moment, Officer Pfost and Officer Thornton were concerned Mr. Sotelo was going to shoot them. Officer Pfost took cover behind the driver's side door and Officer Thornton took cover behind the passenger side door. Both officers drew their duty weapons and observed Mr. Sotelo pointing the gun at his own head. The officers did not discharge their firearms at this time. Both officers began giving verbal commands to drop the weapon, which were ignored. Mr. Sotelo re-entered his vehicle, sitting in the driver's seat, and rolled up the window. Officer Thornton took on the primary responsibility of giving commands and utilized the PA system from the vehicle to foster ongoing negotiations.

Officer Payne was on routine patrol when she received the dispatch call and responded emergent to assist. While in route to the scene, Officer Payne received updates from the officers on scene, noting that Mr. Sotelo had pointed a gun at the officers and then retreated to his vehicle and was pointing the gun at his head. Officer Payne drove to the area and parked her patrol vehicle behind Officer Pfost's vehicle.

Officer Pfost and Officer Thornton maintained a visual on Mr. Sotelo with their guns drawn. Officer Thornton continuously gave commands for him to come out of his vehicle unarmed. Officer Payne then took over providing commands to assist. Officer Payne is a trained crisis negotiator and was employing her skills to engage with Mr. Sotelo, working to assure him it was not worth taking his own life. At times, Mr. Sotelo would roll down his window and yell, but the officers were unable to hear Mr. Sotelo clearly.

Mr. Sotelo reacted to the announcements, as he would roll down the window yelling and look in the officers' direction with the gun pointed at his head. Officer Pfost was unable to hear exactly what Mr. Sotelo was yelling, but did hear him state, "just shoot me already." Officer Thornton then took over providing commands to Mr. Sotelo, which continued to go unanswered. Mr. Sotelo rolled the window up and down several times while maintaining control over his gun. While Mr. Sotelo was inside his vehicle, the officers observed a deceased dog outside Mr. Sotelo's vehicle on the ground.

Officer Moore arrived in the area and assisted with blocking traffic on Washington Street to ensure community safety. After blocking traffic, Officer Moore deployed his rifle and walked towards the scene to provide cover to the officers. Officer Moore was positioned behind a marked Thornton Police Department Ford F-150 parked alongside Officer Pfost's vehicle. Officer Moore maintained his position with his rifle trained on Mr. Sotelo's vehicle. Additionally, Officer Payne then removed her handgun from her duty belt as she maintained a visual of Mr. Sotelo in his vehicle.



As the scene developed, additional law enforcement officers from other agencies responded to assist. Officers worked to negotiate with Mr. Sotelo for over thirty minutes at the scene with no success. Eventually, Mr. Sotelo exited his vehicle with the gun in his hand. He walked towards the deceased dog and moved the dog out of the potential path of travel of his vehicle. Mr. Sotelo then approached the trailer hitch and made efforts to unhitch it from the Chevrolet Tahoe. Officers continued to give commands, which were ignored. Mr. Sotelo began walking back towards the vehicle and turned towards the officers with the gun raised in their direction. Officers then perceived Mr. Sotelo to fire his gun.

Officer Pfof observed Mr. Sotelo pointing the gun in her direction and heard a distinct shot being fired at the officers. Officer Pfof explained in her interview that "I knew was that my life could potentially end at that moment." Officer Pfof returned fire. Officer Pfof was not only concerned for her safety but the safety of the other officers in the area and discharged her firearm twice. Officer Pfof indicated that Mr. Sotelo's actions demonstrated a complete disregard of his own life and the lives of the officers. Mr. Sotelo was an active threat firing at the police. Officer Thornton likewise feared for her own safety and the safety of the other officers, and she returned fire to stop the threat by discharging her firearm one time.

Deputy Heinz with the Adams County Sheriff's Office was at the scene to assist with a K9. Deputy Heinz was positioned behind Officer Moore. Deputy Heinz observed Mr. Sotelo outside of his vehicle, turn back towards the officers and lift the gun in their direction. Deputy Heinz heard the gun discharge and observed a muzzle flash. Deputy Heinz was controlling the K9 and was not in a position to discharge her firearm. Deputy Heinz believed that Mr. Sotelo demonstrated the intent to kill her and the other officers in the area.

Officer Payne fired two rounds in response to the threat and described in her interview that she was afraid he was going to continue shooting, as Mr. Sotelo presented a threat to life. Officer Payne discharged her firearm four times. Officer Moore observed Mr. Sotelo point his gun directly at the officers and fired his rifle in response. Officer Moore described in his interview that Mr. Sotelo had already demonstrated his willingness to use the gun and believed he was going to use his gun against the officers. Officer Moore fired his rifle one time.

Mr. Sotelo then fell to the ground, although his gun remained within reaching distance. Officer Thornton continued providing commands to Mr. Sotelo advising him not to reach for the gun. Ultimately, Mr. Sotelo was far enough away from his gun that the arrest team could safely contact him and place him into handcuffs. Mr. Sotelo was provided medical attention on scene. Mr. Sotelo was transported to North Suburban Medical Center for treatment and succumbed to his injuries on September 1, 2024.

### **CIVILIAN WITNESSES**

The following summary includes the relevant information related to the witnesses' observations and knowledge of the incident. Initials are used to maintain confidentiality of civilian witnesses who participated in the investigation.

A.C. worked at a nearby business just south of the BellCo Credit Union and was as one of the original 911 callers. A.C. advised he was in his office when he heard gunshots outside. A.C. looked outside and observed a male with a gun in his hand. A.C. retreated into his office, hiding behind a brick wall. A.C. called 911 to report the shooting. A.C. described that he observed Mr. Sotelo engaged with the police. He noted he was unsure if Mr. Sotelo fired at the police but identified that Mr. Sotelo was very dangerous at the time and believed the officers' conduct was justified.

V.G. was driving with his family from the nearby Safeway and heard someone shooting. At the time, he was not sure if it was gunfire or fireworks. V.G. proceeded to drive behind the Bellico Credit Union and observed Mr. Sotelo discharging a gun towards an open field and apartment complex, west of the credit union. V.G. was in fear for his safety and his family's safety and accelerated rapidly to escape the area. Safely away from the shooter, V.G. called 911 to report the incident.

D.N, Mr. Sotelo's daughter, noted that her father was acting erratic and paranoid over the last week- believing that people were out to get him. On August 11, 2024, beginning around 2:00 p.m., her father began calling, although she did not return his calls until approximately 8:00 p.m. Her father had left a voicemail indicating he had shot the family dog and was currently at a bank. D.N. responded to the bank and observed the law enforcement presence. D.N. spoke to her father on the phone that evening. D. N. explained that Mr. Sotelo was dealing with some health issues and noted that he was not going to die from his disease and had spoken about suicide by cop. D.N. did believe her father's intentions were to cause the police to kill him, as he did not want to live.

### **BODY-WORN CAMERA**

All officers were outfitted with body-worn cameras which captured the incident as it unfolded. Due to the officers' positioning behind vehicles for cover, the exchange with Mr. Sotelo was mostly obstructed. However, Officer Pfost's body-worn camera footage clearly identifies Mr. Sotelo with a gun upon their initial arrival to the scene. The body-worn camera footage associated with Officer Pfost shows her and Officer Thornton arriving on scene at 7:56 p.m. Once Officer Pfost exited her patrol vehicle, Mr. Sotelo is observed standing outside of his vehicle. Beginning at 7:57 p.m., Officer Pfost body-worn captures Mr. Sotelo with a gun in his right hand pointed at his head.



*Officer Pfost body worn camera with Mr. Sotelo outside of his vehicle pointing a gun to his head.*





*Enhanced view from Officer Pfost body worn camera with Mr. Sotelo outside of his vehicle pointing a gun to his head.*

## **CRIME SCENE INVESTIGATION AND AUTOPSY**

Criminalists assigned to the CIRT gathered evidence and processed the scene at the Bellco Credit Union located at 9710 Washington Street. The main entrance to the credit union faces west, with the officers' vehicles on the northside of the building. A black Chevrolet Tahoe with a U-Haul trailer was parked west of the entrance. A deceased dog was located on the ground outside of the Chevrolet Tahoe with apparent gunshot wounds. Located inside of the Chevrolet Tahoe was a loaded handgun magazine, two .40 caliber casings, one live .40 caliber round and two partial boxes of .40 caliber ammunition.





A Smith and Wesson .40 caliber handgun with a loaded magazine and one live round in the chamber was located outside on the ground by the driver's side door of the Chevrolet Tahoe. Additionally, nine .40 caliber cartridge casings were located near the Chevrolet Tahoe on the ground.



On the northside of the business, two police vehicles were located. The first police vehicle, a Thornton Police Department Ford F-150 truck. A single fired rifle casing was located north of the F-150 consistent with Officer Moore discharging his rifle. The second police vehicle, a Thornton Police Department Ford Explorer, where multiple cartridge casings were located between this vehicle and the Ford F-150 consistent with Officer Pfof, Officer Thornton and Officer Payne discharging their firearms.



*Thornton Police Vehicles parked North of the Belleo Credit Union.*

The four Thornton Police Officers provided their firearms for examination and round accountability. In addition, all the officers participated in recorded interviews with CIRT investigators. The interviews and body-worn camera, along with the examination of the firearm and collection of evidence at the scene, leads to the following conclusions: Officer Pfof fired two rounds from her firearm; Officer Thornton fired one round from her firearm; Officer Payne fired four rounds from her firearm; and



Officer Moore fired one round from his rifle.

An autopsy was conducted at the Adams County Coroner's Office on September 3, 2024. Dr. Stephen Cina, forensic pathologist, performed the autopsy. Mr. Pedro Sotello suffered a penetrating gunshot wound to the abdomen. The cause of death was identified as complications of a gunshot wound to the abdomen.

## 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 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. (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. §18-1-707, C.R.S. (2025).

In *Graham v. Connor*, 490 U.S. 386 (1989) a seminal U.S. Supreme Court case, the Supreme Court 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*, *supra*, 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 as Officer Pfof, Officer Thornton, Officer Payne and Officer Moore, would have concluded that Pedro Sotelo 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, Officer Pfof and Officer Thornton responded to the Belco Credit Union located at 9710 Washington Street on a report of shots fired. Reporting parties noted that Mr. Sotelo was firing his handgun in the parking lot prior to law enforcement presence. Upon arrival, Officer Pfof and Officer Thornton observed Mr. Sotelo pointing a handgun in their direction. The officers took cover behind their patrol vehicle and gave repeated commands for Mr. Sotelo to drop the weapon. Mr. Sotelo then pointed the handgun at his head and retreated into the driver seat of the Chevrolet Tahoe.

Officer Payne and Officer Moore arrived to provide additional support and assistance. Thornton Police Department officers continued efforts to engage with Mr. Sotelo by giving repeated commands to deescalate the situation and end it peacefully. Ongoing commands were given for over thirty minutes as officers worked to communicate with Mr. Sotelo. These efforts proved unsuccessful.

At approximately 8:34 p.m., Mr. Sotelo exited his vehicle and walked towards the back of his vehicle with a gun in hand. Mr. Sotelo was seen contacting a deceased dog and making adjustments to his trailer. Mr. Sotelo walked towards the driver’s side door then quickly turned towards the officers, raised his gun and pointed it in their direction. The officers believed Mr. Sotelo fired at them. Officers

Pfost, Officer Thornton, Officer Payne and Officer Moore all returned fire, injuring the suspect, who later died.

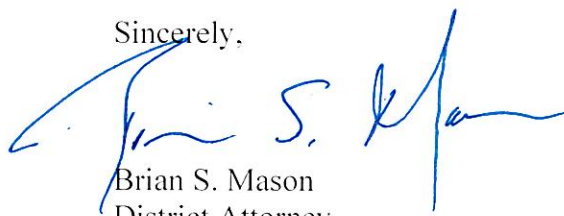
I find Officer Pfost, Officer Thornton, Officer Payne and Officer Moore's actions to be legally justified in this matter. Mr. Sotelo fired several rounds from his gun into the air in a public place, endangering the community and requiring an immediate law enforcement response. Once officers arrived, Mr. Sotelo pointed his firearm in the officers' direction and then pointed the gun to his head. Mr. Sotelo then entered his vehicle where he continued to handle his gun by pointing it at his head and ignoring commands to end the matter peacefully. The officers also observed a deceased dog outside the vehicle that suffered apparent gunshot wounds. Mr. Sotelo eventually exited the vehicle and pointed his gun at the officers. All the officers credibly believed that Mr. Sotelo fired at them, as he had fired his weapon previously in the air and killed an animal. They returned fire with under the reasonable belief that their lives and the lives of their fellow officers were at risk. Lethal force, under these circumstances, was both reasonable and necessary. Mr. Sotelo presented a clear threat to the lives of the officers and citizens in the area. Law enforcement used verbal commands, crisis negotiators and even a family member to prevent the armed suspect from harming anyone, all without success. Mr. Sotelo's refusal to obey commands and his repeated shooting of his gun presented a clear and present danger to everyone in the vicinity. Officer Pfost, Officer Thornton, Officer Payne and Officer Moore's decision to shoot Mr. Sotelo eliminated the danger and very possibly saved the lives of officers and other innocent victims.

### **CONCLUSION**

Given the totality of the circumstances and evidence, the prosecution cannot prove that the involved officers were 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 criminal charges against Thornton Police Officer Breanna Pfost, Officer Brittney Thornton, Officer America Payne and Officer Alex Moore.

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