



**OFFICE OF THE FIRST JUDICIAL
DISTRICT ATTORNEY OF COLORADO
District Attorney Alexis King**

June 22, 2023

Sheriff Reggie Marinelli
Jefferson County Sheriff's Office
200 Jefferson County Parkway
Golden, CO 80419

Dear Sheriff Marinelli,

The First Judicial District Critical Incident Report Team has completed its investigation into the shooting at Mark Madera, by the Jefferson County Sheriff's Department on May 4, 2022, by Jefferson County Sheriff's Office Deputy Cameron Vosefski. Commander McNitt from the Lakewood Police Department presented the investigation to my office on July 7, 2022. Mr. Madera was sentenced on May 26, 2023.

After a thorough review of the analysis of the evidence, I find that Deputy Vosefski's use of deadly physical force was legally justified to defend himself from the threat posed by Mr. Madera. Given my conclusion, no criminal charges will be filed against Deputy Vosefski. I am issuing this letter to you pursuant to § 20-1-114(1), C.R.S.

The First Judicial District Critical Incident Response Team (CIRT) investigates any incident in which a law enforcement officer within the First Judicial District uses deadly force, or attempts to use deadly force, against a person 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, dispassionate professionals protect 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.

Here, the Jefferson County Sheriff's Office ("JCSO") immediately activated the CIRT team to investigate the use of deadly force by the Officer. Consistent with CIRT policy, JCSO did not participate in the substantive portions of the CIRT investigation. The CIRT team promptly responded to investigate, led by Commander McNitt. Under his direction, the CIRT team processed the scene, completed interviews with



those who saw or heard the events, and preserved necessary evidence. The involved officers provided voluntary statements and submitted to questioning. These interviews were recorded, reviewed as part of the investigation, and included within the file. Commander McNitt briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 1,100 photographs and approximately 477 pages of reports by the Arvada Police Department, Lakewood Police Department, Jefferson County Sheriff's Office, Wheat Ridge Police Department, and other CIRT agencies throughout the First Judicial District. I reviewed the recorded interviews of the law enforcement and witnesses who heard or saw the events and the evidence collected from the scene and evaluated by independent examiners.

As District Attorney, my role is to determine whether Deputy Vosefski 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. Because this shooting was justified under Colorado law, no criminal charges can or should be filed against Deputy Vosefski.

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. When a person intentionally shoots at another person, resulting in injury to the person, they commit the crime of attempted murder unless a legally recognized justification exists. If a justification exists, the shooter is not criminally liable. Generally, acting in self-defense or self-defense of others is one such justification. These defenses are available to all Coloradoans, including deputies. A deputy is also specifically authorized to use deadly force under certain circumstances.

As relevant here, a peace officer is justified in using deadly force if: 1) the deputy has objectively reasonable grounds to believe that the deputy or another person is in imminent danger of being killed or suffering serious bodily injury; 2) the deputy does in fact believe that the officer or another person is in imminent danger of being killed or suffering serious bodily injury; and 3) the deputy has an objectively reasonable belief that a lesser degree of force is inadequate. 18-1-707(4.5), C.R.S. Acting in self-defense or defense of others is subject to the same analysis. 18-704(1) (2), C.R.S. By law, in deciding whether Deputy Vosefski was justified in acting in self-defense or defense of others, it does not matter whether Mr. Madera was actually trying to injure Deputy Vosefski 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. The facts must be viewed as they appeared to Deputy Vosefski at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time Deputy Vosefski shot at Mr. Madera, he had objectively reasonable grounds to believe, and did in fact believe, that he or another person was in imminent danger of being killed or suffering great bodily injury, and whether he reasonably believed a lesser degree of force was inadequate. In other words, would a reasonable person, confronted with the same facts and circumstances, believe that it was necessary to use deadly physical force to defend himself or others from Mr. Madera? If so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.

Facts Established by Investigation

On May 4, 2022, at approx. 11:53 p.m., a male who identified himself as Mark Madera, called 911 to report that people he did not know had been following him for the past six months. He told a dispatcher that these people had been in one or two vehicles and, on this date, were in a black SUV occupied by at least two males. Mr. Madera reported that he last saw the vehicle about five minutes ago. He told the dispatcher that he was at the VASA Fitness parking lot at 8055 West Bowles Avenue in a grey Lexus IS.

That night, Deputy Cameron Vosefski had just started his patrol shift and was driving a fully marked JCSO vehicle. Additionally, Deputy Vosefski was dressed in a standard, green and brown, JCSO uniform which included patches, a badge, and duty belt making him easily identifiable as a law enforcement officer. Deputy Vosefski began his career with JCSO as a detention's deputy in 2018 and then transitioned to patrol as a POST certified peace officer in 2021.

As Deputy Vosefski saw this call on his computer monitor in his car he began driving toward VASA Fitness. He and a cover officer were then dispatched over the radio at about 11:57 p.m. Deputy Vosefski was the first to arrive in the parking lot at 11:58 p.m. He positioned his patrol vehicle behind the Lexus and relayed the license plate to Dispatch. Mr. Madera got out of his car and walked up to Deputy Vosefski's driver's side door. Deputy Vosefski got out of his car with his body-worn camera (BWC) activated and began talking to Mr. Madera.

As observed by Deputy Vosefski and seen on his BWC, from the beginning of their conversation, Mr. Madera's behavior was off. Mr. Madera had difficulty answering Deputy Vosefski's questions and he kept putting his hands in his pockets and fidgeted nervously while looking around the parking lot.

Deputy Vosefski turned on his flashlight to illuminate Mr. Madera as he asked him if he had any weapons on him. Mr. Madera answered, "No." Deputy Vosefski told Mr. Madera that he was going to pat him down. Mr. Madera asked why, and Deputy Vosefski responded, "to make sure you don't have anything on you, you seem pretty nervous." Mr. Madera began stuttering and told Deputy Vosefski that this was "probably" going to be "the end of [his] life." Deputy Vosefski asked, "it's gonna be what?" Mr. Madera replied again that "this is going to be like the end of [his] life." Deputy Vosefski then repeated, "this is gonna be the end of your life?" To which Mr. Madera answered, "yeah, yeah."



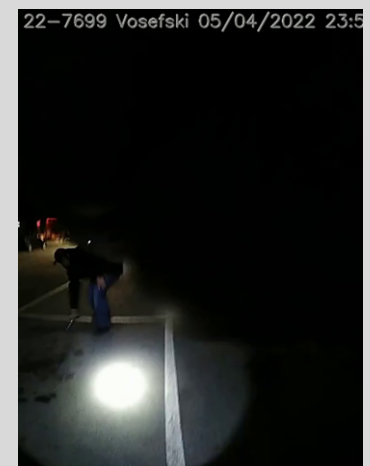
Scene view in front of VASA



Knife picked up by Mr. Madera



Knife measurement



BWC image of Mr. Madera with knife

Mr. Madera's behavior became more erratic. He was still looking around, touching his waistband, and reaching into his pockets. Deputy Vosefski did not pat him down but briefly questioned Mr. Madera about alcohol or drug consumption, which he denied. Deputy Vosefski then said, "Let's step to the front of my car." Mr. Madera took a couple of steps toward the front of the patrol vehicle but then abruptly turned and appeared to use his right arm to strike Deputy Vosefski. This action is partially out of view of the BWC, and Mr. Madera's right hand was not visible.

Startled, Deputy Vosefski asked him what he was doing. Mr. Madera then ran a few steps away from Deputy Vosefski where he bent down and grabbed an object from the ground. In the BWC, the object is clearly visible as a silver knife. This is the first time the knife was visible in the BWC. With the knife in his right hand, Mr. Madera began charging toward Deputy Vosefski who is heard calling out his radio number and muffled words to include "knife" while quickly backing away from Mr. Madera.

About two seconds passed between Mr. Madera picking up the knife and running toward Deputy Vosefski and when Deputy Vosefski fired his first gunshot. Seven gunshots were heard in approximately two seconds while Dep. Vosefski continued to backpedal away from Mr. Madera. From the time that Deputy Vosefski turned on his BWC in his vehicle upon arrival until the end of the last gunshot was about two minutes and ten seconds.

Deputy Vosefski called out on the radio, "shots fired! shots fires!" as his cover officer arrived on scene. Other officers arrived not long after and attempted to secure the scene so paramedics could render aid. Mr. Madera was clearly wounded but would not comply with deputies' commands, continued to yell, and aggressively fought deputies trying to put him into custody and obtain medical care for him. He had to be restrained during the transport as he continued to struggle and fight with medical staff. Mr. Madera was struck numerous times during the shooting and medical personnel documented various wounds during the ambulance trip. The exact number of times Mr. Madera was shot is unknown to law enforcement as he did not sign medical releases for purposes of the investigation.

Deputy Vosefski estimated the distance between him and Mr. Madera to be approximately five feet during the shooting. A patron leaving VASA Fitness, who had a partially obstructed view, estimated the distance between the deputy who was "running backwards" and male "charging" him to be approximately three feet when the officer shot and the male fell to the ground. A crime analyst later used FARO scans and BWC footage to estimate the approximate relative distance between Deputy Vosefski and Mr. Madera to be 11.5 feet during the shooting.

To Deputy Vosefski, Mr. Madera was "running faster than I [could] back up." Deputy Vosefski noted that when he drew his weapon, he "barely had time to clear my holster before he was so close to me that I, I, there was no way I could have, if I would have tried to use anything else, he, he would have killed me." Deputy Vosefski tried airing to Dispatch that the male had a knife as soon as he saw Mr. Madera pick it up from the ground. Mr. Madera was so close Deputy Vosefski that did not have time to give Mr. Madera verbal commands prior to shooting.

Madera gave a statement to law enforcement while still in the hospital. He described the event as "a suicide attempt." He also told investigators that he decided to "make an attempt on my life by doing what I did." He was asked what he did, and he replied that he approached an officer "in a way I shouldn't

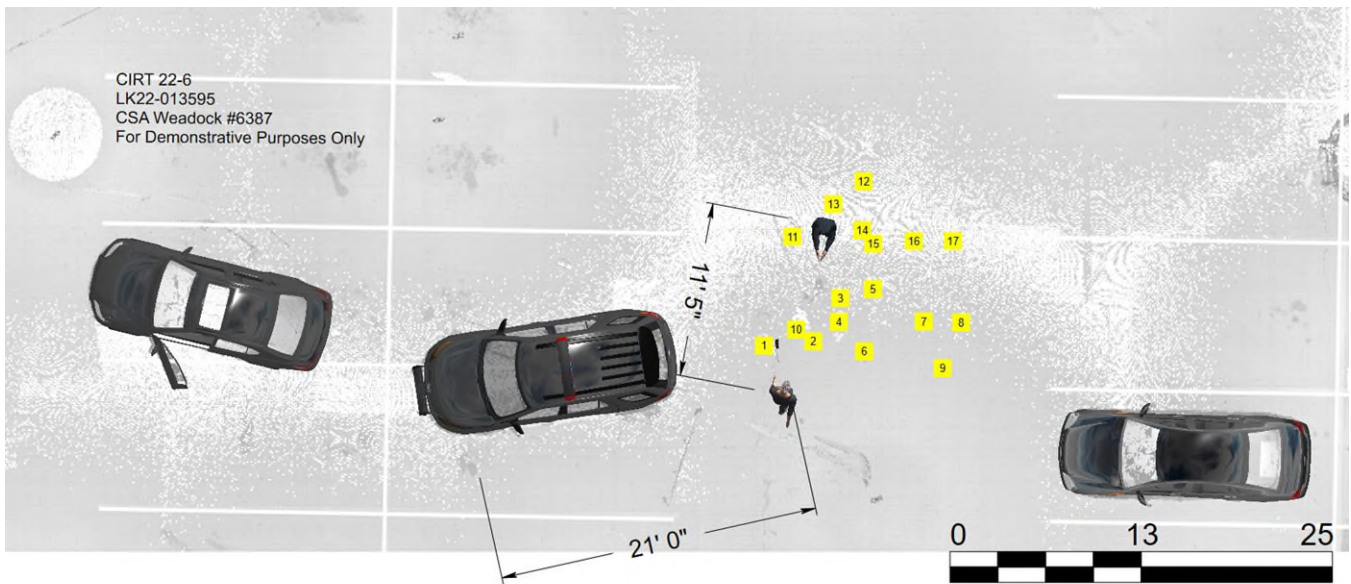
have.” He denied intending to hurt the deputy but said his actions were “just ... a quick way to get someone to shoot me.” He talked about wanting to die because people had been following and threatening him. Mr. Madera discussed mental health issues and past traumatic incidents that had occurred to him as well. Mr. Madera would not say what it was that he had in his hand during the incident though a knife was recovered on scene.

Mr. Madera has been charged criminally for his actions related to this incident.

The Scene

CIRT detectives processed the scene, coordinated the preservation and analysis of physical evidence, and obtained statements from witnesses who saw or heard parts of the event. JCSO offered criminalist and investigative support with oversight from CIRT. The CIRT team utilized digital documentation to memorialize the scene.

At JCSO, Deputy Vosefski was relieved of his firearm, photographed, and processed. During the ammunition count of Deputy Vosefski’s handgun, it was determined that he fired seven rounds. The Jefferson County Regional Crime Laboratory (JCRCL) examined Deputy Vosefski’s handgun, test-fired it, and found it to be operable. Deputy Vosefski’s encounter with Mr. Madera was captured on body worn camera which Deputy Vosefski did not view.



Numerous items were collected from the scene in the VASA Fitness parking lot to include seven 9mm shell casings, one copper bullet fragment, and an eleven-inch knife (with a five-inch handle and six-inch blade).

From the hospital, investigators collected a bullet fragment from medical personnel that was taken from Mr. Madera’s right leg during surgery. The clothing that Mr. Madera had been wearing was also collected including a wallet. A bullet fragment was later found in his wallet upon examination.

Analysis

When Deputy Vosefki parked his car in the VASA Fitness parking lot that evening, his car was approached by Mr. Madera. As he got out and started talking to Mr. Madera, Deputy Vosefki noted Mr. Madera's body language and the way he was talking, particularly dramatic language about this life ending that night. Between Mr. Madera's restlessness and troubling words, Deputy Vosefki wanted to search Mr. Madera and get more information but other events quickly unfolded. Mr. Madera hit Deputy Vosefki then backed up and grabbed what appeared to be a knife, rushing forward to engage with Deputy Vosefki. These cumulative events left Deputy Vosefki without options but to defend himself from the imminent danger of being killed or suffering serious bodily injury.

Ultimately, Deputy Vosefski had an objectively reasonable belief that a lesser degree of force was inadequate to resolve the threat posed by Mr. Madera. Because Deputy Vosefski had objectively reasonable grounds to believe, and did believe, that he was in imminent danger of being killed or suffering serious bodily injury, shooting Mr. Madera was legally justified. No lesser use of force could reasonably ameliorate that danger. Moreover, a reasonable person, under like conditions and circumstances, at the time Mr. Madera was shot, would believe that it appeared that deadly physical force was necessary to prevent imminent deadly harm to Deputy Vosefski. As there is no evidence proving, beyond a reasonable doubt, that a legally unjustified attempted homicide occurred, no criminal charges can or should be brought against Deputy Vosefski under Colorado law.

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

Sincerely,

A handwritten signature in cursive script that reads "Alexis D. King". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Alexis D. King
District Attorney
First Judicial District