



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

May 2, 2025

Chief Ron Thomas
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

Re: *Officer involved shooting, April 10, 2023, Clement Park, Jefferson County*

Dear Chief Ron Thomas,

The First Judicial District Critical Incident Response Team has completed its investigation into the shooting of Matthew Lowderback by Denver Police officers on April 10, 2023, at 7306 West Bowles Avenue in Jefferson County. Mr. Lowderback suffered serious bodily injury as a result of the shooting. A number of officers from the Denver Police Department (“DPD”) fired their weapons and this letter will address the involved officers: Frank Olazaba, Tim Tran, Vince Vasquez, and Maneechot Phanpaktra (the “Officers”). Lakewood Police Commander Randy McNitt presented the investigation to the First Judicial District Attorney’s Office on May 31, 2023. The associated criminal matter was resolved on March 4, 2025.

After a thorough review and analysis of the evidence, I find that the Officers’ use of deadly physical force was legally justified to defend themselves and others from the threat posed by Mr. Lowderback. Given my conclusion, no criminal charges will be filed against the Officers. 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 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, 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 Office immediately notified the CIRT team to investigate the use of deadly force by DPD in our jurisdiction. Consistent with CIRT policy, DPD did not participate in the critical aspects of the CIRT investigation. The CIRT team promptly responded to investigate, led by Lakewood Police Department Commander Randy 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 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 1875 photographs, body worn camera recordings, cell phone videos and approximately 817 pages of reports by the Denver Police Department, Arvada Police Department, Lakewood Police Department, Jefferson County Sheriff's Office, Golden Police Department, my office, and our CIRT agencies throughout the First Judicial District. We also reviewed the recorded interviews of the Officers, all witnesses who heard or saw the events and evidence collected from the scene and evaluated by independent examiners.

As District Attorney, my role is to determine whether the Officers 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 the Officers.

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 another person, resulting in that person's serious bodily injury, 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 defense of others is one such justification. These defenses are available to all Coloradoans, including officers. Officers are also specifically authorized to use deadly physical force under certain circumstances.

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

Therefore, I must determine whether, at the time the Officers shot Mr. Lowderback, they had objectively reasonable grounds to believe, and did in fact believe, that they or another person were in imminent danger of being killed or suffering great bodily injury, and whether they 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. Lowderback? If so, the shooting is justified under Colorado law and no criminal charges can or should be filed.

Facts Established by Investigation

On Monday, April 10, 2023, at 10:51 AM, Denver Police Department (DPD) officers were dispatched to a house at 3870 West Saratoga Place to arrest Mr. Lowderback. The reporting party told dispatch her friends' grandson, Mathew, was at the residence with a gun and had admitted to shooting someone the night before. DPD confirmed there was an active warrant for the arrest of Mr. Lowderback for Second-Degree Assault.

Jefferson County Communications Center Authority also contacted DPD dispatch and advised the Lakewood Police Department had probable cause to arrest Mr. Lowderback for Attempted First Degree Murder, as the night before, Mr. Lowderback shot his girlfriend in the face.

DPD sent an unmarked police car to the house on Saratoga to surveil the residence. The surveilling DPD officer saw Mr. Lowderback get into a vehicle and leave, wearing a Chief's jersey. Mr. Lowderback was the rear passenger in the vehicle. The officer followed the car and provided location updates to responding officers. DPD officers, in uniform and marked police cars, initiated a high-risk traffic stop of the vehicle westbound on Bowles Avenue east of Pierce Street. Officers Phanpaktra, Tran, and V. Vasquez, as well as two additional DPD officers assisted with the stop.

The vehicle stopped in the far-right lane of traffic. Officers provided instructions to the driver over their loudspeaker. Officers told the driver (not Mr. Lowderback who was a passenger) to step out of the car. Instead, Mr. Lowderback stepped out of a passenger door. When he got out of the car, both of his hands were inside his front jacket pockets and was later identified as Mr. Lowderback. He was wearing a black hoodie, red Chiefs' jersey, and red shorts.

Mr. Lowderback ignored police commands to get back in the car. Mr. Lowderback turned away from the officers and ran. While running, Mr. Lowderback pulled a gun from his pocket.

Officers Tran, V. Vasquez, Phanpaktra, Olazaba, and the two other DPD officers went after Mr. Lowderback on foot and in their police cars. Officer Tran tried to cut Mr. Lowderback off with his car and crashed into a fence. As Mr. Lowderback was running behind Officer Tran's car, another officer saw Mr. Lowderback run towards him and raise his gun up and "It looked like I was looking down the



Initial stop with Mr. Lowderback running from the vehicle.



Mr. Lowderback running down Bowles Avenue with his gun to his head.

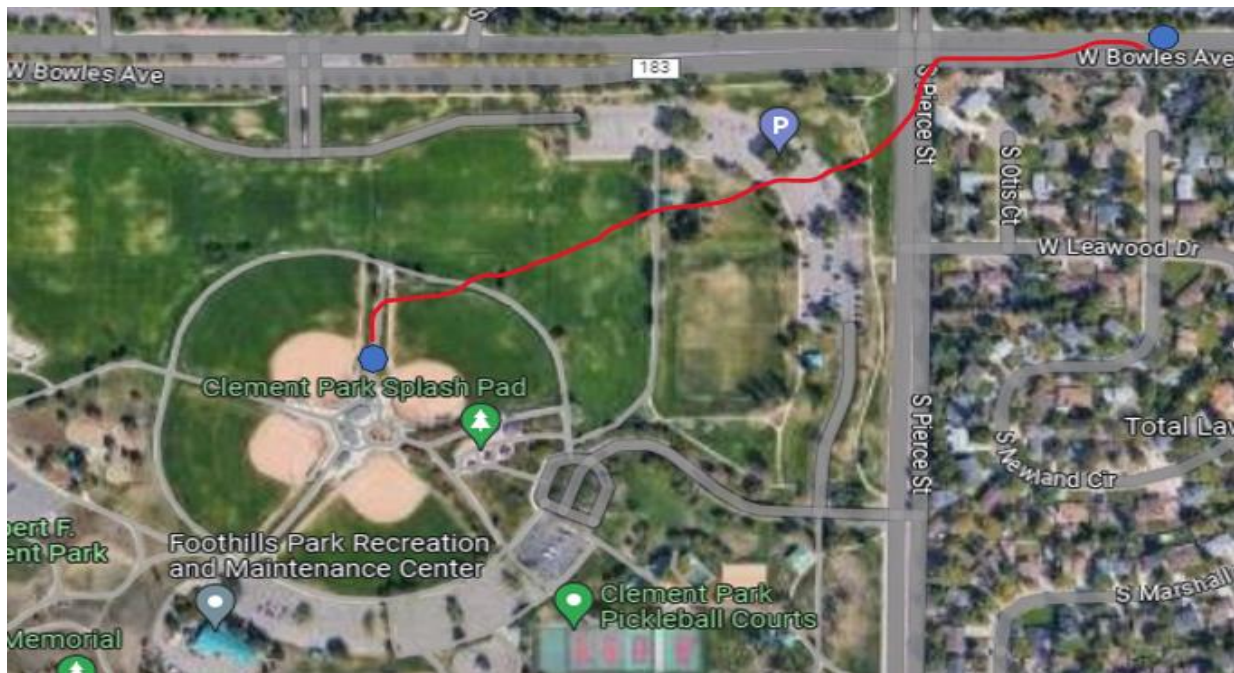


Mr. Lowderback walking through traffic with a gun to his head (BWC Officer Tran).



Mr. Lowderback entering Clement Park still holding a gun to his head (photo from minor witness).

barrel of his gun.” Mr. Lowderback changed directions and continued running while pointing the gun at his own head. Despite numerous commands from officers to, “drop the gun”, and “stop,” Mr. Lowderback continued to run away from the Officers, heading southwest, through traffic, and eventually into Clement Park.



Officer Tran

At the time of the shooting, Officer Tran was a four-year veteran of DPD. Officer Tran was wearing a full police uniform while driving a marked patrol SUV equipped with lights and sirens. When Mr. Lowderback ran from the traffic stop, Officer Tran activated his lights and sirens and followed behind Mr. Lowderback into oncoming, eastbound, traffic on Bowles Avenue. Officer Tran tried to cut Mr. Lowderback off by turning in front of him. Officer Tran saw Mr. Lowderback pull a gun out of his pocket with his right hand. Fearing there was only a window between himself and Mr. Lowderback, Officer Tran tried to jerk the car wheel to the right and create cover with the back end of his vehicle. Officer Tran ended up crashing into a fence along the south sidewalk as Mr. Lowderback ran around the back of his police car and continued westbound on Bowles Avenue.

Officer Tran got out of his SUV and ran after Mr. Lowderback. As they ran, Officer Tran saw Mr. Lowderback point the gun at his own head. Officer Tran yelled at Mr. Lowderback and told him multiple times to “drop the gun.” Mr. Lowderback did not comply. Officer Tran saw Mr. Lowderback drop something on the ground and it appeared to be a magazine to a gun. Mr. Lowderback stopped running and picked it up. Mr. Lowderback then continued running through traffic on Pierce Street. Officer Tran was afraid Mr. Lowderback was going to shoot a civilian or carjack someone. Mr. Lowderback continued running and entered Clement Park.

An officer in a marked patrol SUV picked up Officer Tran in the park. Officer Tran rode in the backseat, as they continued to follow behind Mr. Lowderback. At about the same time, Officer Olazaba arrived in his unmarked white patrol car and began trying to talk to Mr. Lowderback over a PA system. Officer Olazaba told Mr. Lowderback to drop the gun. Mr. Lowderback ignored Officer Olazaba and continued a combination of running, walking, and jogging away from the Officers.

The officer driving Tran directed him his 40mm sponge baton launcher in the back of his SUV. The officer slowed down so Tran could get out and retrieve the 40mm from the rear of the SUV. Officer V. Vasquez and another officer joined Officer Tran in the backseat. Officer Tran said he was concerned about Mr. Lowderback getting into busier areas of the park and causing, “mayhem.” Officer Tran heard Officer Olazaba ask for a 40mm over the police radio. Officers Tran attempted to hit Mr. Lowderback with the less lethal 40mm sponge round. Officer Tran fired two 40mm sponge rounds at Mr. Lowderback. Although Mr. Lowderback was hit once in the middle of his back, Mr. Lowderback continued moving away from the Officers, deeper into the park with his gun.



Officer Tran's first 40mm fired round.

Now on foot, Officer Tran moved up behind Officer Olazaba's car to use it as cover while he reloaded the 40mm. Officer Tran then heard gunfire. Officer Tran no longer heard Officer Olazaba talking on the PA system. Officer Tran thought Officer Olazaba was shot. Officer Tran, moved to the passenger side of Officer Olazaba's car, saw Mr. Lowderback point his gun in Officer Tran's direction. Believing Officer Olazaba was shot, Officer Tran fired upon Mr. Lowderback. Officer Tran said Mr. Lowderback fell to the ground. Officers yelled at Mr. Lowderback to drop the gun. Mr. Lowderback was still moving and did not drop the gun. Officer Tran observed Mr. Lowderback manipulating the gun. Officer Tran thought Mr. Lowderback was trying to fix a malfunction or reload the gun. Officer Tran again fired upon Mr. Lowderback, until he dropped the gun.



Officer Tran's second 40mm fired round.



Sponge baton round and 40mm launcher.

Officer Olazaba

At the time of the shooting, Officer Olazaba was a twelve-year veteran of the DPD. Officer Olazaba was wearing a full police uniform while driving an unmarked white Ford Taurus, equipped with emergency lights and sirens, as well as a PA system. Officer Olazaba followed behind Mr. Lowderback as he went into Clement Park.

Officer Olazaba watched Mr. Lowderback move his gun from his head to his side, back to his head and again down to his side. Mr. Lowderback performed this sequence multiple times throughout the incident. Officer Olazaba gave commands to Mr. Lowderback through his PA system including: “Denver Police. You are running into a park with a gun. Stop running. Put the gun down.” Officer Olazaba continued to follow Mr. Lowderback while providing updates over the police radio to responding officers.

Officer Olazaba saw Mr. Lowderback turn to face him two or three times while pointing the gun at his own head and looking around. Officer Olazaba grew more concerned about the safety of folks in the park and suggested that an officer use a less lethal 40mm to try and stop Mr. Lowderback. Officer Olazaba continued following behind Mr. Lowderback as Officer Tran fired the 40mm two times at Mr. Lowderback. After Mr. Lowderback was struck with a sponge baton round, he was unfazed and continued walking away for a short distance with the gun pointed to his own head.

Officer Olazaba saw Mr. Lowderback suddenly stop and turn to face the Officers with the gun to his head. Mr. Lowderback then lowered his gun and pointed it at Officer Olazaba. Officer Olazaba saw the barrel of the gun pointed at him. Officer Olazaba fired upon Mr. Lowderback, and he reacted to the shots, but he did not immediately fall down. When Mr. Lowderback fell to the ground, Mr. Olazaba saw Mr. Lowderback “racking” the gun, while still pointing it at him. Officer Olazaba again fired upon Mr. Lowderback until he dropped the gun.

Officer Vasquez

At the time of the shooting, Officer V. Vasquez was a nine-year veteran with the DPD. Officer Vasquez was wearing a full police uniform while riding as a passenger in a marked police car equipped with lights and sirens. That day, Officer Vasquez was accompanied by an officer in training. They were assigned to the arrest team during the traffic stop. They saw Mr. Lowderback get out of the vehicle and run away. They ran after Mr. Lowderback. Officer Vasquez saw Mr. Lowderback drop something “shiny” and thought it was a gun magazine. Officer Vasquez saw Mr. Lowderback stop to pick it up. Officer Vasquez then noticed Mr. Lowderback holding a gun. Mr. Lowderback continued to run and point the gun at his own head.

Officer Vasquez got into another officer’s rear passenger seat as Officer Tran utilized the 40mm. Officer Vasquez said the 40mm did not faze Mr. Lowderback, and he kept running. At some point, he switched to hanging on the SUV while he stood on the running board. Officer Vasquez saw Mr. Lowderback stop and point his gun “at all of us”. Thinking Mr. Lowderback was going to start shooting, Officer Vasquez said he flinched, got off the side of the patrol car, and fired upon Mr. Lowderback. Officer Vasquez stopped firing and reassessed Mr. Lowderback. Officer Vasquez saw Mr. Lowderback holding onto a fence, then fall. Officer Vasquez moved behind Officer Olazaba’s car. Officer Vasquez saw Mr. Lowderback point the gun at the Officers again. Officer Vasquez shot again until Mr. Lowderback ultimately dropped the gun.

Officer Phanpaktra

At the time of the shooting, Officer Phanpaktra was a five-year veteran with of DPD. Officer Phanpaktra joined DPD with three years of experience at another police agency. Officer Phanpaktra was wearing a full police uniform while driving a marked police SUV equipped with lights and sirens. During the traffic stop Officer Phanpaktra saw Mr. Lowderback get out of the car. Officer Phanpaktra told Mr. Lowderback to get back in the car. With his hands in his jacket pockets, Mr. Lowderback ran away. Officer Phanpaktra chased him on foot. Officer Phanpaktra witnessed Mr. Lowderback take a gun out of his pocket and point it at his own head.

Officer Phanpaktra eventually got into the other officer’s SUV to follow Mr. Lowderback into the park. While following behind him, Officer Phanpaktra attempted to communicate with Mr. Lowderback. Officer Phanpaktra said, “Drop the gun” and “Come talk to us.” When officers told Mr. Lowderback to drop the gun, he said, “Why?” Officer Phanpaktra continued to engage with Mr. Lowderback and said, “Denver Police, just stop and talk to us.” Mr. Lowderback stopped briefly and

said, “I stopped, what’s there to talk about?” Mr. Lowderback continued to walk away with the gun pointed at his own head.

As they continued into the park, Officer Phanpaktra was concerned as he saw people at the skatepark. Officer Phanpaktra was worried Mr. Lowderback would shoot at someone or take them hostage. Officer Tran utilized the less lethal 40mm sponge round, but the pursuit continued. As they neared the baseball fields, Officer Phanpaktra, now on foot, moved up to the passenger side of Officer Olazaba’s car and heard gunshots to his left. Officer Phanpaktra saw Mr. Lowderback on the ground, manipulating his gun. The gun was pointed at the Officers. Officer Phanpaktra fired upon Mr. Lowderback. Officer Phanpaktra stopped to reevaluate Mr. Lowderback and saw Mr. Lowderback drop the gun.

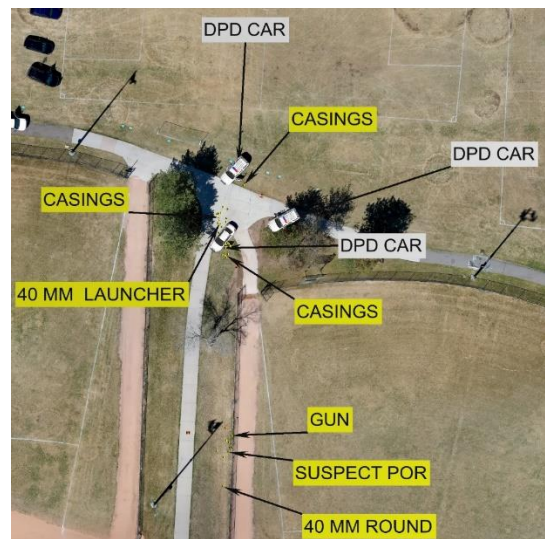
After Mr. Lowderback dropped the gun, DPD officers formed an arrest team, using a ballistic shield for protection. Officer Vasquez, Officer Tran and Officer Phanpaktra joined the team and approached Mr. Lowderback and placed him into handcuffs. Officer Olazaba joined them, and they began life saving measures by placing tourniquets on Mr. Lowderback’s extremities and evaluating him for injuries.

West Metro Fire and Paramedics arrived on scene and transported Mr. Lowderback to Littleton Adventist Hospital. Mr. Lowderback suffered multiple bullet strikes, a fractured right femur, a fractured rib, and injury to his right-hand middle finger. Mr. Lowderback survived his injuries.

The Scene

CIRT investigators and analysts processed the scene, coordinated the preservation and analysis of physical evidence, and obtained statements from all witnesses who saw or heard parts of the event.

CIRT investigators searched the area of the shooting. Next to where Mr. Lowderback was shot, investigators found a black Smith & Wesson M&P Shield 9mm handgun, a damaged magazine with six unfired 9mm bullets nearby, and an additional magazine with seven 9mm bullets loaded into it. There was not a bullet in the chamber of the handgun, and there was no magazine inserted. The magazine well of the gun was damaged. During scene processing, investigators recovered 38 shell casings fired by the Officers, it is presumed the Officers fired 39 total rounds however, one casing was not located. The CIRT team utilized digital documentation to memorialize the scene. The CIRT investigators interviewed multiple civilian witnesses, and four additional DPD officers who did not fire their weapons. Several civilians saw Mr. Lowderback point a gun at the Officers.



Laboratory testing of Mr. Lowderback's handgun concluded the weapon was operational. It does not appear that Mr. Lowderback fired his handgun at the Officers, as there were no shell casings located near him that matched the bullets he was carrying.

All DPD officers were wearing body-worn cameras during the incident. In addition to the BWC footage from the above officers, video was collected from civilians' cell phones.

Review of BWC's revealed just before the shooting Officer Tran yells, "Shit" as he ducks down behind the passenger side of Officer Olazaba's car and drops the 40 mm launcher. Officer Vasquez yelled, "Watch it." And another officer yelled, "Watch out, watch out."

Firearms Processing

1. Officer Tran was relieved of his firearm, photographed and processed. During the ammunition count of Officer Tran's 9mm handgun, it was determined that Officer Tran fired **7 rounds**.
2. Officer Olazaba was relieved of his firearm, photographed and processed. During the ammunition count of Officer Olazaba's 9mm, it was determined that Officer Olazaba fired **16 rounds**.
3. Officer Vasquez was relieved of his firearm, photographed and processed. During the ammunition count of Officer Vasquez's 9mm handgun, it was determined that Officer Vasquez fired **13 rounds**.
4. Officer Phanpaktra was relieved of his firearm, photographed and processed. During the ammunition count of Officer Phanpaktra's 9mm handgun, it was determined that Officer Phanpaktra fired **3 rounds**.
5. The 40mm was photographed and processed. Based off items located at the scene. Officer Tran fired **2 sponge baton rounds**.



Mr. Lowderback's handgun



Mr. Lowderback's magazines and bullets

Analysis

On the afternoon of April 10, 2023, DPD officers attempted to arrest Mr. Lowderback. Mr. Lowderback was wanted for a shooting in Lakewood and had an active DV warrant for aggravated assault. The Officers were aware of the high-risk nature of the stop and knew Mr. Lowderback ran from the traffic stop while armed with a gun, holding it to his own head. Officers gave commands to Mr. Lowderback to drop the gun and to stop but Mr. Lowderback ignored their commands and continued to run away from them. As Mr. Lowderback entered Clement Park, the Officers were concerned for the safety of people in the park. Officer Tran used less lethal force to try and interrupt Mr. Lowderback's behavior, but the strike did not stop him. Mr. Lowderback continued to ignore the

Officers when he suddenly stopped and pointed his gun at the Officers. The Officers involved in this event had different vantage points from which to see and hear Mr. Lowderback but they were aware of the same series of events and the threats posed by Mr. Lowderback from the moment he ran from the stop, to possessing a firearm, to holding his gun to his head, to being nonresponsive to commands and less lethal force, to ultimately turning the weapon on the Officers.

Upon thorough review, Officer Olazaba fired the first shot from the Officers when Mr. Lowderback pointed his gun at him. Officer Tran, who had used a lesser degree of force heard the shots fired and believed Officer Olazaba had been shot. Officer Tran saw Mr. Lowderback point his gun at him so he also fired. Officer Phanpaktra heard shots coming from the left of him. Officer Phanpaktra moved next to Officer Tran. Officer Phanpaktra observed Mr. Lowderback lying on the ground manipulating his gun. Mr. Lowderback then pointed the gun at the Officers at which time Officer Phanpaktra fired. Officer Vasquez was further back but had similar visual observations of Mr. Lowderback and decided to fire his weapon when he saw Mr. Lowderback turn his gun toward the Officers.

Because the Officers had objectively reasonable grounds to believe, and did believe, that they were in imminent danger of being killed or suffering serious bodily injury, shooting Mr. Lowderback was legally justified. At the time, no lesser use of force ameliorated the danger posed by Mr. Lowderback. Moreover, a reasonable person, under like conditions and circumstances, at the time Mr. Lowderback was shot, would believe that deadly physical force was necessary to prevent imminent deadly harm to themselves or other people. As there is no evidence proving, beyond a reasonable doubt, that an unjustified shooting occurred, no criminal charges can or should be brought against Officer Olazaba, Officer Vasquez, Officer Tran or Officer Phanpaktra 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 black ink that reads "Alexis D. King". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Alexis D. King

District Attorney

First Judicial District