



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

November 24, 2025

Chief Murtha  
7500 West 29<sup>th</sup> Avenue  
Wheat Ridge, CO  
80033

Re: *Officer Involved Shooting, July 10, 2025, West 32<sup>nd</sup> Avenue & Youngfield Street, at the I-70 Underpass*

Dear Chief Murtha,

The First Judicial District Critical Incident Response Team has completed its investigation into the fatal shooting of Duane Butts by Wheat Ridge Police Officer Tristan Siemek on July 10, 2025, shortly after 2:00 p.m. in the westbound lane of 32<sup>nd</sup> Avenue, just west of the intersection with Youngfield Street, under Interstate 70, in the City of Wheat Ridge. CIRT Commander Luke Parr of the Jefferson County Sheriff's Office presented the investigation to my office on August 14, 2025.

After a thorough review and analysis of the evidence, I find that Officer Siemek's use of deadly physical force was legally justified to defend himself and others from the threat posed by Mr. Butts. Given my conclusion, no criminal charges will be filed against Officer Siemek (the "Officer"). 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 conflicts of interest, officers from the involved agency do not perform critical duties related to the investigation.

Here, the Wheat Ridge Police Department ("WRPD") immediately activated the CIRT team to investigate the use of deadly force by the Officer. Consistent with CIRT policy, WRPD did not participate in the substantive portions of the CIRT investigation. The CIRT team promptly responded to investigate, led by Commander Parr. Under his direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. The Officer involved provided voluntary

statements and submitted to questioning. These interviews were recorded, reviewed as part of the investigation, and included within the file. Commander Parr and his lead investigator briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 1,396 photographs and approximately 262 pages of reports, 101 body worn cameras, and 40 recorded interviews by the Arvada Police Department, Jefferson County Sheriff's Office, Lakewood Police Department, and other CIRT agencies throughout the First Judicial District. I reviewed the recorded interviews of the officers 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 the Officer 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 Officer.

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 death, they commit the crime of 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 Coloradans, including an officer. An officer is 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 suffering serious bodily injury; 2) the officer 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 officer 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. § 18-1-704(1)-(2), C.R.S. By law, in deciding whether the Officer was justified in acting in self-defense or defense of others, it does not matter whether Mr. Butts 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. The facts must be viewed as they appeared to the Officer at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time the Officer shot Mr. Butts, they had objectively reasonable grounds to believe, and did in fact believe, that they or another person was 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. Butts? If so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.



## Facts Established by the Investigation

On July 10, 2025, at approximately 2:10 p.m., Officer Siemek was stopped at a red traffic light, southbound, at the intersection West 32nd Avenue and Youngfield Street. Officer Siemek was driving a fully marked WRPD vehicle and was dressed in an official police uniform, equipped with a functioning body worn camera. Officer Siemek was armed with a 9mm Smith and Wesson M&P semi-automatic handgun, along with other less lethal options. Officer Siemek observed a motorcycle directly ahead of his patrol vehicle.



*Image from Officer Siemek's body worn camera as he approached Mr. Butts*

Officer Siemek visually identified the rider of the motorcycle as Duane Butts, who had previously fled from Officer Siemek during a traffic stop on July 6, 2025. Officer Siemek knew through law enforcement databases that Mr. Butts was possibly be armed, an escape risk and a violent offender. Mr. Butts was observed wearing a black backpack, dark-colored shorts, and a dark shirt. Officer Siemek knew Mr. Butts had an active warrant for his arrest from the Department of Corrections.



*Arial view of the initial contact between Officer Siemek and Mr. Butts. The cars are on southbound Youngfield facing 32<sup>nd</sup> Avenue*

Officer Siemek turned on his emergency overhead lights on his patrol vehicle and got out of his car to contact Mr. Butts. As Officer Siemek got out, he drew and pointed his handgun at Mr. Butts. Officer Siemek commanded Mr. Butts to get off the bike and get on the ground. Mr. Butts attempted to drive away on the motorcycle but stalled the engine. With the bike stalled,

Mr. Butts got off the bike and ran westbound on West 32nd Avenue, beneath the Interstate 70 overpass. Officer Siemek ran after Mr. Butts.

During the foot pursuit, Officer Siemek yelled commands to Mr. Butts. Officer Siemek directed Mr. Butts to stop and told him that a TASER would be deployed if he failed to comply. Mr. Butts did not respond to commands and continued to run away. Officer Siemek deployed his TASER and Mr. Butts fell on the ground. It is unclear whether the TASER was the sole cause of the fall. As Mr. Butts reached into his front pocket, Officer Siemek, uncertain whether Mr. Butts was attempting to retrieve a weapon, transitioned from his TASER to his firearm. Mr. Butts stood and ran again. Officer Siemek transitioned back to his TASER, having not observed any weapon in Mr. Butts' possession, and continued to chase Mr. Butts.



*Image from Officer Siemek's body worn camera as he ran after Mr. Butts.*



Officer Siemek deployed his TASER a second time, causing Mr. Butts to fall onto the concrete incline on the northwest side of the underpass. Mr. Butts continued reaching inside his front right pocket. Officer Siemek issued commands for Mr. Butts to remain on the ground and verbally warned that failure to comply could result in the use of deadly force. Officer Siemek said, "Stay on the ground, I will shoot you, I will shoot you" as Officer Siemek had his firearm drawn. Mr. Butts remained on the concrete incline. Officer Siemek kept him at gunpoint as Mr. Butts yelled, "I don't want to live, I don't want to live."

Mr. Butts produced a handgun from his right-side front pocket and pointed the weapon directly at Officer Siemek.

Officer Siemek recounted that moment during his interview and said, "[Mr. Butts] is kind of like leaning like this as he's bringing the pistol points it right at me. All I saw was that pistol. And I started fearing for my life. Thought he was gonna shoot me and kill me. So, I fired and shot him."

Officer Siemek fired five rounds at Mr. Butts. Mr. Butts continued to move and retained control of his handgun. As Officer Siemek moved backward to create distance, Officer Siemek fired an additional seven rounds.

Mr. Butts then rolled to his right and onto his stomach, but the handgun remained within reach of his hand. Officer Siemek kept Mr. Butts at gunpoint while simultaneously notifying dispatch of the need for emergency medical services and his location.

Additional officers arrived, secured Mr. Butts' handgun, and immediately initiated life-saving measures. Medical personnel arrived and transported Mr. Butts to Lutheran Hospital where he was later pronounced deceased.



*Image from Officer Siemek's body worn camera showing Mr. Butts pulling a handgun from his right front pocket*

A number of witnesses saw and heard parts of the events. A witness traveling southbound on Youngfield Street saw a motorcyclist stopped at a traffic light. The rider was described as having long silver hair and a very tan complexion. According to the witness, a police officer approached the rider and issued verbal commands while pointing his firearm at the individual. The rider then fled on foot. The witness reported seeing the rider fall to the ground but did not hear any gunshots.

A witness riding in an Uber traveling eastbound on West 32nd Avenue, just prior to the overpass, heard two volleys of gunfire. The witness did not know who fired the first volley but saw the second volley being fired by a police officer,

noting the visible recoil of the officer's weapon. The witness did not see the suspect.

Plain clothes officers from a different jurisdiction were traveling northbound on Youngfield Street and observed a motorcycle lying on the ground at West 32<sup>nd</sup> Ave. The officers initially believed they had come upon a traffic accident. As the officers turned west onto West 32nd Avenue, they saw a uniformed officer



pointing his handgun at a male subject on the ground. The plain clothes officers stopped to assist. Officer Siemek informed them the suspect still had a firearm near his right hand. The plain clothes officers stood by Officer Siemek until additional uniformed WRPD officers arrived on scene. They arrived after the shooting.

## The Scene

The CIRT team coordinated the preservation and analysis of physical evidence, analyzed body worn camera footage and obtained statements from all witnesses who saw or heard parts of the event. The CIRT team utilized digital documentation to memorialize the scene.

Officer Siemek was relieved of his handgun, photographed and processed. During the ammunition count it was determined that Officer Siemek fired twelve rounds. Officer Siemek's body worn camera was collected and downloaded.



*This is the gun found with Mr. Butt. Officers put it*

During the search of the scene the following items were recovered: twelve 9mm shell casings matching the ammunition issued to Officer Siemek, five TASER probes, a black Sig Sauer P365 9mm handgun, a container with suspected Marijuana, a vape pen containing THC, a Ziplock bag containing suspected methamphetamine and a black backpack containing suspected narcotics.

Mr. Butts was in possession of a black Sig Sauer P365 semi-automatic handgun that had one round in the chamber and eight rounds in the magazine. No casings associated with Mr. Butts' handgun were recovered from the scene. A

### Autopsy

Forensic Pathologist Dr. John Carver completed Mr. Butts' autopsy on July 10, 2025, at time 8:30 pm, Dr. Carver determined the cause of death was multiple gunshot wounds and the manner of death was homicide. The following findings were noted.

1. Gunshot wound of the outer surface of the left shoulder, indeterminate range. The wound trajectory is from the decedent's left to right, with no definitive back/front or up/down deviation.
2. Gunshot wound of left upper back, indeterminate range. The wound trajectory is up, slightly the left to right, and with no discernible back/front deviation.
3. Gunshot wound of posterior surface of left upper arm, indeterminate range. The wound trajectory is up, slightly left to right, and with no definitive back/front deviation.
4. Gunshot wound of right lower back, intermediate range. The wound trajectory is back to front, up, and slightly right to left.
5. Gunshot wound of anterior right thigh, indeterminate range. The wound trajectory is slightly from the decedent's left to right, up, and slightly back to front.
6. Gunshot wound of posterior right calf, indeterminate range. The wound trajectory is slightly right to left, up, and with no significant back/front deviation.
7. Gunshot wound of left calf (left lower leg), indeterminate range. The wound trajectory is up, very slightly the decedent's right to left, and up, with no significant back/front deviation.

TASER deployment by law enforcement, no definite puncture wounds identified on skin surfaces. A blood sample was forwarded to NMS Labs and a toxicology report was completed. Mr. Butts tested positive for methamphetamine, amphetamine, MDMA, cocaine, benzoylecgonine and ecgonine methyl ester.



functionality test was later conducted on Mr. Butts' firearm by a detective and sergeant of the WRPD and was found to be operable.

### **Analysis**

On the afternoon Officer Siemek came upon Mr. Butts at the intersection of 32<sup>nd</sup> Avenue and Youngfield Street, Officer Siemek was already aware of Mr. Butts and recognized him. Specifically, Officer Siemek knew Mr. Butts could be armed, was an escape risk and a violent offender. As Officer Siemek got out of his car, he cautiously drew his firearm as Mr. Butts jumped off the motorcycle and took off on foot. As the Officer chased Mr. Butts down the street, he switched between his TASER and firearm in response to Mr. Butts' actions. It was not until Mr. Butts reached the west side of the underpass, ignoring all commands, reaching into his pocket, saying he wanted to die, and ultimately producing a firearm and pointing it at Officer Siemek that he made the decision to shoot at Mr. Butts.

I find that based on the evidence presented and the applicable law, Officer Siemek had objectively reasonable grounds to believe that he was in imminent danger of being killed or suffering serious bodily injury when Mr. Butts pointed a firearm at him, after running from the Officer, disregarding commands, and saying he wanted to die. Further, Officer Siemek did believe he was in danger of being killed or suffering serious bodily injury and ultimately had an objectively reasonable belief that as Mr. Butts pointed a gun at him, a lesser degree of force would be inadequate. In other words, a reasonable person, confronted with the same facts and circumstances, would believe that it was necessary to use deadly physical force to defend himself or others from Mr. Butts. No lesser degree of force would have the potential to ameliorate the threat posed by Mr. Butts. Therefore, no criminal charges can or should be filed.

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

Regards,



Alexis D. King  
District Attorney  
First Judicial District  
Colorado

