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July 15, 2022

Chief Rick Brandt
Evans Police Department

RE: Investigation of the April 26, 2022, Officer-Involved Shooting of Manuel Moreno

Chief Brandt:

The investigation into the shooting of Manuel Moreno has been completed by the Critical Response Incident Team (CIRT). Applying the facts from the investigation to applicable Colorado law, criminal charges will not be filed against Sergeant Trahan. Attached hereto are the findings of the Investigations Unit of the District Attorney's office based on the entirety of the CIRT investigation. This report applies the facts from the investigation to the pertinent Colorado laws.

I have determined that, under the circumstances presented in this investigation, I will release the name of the officer involved in this incident. The Colorado Supreme Court in *Harris v. Denver Post Corporation*, 123 P.3d 1166 (Colo. 2005) and *Freedom Colorado Information v. El Paso County Sheriff's Department*, 196 P.3d 892 (Colo. 2008) addressed the issue of whether, and under what circumstances, the Criminal Justice Records Act (CJRA) requires disclosure of records of official actions by criminal justice agencies.

These cases are not directly on point as the release of the sergeant's name alone does not fall squarely within the CJRA, but they are informative in analyzing whether such disclosure is appropriate. The cases require a "balancing test" by the custodian of criminal justice records prior to the disclosure of criminal justice records. This balancing test considers "the privacy interests of individuals who may be impacted by a decision to allow inspection; the agency's interest in keeping confidential information confidential; the agency's interest in pursuing ongoing investigations without compromising them; the public purpose to be served in allowing inspection; and any other pertinent consideration relevant to the circumstances of the particular request." *Harris* at 1175; *Freedom Colorado Information* at 899.

Here, the balancing test shows that the privacy interests of the individuals who may be impacted by a decision to allow inspection do not outweigh the other four factors to be considered, particularly the public's interest in inspection. While the continued safety of the sergeant and his family is of significant concern in all cases, there does not appear to be a continuing or ongoing threat to the sergeant or other law enforcement officials based on the CIRT investigation.

APPLICATION OF THE FACTS TO THE LAW

The District Attorney's office may ethically charge an individual with a crime only in cases where there is a reasonable likelihood of conviction. The law states that criminal liability is established in Colorado only if it is proven beyond a reasonable doubt that someone has committed all elements of an offense defined by Colorado statute.

Further, it must be proven beyond a reasonable doubt that the offense was committed without any statutorily recognized justification or excuse. While knowingly or intentionally shooting another human being is generally prohibited as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of deadly physical force is justified, also known as an affirmative defense. Because the evidence establishes that Manuel Moreno was shot and killed by law enforcement, the determination of whether the conduct was criminal is a question of legal justification.

Colorado Revised Statutes §18-1-707, as amended by the Colorado General Assembly in 2020 by Senate Bill 20-217, defines when a peace officer can use potentially deadly force to defend himself or others. The pertinent subsections of the statute read as follows:

C.R.S. § 18-1-707(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

C.R.S. § 18-1-707(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...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.

C.R.S. § 18-1-707(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer 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.

C.R.S. § 18-1-901(3)(d) “**Deadly Physical Force**” means force, the intended, natural, and probable consequences of which is to produce death, and which does, in fact, produce death.

Colorado case law unequivocally states that when determining whether it was necessary for an individual to act in self-defense or in the defense of someone else, that person is entitled to rely on “apparent necessity.” This can be relied on so long as the conditions and circumstances are such that a person would reasonably believe the defensive action was necessary. *See People v. LaVoie*, 395 P.2d 1001 (1964); *Riley v. People*, 266 P.3d 1089 (Colo. 2011). Thus, it is irrelevant in this analysis whether Moreno intended to use deadly force. The issue is whether it was reasonable for the sergeant to believe that Moreno was about to use deadly physical force against him, the deputy, or other persons.

In this case, Evans officers were dispatched to a “check wellbeing.” Manuel Moreno was observed walking around the farm property located at 4350 37th Street armed and acting strangely. This property is surrounded by residential areas and a school. Officers and deputies followed Moreno around the property for over an hour giving him commands, attempting to disarm him and talk to him, yet he never complied. Moreno pointed a firearm at officers and himself several times during this encounter. Officers fired less lethal shotguns at Moreno five times, striking him on four occasions. Ultimately, Sergeant Trahan and Deputy Rexroad attempted to contact Moreno. Moreno was still armed and non-compliant. In an attempt to gain compliance and disarm Moreno, Deputy Rexroad fired a less shotgun round which struck Moreno. Moreno turned toward Rexroad and Trahan and leveled his gun at them. Because either he or Rexroad could be shot by Moreno, Trahan fired one round from his .223 rifle striking Moreno in the chest.

Moreno would have clearly known that Deputy Rexroad and Sergeant Trahan were law enforcement officers. Rexroad was in patrol uniform and driving a patrol vehicle. Sergeant Trahan was in a vest with “Police” clearly visible. Further, he had been followed around this property for over an hour by numerous uniformed officers.

Sergeant Trahan reasonably believed when he fired his weapon that he and Deputy Rexroad were in imminent danger of death or serious bodily injury.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that Sergeant Trahan was justified in using lethal force against Moreno. The use of such force was reasonable based on Moreno’s threatened use of deadly physical force.

CONCLUSION

Under C.R.S. § 18-1-707, the actions of Sergeant Trahan are justified and authorized by law to defend and protect himself and others from the lawless and threatening actions of Manuel Moreno. As a result, the Weld County District Attorney’s Office will not file charges against Sergeant Trahan for the use of deadly physical force in this event.

If you have any questions, please feel free to contact me.

Sincerely,



Michael J. Rourke
District Attorney



Officer Involved Shooting

April 26, 2022

Investigator Carrie Barela

Subject: Manuel Moreno

22DA00047- District Attorney's Office

22G032899- Greeley Police Department

22W01558- Weld County Sheriff's Office

22EP06027-Evans Police Department

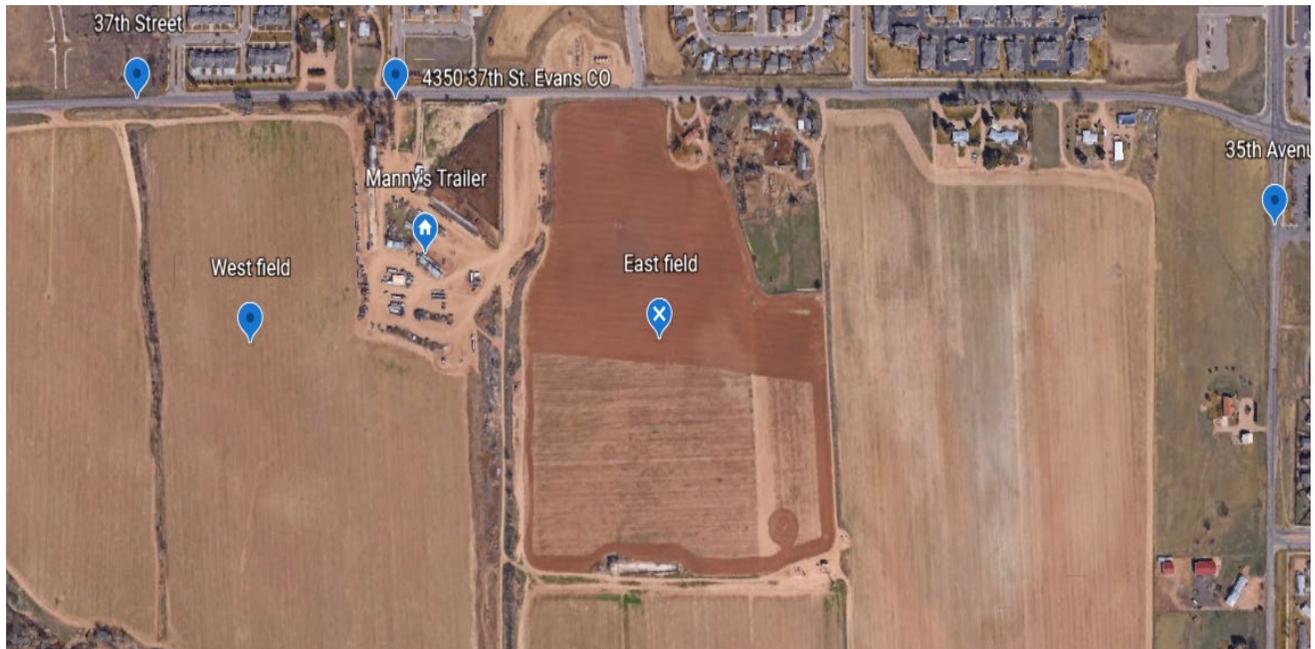
22LP01552- La Salle Police Department

22WP07336-Windsor Police Department

22EL01991- Eaton Police Department

Summary:

On 4/26/2022 at 11:48 a.m. a suspicious person call was aired by Weld County Dispatch for 4350 37th Street Evans, Colorado. The reporting party and owner of the property, Mike Weideman, told dispatch that a male named “Manny” who has been living at the location for some time was walking around the property holding a pistol. Weideman described the male as talking strangely, not making sense, and carrying a gun that appeared to be a .357 revolver.



(Google Map of 4350 37th St. Blue markers show Moreno's trailer, East and West fields, 37th Street and 35th Avenue)

Evans Police Officers arrived at the property and conducted a check wellbeing with Manuel Moreno. Moreno was found on the property walking in a field and carrying a gun. Evans Officers communicated with Moreno through the Personal Announcement (PA) system giving commands in Spanish and English to drop the gun. Moreno refused to comply with these commands. This continued for approximately one hour.

Due to the location of the property with several residential neighborhoods and a school close by, the Evans Police Officers kept their distance from Moreno but set up a mobile perimeter to keep him safely contained on the property.

During the time the Evans Officers followed Moreno he leveled the gun in his hand directly at them twice and placed the gun to his head. Moreno never complied with the officers' orders to drop the gun or to stop and talk with them.

Eventually Officer Ramirez was instructed to use his less lethal shot gun on Moreno to subdue him. Five (5) less lethal rounds were deployed without affecting Moreno's movement or control of the gun.

As they continued, Weld County Deputy Rexroad requested that Sergeant Trahan ride with him in his marked patrol vehicle so Sergeant Trahan could use his rifle for lethal coverage and Deputy Rexroad would utilize his less lethal shotgun once they had a clear view of Moreno.

Once positioned with a solid visual of Moreno, Deputy Rexroad gave the verbal command to stop and drop the gun. Again, Moreno did not comply. Deputy Rexroad fired his less lethal shot gun, striking Moreno in his back. Moreno's reaction was described as arching his back when hit by the round, swinging around rapidly and looking in the direction from which the shot came. Moreno leveled the firearm with his right hand towards Deputy Rexroad and Sergeant Trahan. Sergeant Trahan fired one round from his rifle striking Moreno. Moreno was seen falling to the ground where he ended up on his back with the gun in his right hand.

A contact team was quickly developed to approach Moreno. Once the gun was secured, the contact team began aid while medical was cleared to enter the area and supply medical aid. Medical transported Moreno to Northern Colorado Medical Center (NCMC) where he was later pronounced deceased.

Incident Timeline

11:48 a.m.: A suspicious person call was generated by the Weld County Dispatch at 4350 37th Street Evans, Colorado. The reporting party and owner of the property, Mike Weideman informed dispatch that a male named "Manny," who has been living at the location for some time was walking around the property holding a pistol. Weideman described the male as talking strangely, not making sense, and carrying a gun that appeared to be a .357 revolver

11:52 a.m.: Male is a Hispanic male wearing jeans, gray shirt and a hat approximately in is 50's

11:53 a.m.-12:22 p.m.: Evans officers contacted the property owner, Mike Weideman. Weideman said at approximately 10:00 a.m. he was with his employees at a shop near the front of the property helping direct work for the day. Weideman left the property at approximately 11:30 a.m. Later, employee Julio Acosta called him and advised that "Manny" was up near the main home (yellow house) on the property holding a gun. Julio asked Weideman to come back to the property. When Weideman arrived, he contacted Moreno. Weideman described Moreno holding a gun in his hand swinging his arm slightly. Weideman asked Moreno what he was doing with a gun. Moreno pointed at the main home (yellow house) and said, "that truck right there is my family's, my family is in that house." Weideman said Moreno continued to speak but made no sense, his eyes were wide open, and he was acting "weird". He had never seen Moreno act in this manner. Weideman

instructed Moreno once more to take the gun back to his trailer. Moreno turned and walked in the direction of his trailer. Weideman asked the officers to conduct a check wellbeing on Moreno because of his behavior and the fact he was armed. Sergeant Riemer, Officer Garcia, Officer Pacheco, and Officer Ramirez approached the trailer where Moreno was said to have been living just South of the main home. Officers determined Moreno was not in the trailer.

Shortly thereafter, oil workers flagged down an Evans Police officer and told him there was a male with a gun walking on the east side of the property. A male matching the description of the subject was spotted approximately 200 yards from the Evans Police officers' location walking north. Officers observed that he had a firearm in his right hand.

12:22 p.m.- Sergeant Riemer radioed, "In contact with male with gun- He is not compliant."

Evans Sergeant Riemer, Officer Garcia, Officer Pacheco, and Officer Ramirez located the male and positioned themselves behind their patrol vehicles. They appointed one officer to use the Personal Announcement (PA) system to give command in Spanish and English ordering him to drop the gun, put his hands up, and explaining they just wanted to talk. Moreno turned away from them and started to walk south.

Due to the location of the property with several residential neighborhoods and a school close by, the Evans officers concluded to keep their distance from Moreno and set up a mobile perimeter with Weld County Sheriff deputies and surrounding agencies to prevent him from walking off the large farm property.

12:25 p.m. Officer Pacheco radios "The male pointed handgun at us."

Sergeant Riemer, Officer Garcia, Officer Pacheco, Officer Ramirez continued to follow Moreno as he walked while maintaining their distance. Moreno followed a road the property going east. At approximately 12:25 p.m., Moreno turned halfway around and looked at the officers following him. He brought his right hand up with the gun and leveled it at the officers in their patrol vehicles.

12:41 p.m.- Sergeant Riemer announced that menacing charges were appropriate.

Moreno continued to walk east changing his trajectory towards the northwest and eventually turning south following a dirt road that runs between the east and west fields of the property. Officers used a vehicle for cover as they followed Moreno south, continuing to try and talk to him. Moreno continued towards the end of the road to where it was reported that there were oil workers in the area. Weld County deputies cleared the oil workers as Moreno got closer to their location. Moreno went through the ditch that runs between the east and west fields to get to the west field. A contact team of three Evans officers (Officer Pacheco, Officer Ramirez, Officer Garcia) and one Weld County deputy (Deputy Pecorella) followed Moreno on foot carrying handheld armor. Evans Commander Ranous and Sergeant Riemer brought the Patrol truck into the west field to deter

Moreno from heading farther west and attempt to move him closer to where his trailer is near the entrance of the property.

1:04 p.m.- Sergeant Riemer radioed, “pointed gun at us again.”

The contact team called to be picked up since they were unable to keep pace with Moreno due to their protective armor. The Evans patrol truck picked them up and they continued to follow Moreno north in the west field. Once they came over a hill that descended back to the location of Moreno’s trailer, he turned towards the Evans patrol truck and leveled the gun at them a second time.

Moreno continued North towards the main house and surrounding structures. The patrol vehicle followed Moreno as Evans officers got out on foot to keep a visual of him and navigate through the structures and debris on the property.

Moreno made his way to 37th Street. Due to the populated residential area and school north of 37th Street, officers were concerned since the subject was armed. Officer Ramirez was instructed by Sergeant Riemer to get a less lethal shotgun prepared for use. Officer Ramirez initially loaded close range rounds, and then was instructed to unload those and replace them with long range rifle slugs.

1:12 p.m.- Sergeant Riemer radioed, “Less lethal hit, no reaction.”

Moreno continued east along the fence line of 37th Street and the property. Officer Ramirez was instructed to not deploy less lethal rounds unless Moreno tried to cross 37th Street north. Instead, Moreno turned south on the east entry road back to the Weideman property. Once on the property, Moreno turned west along a cattle corral, where Officer Ramirez was instructed to deploy less lethal rounds to subdue Moreno. Sergeant Riemer announced to Moreno, “Manny, we are going to use force against you, you got to stop.” Senate Bill 217 Announcements were made to Moreno: “drop the gun or I will shoot you, drop the gun or I will shoot you.” Moreno did not comply, and Officer Ramirez was instructed to use less lethal. One round was fired and hit the back of Moreno’s left thigh. Moreno reacted to the impact by flailing his arms around and making noises. Officer Ramirez was instructed to deploy two more less lethal rounds. These shots hit Moreno’s back right thigh causing him to flinch.

1:14:28 p.m.- Officer Garcia aired, “Three (3) less lethal deployed- no reaction.”

Moreno walked south towards his trailer and continued to walk past it. Officer Ramirez was instructed to fire additional less lethal rounds. Two additional rounds were deployed. The fourth round hit Moreno causing him to deviate his path slightly, but the fifth round did not hit him.

1:14:58 p.m.- Sergeant Riemer aired, “Five (5) successful less lethal hits- no reaction from him.”

As Moreno continued south, he walked on large pathway in between cars and trucks. The Evans patrol truck followed him while Sergeant Riemer and Officer Garcia flanked Moreno to the east.

Deputy Rexroad was in the area with Evans Sergeant Trahan, who wore plain clothes and a vest marked "Police". As the Evans patrol truck continued to follow Moreno south, Deputy Rexroad suggested that Sergeant Trahan ride in his marked patrol vehicle so he could use his rifle for lethal coverage while Deputy Rexroad used his less lethal shotgun once they were west of Moreno with a good visual.

1:15 p.m.- Deputy Rexroad aired "Shots fired."

Deputy Rexroad positioned his patrol vehicle west of Moreno's location in the south field and gave the command to stop and drop the gun to Moreno. He did not comply. Deputy Rexroad announced "less lethal" and fired one less lethal shot. The shot hit Moreno in his back. Moreno arched his back when he was hit by the round and swung around rapidly. He looked in the direction of the shot while raising his right hand holding the gun and pointing towards Deputy Rexroad and Sergeant Trahan. Sergeant Trahan fired one round from his rifle striking Moreno. Moreno was seen falling to the ground where he ended up on his back with the gun in his right hand.

1:15 p.m.- Detective Kauffman aired "He is down."

The contact team (Commander Ranous, Sergeant Riemer, Officer Pacheco, Officer Ramirez, Officer Garcia) along with three Weld County deputies (Deputy Adams, Deputy Stuvell, Deputy Daugherty) saw agonal breathing from Moreno. Officers moved in to secure the gun from Moreno and render medical aid.

Deputy Pecorella removed the gun from his hand and moved it out of Moreno's reach. Immediately another Deputy placed Moreno in handcuffs behind his back. They started aid, noting a single gunshot to the chest. Medical arrived and transported Moreno to the North Colorado Medical Center (NCMC) for further emergency medical intervention. Moreno was later pronounced deceased.

The 19th Judicial District Critical Incident Response Team (CIRT) was activated to investigate this incident. Detective Cash with the Greeley Police Department was named as the lead investigator. The investigation showed the male who was shot was Manuel Moreno, (D.O.B. 12/13/1956).



(Moreno Moreno's .357 Ruger Security six round revolver on scene)



(Moreno Moreno's .357 Ruger Security revolver with 5 rounds and the sixth cylinder empty on scene)



(Crime Scene photo. Moreno Moreno's .357 Ruger Security revolver with 5 rounds unloaded with varying ammunition brands)

Officers' Statements Summary

Deputy Rexroad- Weld County Sheriff's Office

Deputy Rexroad heard Evans officers request additional units to respond to a call at 4350 37th St. Evans CO over his radio. Deputy Rexroad learned that there was a male with a gun at that address walking around acting very strangely. Evans officers were trying to keep the male away from other people but were not engaging him.

Upon arrival, Deputy Rexroad parked and loaded his rifle. He saw two corn fields behind the entrance of the property where a marked Evans patrol truck and an unmarked Evans vehicle were paralleling the male down the ditch road of the fields headed south.

Deputy Rexroad described Moreno as wearing dark clothing and as he turned, Deputy Rexroad could see a gun in Moreno's right hand.

He along with Deputy Dougherty and Deputy Pecorella used their patrol vehicles in the field as cover and as a barrier to deter Moreno from going past their location in the field.

As Moreno walked south there were radio announcements advising there was a group of oil workers just south of the direction Moreno was walking. Deputy Rexroad drove to the location to

tell five workers they needed to leave the area. One of the oil workers, Frank Puentas, said that he saw Moreno earlier. He said Moreno was staring at the workers and “mean mugging them.”

Moreno started to walk northwest. Deputy Rexroad moved to the west field to use his vehicle as a barrier. When he got to the west side of the property, he saw Moreno cresting over a hill going north onto the lot near the main home. Deputy Rexroad parked his vehicle near the main home and got out on foot to keep a visual. He heard multiple and continuous commands such as “drop the gun,” and “stop walking,” being given to Moreno verbally and over the PA system in both Spanish and English. Moreno “ignored the commands the whole time.”

Deputy Rexroad had his less lethal shotgun pointed at Moreno. He told Moreno to “drop the gun,” but he did not comply. Deputy Rexroad asked Sergeant Trahan to team up with him for lethal cover. Sergeant Trahan got into the passenger seat of Deputy Rexroad’s marked vehicle. Deputy Rexroad drove in the direction of where Moreno was heading.

Once positioned west of Moreno, Deputy Rexroad and Sergeant Trahan exited the vehicle. Deputy Rexroad told Moreno to “drop the gun” but he ignored the commands and continued to walk away. Deputy Rexroad yelled “less lethal” one time. Following the announcement, Deputy Rexroad fired one less lethal shot that struck Moreno in the middle of his back. Deputy Rexroad said the less lethal round hit the center of Moreno’s back causing his body to “jerk.” When the Moreno was hit, Moreno turned around and looked in their direction. As Moreno turned, he swung his right hand with the gun in the air towards Deputy Rexroad and Sergeant Trahan.

Deputy Rexroad said he did not know if Moreno knew they were there. He said Moreno “flagged us” with the gun. He said if Moreno had pulled the trigger at the wrong second, “it absolutely could have hit us.”

After Deputy Rexroad fired the less lethal round, and before he had a chance to chamber another round, Sergeant Trahan fired his rifle once, striking Moreno. Moreno fell to the ground. Deputy Rexroad chambered another round because he knew they were going to have to approach Moreno. He announced on the radio, “shot fired.” Deputy Rexroad said after Moreno had been hit with the rifle round, his left knee bent first and then he went down onto his left hip. Moreno dropped to the ground maintaining his grip on the gun.



(To the left is Deputy Rexroad's patrol vehicle. To the right is the Evans patrol vehicle's location after contacting Moreno to render medical aid and secure the handgun)



(Deputy Rexroad's patrol vehicle's proximity to Marker #19, the final rest of Moreno's body, approximately 118 Ft.)



(To the left of Deputy Rexroad's patrol vehicle is marker #16 marking the 223 Hornady cartridge from Sergeant Trahan's shot. To the right of the vehicle's driver side door is Marker #17 marking the less lethal sock round cartridge from Deputy Rexroad)

Sergeant Trahan – Evans Police Department

Sergeant Trahan believed the call to this incident was generated as a check wellbeing because someone was walking around on their property with a gun and possibly under the influence. He heard officers on scene attempted to contact the male, and the male pointed his gun at officers. This prompted him to respond to the scene.

Sergeant Trahan expressed concern that the male, later identified as Manuel Moreno, would go into the residential areas surrounding the property. Their plan was to try and influence his movement towards the north and possibly back to his trailer, where he would be less of a threat to the surrounding residences and school.

Sergeant Trahan described Moreno as angry and belligerent. He would not listen to the commands that various officers directed to him. As Moreno was walking north, Sergeant Trahan and Detective Kauffman paralleled him. Sergeant Trahan said he watched Moreno raise his hand in the direction of the officers following him. He then heard the same officers announce over the radio that Moreno pointed the gun at them.

Sergeant Trahan said they continued to use their vehicles to redirect Moreno on the property. He said he lost sight of Moreno, so he drove to 37th Street toward the west end of the property to keep the male from going north into the neighborhoods.

Sergeant Trahan parked his vehicle on 37th Street and watched Moreno come out onto the street from the south. He said Moreno appeared closer to him than he wanted. Sergeant Trahan got out of his car and pointed his rifle at Moreno while giving him commands to stop and put down the gun. Sergeant Trahan said Moreno continued walking east on the south side of 37th Street. Sergeant Trahan remembers Moreno say something to the effect, “the Hell’s Angels are coming.” Sergeant Trahan replied that they were not coming. Moreno’s response was something to the effect of “they were already there.”

Moreno continued to walk east and then turned south onto the property. Sergeant Trahan drove his vehicle to the west to parallel Moreno. He said he heard the announcement on the radio that the contact team fired three less lethal rounds at Moreno. He saw the Moreno hit by the rounds but they had no effect. When he parked his vehicle, he met up with Deputy Rexroad. They got into Deputy Rexroad’s vehicle. Deputy Rexroad retrieved his less lethal shotgun and Sergeant Trahan continued to carry the patrol rifle he obtained earlier from Officer Ramirez. As they drove further southwest, they heard two less lethal rounds being deployed. Deputy Rexroad parked the car and got out as Moreno appeared to their left. Sergeant Trahan heard Deputy Rexroad say if he had a chance, he would fire a less lethal round at Moreno. As they lined up together Sergeant Trahan said he heard Deputy Rexroad give the less lethal announcement then fire it one time. Sergeant Trahan said he saw the round hit Moreno in the back. Moreno stopped, turned to them, and rapidly brought up his right hand and pointed the pistol at them. Sergeant Trahan said he fired a single round that struck Moreno. Moreno fell to the ground and onto his back with the gun staying in his right hand.

Sergeant Trahan said he and the contact team approached Moreno, took control of the gun and rendered aid.





(Officer Ramirez's patrol rifle suppressed FN Ar-15 with red dot sighting system. Loaded with 28 live rounds of .223 Hornady ammunition in the magazine and one round found in the chamber. This rifle was handed off to Sergeant Trahan from Officer Ramirez and used to shoot Manuel Moreno)



(The first picture is when Moreno was struck by Deputy Rexroad's less lethal round. The second is of Moreno turning towards Sgt. Trahan and Deputy Rexroad after the less lethal round)



(Moreno leveling his right hand with the gun towards Deputy Rexroad and Sgt. Trahan prior to Sgt. Trahan firing one shot)

Autopsy

Following the forensic autopsy, forensic pathologist Dr. Michael Burson determined the cause of Moreno's death was a gunshot wound to the chest.

The postmortem blood toxicology revealed 210 ng/mL of methamphetamine and 79 ng/mL of amphetamine, both Schedule II controlled substances. Dr. Burson described these levels as sufficient to cause acute methamphetamine intoxication.