



**Weld County  
District Attorney's Office  
Nineteenth Judicial District**

**Kenneth R. Buck - District Attorney  
Philip M. Clark - Assistant District Attorney**

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December 14, 2005

Chief Doug Forsman  
Greeley Police Department  
919 Seventh Street  
Greeley, CO 80631

**RE: Investigation of the  
shooting death of Marty  
Christopher Salazar at 1317  
Second Avenue, Greeley,  
Colorado**

Dear Chief Forsman:

The investigation and legal analysis of the shooting death of Marty Christopher Salazar has been completed. I conclude that, under applicable Colorado law, no criminal charges will be filed against any of the four Greeley Police officers who fired their weapons in this incident. A summary of the facts in this case and the applicable Colorado law are contained in this letter. The file of this investigation is open to the public at our office and any interested party is welcome to review the investigation and my decision in greater detail.

**STATEMENT OF INVESTIGATION**

On November 18, 2005, at approximately 11:55 p.m., Greeley Police officers heard shots fired and were soon dispatched to the scene of the shooting at Sixteenth Avenue and Fifth Street in Greeley. Officers found three men who had been shot. Six (6) .45 caliber brass casings were located at the scene.

The victims stated that the man who had shot them fled east on Fifth Street in a brown Chevrolet Cavalier. Soon after this description was aired, officers spotted this vehicle near Eighth Avenue and Sixth Street and began to follow it. The Cavalier changed direction every few blocks, heading generally south and east, until the officers stopped it using the emergency lights on their marked police cars in the 1300 block of Second Avenue, about eleven blocks from where they initially saw it. There were at least three marked police cars involved in the stop and all of the officers involved were wearing full standard police uniforms.

Because the officers believed the Cavalier contained a man who had just shot three others, they used techniques associated with high risk traffic stops, like shining their spotlights and other bright lights directly into the Cavalier, drawing their weapons and ordering both of the Cavalier's occupants to show the police their hands by extending them out of the car's windows. The driver immediately complied by putting his hands out the driver's window. The passenger refused to comply with the commands to show his hands.

Shortly thereafter, the Cavalier sped off, with the officers in pursuit. The driver tried to elude the officers for several blocks, but was unsuccessful in this effort, finally stopping in the 1400 Block of Third Avenue. Two men got out of the Cavalier and ran away.

The passenger from the vehicle, later identified as Marty Salazar, ran east from Third Avenue. Salazar climbed a fence and entered the east-west alley in the 1400 Block between Second and Third Avenues. There was poor visibility in the alley because it was dark outside and there was minimal lighting in the alley.

Pursuing police officers saw Salazar in the alley. Officer 3, one of several pursuing officers, ordered Salazar to stop and put his hands up. Salazar fired several pistol shots at the police officers. The officers returned fire. Three (3) .45 caliber brass casings were located near where Salazar stood when he fired. Three Greeley Police Officers returned fire. Four (4) .45 caliber nickel casings were located where Officer 1 fired. Ten (10) .45 caliber nickel casings were located where Officer 3 fired. Five (5) .45 caliber nickel casings were located where Officer 4 fired.

Salazar ran east in the alley and then veered north through some apartment buildings toward the intersection of Fourteenth Street and Second Avenue. Two (2) .45 caliber brass casings were located near the apartment buildings at the south-west corner of Fourteenth Street and Second Avenue. These casings were consistent with the brass ones found near where Salazar had been standing earlier and their presence at this location is consistent with Salazar having fired two shots at the police at this location. A citizen reported a bullet impacted her apartment at 229 Fifteenth Street. This bullet likely came from a round fired by Salazar near the apartments as officers pursued him through the alley.

Officers found Salazar hiding under a wheelchair ramp in the front of 1317 Second Avenue. Salazar fired at the pursuing officers for the third time. Three Greeley Police Officers returned fire. Salazar crawled underneath the wheelchair ramp to the north and stood up on the other side of the ramp, firing at the officers for the fourth time. Two (2) .45 caliber brass casings were located in front of 1317 Second Avenue. Twenty-four (24) .45 caliber nickel casings, consistent with having been fired by the

police officers, were located in front of 1317 Second Avenue. Officer 2 fired at Salazar from outside his vehicle in the street in front of 1317 Second Avenue. Eleven (11) .45 caliber nickel casings, consistent with having been fired by the police officers, were located in the street in front of 1317 Second Avenue.

Salazar was pronounced dead at the scene. Officers found a Colt .45 caliber pistol next to his body, which contained one live brass round in the chamber and one live brass round in the magazine. When the jacket Salazar was wearing was searched, police officers discovered a box containing fifteen (15) unfired brass casing bullets. Three of those bullets had exploded when a round fired by one of the police officers struck the box.

Weld County Coroner Dr. Stephen Cina performed the autopsy on his body on November 20, 2005. Dr. Cina determined Salazar died as a result of being shot twelve times. Fluids taken from Salazar's body tested positive for cannabinoids, consistent with Salazar having used marijuana at some point before he died. His blood alcohol level was 0.189 grams per deciliter of blood, which is more than 2.5 times the legal limit in Colorado.

Greeley Police detectives later confirmed, by speaking with witnesses, that Marty Salazar, the man who had repeatedly fired shots at the pursuing officers, was the same man who had, minutes before, shot the three men at Sixteenth Avenue and Fifth Street.

#### **LEGAL ANALYSIS**

C.R.S. §18-1-707(2) (a) establishes when a peace officer can use deadly force to defend himself and others. That statute reads, in pertinent part, as follows:

A peace officer is justified in using deadly physical force upon another person ... only when he reasonably believes that it is necessary ... to defend himself or a third person from what he believes to be the use or imminent use of deadly physical force.

Under C.R.S. §18-1-707(2) (b), officers are also entitled to use deadly force:

To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes ... has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon ... or is attempting to escape by the use of a deadly weapon ... or otherwise indicates, except through a motor vehicle violation, that he is

likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

In this case, the Greeley Police Officers pursued the Cavalier because they reasonably believed it contained a man who had, moments before, shot three other men. After a short car chase, this same man, Marty Salazar ran from the car the police were pursuing. During the ensuing foot chase, Salazar fired his pistol at police officers on four different occasions. There is no doubt Salazar knew his pursuers were police officers, as they followed him in a marked police car using its overhead lights, as they were in full police uniform and as they identified themselves as police officers when the Cavalier was stopped and when they ordered the Cavalier's occupants to surrender.

As a result, the four Greeley Police officers were justified in using deadly physical force against Salazar because they reasonably believed that it was necessary to defend themselves and each other from Mr. Salazar's use of deadly physical force. The four Greeley Police officers were also justified to use deadly force because they were attempting to effect an arrest and reasonably believed that Salazar was trying to escape by the use of a deadly weapon by firing shots at the officers who were pursuing him.

#### **CONCLUSION**

Under C.R.S. §§18-1-707(2)(a) and (b), the officers' actions in this situation were fully justified by the volatile and dangerous circumstances they faced. As a result, the Weld County District Attorney's Office will not file any charges against any of the Greeley Police Officers who were involved in the shooting of Marty Christopher Salazar.

Sincerely,

Kenneth R. Buck  
District Attorney

cc:  
Tom Selders, Mayor, City of Greeley  
LeRoy Johnson, Councilmember Ward I  
Ed Phillipson, Councilmember Ward II  
Don Feldhaus, Councilmember Ward III  
Debbie Pilch, Councilmember Ward IV  
Carrol Martin, Councilmember at Large  
Pam Shaddock, Councilmember at Large

Rick Brady, Greeley City Attorney  
Captain Mike Savage  
Captain Jack Statler  
Lieutenant Carl Alm  
Lieutenant Pat Foelske  
Chairman William Jerke, Weld County Board of Commissioners  
Bruce Barker, Weld County Attorney