



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

**Kenneth R. Buck – District Attorney**  
Michael J. Rourke - Asst. District Attorney

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August 2, 2012

Chief Jerry Garner  
Greeley Police Department  
2875 W. 10<sup>th</sup> Street  
Greeley, CO 80634

**RE: Investigation of the shooting of Adrian  
Perales at the Heatherway Apartments,  
Greeley, Colorado on, June 29, 2012**

Dear Chief Garner:

The investigation and legal analysis of the Adrian Perales shooting is complete, and pursuant to applicable Colorado law, I will not file criminal charges against the officer who fired a weapon in this incident. I have included a summary of the facts in this case and the relevant Colorado law in this letter.

**SUMMARY OF INVESTIGATION**

On June 29, 2012, Adrian Perales was shot and killed by an Officer of the Greeley Police Department SWAT team following a standoff and hostage situation at 1804 30<sup>th</sup> Street, Apartment 105.

In the weeks prior to Perales' death, he committed a series of criminal acts, detailed below, which were investigated by the Greeley Police Department.

Perales was a self-admitted member of the Lonely South Side Chicanos, a subset of the Sureno gang. In 2010 Perales admitted during an interview with Greeley Police Investigator Doug Steinhour that he was an "enforcer" for LSSC. As the enforcer he was tasked with collecting drug debts by any means necessary. During this interview Perales also admitted to his involvement in a "home invasion" in which the victim had refused to cooperate with police.

Perales, at the time of his death, was on Intensive Supervised Probation (ISP) stemming from felony convictions for Possession with Intent to Distribute an Imitation Controlled Substance, 10CR693, and Vehicular Eluding, 10CR1262. On June 20, 2012 an arrest warrant was issued for Perales for failure to comply with the terms of his probation.

On June 16, 2012 a confrontation occurred at Island Grove Park Apartments, 100 block 14<sup>th</sup> Avenue, Greeley, Colorado, in which Perales confronted rival gang members and fired several shots. Perales was identified as the shooter by two independent eye witnesses. A warrant for the arrest of Perales was obtained on June 29, 2012 for Engaging in a Riot and Possession of a Weapon by a Previous Offender.



On June 23, 2012, Perales drove by rival gang member's house in the 1300 block of 3<sup>rd</sup> Avenue, Greeley, Colorado firing several rounds at the house while children were playing in the front yard of the residence. Two eyewitnesses identified Perales to law enforcement. This incident was investigated under Greeley Police Report Number 12G37763.

On June 29, 2012 at about 8:30 a.m. Perales unlawfully entered a residence in the 2400 block of 6<sup>th</sup> Avenue, Greeley, Colorado. Perales assaulted the resident and menaced him with a handgun. Perales then robbed the victim of personal property and vandalized a coffee table, and was again identified by two eyewitnesses. This incident was investigated under Greeley Police Report Number 12G42784.

As a result of these incidents, the Greeley Police Department initiated a concerted effort to locate and apprehend Perales. Numerous interviews of known associates were conducted during which the Greeley Gang Unit obtained information about possible locations where Perales was known to be and possible vehicles which he was known to drive. The Gang Unit also learned during the course of these interviews that Perales was armed and was frequently under the influence of methamphetamines.

During the morning hours of June 29, 2012, the Gang Unit received information that Perales had spent the night at the Heatherway Apartments, 1804 30<sup>th</sup> Street, #105, but had since left that apartment. As a result of this information, Sgt. Smith and Detective Bollig drove by that address at approximately 2:45 p.m. When they did so, they saw Perales getting out of a vehicle and go inside the apartment building. Sgt. Smith was able to confirm that Perales was inside the apartment with a woman later identified as Renee Gonzales. The Greeley Police Department immediately set up a perimeter around the apartment and additional police officers responded to the address.

At 3:07 p.m., Ms. Gonzales called Weld County Dispatch, although the recording of this call is very difficult to understand because Ms. Gonzales sounds very upset. During this call, Perales got on the phone with the dispatcher and told her that he was holding a hostage and that if the police did not leave, he would kill her. Perales was very agitated, and repeatedly told the dispatcher that he had a gun and would kill the hostage if the police did not leave.

At 3:09 p.m., Perales called dispatch again. He again demanded that the police leave the area immediately, and threatened to kill "Renee" if they did not.

At 3:29 p.m., Perales made a third phone call to dispatch. In his agitated state, he repeated his threat to kill his hostage, and that if police officers or the SWAT team came into the apartment, he would "shoot everybody."

During these calls to dispatch, hostage negotiators and the Greeley Police Department SWAT team were responding to the scene and setting up an additional perimeter. As this was occurring, at 3:51 p.m., Perales stuck his hand out of the garden level window of Apartment 105 and fired one round in the direction of the officers who were establishing this perimeter around the apartment. Perales later told hostage negotiators that he would fire additional rounds at police officers if they did not leave.

Hostage negotiators were able to make contact with Perales by phone. At 5:08 p.m., and several times thereafter during these conversations, Perales told negotiators that he had a gun with a fully loaded magazine and one round in the chamber pointed at the hostage's head.

Based on the cumulative information received by Greeley Officers, at 5:21 p.m. the SWAT Sergeant notified all members of the SWAT team that in the Department's estimation, the statutory



requirements for the use of deadly physical force had been satisfied. This notification was made to the SWAT team through the use of their encrypted radio system.

At 6:17 p.m., SWAT officers executed a plan whereby they approached the garden level window of Apartment 105 for the purpose of throwing in a phone that hostage negotiators could utilize to better communicate with Perales. As this phone was thrown into the bedroom where Perales and the hostage were located, one of the SWAT officers was also able to pull the blinds off of the bedroom window, giving snipers and spotters a view of what was occurring inside the apartment.

At 6:37 p.m., Officer One, a sniper with the SWAT team, fired one round into Apartment 105, striking and killing Perales.

Officer One was interviewed later that evening by a Detective from the Weld County Sheriff's Office. Officer One said that he and other SWAT officers had been briefed on Perales and his activities in the days leading up to June 29, and had been shown a photograph of Perales for identification purposes. As part of this briefing, Officer One learned that Perales had fired one shot in the direction of officers. Officer One stated that he was located approximately 78 yards from the garden level bedroom window of Apartment 105. While at that location, he heard regular updates from his commanding officers regarding the progress or lack of progress being made by hostage negotiators as well as the threats made by Perales towards the hostage and officers generally. He also recalled hearing his sergeant relate that his superiors felt that the statutory requirements for the use of deadly physical force had been met.

Following the removal of the window blinds by other SWAT officers, Officer One stated that he could see into the bedroom of Apartment 105, and specifically saw Perales "bear-hugging" the hostage while holding a gun to her head and torso. It appeared to Officer One that Perales was using the hostage as a shield and that he would move the pistol from her head to her ribs as they moved about the room. Based on the information he had received as well as his own observations, Officer One felt that if he could shoot Perales in the torso, that would eliminate the threat to the hostage as well as officers on scene. Officer One saw the hostage and Perales rotate their position, thereby exposing Perales' left side to Officer One. Officer One fired one round striking Perales in the left wrist and upper left chest area.

Renee Gonzales was interviewed by the District Attorney's Office on July 23, 2012. Ms. Gonzales cooperated with this interview, and answered all questions asked of her. Ms. Gonzales described her relationship with Perales as a friendship, and while they were not dating, Perales had told her and other people that he wanted more of a relationship with her. Ms. Gonzales stated that the hours and days leading up to Perales' death were "crazy," and commented on the numerous volatile and violent acts committed by Perales (outlined above.). Perales had told Ms. Gonzales on June 29 that he was aware that the police were looking for him because of an attempted murder charge, and that he would not go back to jail as he felt he was facing a life sentence. Ms. Gonzales stated that Perales was smoking methamphetamines both before and during the time that he had taken her hostage.

Ms. Gonzales recalled that on June 29, Perales came into her apartment, and when he realized that police were outside the building, he "freaked out." She described that Perales barricaded the front door to the apartment with various pieces of furniture, and also placed a mattress against the bedroom window in order to block any line of sight into the apartment. Ms. Gonzales also told investigators that Perales had called several family members and friends, telling them "it's done."

Following these phone calls, Ms. Gonzales described how Perales used her as a shield and held the gun to her head and torso, constantly holding her throughout this incident. She also specifically described that Perales stuck his hand out the window and fired a shot in the direction of officers.



In the moments before he was shot, Ms. Gonzales described how Perales continued to use her as a shield, and would alternate pointing the gun at her head and then to her ribs. She stated that he let her go, went to pick up the "throw phone" which was ringing, and was shot as he began to reach for the phone.

An autopsy was conducted on Perales, and concluded that he died from a single gunshot wound to his chest. Toxicology reports indicate that at the time of his death, he had 2100 ng/mL of methamphetamines in his bloodstream.

## **LEGAL ANALYSIS**

Criminal liability is established in Colorado only if it is proved beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and it is proved 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 assault or homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force is justified. As the evidence establishes that Perales was shot by Officer One, the determination whether the Officer's conduct was criminal is primarily a question of legal justification.

C.R.S. 18-1-707(2)(a) establishes when a peace officer can use deadly physical force to defend himself or others. The 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 it necessary...to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

In this case, Greeley Police Officers were attempting to locate and apprehend Adrian Perales as a result of his commission of several violent crimes in the weeks preceding his death. At the time he was located by the Gang Unit, it was believed by officers that he had been using methamphetamines and was armed with a firearm. These beliefs were confirmed on June 29, 2012 when Perales repeatedly threatened to shoot his hostage and to shoot any officer who came through the door; when Perales fired one round in the direction of police officers; and when he was observed pointing a firearm at Ms. Gonzales' head and torso. Additionally, Perales had failed for several hours to respond to the repeated requests of hostage negotiators to come out peacefully or at a minimum to release Ms. Gonzales unharmed. Officer One reasonably believed at the time he fired his weapon, based on all of the surrounding facts and circumstances known to him, that Ms. Gonzales or other officers were in imminent danger of death or serious bodily injury.

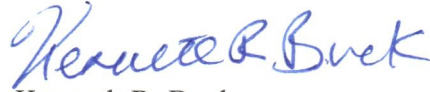
Based on the facts gathered during this investigation and the legal analysis outlined above, I find that Officer One was justified in using deadly force against Perales because he reasonably believed that it was necessary to defend others from Perales' threatened use of physical force.



## CONCLUSION

Under C.R.S. 18-1-707(1)(b), the officer's actions in this situation were justified and authorized by law in order to defend and protect himself and others from the potentially volatile and dangerous circumstances he faced. As a result, the Weld County District Attorney's Office will not file any charges against Officer One for the use of deadly physical force in this event. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth R. Buck". The signature is written in a cursive style with a large initial "K".

Kenneth R. Buck  
District Attorney