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August 21, 2025

Chief Adam Turk
Greeley Police Department
2875 W. 10th Street
Greeley, CO 80634

RE: Investigation of the May 14, 2025 Officer-Involved Shooting of Sean Ybarra

Chief Turk:

The investigation into the shooting of Sean Ybarra has been completed by the Critical Incident Response Team (CIRT). Applying the facts from the investigation to applicable Colorado law, criminal charges will not be filed against Officer Weichel. 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.

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 of the elements of an offense defined by Colorado statute.

Further, it must be proven beyond a reasonable doubt 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 physical force is justified, also known as an affirmative defense. Because the evidence establishes that Sean Ybarra 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 SB 20-217, establishes 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.

Further, law enforcement officers are afforded the protections of self-defense that every citizen may claim pursuant to **C.R.S. § 18-1-704**.

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 Ybarra intended to use deadly force. The issue is whether it was reasonable for the officer to believe that he was about to use deadly physical force against him or another person with a deadly weapon.

In this case, Greeley officers were attempting contact Sean Ybarra for acting erratically and wielding a knife at citizens. Officer Weichel was the first officer on scene and attempted to contact Ybarra. He ordered Ybarra to drop his knife. Instead of following the Officer’s orders, Ybarra advanced at him with a knife in one hand and torch lighter in the other. Officer Weichel continued to give commands to stop while backing away from Ybarra. Ybarra continued to ignore the commands of Officer Weichel. Ybarra continued to close the distance to the Officer while armed. Because he was in fear of death or serious bodily injury, Officer Weichel fired four rounds from his pistol at Ybarra. Ybarra ultimately died from these gunshot wounds.

Ybarra would have clearly known that the Officer was law enforcement, he arrived in a marked police car and was wearing a full police patrol uniform.

The Officer reasonably believed when he fired his weapon that he was 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 Officer Weichel was justified in using lethal force against Ybarra. The use of such force was reasonable based on Ybarra's threatened use of deadly physical force.

CONCLUSION

Under C.R.S. § 18-1-707, the actions of Officer Weichel were justified and authorized by law to defend and protect himself from the lawless and threatening actions of Sean Ybarra. As a result, the Weld County District Attorney's Office will not file charges against the Officer 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, appearing to read "Michael J. Rourke".

Michael J. Rourke
District Attorney



Officer Involved Shooting

Sean Ybarra ~ Final Report

Investigator Chris Onderlinde

Weld County District Attorney's Office 25DA00127
Weld County Sheriff's Office 25W002596
Greeley Police Department 25G007077
Evans Police Department 25EP00877
Windsor Police Department 25WP02681
Hudson Police Department HP2500662

Firestone Police Department 25FI00462
Ault Police Department 25AU00448
Lochbuie Place Department 25LO535
Lasalle Police Department 25LP00739
Erie Police Department 25-1204
Weld County Coroner's Office WC2025-00297

SUMMARY

On May 14, 2025, at about 1:28 p.m., Greeley Police dispatch received the first of four 911 calls regarding a male later identified as Sean Ybarra. Over the course of about twenty minutes, multiple citizens reported Ybarra was walking through residential areas in north Greeley acting erratic and swinging a knife in the air. Patrol Officer Steven Weichel self-dispatched to the call at 1:40 p.m. and drove to the area to look for Ybarra.

At about 1:54 p.m., 911 caller Lonnie Korgan waved Officer Weichel down near 21st Avenue and 4th Street. Korgan alleged Ybarra had been following people with a knife and pointed Officer Weichel in Ybarra's direction. A minute later, Officer Weichel found Ybarra near 1910 2nd Street. Weichel confirmed Ybarra was in fact armed with a large knife. His irrational and dangerous behavior suggested to Weichel that Ybarra was under the influence of drugs and/or alcohol.

Weichel stopped his marked patrol vehicle several feet behind Ybarra. Weichel turned on his flashing emergency lights, which activated his body worn camera. Weichel yelled at Ybarra through his car window, ordering Ybarra to drop his knife. Before exiting his patrol vehicle, Weichel radioed that he'd located his suspect and requested emergency backup. Weichel notified officers that Ybarra was armed with a knife and pretending to stab the air.

At 1:56 p.m., Weichel drew his department-issued semi-automatic pistol and exited his vehicle dressed in full police uniform. By the time Weichel closed his car door, Ybarra had turned around and began walking toward him. Ybarra still held his knife in one hand and a large torch-style lighter in the other. Weichel immediately began walking backwards, attempting to create distance between himself and Ybarra.

Weichel pointed his pistol at Ybarra and told him, "Dude, Stop!" Ybarra ignored Weichel's orders, instead continuing toward Weichel. Weichel radioed that he had a subject at gunpoint. While still retreating, Weichel yelled at Ybarra again; "Stop, dude, stop!" Ybarra ignored Weichel's command and continued to close the distance between them. Weichel fired four shots from his duty pistol at Ybarra in relatively rapid succession (about one second elapsed time).

Approximately thirty-five seconds elapsed from the time Weichel spotted Ybarra until the time he'd radioed that he'd fired his handgun. By the time Weichel fired, Ybarra had advanced a total of thirteen steps (or approximately 18 feet), closed the distance between them by several feet, and ignored at least three orders to stop and/or drop his weapon.

After Weichel's fourth and final shot, Ybarra stopped, turned away from the officer, doubled over, and slowly fell to the street. He laid facing away from Weichel, his hands and weapon hidden behind him.

Weichel kept his pistol aimed at Ybarra while he radioed that he'd fired his handgun and waited for backup officers. In the meantime, Weichel ordered Ybarra not to move and, later, to drop his weapon. Ybarra eventually stopped moving and had no obvious response to Weichel's additional commands.

Roughly a minute after the gunshots, two Greeley patrol officers and at least three detectives arrived at Weichel's side. Ybarra ignored additional orders to show his hands, and the officers eventually approached him. They found a black folding knife and a large red torch-style lighter lying on the street within arm's reach of Ybarra. An officer kicked the knife away from Ybarra's reach and the officers began lifesaving efforts. Less than four minutes elapsed between the final gunshot and the officers first life-saving efforts.

For the next two minutes, the officers and detectives packed or sealed two gunshot wounds to Ybarra's chest and did chest compressions. They continued their efforts until Emergency Medical Services and firefighters took over at 2:03 p.m. The ambulance transported Ybarra to North Colorado Medical Center, where further medical intervention took place. He was ultimately declared deceased at 2:25 p.m.

In the aftermath of the shooting, Greeley police personnel worked to preserve and document the crime scene, began contacting potential witnesses, and requested the 19th Judicial District Critical Incident Response Team (CIRT) to investigate use of deadly force. CIRT investigators took over crime scene processing and began interviews of dozens of police and civilian witnesses. They would also review 911 calls, radio traffic, dispatch call records, and surveillance and body worn camera footage.

Officer Weichel described to CIRT investigators Ybarra's erratic and dangerous behavior, as well as the fact he was armed with a knife and constantly advancing on him. Weichel feared Ybarra would seriously injure or kill him and was forced to shoot Ybarra to prevent such injury.

The Weld County Coroner's Office conducted a parallel investigation. The pathologist determined Ybarra's death resulted from two gunshot wounds, one to each side of his chest. Both bullets entered Ybarra's chest and traveled toward his back, injuring both his lungs, multiple ribs, his diaphragm, and his liver. His manner of death was ruled a homicide.

Lab testing showed Ybarra was experiencing acute methamphetamine intoxication at the time of his death. According to the lab report, the level of methamphetamine in Ybarra's system was at least ten times higher than individuals who exhibit violent and irrational behavior. Known side effects of high doses of methamphetamine include changes in judgement and impulsivity, excitation, agitation, hypervigilance, and hallucinations.

HISTORICAL INFORMATION

Sean Ybarra's criminal history dates to at least 2003, when he was thirteen years old and pulled a knife on a fellow student in Brush. His subsequent arrests include weapons possession, resisting arrest, driving under the influence and drug possession.

In July 2016, Denver police arrested Ybarra for a domestic assault on his wife. Police found Ybarra had cut or stabbed his wife's neck and arm ten times while they were driving on Interstate 25. He was charged with criminal attempt – first degree murder and first-degree assault. He ultimately pled guilty to second degree assault and was sentenced to ten years in the Department of Corrections. He would be released on parole in November 2024.

In March 2025, Greeley parole officers found Ybarra in possession of drug paraphernalia and knives. Greeley police took over the arrest and booked Ybarra into the Weld County jail for possession of drug paraphernalia and violation of a protection order. He would eventually plead guilty to possession of drug paraphernalia and received sixteen hours of community service. His remaining charge was dismissed.

Ten days after his arrest, Weld County jail staff initiated a contraband investigation on Ybarra after he stole and secreted a syringe. The investigation was abandoned when Ybarra was released from jail on May 9, 2025, just five days before his demise.

Ybarra's last address of record was 323 19th Avenue Court, which is mere blocks from the shooting scene. The home belongs to Ybarra's grandmother, Maria Ybarra. Maria told CIRT Investigators she initially allowed Ybarra to stay outside her residence when he was first released on parole. Maria said she ultimately kicked Ybarra out because of his odd behavior, drug use, and untrustworthiness. Maria claimed Ybarra had left behind several things and frequently returned for laundry or showers.

Maria told CIRT investigators that Ybarra had a violent and drug-addled past; he used methamphetamine and was prescribed Naloxone. CIRT investigators found suspected methamphetamine, Naloxone strips, and drug paraphernalia on Ybarra's body and at Maria's house. Post-mortem lab testing showed several substances in Ybarra's system at the time of his death including a dosage of methamphetamine ten times higher than individuals observed exhibiting violent and irrational behavior.

Ybarra's relatives said he suffered an unstable and violent childhood. While in prison, Ybarra joined a gang. A relative suspected Ybarra suffered from undiagnosed schizophrenia. He had apparently recently lost his job and had been acting differently. Maria said Ybarra came and went from her home multiple times in the hours before his death and was talking to himself.

At the time of his death, Ybarra was subject to two protection orders, though one was essentially useless. Denver 16CR4586 mandated Ybarra have no contact with his former wife and prohibited him from possessing weapons, controlled substances or alcohol.

SETTING

This shooting occurred in the early afternoon on a Wednesday in a north Greeley neighborhood. Weather nor visibility were a concern during the shooting. A rainstorm set in prior to the scene being processed by CIRT crime scene investigators but numerous photographs and body worn camera footage thoroughly documented the scene. Weichel's four spent shell casings were collected.

OFFICER INTERVIEW

After meeting with his attorneys, Officer Weichel was interviewed by CIRT investigators. He recalled the details of the dispatch call, noting allegations from multiple callers that Ybarra was armed with one or two knives and acting erratically and dangerously. Weichel recounted one of the callers pointing him in Ybarra's direction.

Weichel was able to confirm Ybarra's dangerous and erratic behavior by making his own observations. Weichel elected to contact Ybarra near 1910 2nd Street. Weichel stated that as soon as he got Ybarra's attention, Ybarra advanced on him. Weichel said that he retreated and gave Ybarra multiple commands to stop and/or drop his weapon. Weichel said Ybarra ignored these commands and continued to close the distance between them.

Weichel said he felt he was forced to use deadly force, namely his firearm, to prevent Ybarra from seriously injuring or killing him. Weichel said he felt the circumstances made it impractical to specifically identify himself as a police officer and issue Ybarra a use-of-force ultimatum.

Following the gunshots, Weichel recounted waiting for backup and then treating Ybarra's injuries.

Weichel's first two backup officers, Patrol Officers Justin Simmons and Andrew Patterson, were interviewed by CIRT investigators. Both confirmed the information in the dispatch call as well as Weichel's radio traffic. Both confirmed seeing a black knife within Ybarra's reach after the shooting. Both officers confirmed they and others provided immediate and continued life-saving efforts until relieved by emergency medical services and fire personnel. All three officers' statements were consistent with one another and other evidence.

CONCLUSION

All available evidence has been reviewed at length and found to be consistent with the involved officer's statement. This independent evidence conclusively demonstrates that Officer Weichel's use of deadly physical force upon Sean Ybarra was reasonable, appropriate, and necessary to defend himself from what he believed was imminent danger of death or serious bodily injury. Furthermore, this same evidence establishes that less violent means was impractical with the given set of circumstances.