



**OFFICE OF THE
DISTRICT ATTORNEY**

**Kala Beauvais, District Attorney
10th Judicial District, Colorado**

August 13, 2025

Chief Chris Noeller
Pueblo Police Department
Pueblo Municipal Center
200 S. Main Street
Pueblo, CO 81003

Sheriff David Lucero
Pueblo County Sheriff's Office
909 Court Street
Pueblo, CO 81003

Assistant Director Clint Thomason
Colorado Bureau of Investigation
200 S. Santa Fe Avenue
Pueblo, CO 81003

Major Brian Lyons
Colorado State Patrol
Troop 2D
5615 Wills Boulevard
Pueblo, CO 81008

Re: District Attorney CIT Decision Letter
Officer Involved Incident on March 18, 2025
Location: 1200 blocks of Cedar Street and Pine Street, Pueblo CO
Deceased: Billy Joe Soto (DOB 1/4/1991)
Officers Injured: Officer Devin Valdez, Sergeant Loghan O'Hayre, Captain Gabriel Maldonado
Officers Involved: Officer Jon McMillian, Officer Brian Sisroy, Detective Brock Ruiz, Detective Eufrazio Ortiz, Deputy Melanie Denius, Deputy Ely Dynes, Deputy Robert Garbiso, Lieutenant Joshua Rude

Dear Chief Noeller, Sheriff Lucero, Assistant Director Thomason, and Major Lyons:

The 10th Judicial District Critical Incident Team (CIT) was activated on March 18, 2025, to investigate an Officer Involved Shooting (OIS) Incident which resulted in the death of Billy Joe Soto (DOB 1/4/1991). The Colorado Bureau of Investigation (CBI) was designated as the lead

investigative agency and other CIT participants included the Pueblo Police Department (PPD), Pueblo County Sheriff's Office (PCSO), Colorado State Patrol (CSP), and the 10th Judicial District Attorney's Office (DA). After the investigation, the CIT prepared and submitted an executive summary and its investigative reports and materials to the District Attorney's Office for review. Those materials were reviewed, and this is the District Attorney's Decision Letter pursuant to CIT protocol.

Overview of the Incident

On Tuesday, March 18, 2025, PPD Detective Roman Castro received information that Billy Soto, who was wanted on an active warrant for attempted homicide, was observed in the 1200 block of Pine Street. Detective Castro passed this information on to PPD Officers Devin Valdez and Steven Gardner, who responded to the area of Cedar Street and West Mesa Avenue. Soto immediately fired upon the officers with a rifle, with Officer Valdez being shot in the head before either officer was able to get out of their vehicles. No officers returned fire at this location.

As additional PPD Officers and PCSO Deputies responded to search for Soto, he fired upon officers and deputies from the backyard of 1223 Pine Street. PPD Sergeant Loghan O'Hayre was in the alley behind that address along with other officers and deputies, and Sergeant O'Hayre was shot by Soto in the leg and arm at that time. No officers or deputies returned fire at this location.

Officers and Deputies continued to look for Soto when he shot at officers for a third time, which resulted in PPD Captain Gabe Maldonado being shot in the face and neck in the alley behind 1224 Pine Street. After Captain Maldonado was wounded, the officers and deputies who were in the area were able to determine Soto's location on a nearby roof. Soto continued to fire at officers, and four officers from PPD and four deputies from PCSO returned fire, fatally wounding Soto.

The 10th Judicial District Critical Incident Team was activated to investigate the officers' actions. CBI was designated to lead the investigation.

Summary of Report:

Detective Roman Castro

Detective Castro reported that on March 18, 2025, he learned from a witness that Soto was at 1221 Pine Street trying to take a blue motorcycle. Detective Castro was aware that Soto was alerted to be an FBI Safe Streets criminal, to have weapon history, to be a gang associate with "MS13," to be a known felon, to be a known drug dealer, known to carry a gun, and known to have active warrants. Detective Castro was aware that Soto's active warrants were for failure to appear on a felony in El Paso County, failure to appear on two separate felonies in Pueblo County, and that he also had an active warrant for attempted homicide. All of the alerts and active warrants were listed in the PPD system, OpsCenter.

Detective Castro reported that at 18:48 hours, he contacted PPD dispatch and asked which officers were working in the Bessemer area. Detective Castro was informed it was Officers Devin Valdez and Steven Gardner, and dispatch connected Detective Castro with Officer Gardner. Detective Castro reported that Officer Gardner was not familiar with Soto, so Detective Castro directed him to review the alerts in OpsCenter, which he did. Shortly after, Detective Castro was contacted by Officer Valdez, who stated he was already aware of Soto. Detective Castro gave Officer Valdez the same information as he gave to Officer Gardner and indicated that Soto was last seen in the 1200 block of Pine Street on the odd-numbered side of the street, wearing a tan colored hat, a black face mask, black clothes, a backpack, and white shoes.

Shortly after, Detective Castro reported that he was given new information by a witness. Detective Castro again contacted Officer Valdez to inform him Soto was now in the area of Cedar Street and North Mesa Avenue. Soto was wearing the same clothing, and no weapon was observed. Detective Castro reported that Officer Valdez stated he was in the area and ended the call. Detective Castro then learned that shots had been fired at officers and immediately responded to the scene.

While on scene, Detective Castro reported that he shared the information he had learned through his investigation on Soto with Sergeant O'Hayre and Detective Torres, who relayed the information to other officers as well. Detective Castro assisted in searching for Soto with Deputy Carter, who is a K-9 handler, Lieutenant Rude, Deputy Denius, Sergeant O'Hayre, and Detective Juno. The K-9 tracked Soto down the 1200 block of the alley between Pine Street and Cedar Street and stopped near the backyard of 1221 Pine Street. Detective Castro reported that the dog wanted to go into the backyard, but they were blocked from doing so by a fence. At that time, Detective Castro reported hearing several rapid firearm discharges coming from east of their location, then Sergeant O'Hayre fell to the ground and began yelling that he had been shot. Detective Castro reported that he and Detective Juno carried Sergeant O'Hayre down the alley and out of the line of fire to a patrol car, where he was taken away from the scene for medical treatment.

Detective Castro reported that next he assisted in holding the perimeter of the alley until it was safe to retrieve Sergeant O'Hayre's rifle from the alley where it had been left behind during the rescue efforts. Shortly after Detective Castro heard more rapid firearm shots, then heard over the radio that Captain Maldonado had been shot. Shortly after that Detective Castro heard that Soto appeared to be down. Detective Castro did not fire his weapon at any point while on scene and left the scene shortly after to escort another officer to the station.

Summary of Body Worn Camera Footage: Officer Devin Valdez

Officer Valdez activated his body worn camera (BWC) on March 18, 2025, at 19:11:46. At the beginning of the footage he is in his patrol car, driving, and talking to someone on the phone. For the first 30 seconds of the recording, there is no audio.

At 19:12:20, Officer Valdez puts his patrol car in park and immediately starts to take gunfire. Soto fires several rounds into Officer Valdez's patrol car, and Officer Valdez is hit in the head. Soto is observed walking backwards as he is firing at Officer Valdez. It is estimated based on the footage that Soto fired 27 rounds at that time. Officer Valdez remained seated in the driver's seat of his patrol vehicle.

At 19:12:40, Officer Valdez can be heard starting to breathe in a controlled manner in an apparent attempt to calm his body. At 19:13:08 hours, Officer Valdez attempts to get on the radio to tell dispatch that he has been shot. A black SUV is then seen pulling up to next to Officer Valdez's patrol vehicle and stops next to his passenger side door. A female voice can be heard asking if he is ok. Officer Gardner is then heard telling her to get out of here.

At 19:13:48, Officer Valdez remains seated in the driver's seat, and he is talking to Officer Gardner and asking where he has been shot. Officer Gardner asks Officer Valdez if he is in any pain, and Officer Valdez states he just feels numb. Officer Gardner informs Officer Valdez that he has been shot in the head, and Officer Valdez tells him to put pressure on it. A male voice is then heard saying he is an Army veteran with a CLS (Combat Life Saver) bag, and Officer Gardner asks him to help.

At 19:17:29, Officer Valdez was on the phone talking to his wife, still seated in the driver's seat, when the Pueblo Fire Department (PFD) arrived. Medical personnel helped Officer Valdez out of his vehicle and onto a stretcher. Officer Valdez was then transported to Parkview Hospital.

Summary of Dash Camera Footage: Officer Devin Valdez

The dash camera footage from the front of Officer Valdez's patrol vehicle begins at 19:10:02 hours and shows Officer Valdez traveling. He arrives in the area of West Mesa Avenue and Cedar Street at 19:12:05. At 19:12:17, Officer Valdez turns south onto Cedar Street from West Mesa Avenue. A person, later identified as Soto, can be seen walking north on the sidewalk.

As Officer Valdez continues to travel south on Cedar Street and gets closer to Soto, Soto can be seen dropping a black bag and producing a rifle. Soto then immediately starts shooting at Officer Valdez while walking backwards. A total of 27 shots can be observed being fired from Soto. After firing the 27 shots, Soto runs south on Cedar Street and out of view.

During the incident, a black vehicle can be seen towards the middle of the camera view on the opposite side of the road. This vehicle was later identified as belonging to Jessica Duran, the person that called Detective Castro and notified him that Soto was in the area.

Summary of Report: Officer Steven Gardner

Officer Gardner reported that on the evening of March 18, 2025, he and Officer Valdez were dispatched to a disturbance at the Rawlings library. While on that call, dispatch aired for Officer

Valdez to call in. Officer Gardner reported that he called in to dispatch, since Officer Valdez was occupied speaking to the parties involved. Dispatch connected Officer Gardner to Detective Castro, who stated he had information that Soto was in the area of Pine Street. Officer Gardner reported that Detective Castro asked him if he was familiar with Soto, and the name sounded familiar, but Officer Gardner did not remember exactly who he was at that moment.

Once Officers Gardner and Valdez completed their earlier call, Officer Valdez contacted Detective Castro. Officer Gardner reported that they were informed Soto was on Pine Street and that Detective Castro was seeking an attempt to locate Soto. Officer Gardner stated that upon learning this information, Officer Valdez looked over at him and stated, "let's go."

Officer Gardner reported that Officer Valdez then led the way to the area of West Mesa Avenue and Cedar Street. At approximately 19:12 hours they arrived in the area, and Officer Gardner began to slow down to search for Soto. Officer Gardner reported that Officer Valdez then approached the intersection where he aired, "this is our guy right here," and proceeded south on Cedar Street, pulling up to the curb on the east side of the street.

Officer Gardner stated that once he heard Officer Valdez had eyes on Soto, he sped up to get behind Officer Valdez. Officer Gardner made the turn south onto Cedar Street and saw Soto throw a jacket off the front of his body, along with what appeared to be a black backpack, and pull out a rifle. Officer Gardner then observed Soto fire multiple rounds at the driver's side of Officer Valdez's marked patrol vehicle. Officer Gardner took cover inside his own marked patrol vehicle and began to turn his vehicle around.

Once Officer Gardner started to turn his vehicle around, Soto began to fire multiple rounds into Officer Gardner's vehicle as well. Officer Gardner reported that he continued to stay down inside his vehicle and was able to drive northbound on Cedar Street across West Mesa Avenue before Soto stopped firing at him. At that time Officer Gardner aired over the radio, "shots fired, shots fired, officer down." Officer Gardner reported that he then got out of his vehicle and ran around the front of the vehicle while airing the description of Soto. At that time Officer Gardner no longer saw Soto anywhere, and he noticed that Officer Valdez's vehicle had not moved from the initial spot Officer Valdez had stopped when approaching Soto. Officer Gardner then ran south on Cedar Street to check on Officer Valdez.

Officer Gardner reported that when he got up to the driver's side door of Officer Valdez's vehicle, he noticed a heavy amount of blood on Officer Valdez's head, face, patrol vest, pants, hands, and arms. Officer Gardner observed that Officer Valdez had been shot in the head one time, and he began to apply pressure and check for any other wounds. Officer Gardner reported that seconds later an unknown male approached him and said, "I'm an Army medic; I have my med bag, what do you need?" The male then handed Officer Gardner gauze to apply to the wound and then began to wrap Officer Valdez's head in a bandage.

Officer Gardner reported he then ran around the passenger side of the vehicle to check for any more wounds on Officer Valdez. Shortly after fire rescue arrived on scene and Officer Gardner stepped back to allow them to take over treatment.

Officer Gardner reported by this time more officers were arriving and starting to secure the scene. Officer Gardner was directed by Sergeant Oliva to go sit in a nearby vehicle. Several minutes later Officer Gardner was transported back to the station by another officer, and he did not have any further involvement at that time.

Summary of Dash Camera Footage: Officer Steven Gardner

The dash camera footage from the front of Officer Gardner's patrol vehicle begins at 19:00:01 hours and shows Officer Gardner parked at a park. Officer Gardner arrives in the area of West Mesa Avenue and Cedar Street at 19:12:13. In the footage Officer Valdez's patrol vehicle is seen driving in front of Officer Gardner.

At 19:12:20, Officer Gardner turns south onto Cedar Street from West Mesa Avenue. As Officer Gardner pulls behind Officer Valdez, Soto can be seen close to Officer's Valdez's vehicle. Soto immediately begins firing his weapon. Officer Gardner turns his vehicle around in the road and drives across West Mesa Avenue, stopping on Cedar Street on the other side of the intersection. Officer Gardner is seen taking cover in front of his vehicle behind the engine block and appears to be utilizing his police radio. Officer Gardner then walks out of the camera view back toward the direction of Officer Valdez.

While the dash camera on Officer Gardner's vehicle was facing the incident, 17 shots can be observed based on the muzzle flashes.

Interview: Deputy Ely Dynes

Deputy Dynes was interviewed on March 27, 2025, by PPD Detective Ryan Torres and CBI Special Agent Andrew Marceau. Deputy Dynes indicated he had been employed as a patrol deputy for five years, and prior to that he had been employed as a detention deputy for an additional five years. Deputy Dynes went through the Pueblo Community College Law Enforcement Academy, graduated from the academy, and obtained his Peace Officer Standards and Training (POST) certificate in 2014. Additionally, Deputy Dynes was in the Army for approximately eight years.

Deputy Dynes indicated his patrol uniform consists of a duty belt and the standard sheriff uniform. He carries a taser, handcuffs, radio, two magazines and a sidearm. He wears an outer carrier bullet proof vest with his badge and name tag. He has two PCSO patches on both shoulders of his uniform shirt. Deputy Dynes carries a 9mm Shadow System firearm with 15 rounds in the magazine and one in the chamber.

Deputy Dynes stated that on the night of this incident he was sitting at St. Joseph's Church working on reports with Deputy Denius. He stated Deputy Denius left to check an address but called him a couple of minutes later and told him a PPD officer had been injured. Deputy Dynes said he does not scan his radio channels, so he immediately switched over to the police radio channel. Deputy Dynes said at that time their assistance was not being requested, so he went and parked by a bank and continued to listen to radio traffic. He heard the suspect was Soto, and they were calling for a K-9 unit to respond.

Deputy Dynes stated he heard Lieutenant Rude had arrived on the scene and they were going to start to track with the K-9. A few minutes later, he heard someone on the radio yelling "officer down, officer down." Deputy Dynes stated at that time he responded to the scene with his lights and sirens activated. When he arrived, he parked his patrol car at Pine and Northern Avenue and got his rifle out of his vehicle. He heard Lieutenant Rude air on the radio that Soto had ran between some houses near Spruce. He saw other deputies running south down Pine, so he met up with those deputies.

Deputy Dynes stated that they started clearing an area by an alley that runs east and west between Pine and Spruce. He explained that there was a shed and carport that the K-9 was hitting to. The K-9 was hitting to a trash can that was near the carport, so Lieutenant Rude jumped the fence and kicked the trash can over, but Soto was not in the trash can. He then put his focus back on the alley and they began to move to the north through the alley. Deputy Dynes stated at that point another deputy indicated a neighbor said Soto went toward Spruce, so they started making their way toward Spruce Street. Deputy Dynes stated that it was about this time the radio traffic for the police channel and the sheriff channel were combined.

Deputy Dynes stated he and the other deputies were standing in the street on Spruce Street, and they heard gunfire coming from behind them, to the west. They then ran back toward the alley between Pine and Spruce, and he heard a deputy say that the shots were coming from the house they were standing in front of. Deputy Dynes stated he then ran through the parking lot of the Dollar General, toward the alley. As he got to the alley, he could see shots hitting the ground in front of him, so he took cover behind a fence on the corner of the parking lot and the alley.

Deputy Dynes stated he had initially heard on the radio that Soto was Soto, and that he was wearing all black with white shoes. At some point the description changed, saying Soto was now wearing a white shirt. Deputy Dynes said when he first got back to the alley, he saw a Hispanic male wearing a white shirt on the rooftop. Deputy Dynes could see a black rifle in the male's hands. Deputy Dynes stated he yelled, "drop the fucking gun," then saw a muzzle flash from the male with the white shirt. After seeing the muzzle flash from Soto and realizing that Soto was continuing to shoot at him, Deputy Dynes returned fire from his AR rifle.

Deputy Dynes stated at that point Lieutenant Rude fell over next to him, and Deputy Dynes thought Lieutenant Rude was shot so he began to pull Lieutenant Rude out of the way. At that point Deputy

Dynes could still see Soto popping up and down on the rooftop and continuing to shoot at law enforcement. Deputy Dynes said he then reassessed his shot and fired approximately two more rounds toward Soto. At that point Deputy Dynes heard other officers saying he is down, so Deputy Dynes stopped shooting. He then made his way down the alley to provide cover for other deputies and officers who were going to check for any movement. Deputy Dynes stated it appeared to him that Soto was lying face down on a rooftop, and it did not appear he was moving. At that point the police Bearcat arrived in the alley, and other officers went on the rooftop to check Soto. Deputy Dynes stated he checked Lieutenant Rude for injuries and did not find any. Shortly after that he was taken away from the scene by other officers who had not fired their weapons.

The interviewers asked Deputy Dynes how he felt during this incident, and he stated that he was scared. Deputy Dynes stated he knew Soto had already shot two police officers, and he thought Lieutenant Rude had just been shot as well. Deputy Dynes stated he believed at that point he was going to get shot as well. The interviewers then asked Deputy Dynes whether he was concerned that his gunfire could hit a citizen, since they were in a residential neighborhood. Deputy Dynes stated he was not, because Soto was on a roof and there was nothing behind him that the shots Deputy Dynes fired could have hit. Deputy Dynes stated it was just open air behind Soto at the time Deputy Dynes fired at him. The interviewers asked Deputy Dynes if he had ever encountered Soto before, and he stated he had not, but he was aware of who Soto was and that he was wanted for homicide. Finally, the interviewers asked Deputy Dynes if any of the other tools he carries on his belt or in his vehicle would have been effective to stop the threat from Soto, and he stated no. Deputy Dynes stated that he already knew Soto had a high powered rifle and he saw Soto with it, so he knew there were no other tools that would be effective in stopping the threat.

Interview: Deputy Melanie Denius

Deputy Denius was interviewed on March 27, 2025, by PPD Detective Ryan Torres and CBI Special Agent Andrew Marceau. Deputy Denius stated she has been employed with PCSO for two years. She worked as a detention deputy for several months before becoming a patrol deputy. She attended the Pueblo Community College Law Enforcement Academy and obtained her POST certificate in 2022.

Deputy Denius stated that she was working an overtime shift on the night of March 18, 2025. She was wearing her standard PCSO uniform with two patches on her shoulders, a badge, and a duty belt. She had handcuffs, pepper spray, a taser, and her firearm on her duty belt, and her body worn camera on her uniform shirt. She carries a Shadow System 9mm handgun with a 15-round magazine and one round in the chamber. She stated she carries two additional magazines on her duty belt.

Deputy Denius stated on the night this incident occurred she was heading toward Colorado City on I-25 between the Abriendo exit and the Pueblo Boulevard exit. She was scanning radio channels and heard shots fired officer down on PD 1, which is channel one on the PPD radio channel. She

stated she heard that Soto was last seen on the 1200 block of Pine Street. Deputy Denius stated after hearing this she drove to Stem Beach, pulled over, and waited to see if they needed help. She stated she then went to the Maverick station on Pueblo Boulevard, where she heard that officers were requesting a K-9 unit from the Sheriff's office to respond. Deputy Denius then called another deputy and let them know that PPD had just had an officer shot and they were requesting a K-9 unit, and that she heard on the radio that the suspect was Soto. She also stated that her department had previously sent out a photo of Soto.

Deputy Denius then stated that other deputies began responding to the incident with lights and sirens, so she started going to that location as well. Deputy Denius stated she drove to the Alta Convenience store on Northern and Cedar Street. She said when she got there, she waited by the car to see what was needed, then she went with Lieutenant Rude and his K-9 unit to track Soto. She stated they started the track around Cedar Street and Mesa Avenue, going south through the alley. One of the K-9's alerted to an area with a chain link linked fence in the alley between Cedar and Pine Street. Deputy Denius stated at that point she was going to go around to the front of the house and as she started moving, she heard gunfire. She stated she heard one of the officers she was with saying they were hit and saw him fall. Investigators asked Deputy Denius how many gunshots she heard, and she was just able to say there were a lot. She was asked whether she was in fear for her life at that point, and she stated she was. She also stated she was in fear for the other officers and deputies' lives and given that they were in a residential neighborhood near a busy street she was also in fear for the public's safety as well.

Deputy Denius stated she aired on the radio that an officer was down, and they needed an ambulance. She stated someone dragged the officer down the alley to the Alta store. Deputy Denius then made it to the other end of the alley where she saw two more Sheriff deputies, and she told them Soto was going east. She said she believed someone said Soto went to a house on Pine Street.

Deputy Denius stated there is a little alley that runs east and west between Pine and Spruce, and they went up the alley. She said in that alley between Pine and Spruce Street the K-9 started hitting on a trash can. She stated Lieutenant Rude climbed the fence and kicked the trash can, but Soto wasn't in there. Deputy Denius said they then went through the parking lot of the Dollar General toward Spruce.

Deputy Denius stated the original description of Soto was that he was wearing black clothing and white shoes. She then heard that Soto was now wearing a white shirt. Deputy Denius stated they were standing on Spruce Street, and she heard gunshots coming from the alley, so they ran back through the parking lot toward the alley. She stated she could see the muzzle flash coming from the alley between Pine Street and Spruce Street. She stated that when she got to the corner of the parking lot and the alley, she saw Soto in a white shirt on top of a roof, and another deputy was also saying Soto was on a roof. This was when she fired her gun. She stated Deputy Garbiso fell, and she, Lieutenant Rude, and Deputy Dynes were at the corner of the alley. She stated then

Lieutenant Rude fell and they thought Lieutenant Rude got shot at that time. She stated after that the Bearcat arrived and they called out that Soto wasn't moving. They all checked each other to make sure they weren't injured, and then they were separated.

Investigators asked Deputy Denius if the person wearing a white shirt on the rooftop was in the area she heard gunshots coming from, and where she saw the muzzle flash, and she said yes. They asked her why she fired at Soto, and she stated it was because she knew he had already shot two police officers, and she heard more gunfire. When asked what she thought was going to happen if she did not fire her weapon, Deputy Denius stated she believed that she and other deputies would have been dead. She stated she also knew Soto was armed with a rifle, and she was not wearing a vest with rifle rated plates. Investigators asked Deputy Denius what her backdrop was when she was firing at Soto, and she stated he was elevated, and she was firing upward. They asked her if she gave Soto any commands prior to shooting. Deputy Denius stated she yelled "show me your hands," but Soto never listened to her or any other deputy's commands.

Investigators asked Deputy Denius whether she had any history with Soto. She stated she knew there was an email in her department alerting them that he was possibly involved in a homicide investigation. Investigators asked Deputy Denius if she could have used any other tools on Soto. Deputy Denius responded that Soto made his own decision, that she felt it was an ambush on officers, and that she didn't have any other options.

Interview: Lieutenant Joshua Rude

Lieutenant Rude was interviewed on March 27, 2025, by CBI Special Agent Andrew Marceau and PPD Detective Joseph Cardona. Lieutenant Rude is the daytime Patrol Commander and handles the daytime operations throughout the shift. He was also in charge of the K-9 program, and had his K-9 with him but did not deploy it on March 18. Lieutenant Rude received his POST certificate in 2010, and previously was in the Army for five years.

When he responded to this incident, Lieutenant Rude was wearing an over vest, which had his rank and said K9 Sheriff on the front and back. He was also wearing a green sweatshirt with K9 patches on both sides, with green tactical pants and black boots. His BWC was attached to the front of his vest. On his duty belt was a gold metal badge, flashlight, radio, Taser, extra pistol magazines, his pistol, tourniquet, and an ASP (baton). He carries a 9mm Shadow System pistol.

Lieutenant Rude stated that on March 18, 2025, around 7:19 p.m., dispatch contacted him to notify him that PPD was requesting the assistance of K9s for an officer involved shooting and that the suspect was still at large. He gave them approval and contacted Deputy Christopher Carter to respond with his K9. Lieutenant Rude stated they send two K9s on calls of that nature, so he also responded from his residence. While on his way to the scene he was contacted by another K9 handler requesting to respond, and he advised that they could. He stated that while he was responding he was provided information that the suspect was Soto, who was wanted for attempted

murder and had already shot a police officer. When asked, Lieutenant Rude stated he saw Soto's booking photo on his computer, and that he had never had any personal interaction with Soto.

Lieutenant Rude stated that when he arrived on scene, he parked on Cedar near Northern. Deputy Carter was already on scene and had already deployed his K-9, so Lieutenant Rude did not deploy him. He met with Deputy Chief Jim Martin and received a briefing about what had taken place, then he linked up with Deputy Denius and Deputy Carter. Lieutenant Rude stated they were advised that Soto had left a backpack at the scene, so the K-9 was directed over to the bag to pick up his odor and start tracking him.

Lieutenant Rude stated they started tracking Soto north on Cedar Street towards West Mesa Avenue, then headed east on West Mesa Avenue. They then ended up going south down an alley between Cedar and Pine. Lieutenant Rude stated that a few doors down, the K-9 started to alert to a gate to the backyard of 1223 Pine Street. Based on how the K-9 responded, Lieutenant Rude stated he knew Soto had gone that way, but he wasn't sure if Soto was still in the backyard. Lieutenant Rude stated the gate was chain linked and locked. The K-9 was digging under the fence, wanting to get into the backyard. They attempted to get through the fence, but everything they tried did not work, and they did not feel comfortable sending someone over the top of the fence.

Lieutenant Rude stated that PPD Sergeant O'Hayre and a few other PPD Officers were also with them. It was determined that the Sergeant and Officers would stay in the alley, and Lieutenant Rude and K-9 would go out to the front of the address on Pine Street. Lieutenant Rude stated that as the plan was being explained, they saw and heard several shots. Lieutenant Rude stated that Sergeant O'Hayre was shot several times, and other officers pulled him out of the way while Lieutenant Rude called over the radio to say an officer was down.

Lieutenant Rude stated after Sergeant O'Hayre was moved out of danger they continued south down the alley over to Pine Street. Lieutenant Rude stated then a gentleman yelled out to them and stated he had run through his backyard. He stated a few officers were left in front of the residence, and he, along with other Deputies, went around the block and down the alley behind the residence Soto was last seen running through. They cleared the area around the Dollar General. Lieutenant Rude stated another K-9 had gotten an odor that drew them to a trash can in the backyard of a residence. Lieutenant Rude stated he jumped the fence and kicked the trash can over, and it was empty.

Lieutenant Rude stated they then returned to the parking lot and continued north on Spruce Street, but the K-9s weren't getting any odor, so based on that they believed Soto was still back in the alley. He stated then they heard more gunshots, and they ran back toward the parking lot. He stated that as they were approaching, they heard more gunshots, and Deputy Garbiso fell, so at that point he thought Deputy Garbiso had been shot. He stated he heard Officers yelling that they could see Soto on a roof.

Lieutenant Rude stated he took up a position at the fence and that he could see Soto poking up wearing the white T-shirt and black pants that he was described to be wearing. Lieutenant Rude stated he could see the muzzle flash from Soto's weapon as he was firing at them. He stated he believed they said Sheriff's Officer several times, and to drop the weapon. Lieutenant Rude stated at that point he fired several rounds at Soto, as Soto was firing several rounds at Lieutenant Rude and the deputies. Lieutenant Rude stated at that point a round skipped off the ground next to him, which caused him to roll over to avoid being hit. He stated Deputy Dynes thought he had been shot and tried to pull him away, but Lieutenant Rude told Dynes he was ok and went back into the firefight. Lieutenant Rude stated then they heard over the radio that Soto was down, and they could see Soto on the rooftop not moving and began to approach. He stated the PPD Bearcat arrived, and they moved to allow the Special Weapons and Tactics (SWAT) team to take over the scene. Lieutenant Rude stated after that they all checked each other to make sure no one was injured and moved back to the parking lot, where he called his Captain to advise them about what had taken place.

Investigators asked Lieutenant Rude if Soto was already firing before Lieutenant Rude fired his weapon. Lieutenant Rude stated that before he started shooting, Soto was already actively shooting at him and the Deputies. Investigators asked Lieutenant Rude if he had anything else he could have used to stop Soto, and Lieutenant Rude responded there was not. He stated Soto was already shooting at them, and deadly force was the only thing he could use to stop the threat. Investigators asked Lieutenant Rude if he was aware of his backdrop at the time he fired, and Lieutenant Rude stated that since Soto was on the roof, the only thing behind Soto was the sky.

Interview: Deputy Robert Garbiso

Deputy Garbiso was interviewed on March 27, 2025, by CBI Special Agent Courtney Norman and PPD Detective Joseph Cardona. Deputy Garbiso had been working at PCSO for nine years and went to the POST academy in 2019. Prior to that he worked as a detention deputy for approximately two years.

On March 18, 2025, Deputy Garbiso was working a normal shift. He had completed his briefing and was traveling in his marked patrol vehicle. He was wearing his assigned uniform with his standard law enforcement gear, including his firearm, less lethal gear, handcuffs, and his BWC. Deputy Garbiso carries a 9mm Shadow System handgun with three magazines and one round in the chamber. Deputy Garbiso stated he was listening to his radio on a scan function and heard, "shots fired, shots fired, officer down." Deputy Garbiso contacted PCSO dispatch to ask if PPD needed assistance, and they stated they had not heard. He stated he heard the suspect's name aired as Billy Soto with his date of birth. Deputy Garbiso stated he looked Soto up in their system and Soto was flagged to have an active warrant for homicide, so he provided dispatch with that information and asked that it be sent to all PCSO along with a known photo of Soto.

Deputy Garbiso stated he decided to respond to the scene, and before he did, he changed into his body armor with rifle plates. Deputy Garbiso stated he arrived on scene at Evans Street and West Arroyo Avenue, then decided to move to West Arroyo Avenue and Spruce Street. He stated that while he was at that location, he heard rounds being fired, and he also heard "shots fired" over the radio. Information was then aired over the radio that Soto was near the Alta, so he stated he proceeded to that location to assist.

Deputy Garbiso stated he observed a pinkish house where Soto was believed to be, and he could hear law enforcement giving commands to come out. He stated that as this was occurring, he took cover behind a car. He stated the owner of the house then came out and advised him no one is in the home, but they saw a male run through the backyard. Deputy Garbiso stated he and other officers began approaching through the backyard toward the alleyway and the shed.

Deputy Garbiso stated as they were going toward the alleyway, he heard a loud bang and a flash coming back from the alley, then he heard "shots fired, shots fired." Deputy Garbiso stated he had his flashlight with him, and the alleyway was dark, so he was trying to use the flashlight to locate Soto. He heard officers advising that Soto was in the alley and on the roof. As he heard that, he observed a male in a white shirt on the roof. Deputy Garbiso stated he knew Soto was wearing a white shirt from the information provided to him by the homeowner.

Deputy Garbiso stated he saw another flash and heard gunfire. He stated he fell at this time as he was attempting to take cover from Soto, who was shooting at Deputy Garbiso and other officers. Deputy Garbiso stated he could see Soto's head and white shirt; however, he wasn't sure what position Soto was in. Deputy Garbiso stated at that time he was in fear for himself, the other law enforcement officers, and the public; and he began returning fire at Soto. He believed he fired approximately 12 to 13 rounds. Deputy Garbiso stated that shortly after that, PPD SWAT arrived with the Bearcat, and they took cover behind the vehicle. He stated that as this occurred, he removed his magazine and exchanged it with a full one. Shortly after that they were advised that Soto was down, and he and the other deputies left the area and checked each other for injuries. Deputy Garbiso stated he cut his leg when he fell.

Investigators asked Deputy Garbiso how many times he saw the muzzle flash from Soto's gun, and he stated he saw the flash from Soto's rifle about two or three times. When asked, Deputy Garbiso stated he was scared during this incident, and explained he knew Soto had already injured three officers, so he felt Soto was willing to do anything to get away. Deputy Garbiso stated Soto was not complying with any commands from law enforcement, and he stated he would not have been able to safely utilize any other less lethal tools and that he felt his only option was to utilize deadly force.

Interview: Detective Eufracio Ortiz

Detective Ortiz was interviewed on March 28, 2025, by PCSO Detective Amy Colvin and CBI Special Agent Andrew Marceau. Detective Ortiz works for PPD as a narcotics detective and had been employed by PPD for a little over eight years. He received his POST training and certificate through PPD, and had received additional training as a SWAT Operator, attended a basic rifle course, SWAT school, and drug and gang training.

Detective Ortiz stated on March 18, 2025, he was on his day off. He received a level one SWAT callout advising that Officer Valdez had been shot in the head. He explained that a level one callout is the highest level requiring an emergent response. Detective Ortiz responded to the call from his residence. He stated he was wearing his all-black SWAT uniform with PPD patches on both shoulders, an outer carrier, a helmet, a belt that holds his pistol, two handgun magazines, handcuffs, and a first aid pack. On his plate carrier he has three rifle magazines. The front and back of his vest has POLICE on both sides. Detective Ortiz did not have his BWC when he responded to the scene. He stated that on a normal callout he would respond to the staging area and collect his BWC, but since this was an active scene where officers had already been shot, he just went to the scene to address the threat.

Detective Ortiz stated when he first got the page, it said it was level one, and the suspect was Billy Soto. There was no clothing description at that time. He stated he was driving an unmarked vehicle and responded with lights and sirens. He stated that since he worked with the gang unit he knew of Soto, and he knew Soto had felony warrants out for his arrest. Detective Ortiz stated that as he was responding to the scene, he heard over the radio that Captain Maldonado had just been shot.

Detective Ortiz stated he observed Officer Ruiz in his unmarked vehicle just ahead of him, so he followed Officer Ruiz into the Dollar General parking lot at the corner of Northern and Spruce. He stated that as they were pulling into the parking lot there were Sheriff Deputies on the fence line of the alley. Detective Ortiz stated he saw one deputy fall on their back, and he could see them returning fire, so he knew they were taking fire. He stated he was not sure if the deputy who fell had been shot.

Detective Ortiz stated there was a Conex box in the parking lot, so he went to a spot to the right of it first. He stated he could see a detached green garage, but from where he was standing, he knew it wasn't a good spot because there were officers in front of him. He moved to the left of Conex where he could see down the alley. He stated that as he was coming into the area, he heard over the radio that Soto was wearing a white T-shirt and jeans, because he had ditched his hoodie.

Detective Ortiz stated at that point he saw Soto's head pop up, and he was able to see the blow back from Soto's gun. At that point Detective Ortiz came up on his rifle and was able to see Soto from the chest up. Detective Ortiz stated at that time, he engaged Soto, and he believed he shot

three to four rounds. He stated that when the shooting was over, they got Officers to take better cover to position the Bearcat to provide a higher armor level.

Investigators asked Detective Ortiz whether there was anything behind Soto that could have been hit when Detective Ortiz fired the shots. Detective Ortiz stated there was nothing behind Soto because he was in an elevated position. Investigators asked Detective Ortiz whether he could have employed any other tools to stop the threat from Soto. Detective Ortiz stated that Soto had already shot three officers, he thought the deputy he saw fall had been shot, Soto was not listening to any commands, and there was no other weapon system that could have been used to stop him other than deadly force. Detective Ortiz stated that when he arrived on scene and when he engaged Soto he felt fear for his own life and those of the officers around him, and he knew if he didn't engage Soto then Soto was not going to stop.

Interview: Detective Brock Ruiz

Detective Ruiz was interviewed on March 28, 2025, by PCSO Detective Chase Telfer and CBI Special Agent Courtney Norman. Detective Ruiz attended the POST Academy through PPD in 2016. Since being employed with PPD he worked patrol and narcotics, and on the date of the incident he was assigned to the narcotics unit and was auxiliary with SWAT.

Detective Ruiz stated that on March 18, 2025, he was not working. He was at home when he was notified through a SWAT thread of this incident around 19:00 hours, and shortly after that he was called out on a level one call out for SWAT. He stated that he was wearing his black SWAT uniform with PPD SWAT patches on it, as well as a black vest marked POLICE on the front and back. The vest contained two rifle magazines, a taser, a radio, and a flashlight. He was also wearing a ballistic helmet with a communication set, and a standard duty belt with a first aid kit, tourniquet, two 9mm magazines, his 9mm handgun, and handcuffs. Detective Ruiz stated that normally on a SWAT callout they respond to the staging area to retrieve their BWC, however he was not able to respond to that location during this incident due to the active scene, so he did not have his BWC during this incident.

Detective Ruiz stated that while he was responding to the scene, he could hear officers receiving gunshots over the radio. He stated that while he was responding he was aware he was responding to an active shooter situation where an officer had already been shot, and that the suspect was Soto. Detective Ruiz stated he had previous interactions with Soto, and he was familiar with Soto's appearance, tattoos, and physical description. Detective Ruiz stated he was also aware that Soto had a history of carrying a weapon, was a known gang member, and a known felon. He stated that on his last contact with Soto a few months prior, Soto had a firearm inside a backpack. Detective Ruiz stated while he was responding he could hear officers airing that Soto was firing at them, and he was aware based on the sound of Soto's shooting that he was using a rifle.

Detective Ruiz stated when he arrived on-scene, he was not able to make it to the staging area due to this being an active incident. He stated it sounded like Soto was moving, so he ended up parking on Northen and Pine. He stated he attempted to get further information on what was occurring, and he learned Soto was on a roof, but he didn't know which one. He linked up with Officer Smith when he arrived on scene. They initially began to clear an area there, then heard over the radio that Soto had moved, so he returned to his unmarked patrol vehicle to attempt to locate Soto. He observed deputies with the K-9 unit working their way east, so he relocated to Spruce Street. While on Spruce Street he stated they heard more gunshots, then heard over the radio that Captain Maldonado had been shot. He stated he then saw officers running toward the alley, and he entered the Dollar General parking lot.

Detective Ruiz stated he, Officer Smith, and possibly Detective Ortiz came up to a barrier in the parking lot, where they could still hear Soto sporadically shooting from the roof. He stated as they heard the shots, they saw a deputy fall in the alleyway and thought he might have been shot as well. He stated they did not push forward toward the fence and remained behind the barrier to hopefully get a better angle on Soto's elevated position on a roof. Shortly after this, they saw Soto pop up on top of the garage in his white T-shirt, and he began shooting at Soto. Detective Ruiz stated he believed he fired approximately four times. After that exchange there was no more gunfire, so they had the Bearcat approach. Detective Ruiz explained that the Bearcat is an armored vehicle that helps provide cover and an elevated position, which they didn't have previously. He stated they utilized it to approach Soto, who appeared to be hunkered down unresponsive on the roof. He stated they were able to get up to the roof to check Soto, where they found him unresponsive with a rifle under him. He stated medical was also on the roof and they took over responding to Soto.

Investigators asked whether he could see muzzle flashes from Soto before Detective Ruiz fired, and he stated he could. He stated the muzzle flashes he observed were consistent with the sounds of Soto firing at them throughout the incident. Investigators asked what the backdrop was when he fired at Soto, and Detective Ruiz stated he was on a concrete building and there was only air behind Soto. Investigators asked what he believed Soto's intentions were at that time. Detective Ruiz responded that he knew Soto had a warrant, so he believed Soto was trying to avoid going to jail, and that he was trying to shoot his way out of the scene. Detective Ruiz stated he knew if Soto was able to do so he would have put more members of the community and more officers at risk. Detective Ruiz was asked whether any of his other tools would have been effective at stopping the threat. He stated they would not, as Soto had already taken lethal action by firing at officers, and that there were no other options.

Interview: Officer Jonathan McMillian

Officer McMillian was interviewed on March 28, 2025, by PCSO Detective Chase Telfer and CBI Special Agent Courtney Norman. Officer McMillian has been employed with PPD for five years and currently works in the patrol division. He is also a member of the SWAT team.

Officer McMillian was not on duty on March 18, 2025. He stated he was at home when he was informed of the incident through a SWAT message around 7:30 p.m. that an officer had been shot. He stated once he learned this information he began getting ready as he expected they would be called out to the incident shortly. Officer McMillian stated he wore his SWAT uniform, which was all black clothing with PPD patches on both shoulders. He also wore an over vest carrier with extra rifle magazines that had POLICE written across the front and back in large white lettering. He also wore a ballistic helmet. Officer McMillian stated he carried extra magazines, a flash bang, and his police radio. Officer McMillian stated he is assigned a BWC through SWAT, but he usually picks it up from the station or the staging area when they respond to a scene. He stated that based on the active shooter situation he did not have time to stop and pick up his BWC.

Officer McMillian stated that while he was on his way to the scene he heard on his radio that another officer had been shot. He stated he also heard that the suspect was using a high-powered rifle, so he retrieved his own rifle and responded to the intersection of Mesa Avenue and Pine Street.

Officer McMillian stated he walked south on Pine Street, where he met up with other officers in front of a residence on the east side of the street. He stated they learned from the resident that the suspect was wearing a white shirt and ran east through their yard. Officer McMillian stated he was watching the yard, and at that point he heard several shots being fired. He stated he heard on the radio that Captain Maldonado had been hit, then a few seconds later he saw Captain Maldonado come from the backyard. He stated he was able to see Captain Maldonado was injured and had blood coming from the right side of his face. Officer McMillian stated he asked Captain Maldonado where Soto was, and Captain Maldonado told him Soto was in the back on top of the shed. He stated there was a patrol officer nearby who he directed to take Captain Maldonado out of the area, and he went into the backyard Captain Maldonado had just come out of.

Officer McMillian stated he went into the backyard and saw a couple of Sheriff's deputies, then he heard someone yell that Soto was on the roof. Officer McMillian stated he was able to see Soto on the roof of the detached garage, and he could see Soto was hunkered down on the roof with his upper body propped up on an elbow in a stance that appeared he was trying to fire at other officers. He stated when he observed Soto on the roof, Soto was facing away from him and toward the other officers and deputies who were in the alley. Officer McMillian was able to see that he was a Hispanic male with a white shirt, which matched the description he had been given of Soto. He stated that is when he fired approximately five rounds at the suspect. After firing those rounds, he stated he held his position until other officers arrived to provide medical care to the suspect.

Investigators asked Officer McMillian if he was aware of the backdrop of where he was firing. He stated he was firing in an upward direction, and there was nothing but the sky behind the target. Investigators asked Officer McMillian how he felt during this incident, and he explained he was in fear for his fellow officers, since he knew three officers had already been shot at that point.

Interview: Brian Sisnroy

Officer Brian Sisnroy was interviewed on March 28, 2025, by PCSO Detective Amy Colvin and CBI Special Agent Andrew Marceau. Officer Sisnroy stated he was on duty on March 18, 2025. He stated Sergeant O'Hayre called him during his shift to inquire if he was willing to work some overtime and stay later in the evening, as there was a recruit officer who needed a training officer. Officer Sisnroy stated he agreed to continue working until 10pm to assist.

Officer Sisnroy stated that when this incident began, he and his recruit officer were responding to a family disturbance call. He stated they were on that call when he heard shots fired over the radio. When he heard shots fired, they left the family disturbance call and immediately ran to their patrol vehicle. He stated that as they were running to the vehicle, he heard that there was an officer down, so they immediately began to respond to the scene of the shooting. He stated that as they were driving, he heard Officer Valdez say over the radio that he was shot. Officer Sisnroy stated he asked for a description of the suspect, and he was informed it was Billy Soto, and he was wearing a black shirt, tan pants, white shoes, and had a high-powered rifle.

Officer Sisnroy stated they responded to the intersection of Northern and Pine. He stated when they arrived, he retrieved his rifle out of his trunk. He stated he knew Soto had a rifle as well and he wanted to be able to provide accurate and effective fire from a distance outside the practical capability of a handgun. He stated at that time it was getting dark outside, he didn't know where Soto was, and it was just himself, his recruit officer, and one other officer who had arrived on scene at that point. He stated he heard somebody on scene say the shooter was last seen in the alley east of Cedar going south, so they maintained their positions watching the area where Soto was believed to have gone while they waited for the K9 unit to arrive.

Officer Sisnroy stated after other officers arrived on scene and began to search for Soto, he heard Sergeant O'Hayre say over the radio they were going to clear the alley. He stated after that he heard numerous gunshots coming from the alley the officers were clearing. He stated after he heard the gunshots, he saw Soto run in front of him in the middle of the block on Pine, going from west to east, so he began to chase Soto. Officer Sisnroy stated there was a pink house near the middle of the block that he saw Soto run behind and out of his line of sight. He stated as he was chasing Soto he was trying to air his location, but the radio traffic was busy as Sergeant O'Hayre had just been shot. He stated the area where he observed Soto running behind the house was cluttered with a lot of items that Soto could have hidden in, so he tried to find cover in front of the house.

Officer Sisnroy stated he was able to air his location, and other officers began to arrive in front of the house as well. He stated shortly after that someone informed them that they saw the person who ran through the backyard get on the roof. He stated Captain Maldonado and a K9 handler went through to the back to clear the area, and he stayed in position in front of the house to cover the roof area. He stated Captain Maldonado aired the backyard was clear and that Captain Maldonado was trying to help the drone operators locate them when he saw muzzle flashes and heard more gunshots.

Officer Sisnroy stated he then observed Captain Maldonado walk back toward him with a gunshot wound to his face. He stated he was then able to see Soto's position on the roof of the detached garage in the back because he saw the muzzle flashes from Soto's gun when he fired. He stated at that time he was assessing the situation, because he knew some deputies had gone down the alley and he believed it was likely there were more officers back there as well. He stated he knew from his angle, since Soto was on the roof, if he were to fire at Soto the only thing behind the target would be air, so he wouldn't hit any other officers or civilians.

Officer Sisnroy stated at that point there were gunshots going off and he could still see the muzzle flashes from the roof. He stated he stepped out from behind his cover and could see Soto's silhouette on the roof shooting at the officers in the alley, so he aimed at Soto and fired one round from his rifle. Officer Sisnroy stated after he fired that one round, he didn't see the silhouette any longer, and the muzzle flashes and gunshots stopped. He stated at that point he took cover with two deputies until the Bearcat arrived, and they were able to take cover behind that until they learned Soto was down.

Interview: Civilian Witness Jessica Duran

Jessica Duran was interviewed on March 25, 2025. She was the original reporting party to Detective Castro.

Ms. Duran is a bonds agent who had Soto as one of her outstanding bonds. She stated that despite this, she had not really been looking for him, due to information she had received that Soto was going to shoot it out with the police if he was contacted. She stated that on March 18, she got a phone call from another bond agent that Soto was on Pine Street attempting to steal a motorcycle. She stated she notified Detective Castro of the information, and learned his team was not working that day.

Ms. Duran stated she had received other calls about Soto being in various areas in town, but was never able to verify the information, so she went by the address to see if it was Soto. She stated she had remained in contact with Detective Castro, and she informed him that she saw Soto at the address on Pine attempting to steal the motorcycle. She also stated she spoke with the other bond agent, who also came into the area and parked at the other end of the block on Northern and Pine.

Ms. Duran stated that while she was there, Soto started walking toward her, but then he turned around and walked past the motorcycle. She stated that she and the other bond agent were trying to keep an eye on Soto while she continued updating Detective Castro so he would know where to send patrol officers.

Ms. Duran stated that as the patrol vehicles turned, she observed Soto drop a backpack and start shooting. She stated as the shooting was occurring, she believed two police cars backed up to get away from the police vehicle that had already been shot. She explained that the officer wasn't even able to get out of the vehicle before Soto began shooting at him. She stated Soto then began running back up towards Northern toward her, and she put her vehicle in reverse to get away initially. She stated Soto then ran up toward the gas station, cutting through the alleyway. She stated she then pulled out by Convergys and attempted to see where Soto was going. She then drove towards the officer who had been shot to see if he was okay, and she stated another officer told her to get out of the area.

Interview: Civilian Witness Matthew Hartvigsen

Matthew Hartvigsen was interviewed by CBI Special Agent Andrew Marceau and PPD Detective Ryan Torres on March 18, 2025. Mr. Hartvigsen was identified as the good Samaritan who provided aid to Officer Valdez immediately after he was shot. Mr. Hartvigsen is seen on BWC running to the aid of Officer Valdez and provides a Combat Life Saver (CLS) bag and begins applying pressure and bandages to the wound on Officer Valdez's head.

Mr. Hartvigsen stated he lives nearby, and he was in his driveway when he heard large caliber rifle gunshots. He stated he paused and didn't hear anything after the shots, then he observed a PPD patrol car stop in front of his house. He stated he could hear the officer get on his radio and tell the dispatcher there was an officer down. He stated at that time he thought maybe that an officer or a passenger in that patrol car had been shot.

Mr. Hartvigsen stated he returned to his vehicle and retrieved his pistol and CLS bag, then went back to the street to provide aid to the officer in front of his house, but the officer was no longer there. He checked the patrol car to see if anyone was injured inside and he saw nothing. He stated he then looked down the street and saw another PPD patrol car, and the officer who was in front of his house was now at that car.

Mr. Hartvigsen stated he ran down to the other patrol vehicle, and as he approached, he told the officer he is an Army veteran, and he has a CLS bag. He stated the officer who was in front of his house told him the other officer was shot, so he started getting bandages out to apply pressure. He stated the officer who was shot had a lot of blood coming from his head, and his face looked as though it had been peppered with glass.

Mr. Hartvigsen stated he had been in the military and had guns of his own, so he knew for sure that the gunshots he heard were definitely a rifle being fired. He stated he never saw the suspect who was shooting.

Interview: Civilian Witness William Salazar

William Salazar was interviewed by CBI Special Agent Courtney Norman on March 18, 2025. Mr. Salazar is the owner of 1224 Pine Street, which is the address where Soto climbed onto the roof of the garage during the shooting.

Mr. Salazar stated he did not know Soto. He stated that his power had gone out earlier in the day due to a tree falling on a power line. Due to this, he was outside trying to set up a generator when this incident occurred. Investigators noted his power was still out when they contacted him.

Mr. Salazar stated his uncle was in the backyard when Soto ran through. He described Soto as wearing a white shirt and jeans, and stated he ran through the fenced area. Mr. Salazar did not see Soto until he stood up on the roof and began shooting. He stated he observed Soto's gun to be a black long gun.

Mr. Salazar stated he heard officers tell Soto to drop the gun, however, Soto did not drop the gun and instead began shooting.

Scene Processing: West Mesa Avenue and Cedar Street

This scene is located near the intersection of West Mesa Avenue and Cedar Street, where Officer Valdez was shot. This is a residential neighborhood where West Mesa Avenue is in an east-west direction and Cedar Street is in a north-south direction. The marked patrol vehicle that Officer Valdez was driving was parked facing south in front of the residence at 1208 Cedar Street, south of West Mesa Avenue. The marked patrol vehicle that Officer Gardner was driving was parked facing northwest towards the residence at 1139 Cedar Street, in the middle of Cedar Street, north of West Mesa Avenue.

Most of the evidence was located on or near the east sidewalk of Cedar Street, south of West Mesa Avenue. Investigators located a black backpack, multiple fired rifle cartridge casings, and a flashlight in this area.

The two damaged patrol vehicles were transported to the PPD for processing and documentation. The vehicle that Officer Valdez was driving was found to have broken driver-side front and rear door windows, and a broken rear windshield. There were numerous entry and exit bullet defects in the windshield, the front driver side door, the plexiglass partition between the front and back, the rear passenger doors, the front driver side seatbelt column, the back seat, the roof, the lightbar, the driver side tire rim, and the rear trunk cover. Additionally, there were three entry and exit bullet

defects in the top right side of the front driver side seat headrest. Multiple bullet fragments were recovered from the vehicle.

The vehicle that Officer Gardner was driving was found to have a broken front driver side door window and a broken rear windshield. Multiple bullet defects were observed in the rear driver side door, the rear trunk cover, the rear driver side window, the front driver door below the window, the passenger side rear window, and the passenger side trunk panel. Multiple bullet fragments were recovered from the vehicle.

Scene Processing: Alley East of Pine Street and 1223 Pine Street

This scene included the property of 1223 Pine Street, and the alley to the south of 1223 Pine Street, where Sergeant O'Hayre was shot. 1223 Pine Street is a residential home, with the property surrounded by a wooden fence on the west, north, and south sides. The wooden fence to the west had a gate that allowed access to the back alley. In the backyard of the house there was a large red shed and a large greenhouse type structure. A walkway snaked through the yard and connected the back yard to the front driveway by running through the middle of the back yard, then turning north and running along the north side of the residence.

A grouping of fired cartridge casings was present south of the greenhouse structure, and another grouping was present east of the greenhouse structure.

At the east end of the walkway, where the walkway connected with the driveway of the residence, a lighter and a left white and maroon Levi's shoe (consistent with the right shoe that was observed on Soto) were observed and collected. On the opposite side of the fence that lined the north side of the property was a black zip-up Puma jacket and a black hooded sweatshirt that were also observed and collected.

Defects were located on the wooden fence that lined the west of the property. The direction of travel for both defects was east to west, or from the yard into the back alleyway.

In the alleyway behind 1223 Pine Street apparent blood was observed in multiple locations.

Scene Processing: 1224 Pine Street

1224 Pine Street is situated on the east side of Pine Street, facing west. This scene is where both Captain Maldonado and Soto were shot. A PPD Bearcat vehicle was parked in the alley behind the detached garage.

Soto was located on the roof of the detached garage, lying on his back. He was wearing a white short-sleeved shirt over a long-sleeved shirt, dark colored jeans, and a single white shoe on his right foot. Evidence located around his body included an empty magazine near his feet, a rifle to

the west of him, a loaded magazine near his left side, and three fired rifle cartridge casings. The rifle had one loaded magazine in it, with one cartridge found in the chamber.

In the alley behind 1224 Pine Street and in the adjacent Dollar General parking lot investigators located multiple fired cartridge casings, a projectile, and cartridges. Additionally, investigators located numerous entry and exit defects in the fences for 1228 Pine Street and 1224 Pine Street.

ShotSpotter Reports

ShotSpotter is a gunshot detection technology that uses a network of acoustic sensors to detect, locate, and alert law enforcement agencies to potential gunfire incidents. The ShotSpotter system was able to detect the gunshots from this incident.

The ShotSpotter report indicated that there were 27 shots fired at the scene on Mesa and Cedar, where Officer Valdez was shot. All 27 of these shots came from Soto, as no law enforcement officer or other individual fired their weapon at this scene. This report was consistent with the BWC footage and the scene processing.

The ShotSpotter report indicated there were eleven shots fired in the backyard of 1223 Pine Street into the alley between Pine and Cedar, where Sergeant O'Hayre was shot. All eleven of these shots came from Soto, as no law enforcement officer or other individual fired their weapon at this scene. This report was consistent with the BWC footage and the scene processing.

The ShotSpotter report from the area of 1224 Pine detected three separate groupings of gunfire in this area. There were three gunshots detected from the area of the detached garage, which likely came from Soto. There were 38 shots detected in the alley and the Dollar General parking lot, which were most likely shots coming from law enforcement. This report was consistent with the BWC footage and the scene processing.

Autopsy Results

An autopsy was conducted on March 31, 2025, by Forensic Pathologist Dr. Daniel Lingamfelter. The external examination revealed three rifle entry wounds to the back and one exit wound to the left shoulder. Multiple bullet fragments were collected.

At the conclusion of the autopsy, Dr. Lingamfelter determined that the travel of the projectiles through the body was back to front, right to left, and in an upward direction. Toxicology results revealed that Soto had 4600 ng/mL of methamphetamine in his system at the time of autopsy. Dr. Lingamfelter determined that the cause of death was multiple rifle gunshot wounds, with the manner of death being homicide.

Legal Guidelines

A person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person. Furthermore, he may use a degree of force which he reasonably believes to be necessary for that purpose. §18-1-704(1), C.R.S.

A person is justified in using deadly physical force upon another person in order to defend himself or a third person if he reasonably believes a lesser degree of force is inadequate and he has reasonable grounds to believe, and does so believe, that he or another person is in imminent danger of being killed or receiving great bodily injury. §18-1-704(2)(a), C.R.S.

In evaluating whether a person is justified by self-defense, the person is entitled to act on appearances. People v. La Voie, 395 P.2d 1001 (Colo. 1964). The United States Supreme Court evaluated whether officers used excessive force under the Fourth and Fourteenth Amendments by approaching the issue of reasonableness from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight. Plumhoff v. Rickard, 143 S. Ct. 2012 (2014). In that case officers fired a total of 15 shots at a suspect in a fleeing car that was determined to constitute a grave public safety risk. In its ruling the Court said, “It stands to reason that, if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” Further, the Court took into account that police officers are often forced to make split-second judgments about the amount of force necessary in a particular situation – in circumstances that are tense, uncertain, and rapidly evolving.

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 great bodily injury. §18-1-707(4.5)

Conclusion

Based on the facts of the investigation conducted by CIT investigators, the use of force by the officers and deputies is justified based on the fear and threat of serious bodily injury or death posed as a result of Soto’s actions on March 18, 2025. Soto unleashed a barrage of gunfire from a high-powered rifle at Officers Valdez and Gardner immediately upon seeing their patrol vehicles approaching him on the street. Over approximately the next hour Soto attempted to flee from law enforcement while continuing to shoot at law enforcement in multiple locations throughout the residential neighborhood. During this time Soto shot and seriously injured three PPD officers in three separate locations and fired at numerous other officers and deputies.

The involved officers and deputies all reasonably believed Soto was going to kill or seriously injure themselves, other law enforcement officials, and nearby civilians when he fired a high-

powered assault rifle at them, having already wounded three other officers and having already fired nearly forty rifle rounds in a populated residential neighborhood. This conclusion is based on the interviews of all involved officers, the reports of officers on scene throughout the incident, the statements of civilian witnesses, body worn camera video, crime scene and evidence processing, and the actual injuries sustained by the officers who were shot. The statements provided by all officers and witnesses are consistent with each other, consistent with the evidence from the scene, and consistent with the footage of the incident.

There is no evidence or facts collected to support any criminal wrongdoing by any of the officers or deputies during the OIS incident. The actions taken by the officers and deputies during the OIS incident were conducted with the justified belief that their lives, the lives of their fellow officers, and the lives of the residents in the area were in jeopardy.

It is my conclusion based on the circumstances that Officer Jon McMillian, Officer Brian Sisnroy, Detective Brock Ruiz, Detective Eufracio Ortiz, Deputy Melanie Denius, Deputy Ely Dynes, Deputy Robert Garbiso, and Lieutenant Joshua Rude were justified by the Defense of Self and Defense of Others provisions of the laws of the State of Colorado in using the actions they employed to defend themselves, fellow officers, and nearby civilians from what they reasonably believed to be the imminent use of unlawful physical and deadly force by Billy Soto, and they reasonably believed that a lesser degree of force would be inadequate. The officers and deputies had reasonable grounds to believe, and did believe, that they and their fellow officers were in imminent danger of being killed or receiving great bodily injury. The actions of all involved officers and deputies were based on their own observations and perceptions, and their actions were reasonable.

Given the facts and circumstances of the situation and the governing law, criminal charges against Officer Jon McMillian, Officer Brian Sisnroy, Detective Brock Ruiz, Detective Eufracio Ortiz, Deputy Melanie Denius, Deputy Ely Dynes, Deputy Robert Garbiso, and Lieutenant Joshua Rude would not be appropriate, and therefore no criminal charges will be filed.

Dated this 13th day of August

Kala Beauvais

Kala Beauvais
District Attorney