



April 10, 2025

RE: March 3, 2025, officer-involved shooting on Terry Lake Road, Fort Collins, CO. FCPS (lead agency) #FC25-3155; LPD #LP25-1631; CSU #CS25-356; LCSO #SO25-2120.

Dear Sheriff Feyen,

Pursuant to §16-2.5-301 and §20-1-114, C.R.S., and the 8th Judicial District Critical Incident Protocol, the District Attorney's Office reviewed the March 3, 2025, shooting of Matthew Martinez, which occurred on Terry Lake Road, north of Country Club Road. This legally mandated review is to determine whether Larimer County Sheriff's Office personnel (specifically, Deputy Blattner) violated any Colorado criminal statutes with respect to the shooting.

I. EXECUTIVE SUMMARY

Applying the law to the facts of this incident, as described in greater detail below, I conclude Deputy Blattner was legally justified in his use of physical force to defend himself, other deputies, and the public from the threat posed by Matthew Martinez on March 3, 2025. Because I have concluded that the deputy was justified in his use of physical force, no criminal charges will be filed against him by the District Attorney.

II. THE STATUTORY FRAMEWORK FOR OFFICER INVOLVED SHOOTING INVESTIGATIONS AND REVIEW

C.R.S. § 16-2.5-301 governs investigations into peace officer-involved shooting investigations. It provides, in relevant part:

Each police department, sheriff's office, and district attorney within the state shall develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff's office, or the Colorado bureau of investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district.

The investigation into this shooting incident was conducted by a multi-agency team consisting of personnel from agencies within the jurisdiction who are members of the district's Critical Incident Response Team (CIRT). Specifically, Fort Collins Police Services was the lead agency, and it was assisted by other agencies, including the Loveland Police Department, Colorado State University Police Department, the District Attorney's Office, and the Larimer County Sheriff's Office.

C.R.S. § 20-1-114 provides:

The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request.

This document constitutes a report of the District Attorney's findings and includes the basis of the decision not to charge the involved peace officer with any criminal conduct.

As the defendant will be criminally charged* with various felonies for his conduct leading up to the shooting, the District Attorney must abide by Colorado's ethical and procedural rules to protect the rights of the defendant and the integrity of the criminal case. Specifically, Rule 3.8. (Special Responsibilities of a Prosecutor) provides in relevant part:

The prosecutor in a criminal case shall:

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused unless such comments are permitted under Rule 3.6(b) or 3.6(c) and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

Therefore, the details in this report will be curtailed to comply with the letter and spirit of the ethical rules and to protect the integrity of the ongoing case, while providing sufficient information to satisfy C.R.S. § 16-2.5-301 and § 20-1-114.

*All charges against Matthew Martinez are merely allegations and he is presumed innocent of all charges filed against him unless and until he is proven guilty beyond a reasonable doubt.

III. MATERIALS REVIEWED

I have been provided materials produced during the CIRT investigation into the shooting of Mr. Martinez. The agencies and case numbers are Fort Collins Police (lead agency) - FC25-3155; Loveland Police - LP25-1631; Colorado State University Police - CS25-356; Larimer County Sheriff - SO25-2120.

The information I have considered in this review includes:

- Relevant body-worn camera footage of the involved peace officers.

- Reports/summaries of the CIRT investigators.
- Recorded interviews of involved deputies.
- Recorded and summarized interviews of other witnesses (police and lay witnesses).
- Photographic and video evidence, including but not limited to comprehensive scene documentation.
- Physical evidence (*e.g.*, firearms, ballistics, items recovered from scene, etc.).
- Medical evidence, including limited information about the injuries sustained by Mr. Martinez.
- Interviews of family members and investigation into defendant’s background.

IV. APPLICABLE LAW

The District Attorney’s review of this event is guided by the Colorado statutes pertaining to the use of force by peace officers, as well as general defense of self or others. Deputies Blattner and Smyth, and any other persons referred to as “deputies” or “officers” in this letter, are “peace officers” per statute. *See* §16-2.5-101-103, C.R.S.

By using his service rifle and causing injury to Matthew Martinez, Deputy Blattner’s conduct implicates Colorado’s peace officer use of force and self-defense statutes.

Colorado’s relevant use of force statutes and relevant legal definitions:

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

§18-1-901 (3)(e), C.R.S. “Deadly weapon” means: (I) A firearm, whether loaded or unloaded; or (II) A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

§18-1-707, C.R.S. (Use of force by peace officers—definitions), states in relevant part:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

(2) When physical force is used, a peace officer shall:

(b) Use only a degree of force consistent with the minimization of injury to others;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

(d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(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 or other deadly physical force, with sufficient time for the warning to be observed, 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.

§18-1-704, C.R.S., Colorado's general self-defense statute, states in relevant part:

[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, and he may use a degree of force which he reasonably believes to be necessary for that purpose.*

*The statute has additional limitations on the use of deadly physical force, but as deadly force was not used (Mr. Martinez survived his injuries), those provisions are not relevant to this review.

Under Colorado law, a person acts legally to defend themselves or others when both a "reasonable belief and actual belief" exist on behalf of the actor. *See Sanchez v. People*, 820 P.2d 1103, 1108 (Colo. 1991). The law requires the fact finder to "weigh all relevant circumstances to determine whether a person asserting the defense of self-defense has acted as a reasonable person would act in similar circumstances." *Id.*

V. SUMMARY OF LEGAL STANDARD AS APPLIED TO THIS EVENT

Distilling the legal authority down to an applicable standard to apply to this event, and since deadly physical force was not used, we must determine:

- 1) Whether Deputy Blattner reasonably believed that the use of physical force – and degree of force employed - was necessary to defend himself or others from what he reasonably believed to be the imminent, or continued, use of physical force by Mr. Martinez?

Additionally, the law requires us to ask:

- 2) Whether nonviolent means would have been ineffective in preventing an imminent threat of injury to Deputy Blattner or another person in this situation?
- 3) Whether Deputy Blattner used only a degree of force consistent with the minimization of injury to others?
- 4) Whether Deputy Blattner identified himself as a peace officer and gave a clear verbal warning of his intent to use his firearm with sufficient time for the warning to be observed, and if not, whether he is exempted from having given that warning because it: a) would have unduly placed him or his fellow officers at risk of injury, or b) would have created a risk of death or injury to other persons?
- 5) Whether Deputy Blattner or his fellow officers ensured that assistance and medical aid were rendered to Mr. Martinez as soon as was practicable after the shooting?

- 6) Whether Deputy Blattner or his fellow officers ensured that Mr. Martinez's identified relatives or next of kin were notified as soon as practicable?

VI. SUMMARY OF RELEVANT FACTS.

Because there is a criminal case filed against Mr. Martinez, the following summary will include various sources of information without specific attribution to the person (or other source) of the information. The facts herein are intentionally limited primarily to those which are – or will likely be – available in the public record and which have also been corroborated by the review of additional evidence gathered in the CIRT investigation. Additional facts, if any, are provided only as needed to meet statutory requirements. All references to Mr. Martinez's conduct remain merely allegations and he retains the presumption of innocence unless and until proven guilty.

On March 3, 2025, at approximately 2:47 a.m., Larimer County Sheriff's Deputy Stephen Smyth conducted a traffic stop near the intersection of East Prospect Road and Riverside Avenue in the City of Fort Collins. The stop was conducted on a white 2020 Kia Forte, which was driven by Ginger Vigil. Matthew Martinez, Ms. Vigil's son, was the front seat passenger in the vehicle. There was nobody else in the car.

As part of the traffic stop, Deputy Smyth received identification from Ms. Vigil and Mr. Martinez. Based on information obtained through a records check, a K9 was requested to conduct an open-air sniff around the exterior of the vehicle. Both occupants were asked to exit the vehicle in accordance with K9 policies. Ms. Vigil got out, but Mr. Martinez did not, and instead, slid across into the driver's seat and drove away.

Deputies pursued the car with their emergency lights and sirens activated. During the pursuit, Martinez drove dangerously, speeding, running red lights, and driving into oncoming lanes of traffic, among other reckless driving behaviors.

Deputies attempted two different PIT maneuvers to stop/incapacitate the car but were unsuccessful until the pursuit reached Terry Lake Road just north of Country Club Road, approximately 7 miles from the start of the pursuit. At that location a successful PIT was initiated, and the car was immobilized, becoming stuck in a ditch on the side of the road. (A "PIT" maneuver, also known as "Precision Immobilization" or "Pursuit Intervention" Technique, is a forced rotational stop of a non-compliant suspect vehicle by use of a police vehicle.)

Martinez was ordered to exit the car, but he did not comply and repeatedly attempted to accelerate out of the ditch. Eventually, he got out of the car and produced a large knife and held it up in view of all the peace officers who were present on scene. Martinez was in close proximity to multiple deputies at this time, who had parked their vehicles close by in order to prevent him from driving away. The officers repeatedly ordered Martinez to "drop the knife," but he refused and, while holding the knife, moved toward an unoccupied patrol vehicle on scene. While Martinez moved toward the patrol car, Deputy Blattner went around the back of the car armed with a rifle. Martinez was able to get into the patrol vehicle, immediately put the car in gear and rapidly reversed in the direction of Deputy Blattner and Deputy Smyth, who was just next to him.

Deputy Blattner engaged Martinez and fired several rounds from his rifle into the passenger area of the car, hitting Martinez multiple times. Both Blattner and Smyth reported they were in fear of being injured or killed by the vehicle as it lurched backward. While the camera footage seems to show the car missing Blattner by a few inches at most, Deputy Blattner thought the vehicle grazed him and Deputy Smyth also thought Blattner was struck by the car. Footage shows Deputy Smyth stepping aside to avoid being hit by the car. Both Blattner and Smyth were in the path of the vehicle at different points during the last few seconds of the event.

Soon after the shooting, Sheriff's personnel pulled Martinez from the car and provided medical aid. His mother was advised of the shooting and the general extent of his injuries later that same morning.

VII. MEDIA.



Martinez after exiting Kia (left side of frame) and moving toward patrol car (right side of frame) with knife in right hand



Martinez backing the stolen patrol vehicle towards Deputy Smyth (out of frame holding yellow Taser in right hand) – Blattner pictured upper right with rifle



Patrol vehicle front bumper/quarter panel swinging toward Deputies Blattner and Smyth as Blattner begins to fire (arrows show path of vehicle as it reversed turning right)



Knife found in patrol vehicle after Martinez is removed from car – this was identified as the knife Martinez was holding when moving from the Kia toward the patrol vehicle

VIII. ADDITIONAL EVIDENCE

1) Weapons evidence:

- a. The evidence supports that Deputy Blattner was the only peace officer who discharged a firearm (his department-issued rifle) during this encounter and fired six rounds in close succession.

2) Medical evidence:

- a. As stated above, Mr. Martinez was struck by multiple rounds. While limited medical information was available at the time this letter was authored, Martinez suffered serious bodily injury, but he will survive his injuries.

3) Other evidence.

- a. There is additional corroborative evidence relevant to the mental state (legal culpability) of Mr. Martinez, but those facts will not be shared in this letter for the reasons stated in par. II and VI above.

IX. CHARGES FOR MARTINEZ.

After reviewing the evidence gathered as of the writing of this letter, several charges will be filed against Mr. Martinez. Those include, but are not limited to:

- Attempted Extreme Indifference Murder (F2) (two counts)
- Attempted Assault in the First Degree – Extreme Indifference (F4) (two counts)
- Second Degree Motor Vehicle Theft (F4)
- Menacing (F5) (eleven counts)
- Vehicular Eluding (F5)
- Attempted Vehicular Assault (F6) (two counts)

X. CONCLUSION.

The CIRT investigation in this case conformed to the letter and the spirit of §16-2.5-301, C.R.S. The investigation was thorough, objective, and all necessary materials were provided in a timely manner. Finally, the investigation yielded ample evidence from which factual and legal conclusions could be reached.

Larimer County Sheriff's deputies cooperated with the CIRT investigation and provided voluntary interviews. They appeared genuine in their responses and the independent evidence supported their version of events.

The District Attorney's Office finds that:

1. Deputy Blattner had a reasonable belief that using his firearm was necessary, and that nonviolent means would have been ineffective in preventing an imminent threat of injury to himself, Deputy Smyth, or the public at large. Further, there was no lesser degree of force that was reasonable under the circumstances.

Considering the totality of the circumstances facing Deputy Blattner, it was reasonable for him to shoot at Martinez, who had just stolen a police vehicle after recklessly eluding deputies for miles and then holding police at bay with large knife. That information plus additional corroborative information establishes that Martinez's intent was not to surrender and instead to evade capture at all costs. Martinez's actions were escalating and the threat that Mr. Martinez posed once inside and operating the police vehicle (notwithstanding his initial threat with the

knife), justifies that there was no lesser degree of force Blattner could have used that was consistent with the minimization of injury to himself or others (including other deputies and the public at large if Martinez was able to leave in the police vehicle).

2. Deputy Blattner was exempted from giving the verbal warning because there was simply not enough time to provide any clear warning, and it may have unduly placed him or other persons at risk of injury or death.

The evidence supports Mr. Martinez's determination to steal the patrol vehicle, drive *through* the officers, essentially using the vehicle as a deadly weapon. Martinez had just intentionally ignored repeated commands to drop his knife and the immediacy of the threat to the deputies, as well as the less immediate yet equally grave threat of Martinez's escape from the scene into the neighboring area in a patrol vehicle, limited the time and nature of responses available to the deputy. As such, I find he was legally exempted from having given the formal verbal warnings set forth in the statute.

3. The deputies on scene ensured that assistance and medical aid were rendered to Martinez as soon as practicable.

While there was a short period of time for deputies to assess the potential danger of extracting Martinez – his condition was not immediately clear, he remained in the driver's seat and he still retained the knife – they acted with proper haste to pull him from the vehicle and administer medical aid.

4. Investigating peace officers ensured that Martinez's wife and his mother were notified of his injuries and status as soon as practicable.

CIRT investigators communicated with Ms. Vigil about the incident and her son's injuries as soon as practicable. She was obviously aware of the initiation of the incident (as she was present), but police personnel stayed in contact with her, talked to her as a witness, and kept her advised of the events and his condition as his immediate family member.

The totality of the evidence presented through the CIRT investigation reveals that both the actual and perceived circumstances Deputy Blattner faced on March 3, 2025, justified his actions in discharging his rifle and causing injury to Mr. Martinez. As a result, the District Attorney's Office concludes that no charges will be brought against the deputy for the shooting of Matthew Martinez.

Respectfully,

Matt Maillaro

Matt Maillaro,
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8th Judicial District Attorney's Office