

February 20, 2026

Ron Thomas
Chief of Police
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

Re: The Officer-Involved Shooting on October 27, 2025, at the Maverik Gas Station, 3253 S. Parker Rd., Denver, CO, that resulted in the death of Hosea Rashid Moore (D.O.B. 11/29/89); DPD Case 25-581338

Dear Chief Thomas,

This letter reports my decision not to file any criminal charges arising from the officer-involved shooting at the Maverik gas station convenience store at 3253 S. Parker Road in southeast Denver on October 27, 2025. On that date, Denver Police Officers were dispatched to an “armed robbery in progress” involving a male holding two female employees at gunpoint inside the store. When officers entered the store, the suspect, Mr. Hosea Rashid Moore, age 35, fired multiple gunshots at them from his semi-automatic handgun. Four officers returned fire, killing him. The four officers are Officer Alec Garcia (22007), Officer Vincent Roldan (22085), Officer Brian Martinez (22116), and Officer Marco Nunez (24022).

The incident was recorded by store cameras and by the officers’ body-worn cameras. A thorough investigation was conducted by the Denver Police Department, the Colorado Bureau of Investigation, and the Colorado State Patrol, and is fully documented in DPD Case 25-581338. The evidence overwhelmingly shows that the use of deadly physical force by the officers was necessary to defend the store employees and to defend themselves. It also shows that Mr. Moore wanted to have a shootout with police officers, and that he used the employees to lure the officers to the store for that purpose.

Factual Summary

A camera recorded Moore entering the convenience store at 8:41 p.m. He calmly spoke to both female clerks at the checkout counter about obtaining a cigarette. Two minutes later, however, he drew a handgun concealed inside his pants and brandished it to one of the clerks, Ms. Haley Morris, saying, “Ma’am, it just got real.” He ordered the only customer in the store to leave but he did not allow either of the clerks to leave. He instructed Ms. Morris to lock all of the entrance doors. “Can you lock the door, please? I’m not going to hurt you. And call the police.” He told her to turn out the lights, except “One light stays on.” He said he wanted the police to come to the store, and he told her several times to call them. Ms. Haley called 911 using her cell phone at 8:46 p.m. She told the call taker: “I have a guy with a gun and he’s trying to kill us – trying to rob us. ... He has a gun [that] he’s pointing at our faces.” While she was on the phone call, Moore instructed her, “Tell them to look into the camera ... Please,



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have them look into the camera ... I'm not going to hurt you, or her ... I just want the cops to be here." Despite telling the clerks not to be afraid and that he would not hurt them, Moore threatened them and bullied them. He menaced them with his gun and charged its firing chamber by racking the slide in front of them. He threatened to shoot the security guard who he let in the store momentarily and menaced him with his gun. He aimed his gun at the clerks while they stood in the corner and told them he was going to shoot them if they ran or if the police came in. The clerks thought he was going to kill them. On the 911 call, the voices and screams of both clerks can be heard: *"I don't want to die!"... "Stop! Stop! Stop! He's going to kill us."* It is clear that the clerks were terrorized by Moore.

An emergency tone was aired at 8:47 p.m., and the dispatcher informed officers that a *"Robbery in progress with a gun"* was occurring at the Maverik station and that two clerks were being held inside the convenience store at gunpoint. DPD officers responded with lights and sirens activated. Aurora police officers also received this notification and responded.

At 8:50 p.m., officers began arriving at the gas station. DPD Officers Garcia and Nunez arrived first. They went to the west side of the store. Through the windows, they saw the two clerks standing together in the far northeast corner of the store, but they could not see Moore. The glass entry doors were locked. Officer Garcia delivered kicks to the door which set off an alarm, but he was unable to breach the door. Inside, Moore began yelling, and he fired a gunshot that the officers heard.



Officers Roldan and Martinez joined Officers Nunez and Garcia at the west doors. Officer Roldan used an impact tool to shatter the glass of the left door. Then, one by one, the officers ducked down and entered through the opening. Officer Martinez was the first to enter at 8:52 p.m. (20:52:00). He was quickly followed by Officers Nunez, Garcia, and Roldan. (Additional officers entered after them, but

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they did not fire their weapons during the incident). At this time, Moore was on the floor at the east wall near the two clerks, but store shelving prevented the officers from seeing him.¹ Once inside, Officers Martinez and Nunez each yelled, “Drop the gun!” and several yelled, “Where is he?” One officer yelled, “Police! Police!” Moore then fired two more gunshots, six seconds apart, from the east wall where he sat in front of glass refrigerator doors. The officers could not see him, but the gunfire helped them determine that he was in the southeast part of the store, down low. Officer Martinez announced, “Right corner! Right corner!” Then, “Push! On me!”

The officers advanced and began to fan out. Officer Martinez and Officer Nunez turned right, entering the first two shopping aisles which angled to the southeast. Officer Garcia and Officer Roldan stayed to the left of them, walking east toward the clerk’s counter and toward the northeast corner beyond it. Officer Roldan carried a rifle; the other three officers held their handguns in front of them. Officers Roldan and Garcia were activating the spotlights affixed to their weapons.



¹ Store cameras recorded that when Moore saw the officers arriving outside, he lay prone on the floor in a shopping aisle alongside a row of shelving. He yelled to the officers at the west doors: “I got 12 rounds and two clips.” Then he counted, “1,2,3,4” and fired his first gunshot. Then, he crawled to the east wall, a few feet to the south of where the clerks were standing in the corner. While lying on his side at the east wall, he aimed his gun at the clerks for about 20 seconds as the officers were forcing their way into the store. Then he sat up, waiting for the officers.

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Moore was sitting on the floor with his back to the glass cooler doors along the east wall. The clerks were immediately to his right. He was alert for the officers' approach. The shelving in front of him hid



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him from the officers' view. He repeatedly yelled, "*Military tactics! Military tactics!*" Then, he counted, "1,2,3" and fired his fourth shot to the west, toward the officers.

The officers kept advancing, looking toward the sound of the gunshot. Officer Garcia reached the clerk's counter, which paralleled the windows on the north side of the store, and he went behind it. (Next photo). Officer Roldan was a few feet to the west, near the edge of the counter but not behind it. Officer Garcia saw Moore sitting in front of the cooler doors along the east wall with his gun extended in front of him. Officer Garcia fired one round at Moore, then he continued moving east. This was the first shot fired by an officer. Video from a store camera shows the muzzle flash from Officer Garcia's shot at 20:52:50 and shows that the glass cooler door to the right of Moore was struck by Officer Garcia's bullet.



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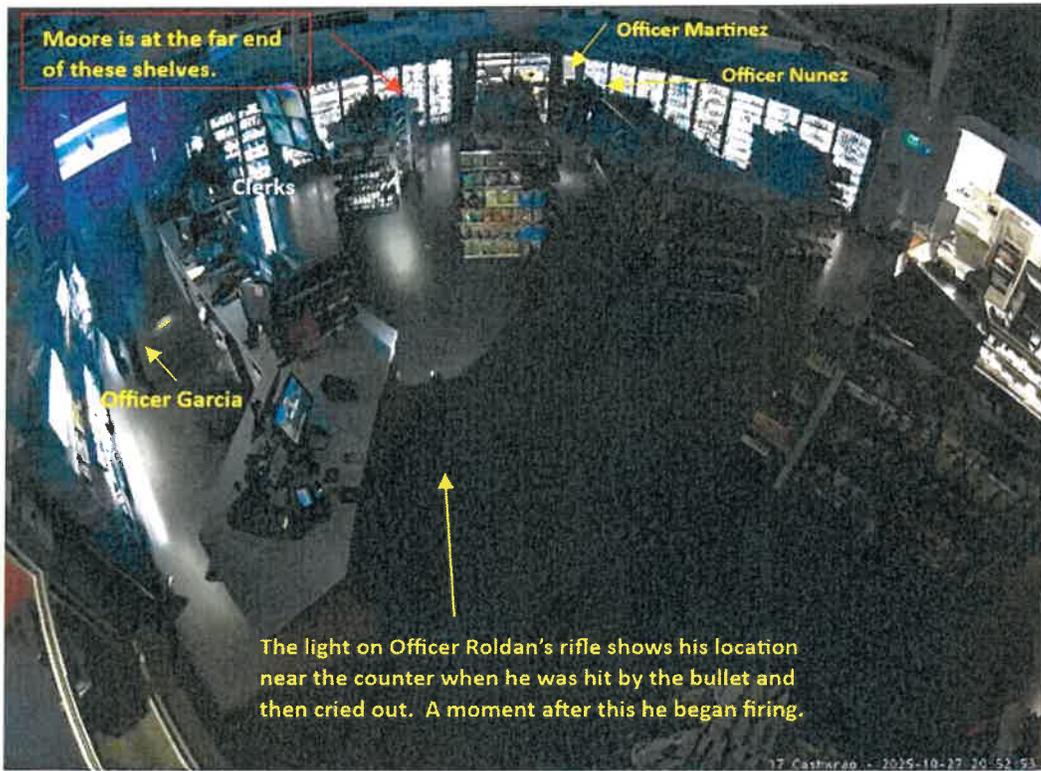
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Moore immediately scooted away from the glass doors to the end of the row of shelves closest to him. From near the counter, Officer Roldan's spotlight shone on the west side of those shelves. Moore was sitting on the floor, leaning back to shoot along the west side of the shelves toward both officers. He fired at least three rapid shots toward Officers Roldan and Garcia. One bullet struck Officer Roldan in his upper left thigh/groin, severely injuring him. Another bullet pierced a window covered by a poster that was behind the officers. Bullet fragments struck the front paneling of the clerk's counter.

After being hit by Moore's bullet, Officer Roldan cried out. His voice can be heard on the camera recordings. Officer Garcia was behind the counter moving east toward the clerks.

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When Moore fired at Officer Roldan, Officers Martinez and Nunez were near the end of a row of shelves a few feet to Moore's left. When Moore noticed the movement, he turned to fire at Officer Martinez.



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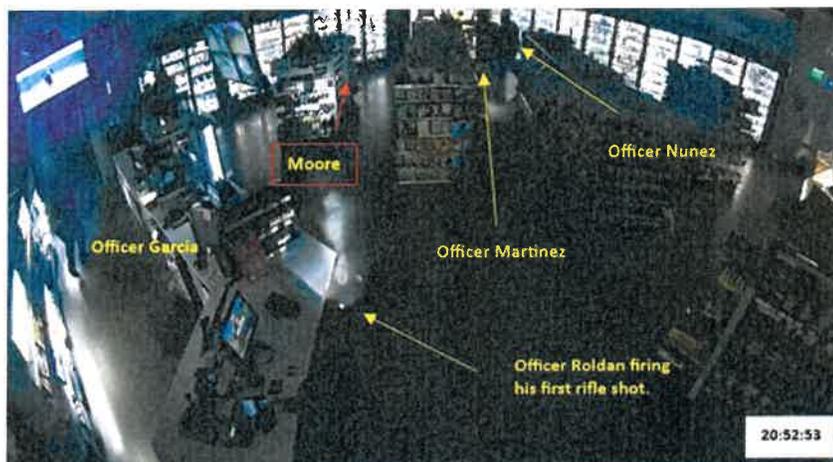
These views from Officer Martinez’s body-worn camera show Moore turning toward him. (Note that the time stamps on the body-worn cameras read one second earlier than the store cameras at different points).



A flurry of simultaneous rapid gunfire then erupted. Moore fired at Officer Martinez, and all four officers fired multiple shots at Moore.

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The cameras recorded the overlapping sounds of the rapid discharge of many bullets from five guns between 20:52:53 until 20:53:57, and a final shot at 20:53:59 fired by Officer Nunez. During the shooting, as he was directing his gun at Officer Martinez, the right side of Moore’s gun was struck by an officer’s bullet, causing Moore to lose control of it.²

Cause of Death of Moore and Injuries to Ms. Morris, Ms. Lopez, and Officer Roldan

Moore had been struck by multiple bullets to his body and head, causing him to flop over to his right, where he lay face down on the floor. His legs and feet were oriented to the south, and his head was toward the northeast corner. The gunshot wounds incapacitated him, but he was still alive. Officers approached him and began assisting him. An ambulance was called and paramedics provided care for him, but he was pronounced deceased shortly after arrival at Denver Health Medical Center. An autopsy was performed the next day by Sterling J. McLaren, M.D., Interim Chief Medical Examiner/Coroner. Moore died as a result of multiple gunshot wounds, and Dr. McLaren noted 30 entrance wounds and five graze wounds in the autopsy report.

Both of the clerks also received injuries as a result of the gunfire. The video from a store camera suggests that Ms. Morris was injured at 20:52:55 when she is shown simultaneously lifting her left leg up, moving her left forearm down, and bending forward, apparently reacting to a bullet striking her lower left leg. Ms. Lopez was in the corner to the right of Ms. Morris, but the video does not show her clearly.

² This can be seen on Officer Martinez’s body worn camera video only by watching it frame by frame.

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After the shooting, Ms. Morris was assisted by Officer Garcia, who applied a tourniquet on her leg. Ms. Lopez walked outside into the parking lot where officers assisted her. Both Ms. Morris and Ms. Lopez were bleeding from their wounds and were taken by ambulance to Swedish Medical Center.

Ms. Morris suffered a penetrating bullet wound to her lower left leg. Later, the bullet was recovered from her and submitted to the Denver Crime Lab Firearms Unit for microscopic examination. Based on the video evidence and the Firearms Unit Report, the investigation shows that the bullet that struck Ms. Morris was fired by Officer Martinez.

Ms. Lopez received wounds to both feet that appeared to have been caused by bullet fragments. However, we do not have her privileged medical records and do not know whether any fragments were recovered from her. The injury to her right foot was described on a serious bodily injury form completed by a doctor as, “*Right foot – 1st metatarsal fracture.*”

After Officer Roldan was shot, he walked out of the store to apply a tourniquet on himself. He was assisted by other officers outside and was then taken by ambulance to Denver Health Medical Center where he underwent surgery for his wound. His injury was described on a serious bodily injury form as, “*Patient shot in left groin.*” The bullet that struck Officer Roldan was recovered during his surgery and

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was later examined microscopically by the Denver Crime Lab Firearms Unit. It was identified as having been fired by Moore's gun.

Spent Cartridge Cases Recovered

While investigating the shooting scene, crime scene investigators from the Denver Crime Lab recovered 67 spent cartridge cases that had been fired in and ejected from the guns used in this incident. These were microscopically examined by the Firearms Unit to assist in determining how many of them were fired in each gun. The findings were: 10 of the spent cartridge cases were identified as having been fired in Moore's 9mm handgun; 11 cases were identified as having been fired in Officer Garcia's 9mm handgun; 12 cases were determined to have been fired in Officer Nunez's 9mm handgun; 16 cases were identified as fired in Officer Roldan's rifle; and 18 cases were identified as fired in Officer Martinez's 9mm handgun.

Justifications for the Use of Deadly Physical Force

As pertinent to this case, Colorado Revised Statute §18-1-704, which may pertain to any person who is charged with a crime alleging the unlawful use of physical force, states:

(1) ... 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.

(2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or,

(b) [not applicable] ...; or,

(c) The other person is committing or reasonably appears about to commit kidnapping as defined in section ... 18-3-302, robbery as defined in section 18-4-301 or 18-4-302, ... or assault as defined in sections 18-3-202 and 18-3-203.

Also pertinent is C.R.S. §18-1-707 (4.5), which pertains to peace officers in Colorado. It states:

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(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to

believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

Analysis

(I) Before the officers arrived at the west doors, and continuing while they were inside the store, Moore was in the process of committing crimes of kidnapping, felony menacing, and robbery against the two clerks. When Moore unlawfully fired at the officers inside the store, he committed felony assault and attempted murder against each of them, most demonstrably as to Officer Roldan. All four of the officers were in imminent danger of being killed or of receiving serious bodily injury, as proved by the fact that Officer Roldan sustained a serious injury from one of Moore's shots. Both the clerks were in imminent danger of being killed or of receiving serious bodily injury from Moore because he could have directed his gunfire toward them in an instant.

I believe a jury considering the facts of this incident would conclude, as I do, that the above cited provisions of the justification statutes are applicable and that all of the officers' gunshots were legally justified. A jury would find: (1) It was reasonable for each of the officers to believe that the clerks and the officers were in imminent danger of being killed or of receiving serious bodily injury; (2) It was reasonable for the officers to believe that deadly physical force was immediately necessary to stop Moore's threat and that less than deadly force would be inadequate; and (3) Moore was committing kidnapping and felony assault. Thus, no criminal liability would be found as to any of the officers' use of force against Moore.

(II) Because of the injuries to the two clerks, I have also considered whether any criminal liability for assault or reckless endangerment applies to any of the officers.³ The clerks experienced an extraordinarily traumatic event because of Moore's actions, and the fact that they suffered physical injuries during its resolution only compounds its impact. My sincerest sympathies go to them, as well as sincere wishes for their full and complete recovery. The officers here were acting to rescue the clerks from Moore and clearly did not intend to injure them. Thus, unless I conclude that a jury would reasonable find that one or more of the officers caused the clerks' injuries while acting "recklessly" or with "criminal negligence," I cannot conclude they should be charged with a crime for those injuries. Under the circumstances presented in this extremely dangerous and fast-moving situation in which the officers were placing

³ See C.R.S. §18-3-204 (a) and C.R.S. §18-3-208 for the elements of these crimes.

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themselves in harm's way to save the clerks' lives, I do not conclude that they acted recklessly or with criminal negligence. None of the officers should be charged with a crime for injuries sustained by Ms. Morris or Ms. Lopez.

“Recklessly” is defined in C.R.S. §18-1-501 (8):

A person acts recklessly when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

“Criminal negligence” is defined in C.R.S. §18-1-501 (3):

A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

Here, Moore ordered the clerks into the corner and forced them at gunpoint to remain near him as the police were entering. He told them he was going to shoot them if they ran. Because of his proximity to the clerks, he posed an extremely dangerous threat to them. He began actively shooting at the police officers, but he could have easily fired upon the clerks. He had multiple bullets in his gun. Because of the gravity and the immediacy of his threat, the only way for the officers to protect the clerks was by shooting and disabling him. Moore's actions required the officers to make an instantaneous life-or-death decision concerning the clerks' well-being.

The officers were also faced with ongoing life-or-death decisions as to their own well-being. They entered the store after Moore fired his first shot. The first attempt to disable Moore - Officer Garcia's single gunshot - missed. Moore then fired a volley of shots at the officers, hitting Officer Roldan. He then turned to fire at Officer Martinez, who was just a few feet away with only marginal protective cover. At that moment, Officer Martinez and Officer Nunez faced an acute life-or-death decision concerning their own safety.

Even though the clerks were in the background beyond Moore, I believe Officers Martinez and Nunez had no fully safe choice, and no other reasonable choice than to fire at Moore until they were certain he was disabled and no longer a deadly threat to themselves or to the clerks. I believe any other reasonable officer, hypothetically in their shoes, would have made the same decisions in that situation, despite the risk those shots might pose to the clerks in the corner. I conclude the facts do not show that any of the officers deviated from the standard of care that a reasonable officer would exercise in this very dangerous setting, or that any of the officers disregarded or failed to perceive an unjustifiable risk or circumstance, or that any of them made an unreasonable decision.

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I believe a jury considering these facts would agree. A jury would not find beyond a reasonable doubt that any of the officers disregarded or failed to perceive an unjustifiable risk, or that any of the officers deviated from the standard of care that a reasonable person would exercise in this situation. A jury would find that none of them acted recklessly or with criminal negligence and that none of the officers

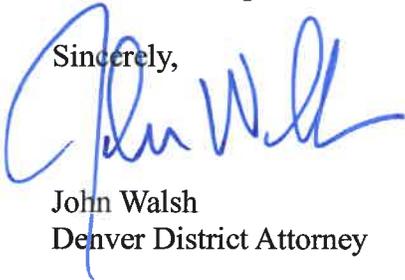
committed a crime. Consequently, filing criminal charges against any of the officers is not ethically appropriate in this case, and would not be supported by the facts here or the law.

Conclusion

I find that all of the shots fired by the officers were legally justified by the justification statutes set forth above and were lawful. Therefore, no criminal charges will be filed against any of the officers.

This was a successful rescue mission conducted by Denver Police Officers performing courageously and professionally in an extremely dangerous situation. Had it not been for their dedication, skill, teamwork, and unhesitating bravery, the outcome could all too easily have been tragic. I commend them for their valor, for their professionalism and for their selflessness in the service of others.

Sincerely,



John Walsh
Denver District Attorney

- cc:
- Director of Public Safety Al Gardner
- Commander Matt Clark
- Detective Christopher Williams
- Detective Brandi Thomas
- Officer Alec Garcia
- Officer Vincent Roldan
- Officer Brian Martinez
- Officer Marco Nunez
- John Davis, Esq.
- Denver City Attorney Miko Brown
- Director of the Office of Independent Monitor Lisabeth Pérez Castle
- Denver City Council