

District Court, City and County of Denver, Colorado City and County Building, Room 424 1437 Bannock Street Denver, CO 80202	<p style="text-align: center;">COURT USE ONLY</p>
<p><b>Plaintiff:</b> THE PEOPLE OF THE STATE OF COLORADO</p> <p><b>Defendants:</b></p> <p><b>SERGIO RODARTE Jr.</b> <b>ANDREW RODARTE</b></p>	
<b>INDICTMENT</b>	

MURDER IN THE FIRST DEGREE (after deliberation), C.R.S. 18-13-102(1)(a), (F1) < 01011 > 1, 2 (2 counts)

MURDER IN THE FIRST DEGREE (extreme indifference), C.R.S. 18-13-102(1)(d), (F1) < 01015 > 3, 4 (2 counts)

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(1),(2)(c), (F5) < 30078 > 5, 6, 7, 8 (4 counts)

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(3), (F6) < 3007B > 9, 10, 11, 12 (4 counts)

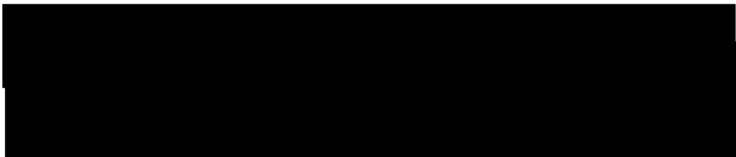
The Grand Jury presents the within Indictment and the same is ordered filed.


Dated this 5<sup>th</sup> day of October, 2022.



Denver District Court

BETH McCANN  
District Attorney



Denver District Attorney's Office  
201 W. Colfax Ave., Dept. 801  
Denver, CO 80202  
720-913-

**COUNT ONE**

MURDER IN THE FIRST DEGREE (after deliberation), C.R.S. 18-13-102(1)(a), (F1) <01011>

On or about **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr. and ANDREW RODARTE**, unlawfully, feloniously, after deliberation, and with the intent to cause the death of a person other than themselves, caused the death of **MARICEO S NEGRETE**; in violation of section 18-3-102(1)(a), C.R.S.

**COUNT TWO**

MURDER IN THE FIRST DEGREE (after deliberation), C.R.S. 18-13-102(1)(a), (F1) <01011>

On or about **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr. and ANDREW RODARTE**, unlawfully, feloniously, after deliberation, and with the intent to cause the death of a person other than themselves, caused the death of **JOSIAH J SALAS**; in violation of section 18-3-102(1)(a), C.R.S.

**COUNT THREE**

MURDER IN THE FIRST DEGREE (extreme indifference), C.R.S. 18-13-102(1)(d), (F1) <01015>

On or about **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr. and ANDREW RODARTE**, unlawfully and feloniously, under circumstances evidencing an attitude of universal malice manifesting extreme indifference to the value of human life generally, knowingly engaged in conduct which created a grave risk of death to a person or persons other than himself, and thereby caused the death of **MARICEO S NEGRETE**; in violation of section 18-3-102(1)(d) C.R.S.

**COUNT FOUR**

MURDER IN THE FIRST DEGREE (extreme indifference), C.R.S. 18-13-102(1)(d), (F1) < 01015>

On or about **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr. and ANDREW RODARTE**, unlawfully and feloniously, under circumstances evidencing an attitude of universal malice manifesting extreme indifference to the value of human life generally, knowingly engaged in conduct which created a grave risk of death to a person or persons other than himself, and thereby caused the death of **JOSIAH J SALAS**; in violation of section 18-3-102(1)(d) C.R.S.

The facts supporting Counts 1 through 4 are as follows:

1. The facts supporting all other counts in this Indictment are incorporated herein by reference.
2. On May 1, 2021, there was a house party at [REDACTED] North Odessa Street, a single-family residence in the City and County of Denver, State of Colorado. There were approximately 50 people in attendance, two of the party attendees were Mariceo Negrete ("Negrete") and Josiah Salas ("Salas").
3. SERGIO RODARTE Jr. ("Sergio") and Andrew Rodarte ("Andrew"), who are brothers, arrived at the party, with Sergio in possession of .45 caliber semi-automatic weapon and Andrew in possession of another unknown caliber of semi-automatic weapon. Both weapons were equipped with lights and/or lasers.
4. Sergio and Andrew are members of Only the Family ("OTF"), a gang in the Denver Metro Area. Negrete was a member of the gang CHI 30 that had on-going conflict with OTF members that spanned months before May 1, 2021.
5. Sergio and Andrew were made aware that CHI 30 members were present at the party and went to the party armed with weapons and dressed in hoodies. Once they entered the party, Sergio and Andrew determined that Negrete was on the back patio. Then, they both put on blue hospital gloves, Sergio put on a surgical mask and pulled up his hoodie, and Andrew pulled his hoodie on so tightly that his face was barely visible.
6. Sergio and Andrew then got into a verbal argument on the back patio with Negrete. During the argument, Sergio pulled out a .45 caliber semi-automatic weapon and Andrew pulled out another unknown semi-automatic weapon. Both blocked the door to the back patio so that no one could enter or leave.
7. Eventually, Sergio fired his .45 caliber semi-automatic weapon eight times, striking Negrete and Salas.
8. On May 3, 2021, an autopsy was performed on Salas, and it was determined that he sustained three gunshot wounds to his back, which caused his death.
9. On May 3, 2021, an autopsy was also performed on Negrete, and it was determined that he sustained multiple gunshot wounds to his back and arms, which caused his death.

**COUNT FIVE**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(1),(2)(c), (F5)  
< 30078 >

Between and including **April 17, 2021 and April 18, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr.** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm** within ten years of his previous conviction or release from confinement or supervision on **January 24, 2019 in Larimer County Combined Court, case 18CR02663** for a felony, namely: **Second Degree Assault, involving the use of force or a deadly weapon**; in violation of section 18-12-108(1),(2)(c), C.R.S.

**COUNT SIX**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(1),(2)(c), (F5)  
< 30078 >

Between and including **April 17, 2021 and April 18, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr.** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm** within ten years of his previous conviction or release from confinement or supervision on **January 24, 2019 in Larimer County Combined Court, case 18CR00737** for a felony, namely: **Second Degree Assault, involving the use of force or a deadly weapon**; in violation of section 18-12-108(1),(2)(c), C.R.S.

**COUNT SEVEN**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(1),(2)(c), (F5)  
< 30078 >

On **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr.** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm** within ten years of his previous conviction or release from confinement or supervision on **January 24, 2019 in Larimer County Combined Court, case 18CR02663** for a felony, namely: **Second Degree Assault, involving the use of force or a deadly weapon**; in violation of section 18-12-108(1),(2)(c), C.R.S.

**COUNT EIGHT**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(1),(2)(c), (F5)  
< 30078 >

On **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **SERGIO RODARTE Jr.** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm** within ten years of his previous conviction or release from confinement or supervision on **January 24, 2019 in Larimer County Combined Court, case 18CR00737** for a felony, namely: **Second Degree Assault, involving the use of force or a deadly weapon**; in violation of section 18-12-108(1),(2)(c), C.R.S.

**COUNT NINE**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(3), (F6)  
< 3007B >

On or about **April 17, 2021**, at or triable in the City and County of Denver, State of Colorado, **ANDREW RODARTE** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm**, and **ANDREW RODARTE** was previously adjudicated for **VEHICULAR ELUDING**, an act which, if committed by an adult, would have constituted a felony, as defined by **COLORADO 18-9-116.5, C.R.S. on FEBRUARY 8, 2016 in ARAPAHOE COUNTY COMBINED COURT in case 15JD00148**; in violation of section 18-12-108(3), C.R.S.

**COUNT TEN**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(3), (F6)  
< 3007B >

On or about **April 17, 2021**, at or triable in the City and County of Denver, State of Colorado, **ANDREW RODARTE** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm**, and **ANDREW RODARTE** was previously adjudicated for **ESCAPE**, an act which, if committed by an adult, would have constituted a felony, as defined by **COLORADO 18-8-208, C.R.S., on AUGUST 22, 2016 in ARAPAHOE COUNTY COMBINED COURT in case 16JD00696**; in violation of section 18-12-108(3), C.R.S.

**COUNT ELEVEN**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(3), (F6)  
< 3007B >

On or about **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **ANDREW RODARTE** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm**, and **ANDREW RODARTE** was previously adjudicated for **VEHICULAR ELUDING**, an act which, if committed by an adult, would have constituted a felony, as defined by **COLORADO 18-9-116.5, C.R.S. on FEBRUARY 8, 2016 in ARAPAHOE COUNTY COMBINED COURT in case 15JD00148**; in violation of section 18-12-108(3), C.R.S.

**COUNT TWELVE**

POSSESSION OF A WEAPON BY PREVIOUS OFFENDER, C.R.S. 18-12-108(3), (F6)  
< 3007B >

On or about **May 1, 2021**, at or triable in the City and County of Denver, State of Colorado, **ANDREW RODARTE** unlawfully, feloniously, and knowingly possessed, used, or carried upon his person a **firearm**, and **ANDREW RODARTE** was previously adjudicated for **ESCAPE**, an act which, if committed by an adult, would have constituted a felony, as defined by **COLORADO 18-8-208, C.R.S., on AUGUST 22, 2016 in ARAPAHOE COUNTY COMBINED COURT in case 16JD00696**; in violation of section 18-12-108(3), C.R.S.

The facts supporting Counts 5 through 12 are as follows:

1. The facts supporting all other counts in this Indictment are incorporated herein by reference.
2. On or about April 17 or April 18, 2021, Sergio and Andrew and various members of OTF were present at Barnum Park, in the City and County of Denver, State of Colorado. While at the park, Sergio and Andrew posed for pictures holding firearms in various stances.
3. Sergio sustained a felony conviction of Second-Degree Assault – Cause Injury with a Deadly Weapon (Class 4 Felony) on or about January 24, 2019, in Larimer County, Colorado, Combined Court case number 2018CR02663, and was sentenced January 24, 2019.
4. Sergio sustained a felony conviction of Second-Degree Assault – Cause Serious Bodily Injury (Class 4 Felony) on or about January 24, 2019, in Larimer County, Colorado, Combined Court case number 2018CR737, and was sentenced January 24, 2019.
5. Andrew sustained a felony adjudication Vehicular Eluding (Class 5 Felony) on or about July 9, 2015, in Arapahoe County, Colorado, Combined Court case number 2015JD148, and was sentenced on February 8, 2016.
6. Andrew sustained a felony adjudication for Escape from Felony Conviction (Class 3 Felony) on or about January 25, 2017, in Arapahoe County, Colorado, Combined Court case number 2016JD696, and was sentenced January 25, 2017.