

ANNA COOLING
District Attorney



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JESSICA J WAGGONER
Assistant District Attorney

Office of the District Attorney
Seventh Judicial District

April 10, 2025

Captain James Saunders
Colorado State Patrol (Montrose Troop 5C)
2420 North Townsend Avenue
Montrose, Colorado 81401

Dear Captain Saunders:

This letter is a review of the 7th Judicial District's Critical Incident Investigation Team (Hereinafter CIIT) investigation of the attempted traffic stop by Trooper Vela of the Colorado State Patrol, herein after CSP. This investigation was based on the August 31, 2024, attempted traffic stop by Trooper Vela involving a white Chevrolet S-10 which resulted in a motor vehicle collision between the driver of the white Chevrolet S-10 and the driver of a second vehicle. The driver of the second vehicle shall be an unnamed third party. The 7th Judicial District CIIT conducted an investigation, led by Detective Gates Shaklee of the Delta County Sheriff's Office, Sergeant Berry of the Montrose Police Department, and Agent Patrick Demers of the Colorado Bureau of Investigation. The remaining investigators of the CIIT who worked on this investigation were associated with law enforcement agencies independent of the Colorado State Patrol. The Office of the District Attorney concludes that the investigation was thorough and complete.

This review is limited to determining whether any criminal charges should be filed against Trooper Vela in violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to establish probable cause. The prosecution also has the burden of proving, beyond a reasonable doubt, that Trooper Vela failed to drive without due regard for the safety of all persons per *Colorado Revised Statute* §42-4-108. This independent investigation and review are not intended to take the place of an internal affairs investigation by your agency. The 7th Judicial District Attorney's review does not evaluate compliance with departmental policies, standards, or procedures.

I find the actions of Trooper Vela did not rise to the level of a criminal offense. Furthermore,

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based on the evidence presented and applicable law, there is no reasonable likelihood of proving the elements of any crime beyond a reasonable doubt against Trooper Vela. Therefore, no criminal charges shall be filed against Trooper Vela per the CIIT investigation and applicable legal analysis presented herein.

FACTUAL SUMMARY OF THE INCIDENT

On August 31, 2024, at approximately 1:39 am, Colorado State Patrol (Hereinafter CSP) Trooper John Vela was traveling northbound in the 1200 block of North Townsend Avenue, in a fully marked CSP emergency vehicle within the City and County of Montrose, Colorado. Trooper Vela observed a white Chevrolet S-10 traveling southbound at a high rate of speed. The posted speed limit at this location is 45 miles per hour. Trooper Vela obtained a radar reading of the white Chevrolet S-10 of 71 miles per hour as indicated in Figure 1 below.



Figure 1: Dash camera still video of Trooper Vela's radar reading

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Before Trooper Vela could turn around to make contact with the driver of the suspect vehicle, he had to travel approximately a half block so that he was able to make a U-Turn in an effort to get behind the suspect vehicle. Trooper Vela turned around and attempted to catch up to the vehicle, with only his emergency lights activated at that time.

Near the intersection of South Third Street and South Townsend Avenue, Trooper Vela was able to get behind the Chevrolet S-10, bearing Colorado license plate DOE-E75. At this time, Trooper Vela activated his sirens in addition to his overhead emergency lights. Trooper Vela followed behind the Chevrolet S-10 for approximately eight blocks with his overhead emergency lights and audible sirens activated. The driver of the Chevrolet S-10 failed to yield to Trooper Vela's emergency lights and sirens.

Throughout this incident, there was little to no traffic on the roadways. As Trooper Vela and the driver of the white Chevrolet S-10 were travelling southbound on South Townsend Avenue all the traffic lights were green, and there were no pedestrians present. South Townsend Avenue is a business district, and the vast majority of businesses were closed.

Once Trooper Vela activated his audible siren and continued travelling southbound on South Townsend Avenue behind the driver of the Chevrolet S-10, both Trooper Vela and the driver of the Chevrolet S-10 were travelling at a high rate of speed through numerous intersections with visible green light indicators. The driver of the Chevrolet S-10 continued to disregard Trooper Vela's emergency overhead lights and audible siren and drove at a high rate of speed. All the traffic signals facing southbound were green until the suspect driver reached the intersection of South Townsend Avenue and South 12th Street.

At that point, the southbound traffic signal changed to yellow and then red. A white Ford Ranger, bearing Colorado license plate 8V52170, was in a stopped position on the east side of this intersection facing westbound. When the westbound traffic light turned green, the driver of a white Ford Ranger crossed into the intersection and was struck by the driver of the Chevrolet S-10.

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The driver of the Chevrolet S-10 made no attempt to slow down and struck the white Ford Ranger at a high rate of speed. This caused the white Ford Ranger to spin clockwise in the traffic pole located on the southwest corner of the intersection. The white Ford Ranger then rotated counterclockwise until it came to rest, facing northbound on the southwest corner of the intersection as indicated in Figures 2 through 4 below.



Figure 2: Aerial Diagram of Scene.



Figure 3: Labeled photograph of the scene.

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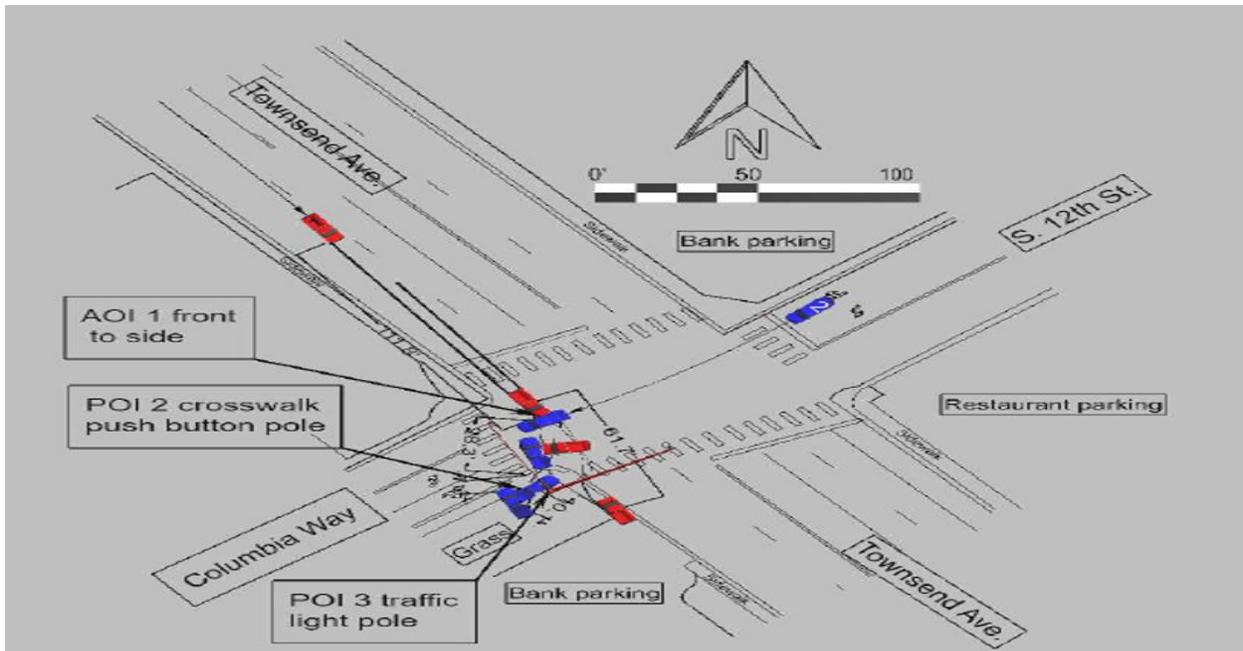


Figure 4: Diagram of scene.

Trooper Vela was able to stop his vehicle before entering the crosswalk on the north side of the intersection of South Townsend and 12th Street. When Trooper Vela stopped his vehicle, the sole driver and only occupant of the Chevrolet S-10, exited the driver's side door and fled westbound on foot. Medical aid was rendered to the three (3) injured occupants in the white Ford Ranger. All three (3) occupants sustained serious bodily injury and were treated at Montrose Regional Health Hospital.

LEGAL ANALYSIS

As previously noted, this review is limited to a determination of whether criminal charges should be filed against Trooper Vela. The decision to file criminal charges involves an assessment of all known facts and circumstances, as well as an evaluation of whether there is a reasonable likelihood of conviction at trial under the applicable law. Criminal liability is established when the evidence is sufficient to prove all the elements of a crime beyond a

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reasonable doubt. In addition to proving the elements of a crime, the prosecution must also *disprove* any statutorily recognized justification or defense beyond a reasonable doubt. Consequently, in order to file a criminal charge, the District Attorney's Office must be able to prove beyond a reasonable doubt that the Trooper's actions were *not* justified under the circumstances surrounding this incident and the applicable law.

Under Colorado law, an officer may exceed posted speed limits in pursuit of suspect vehicles, provided the law enforcement officer activates his or her emergency lights and audible sirens, and exercises due regard for public safety to violate the Colorado Traffic Code under certain circumstances as stated in *C.R.S* §42-4-108, (2025), and the relevant portions of that subsection provide:

(1) The provisions of this article applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this article with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this article. The driver of an authorized emergency vehicle may:

- (a) Park or stand, irrespective of the provisions of this title;
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the lawful speeds set forth in section 42-4-1101 (2) or exceed the maximum lawful speed limits set forth in section 42-4-1101 (8) so long as said driver does not endanger life or property;

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(d) Disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions and conditions provided in paragraphs (b) to (d), in their entirety, of subsection (2) of this section for an authorized emergency vehicle shall continue to apply to section 24-10-106 (1)(a), *C.R.S.*, only when such vehicle is making use of audible or visual signals meeting the requirements of section 42-4-213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 42-4-213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of such driver's reckless disregard for the safety of others.

I find Trooper Vela's actions to be reasonable, appropriate, and justified under these circumstances. Here, Trooper Vela activated his overhead lights and audible siren. He also displayed a due regard for public safety. Townsend Avenue is a business thoroughway and at the time of this incident, almost every business was closed. Trooper Vela was not attempting to contact the suspect vehicle in a residential area nor were there any pedestrians present. In addition, there was virtually no other traffic present on the roadway at the time of this incident.

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CONCLUSION

Given the totality of the circumstances and evidence presented, the prosecution cannot prove Trooper Vela operated his fully marked patrol vehicle in a careless and imprudent manner, without due regard for the safety of any persons and property, under *C.R.S. §42-4-108, (2025)*. Therefore, applying the applicable law to the facts of this incident, the evidence does not support the filing of criminal charges against Colorado State Patrol Trooper John Vela.

Sincerely,

A handwritten signature in blue ink that reads "Anna Cooling". The signature is stylized and cursive.

Anna Cooling
District Attorney

CC: Detective Shaklee of the Delta County Sheriff's Office
Sergeant Berry of the Montrose Police Department
Agent Demers of the Colorado Bureau of Investigations