



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Initial Case Report

Case Report # 2016-00028051

EVENT		OFFENSES		VICTIM		SUSPECT / OTHER		VEHICLE		PROPERTY	
OCCURRED INCIDENT Homicide LOCATION OF OCCURRENCE 1507 S Nevada AVE Colorado Springs, CO 80905		INCIDENT # 2016-00315579		DATE/TIME REPORTED 7/17/2016 14:48		RACE Black		SEX Male		HEIGHT 5 10	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION 18-3-103(3)(b) F3 (05) 2nd Degree Murder- Heat of Passion - Nonfamily - Gun		NAME Garcia, Jesse Robert		SEX Male		HEIGHT 6 1		WEIGHT 220	
COURTS 1		ATTEMPT/COMMIT Completed		DOB / AGE RANGE 9/20/1992		HAIR Black		HAIR Brown		EYE Brown	
PER # 01		SUBJECT TYPE Victim		NAME Rogers, Jack A		VICTIM / OFFENDER RELATIONSHIP Rogers, Jack A 2/4/1936 STRANGER		PER # 01		SUBJECT TYPE Suspect	
ADDRESS COLORADO SPRINGS CO		PRIMARY PHONE [REDACTED]		SECONDARY PHONE [REDACTED]		ADDRESS [REDACTED]		DOB / AGE RANGE 2/4/1936		EYE [REDACTED]	
TYPE / MAKE / MODEL [REDACTED]		<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		JACKET NUMBER [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]	
PLATE [REDACTED]		STATE CO		YEAR [REDACTED]		VIN [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]	
DESCRIPTION [REDACTED]		<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		JACKET NUMBER [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]	
ITEM # [REDACTED]		PROPERTY CODE <input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		JACKET NUMBER [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]	
SERIAL NUMBER [REDACTED]		QTY/UNIT OF MEASURE [REDACTED]		VALUE [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]		COLOR [REDACTED]	
ITEM TYPE and DESCRIPTION [REDACTED]		VALUE [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]		COLOR [REDACTED]		VALUE [REDACTED]	

CASE DISPOSITION Open	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT Homicide
REPORTING OFFICER & IBM # Suarez, Michael 3523		APPROVING SUPERVISOR & IBM # Rodgers, James	



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Initial Case Report

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VEHICLES as INVOLVED			
VEH #	VEHICLE ROLE	PLATE / STATE	VIN
01	Victim Vehicle (NOT BMW Stolen)	[REDACTED] CO	[REDACTED]
1993	Automobile/Ford/Mustang/Mustang		STYLE Hatchback, 2 Door
TOWED TO	Evidence Annex	TOWED BY Randys High Country	TOP COLOR White
			BOTTOM COLOR White
ADDITIONAL DESCRIPTIVE INFORMATION			
VEH #	VEHICLE ROLE		
02	Suspect Vehicle	[REDACTED]	[REDACTED]
YEAR	TYPE / MAKE / MODEL		
1977	Automobile/International/Scout/Scout		SUV
TOWED TO	Evidence Annex	TOWED BY Randys High Country	TOP COLOR Silver
			BOTTOM COLOR Silver
ADDITIONAL DESCRIPTIVE INFORMATION			

VEHICLES as PROPERTY				
VEH #	PROPERTY CODE	Burned <input type="checkbox"/> Recovered <input type="checkbox"/>	Counterfeit / Forged <input type="checkbox"/> Stolen <input type="checkbox"/>	Destroyed / Damaged / Vandalized <input type="checkbox"/> Unknown <input type="checkbox"/>
VEHICLE #1				
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Recovered	<input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Stolen	<input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL				
PLATE	STATE	VIN	YEAR	COLOR
DESCRIPTION				VALUE
VEHICLE #2				
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Recovered	<input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Stolen	<input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL				
PLATE	STATE	VIN	YEAR	COLOR
DESCRIPTION				VALUE
VEHICLE #3				
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Recovered	<input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Stolen	<input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL				
PLATE	STATE	VIN	YEAR	COLOR
DESCRIPTION				VALUE
VEHICLE #4				
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Recovered	<input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Stolen	<input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL				
PLATE	STATE	VIN	YEAR	COLOR
DESCRIPTION				VALUE

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Rodgers, James
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705 S. Nevada Ave.
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Initial Case Report

Case Report # **2016-00028051**

NARRATIVE

INITIAL INFORMATION:

07-17-2016 (Sunday)

2:48 P.M.

Officers with the Colorado Springs Police Department (CSPD) were dispatched to the Taco Bell (which is located at 1507 South Nevada Avenue Colorado Springs, Colorado 80905) in regards to a shooting.

After Officers arrived on scene, they observed a male (**Jesse Garcia DOB: 09-20-1992**) on the ground who had suffered an apparent gunshot to the head. Mr. Garcia was transported to the hospital where he was later pronounced deceased.

Please forthcoming supplements for further information.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

INITIAL INFORMATION

On 7/17/16 at approximately 1456 hours I, Officer C. Humphreys 5708, and B.T. Orten, 2895 were dispatched to a report of a shooting at the Taco Bell restaurant at 1507 S. Nevada Ave, Colorado Springs, Colorado.

ARRIVAL INFORMATION

At approximately 1506 we arrived on scene. Neither the victim nor the suspect were on scene when we arrived. Once we arrived we began to take photographs of the scene.

SCENE PHOTOGRAPHS

I took photos of the crime scene including of the suspect's and the victim's vehicles, license plates of the vehicles in the parking lot, vantage points from different areas of the parking lot and drive through area, and inside the restaurant looking out towards the parking lot. I then uploaded the photos to DIMS.

SCENE SECURITY

After uploading images to DIMS, I provided scene security to ensure that no unauthorized persons entered the parking lot or restaurant. While I was on scene security I did not view any unauthorized people entering the parking lot or the restaurant. I continued providing scene security until relieved by Sgt. E. Frederic, 2747 at approximately 1734 hours.

Nothing Further

REPORTING OFFICER & IBM # Humphreys, Christopher 5708	APPROVING SUPERVISOR Frahm, Brian
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

Initial Information

On 7/17/16 at approx 1448 hours I Officer Forbes 4158 was dispatched to 1507 S Nevada Ave to assist with the investigation of a reported road rage incident. I arrived at approx 1452 hours. I parked my marked police cruiser in a position at the southeast corner of the Taco Bell parking lot to assist in blocking off the scene.

I then began to walk the south perimeter of the parking lot and observed a white female later identified as [REDACTED] Diane DOB [REDACTED] who appeared to be having difficulty breathing and was very upset. Upon making contact with her she stated she had witnessed the shooting that just occurred in the parking lot.

Witness Statement

Diane stated she had been sitting near the south entrance of Taco Bell when she heard a gunshot and saw a young male fall to the ground. Diane stated she had called 911. See other officer statements for a detailed interview.

Officer Statement

I advised Sgt Frederick of this witness and remained with her. AMR was also dispatched to the scene to evaluate her. She was not transported for medical reasons. I did transport Diane to he Police Operations Center located at 705 S Nevada Av for a witness interview. I walked her to the second floor and placed her in an interview room. See other officer reports for further information.

I then assisted Det Suarez by transporting Rogers, Jack DOB 2/4/36 to Memorial Central Hospital for a forensic exam. During the exam it was noted that Jack sustained a large bruise under his left eye. Bruising was also observed over his right breast, right side of his stomach, and left side of his stomach. Due to Jack's complaints of pain, he was admitted for evaluation. He was given medication for pain, no serious bodily injury was noted.

Nothing further at this time.

REPORTING OFFICER & IBM #
Forbes, Marvin 4158

APPROVING SUPERVISOR
Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

Officer Statement:

On 07/17/16 at approximately 1500 hrs I, Officer J.M. Ray/4173, responded to 1400 E Boulder St (Memorial Hospital) to assist other officers with an investigation regarding a shooting that took place near the area of E. Brookside St. and S. Nevada Ave.

Upon arrival I made contact with Officer J. Scott/1506 near Recess Room 1 in the Emergency Department. I was advised that Mr. Jesse Roberto Garcia DOB:09/20/92 had sustained a gunshot wound to his head and was being treated by medical staff. I remained on scene at the hospital with Officer Scott while the victim was examined. We were advised that the wound was not treatable and that Mr. Garcia would be moved to the Intensive Care Unit (ICU). I went along with other officers to the ICU to standby with the victim until a Detective from the Colorado Springs Police Department Homicide Unit arrived. While in the ICU I was with other Officers when we were advised that Mr. Garcia was pronounced brain dead at approximately 1607 hrs and then later advised that he was pronounced deceased at approximately 1708 hrs.

See other Officer's reports and supplements for further.

Nothing further from this Officer at this time

REPORTING OFFICER & IBM #
Ray, John 4173

APPROVING SUPERVISOR
Wrede, Keith



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Case Supplement Report

Case Report # **2016-00028051**

EVENT		OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 07/17/2016 20:50
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION			
COUNTS		ATTEMPT/COMMIT			
OFFENSES					
VICTIM					
PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE	
ADDRESS		PRIMARY PHONE		SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS			
SUSPECT / OTHER					
PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE	
01	Witness	Donnuella			24
ADDRESS		PRIMARY PHONE		SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE
Black	Female			Black	Brown
DL/ID NUMBER	STATE	JACKET NUMBER			
VEHICLE					
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
TYPE / MAKE / MODEL		YEAR	COLOR		
PLATE	STATE	VIN	VALUE		
DESCRIPTION					
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR		
ITEM TYPE and DESCRIPTION					

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Peterson, Matthew 4026		APPROVING SUPERVISOR & IBM # Frahm, Brian	Gold Hill Patrol



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Case Supplement Report

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ADDITIONAL SUSPECTS / OTHER SUBJECTS

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
02	Witness	[REDACTED] Kasha	[REDACTED]
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black	Brown		
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
03	Witness	[REDACTED] Darren	[REDACTED]
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Male		
HAIR	EYE	JACKET NUMBER	
Black	Brown		
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
04	Family Member	[REDACTED] Doneshia	[REDACTED]
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black			
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
05	Associate	[REDACTED] Emoni	[REDACTED]
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black			
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black			
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black			
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black			
D/L/D NUMBER	STATE		
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS [REDACTED] PRIMARY PHONE [REDACTED] SECONDARY PHONE [REDACTED]			
Colorado Springs CO [REDACTED]			
RACE	SEX	HEIGHT	WEIGHT
Black	Female		
HAIR	EYE	JACKET NUMBER	
Black			
D/L/D NUMBER	STATE		

REPORTING OFFICER & IBM # Peterson, Matthew 4026	APPROVING SUPERVISOR Frahm, Brian
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COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

Officer Statement

On 7/17/16 at 1452 hrs, I, **Officer Peterson** (4026) was dispatched to assist with a shooting call for service at **1507 S Nevada Ave** (Taco Bell). At that time I was a Police Training Officer (PTO) and training **Officer Prunsky** (5558). Upon our arrival we were advised by **Sgt. Frederic** (2747) to conduct interviews, along with other officers, of individuals in the parking lot and surrounding area.

I spoke to **Dannella** [REDACTED] and **Kesha** [REDACTED] who were standing near their vehicle in the parking lot to the east of the business. **Dannella** stated she had been in the vehicle with **Kesha** in the parking lot to the south of **Wendy's** (1541 S Nevada Ave). She stated she heard a "pop" and that **Kesha** drove their vehicle over where they parked. She stated she didn't see what happened and only heard the pop.

Kesha stated she had been waiting to pick up **Darren** [REDACTED] at **Wendy's**. She stated she heard a "pop" and drove her vehicle over by **Taco Bell** to see what was going on. She stated she saw people running and screaming from the parking lot for **Taco Bell**. She stated she didn't see anything else.

Darren [REDACTED] walked toward the vehicle as I was conducting my interviews. He stated he was working at **Wendy's** on the grill and heard a gunshot. He stated he didn't see anything from where he was at.

After conducting these interviews, **Officer Prunsky** and I reviewed video of the incident that was covered by cameras at the **Taco Bell**. I called out timestamps and the actions taking place as he notated them. The video was later collected **Detective Rogers** (2641). See **Officer Prunsky's** supplement for further on the footage.

After reviewing the footage, we remained on at the business for scene security. At approximately 1902 hrs, a grey Dodge Avenger pulled up to the scene perimeter. The driver, later identified as **Emoni** [REDACTED] opened the door and was sobbing hysterically. She asked what happened to "Jesse" and stated his vehicle was the white Mustang, indicating the deceased individual's vehicle. When asked her relation to him, she stated she was his girlfriend. I attempted to direct her to the Police Operation Center (POC), but she stated she didn't want to go there at the moment. I overheard her say on the phone to an unknown individual "they took him away from me!" multiple times.

Shortly afterwards another vehicle pulled up to the perimeter. A female, later identified as **Doneisha** [REDACTED] got out and stated the victim was her brother. She stated she had been attempting to get hold of her family but was unable to do so. She was directed to head to the POC to speak to detectives, to which she stated she would head over there.

We remained on scene until we were advised by **Sgt. Frederic** and **Sgt. Rodger** (1412) that the scene could be broken down.

REPORTING OFFICER & IBM #
Peterson, Matthew 4026

APPROVING SUPERVISOR
Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

END OF SUPPLEMENT

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REPORTING OFFICER & IBM #
Peterson, Matthew 4026

APPROVING SUPERVISOR
Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.
Colorado Springs, CO 80903
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

INITIATING INFORMATION

On 7/17/16 at approximately 1528 hours, I Officer Retzlaff/4921 oversaw Officer Bouwmans/5697 activities during a call for service regarding a shooting that occurred at 1507 S. Nevada Ave., located in the City of Colorado Springs, the County of El Paso and the State of Colorado.

REPORTING OFFICER & IBM #

Retzlaff, Kevin 4921

APPROVING SUPERVISOR

Wrede, Keith



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
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Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Assault (Felony)		INCIDENT #		DATE/TIME REPORTED 07/17/2016 17:40	
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence		STATUTE / DESCRIPTION		Counts <input type="checkbox"/> Photos	
OFFENSES					
PER #		SUBJECT TYPE		NAME	
ADDRESS		DOB / AGE RANGE		PRIMARY PHONE	
RACE		SEX		HEIGHT	
WEIGHT		HAIR		EYE	
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS			
PER #		SUBJECT TYPE		NAME	
ADDRESS		DOB / AGE RANGE		PRIMARY PHONE	
RACE		SEX		HEIGHT	
WEIGHT		HAIR		EYE	
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS			
PER #		SUBJECT TYPE		NAME	
ADDRESS		DOB / AGE RANGE		PRIMARY PHONE	
RACE		SEX		HEIGHT	
WEIGHT		HAIR		EYE	
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS			
DL/D NUMBER		STATE		JACKET NUMBER	
VEH #		PROPERTY CODE		Destroyed / Damaged / Vandalized	
TYPE / MAKE / MODEL		YEAR		COLOR	
PLATE		STATE		VIN	
DESCRIPTION		VALUE		VALUE	
ITEM #		PROPERTY CODE		Destroyed / Damaged / Vandalized	
SERIAL NUMBER		QTY/UNIT OF MEASURE		VALUE	
ITEM TYPE and DESCRIPTION		COLOR		COLOR	

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Bouwman, Gerard 5697		APPROVING SUPERVISOR & IBM # Wrede, Keith	Stetson Hills Patrol



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

INITIAL INFORMATION

On Sunday July 17, 2016, at approximately 1502 hours, I G. Bouwmans/5697 and K. Retzlaff/4921 responded to E Brookside Street and S Nevada Ave, in the parking lot of 1507 S Nevada Ave to assist with a shooting incident crime scene. At Approximates 1528 hours I arrived on scene.

OFFICER STATEMENT

Once I arrived on scene I spoke with Officer N. Hwang/3960 and inquired what assistance was necessary. I positioned my car in the southeast corner of the crime scene and assisted with crime scene control. The two involved vehicles, a 1977 gray International Scout CO plate [REDACTED] and a 1993 white Ford Mustang CO plate [REDACTED] where entered into Evidence on Q.

At 1810 hours Randy's towing was on scene to remove the Gray International [REDACTED] I observed the tow operator hook up the gray International Scout, and pull it onto the flatbed. Once the gray International Scout was secured to the tow truck, without unnecessary delay, the tow truck proceeded to drive to the Police Operations Center (POC). I followed the tow truck and the gray International Scout the entire route to the POC and maintained constant visual contact. At no time did the tow operator enter the gray International, remove any items or parts from it, or touch it in any manner not consistent with normal towing practices. At no time did I observe the tow operator or any other person tamper with, or manipulate the gray International Scout. Once the tow truck arrived to the POC, custody of the gray International Scout was turned over to Detective Bichel.

At Approximately 1925 I followed Randy's towing back to 1507 S Nevada Ave to recover the white Ford Mustang CO [REDACTED] I observed the tow operator hook up the white Ford Mustang, and pull it onto the flatbed. Once the white Ford Mustang was secured to the tow truck, without unnecessary delay, the tow truck proceeded to drive to the POC. I followed the tow truck and the white Ford Mustang the entire route to the POC and maintained constant visual contact. At no time did the tow operator enter the white Ford Mustang, remove any items or parts from it, or touch it in any manner not consistent with normal towing practices. At no time did I observe the tow operator or any other person tamper with, or manipulate the white Ford Mustang. Once the tow truck arrived to the POC, custody of the white Ford Mustang was turned over to Detective Bichel.

REPORTING OFFICER & IBM #
Bouwmans, Gerard 5697

APPROVING SUPERVISOR
Wrede, Keith



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OCCURRED INCIDENT Homicide		INCIDENT #		DATE/TIME REPORTED 07/18/2016 14:00	
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence		STATUTE / DESCRIPTION		<input type="checkbox"/> Courts <input type="checkbox"/> Photos <input type="checkbox"/> Attempt/Commit	
OFFENSES					
PER #		SUBJECT TYPE		NAME	
ADDRESS		PRIMARY PHONE		SECONDARY PHONE	
RACE		SEX		HEIGHT	
WEIGHT		HAIR		EYE	
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS		DOB / AGE RANGE	
PER #		SUBJECT TYPE		NAME	
ADDRESS		PRIMARY PHONE		SECONDARY PHONE	
RACE		SEX		HEIGHT	
WEIGHT		HAIR		EYE	
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS		DOB / AGE RANGE	
PER #		SUBJECT TYPE		NAME	
ADDRESS		PRIMARY PHONE		SECONDARY PHONE	
RACE		SEX		HEIGHT	
WEIGHT		HAIR		EYE	
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS		DOB / AGE RANGE	
D/ID NUMBER		STATE		JACKET NUMBER	
VEH #		PROPERTY CODE		<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
TYPE / MAKE / MODEL		YEAR		COLOR	
PLATE		STATE		VIN	
VALUE		VALUE		VALUE	
DESCRIPTION		STATE		VIN	
DESCRIPTION		STATE		VIN	
ITEM #		PROPERTY CODE		<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
SERIAL NUMBER		QTY/UNIT OF MEASURE		VALUE	
COLOR		COLOR		COLOR	
ITEM TYPE and DESCRIPTION		VALUE		COLOR	

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM #	APPROVING SUPERVISOR & IBM #		Homicide
Poole, Bret 0382	Rabideau, Charles		



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

On 07/17/2016, 1 Lt. Bret Poole was notified by Sgt. Mickey Finn 961, at 15:24 hours, that a shooting had occurred in the area of Brookside and Nevada Avenue. The call was dispatched to Gold Hill Patrol at 14:48 hour and the suspect was in custody. I contacted Sgt. Jimmie Rodgers 1412 who responded to the scene.

I called the on call DA and responded to the Police Operations Center at 1415 hours. Upon my arrival I met with the on-call Homicide DA-Donna Billek.

My responsibilities were focused primarily as support to the Investigative response.

This support included notification of staff of the Violent Crimes response, notification of the on call DA, contact with the victim advocacy unit, briefing the Investigations Commander Wilson, notification and communication with the PIO and oversight of operations at the Police Operations Center.

There were numerous witness interviews and a suspect conducted at the Police Operations Center.

Sgt. Jimmie Rodgers kept me briefed on the progress of the investigation. I did not respond to the scene, again, after my response to the POC. In addition to interviews there were several vehicles that required investigators to secure for future processing.

No Further.

REPORTING OFFICER & IBM #
Poole, Bret 0382

APPROVING SUPERVISOR
Rabideau, Charles



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

EVIDENCE RECOVERED:

On **07/18/16**, I, **NIKKI PATTON/4093**, Investigative Specialist for the Colorado Springs Police Department (CSPD), assigned to the Investigations Division/Special Victims Section, was assigned to recover forensic evidence from the Sexual Assault Nurse Examiner (SANE) evidence refrigerators and lockers at the Memorial Hospital-Central facility at 1400 E. Boulder St. in Colorado Springs, CO. This assignment was made by my immediate supervisor, **Sergeant MARK CHACON/2300**.

On **07/18/16**, at approximately **1:15PMPM** hours, I recovered forensic evidence pursuant to CSPD case# **16-28051** I recovered the following evidence from **SANE Evidence locker #1** at Memorial

Hospital:

1. SANE Kit - Suspect

This evidence was packaged and sealed prior to my recovery of the evidence. I secured this evidence and transported it to the Police Operations Center (POC) at 705 S. Nevada Ave. where the items were placed into **CSPD Evidence**.

I have attached a copy of the documents completed by the forensic nurse who examined the victim to this supplemental report.

NOTHING FURTHER

REPORTING OFFICER & IBM #
Patton, Nichole 4093

APPROVING SUPERVISOR
Thompson, Daniel



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

[Empty narrative text area]

REPORTING OFFICER & IBM #
Patton, Nichole 4093

APPROVING SUPERVISOR
Thompson, Daniel



Case Supplement Report

COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave

Colorado Springs, CO 80903

(719) 444-7000

Case Report # 2016-00028051

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 07/18/2016 23:09
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME	OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION	Courts Attempt/Commit

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
VICTIM / OFFENDER RELATIONSHIP		HAIR	EYE
		EMAIL ADDRESS	
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
01	Witness	Darlene	
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
White	Female	5 6	135
D/ID NUMBER		HAIR	EYE
		Brown	Blue
		JACKET NUMBER	

VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL		YEAR
PLATE	STATE	VIN
DESCRIPTION		
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE
ITEM TYPE and DESCRIPTION		

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Orten, Bethany 2895		APPROVING SUPERVISOR & IBM # Frahm, Brian	Gold Hill Patrol



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

Officer Statement

On 07/17/2016 at approximately 1504 hours Officer C. Humphreys 5708 and I, Officer B.T. Orten 2895 (2A55), while working patrol in the Gold Hill Division, was dispatched to 1507 S. Nevada Ave., Taco Bell, reference a shooting.

After my arrival I conducted scene security. I also advised Officer Humphreys to take digital photographs of the scene.

I conducted scene security until approximately 1738 hours when Sgt. E. Frederic advised Officer Humphreys and I that we were no longer needed at the scene. Officer Humphreys and I cleared the scene at this time.

See other officers reports for more information.

Nothing further.

REPORTING OFFICER & IBM #
Orten, Bethany 2895

APPROVING SUPERVISOR
Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 07/17/2016 21:21
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION	Courts Attempt/Commit
OFFENSES			
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	
		SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	
		SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
SUSPECT / OTHER		JACKET NUMBER	
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	
		SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT
White	Male		
D/LID NUMBER	STATE	JACKET NUMBER	
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL		YEAR	COLOR
PLATE	STATE	VIN	VALUE
DESCRIPTION			
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR
ITEM TYPE and DESCRIPTION			
CASE DISPOSITION		EXCEPTIONAL CLEARANCE	ASSOCIATED CASES
REPORTING OFFICER & IBM #		APPROVING SUPERVISOR & IBM #	REPORTING DISTRICT
		Frahm, Brian	Gold Hill Patrol



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

Officer Statement

On 07/17/2016 at 14:48 hrs, I, **Officer Prunsky** (5558) and **Officer Peterson** (4026) was dispatched to 1507 S Nevada Ave (Taco Bell) to assist in the investigation of a shooting.

Upon arrival I was directed to begin interviewing people that were standing around the parking lot about the shooting. I spoke with **Randel [REDACTED]** who stated that he showed up just after the shooting. He stated that he did not see anything but the police at the Taco Bell. I then spoke with **Jason [REDACTED]** who stated that he was driving by the east side of the Taco Bell when he heard a gunshot. He stated he looked and saw someone lying on the ground next to the gray SUV and saw someone backing away, who appeared to be startled by the gunshot. He stated that he heard from someone that they saw the kid fighting with an old man inside of the gray SUV. After I was directed inside the Taco Bell to review the video on Taco Bells security cameras.

Review of the Video

Officer Peterson and I reviewed the security camera footage of the incident. Officer Peterson watched the video and told me the time stamps and I annotated them on a piece of paper.

The camera appears to face towards the southwest onto the south patio of Taco Bell. The camera has a partial view of the parking lot to the south of Taco Bell. In the top left corner of the video the Scout pulls into a parking space facing the south wall of the Taco Bell. The video shows a partial view of the Scout's hood and windshield. Approximately 15 feet to the south of the Scout starts the second parking space row. The Mustang was parked in the second row approximately four spaces to the west of the Scout. The security cameras time stamps are a couple of seconds off.

Time Stamps

- 14:45 Both vehicles come around the east side of Taco Bell
- 14:45.17 Scout arrives into parked location
- 14:45.21 Mustang arrives into parked location
- 14:45.27 Driver of the Mustang exits vehicle, walks towards Scout. Appears to be in a calm manner and appears to be holding something in right pocket.
- 14:45.36 Driver of Mustang arrives at driver side of Scout. The driver of the Mustang appears to be talking to the driver of the Scout. The conversation appears to be non-confrontational, no gestures noticed.
- 14:46.23 Until now drivers appear to be conversing. The driver of the Mustang appears to put head and

REPORTING OFFICER & IBM #

APPROVING SUPERVISOR

Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

shoulders inside of the Scout.

14:46.24 A struggle appears to ensue with the Mustang driver leaning heavily into the Scout.

14:46.26 The driver of the Mustang appears to go limp and starts to fall backwards out of the window.

14:46.29 The driver of the Mustang is prone on the ground and appears to be convulsing.

14:46.38 The driver of the Mustang lays still

14:46.43 A heavy set white female with shoulder length brown or blonde hair, wearing a dark colored shirt with white lettering and symbol comes in front of the Scout and appears to look at the victim and the Scout.

14:46.47 A white male with blonde hair, buzz cut, white t-shirt, khaki cargo shorts, black shoes with white soles, walks onto the patio area.

14:46.50 Possible juvenile, red visor worn backwards, and a light colored striped shirt. A heavy set white male, balding, 40s and wearing a grey shirt walked in front of the Scout looking at the victim.

14:47.05 The white female begins dialing on her phone.

14:50.53 Officer Hallas arrives on scene and approaches the Scout.

14:51.04 Officer Hallas appears to be speaking to unknown driver in Scout and a heavy set white male in a grey shirt standing outside of the Scout.

14:52.23 Officer Hallas opens the driver's door of the Scout.

14:52.39 Driver of the Scout steps out of the vehicle, appears to be wearing a grey or white hat and a plaid shirt.

14:52.59 Officer Hallas and the driver of the Scout are seen exiting the view of the camera.

END OF SUPPLEMENT

REPORTING OFFICER & IBM #

APPROVING SUPERVISOR

Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.
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(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

[Empty narrative box]

REPORTING OFFICER & IBM #

APPROVING SUPERVISOR

Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
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Case Supplement Report

Case Report # 2016-00028051

ADDITIONAL SUSPECTS / OTHER SUBJECTS

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
02	Witness	[REDACTED] Lisa	[REDACTED]
ADDRESS			
[REDACTED]			
Colorado Springs CO			
RACE Unknown			
SEX Female			
HEIGHT			
WEIGHT			
HAIR			
EYE			
D/LID NUMBER			
STATE			
JACKET NUMBER			
DOB / AGE RANGE			
PRIMARY PHONE			
SECONDARY PHONE			
PER # SUBJECT TYPE NAME			
DOB / AGE RANGE			
ADDRESS			
RACE			
SEX			
HEIGHT			
WEIGHT			
HAIR			
EYE			
D/LID NUMBER			
STATE			
JACKET NUMBER			
DOB / AGE RANGE			
PRIMARY PHONE			
SECONDARY PHONE			
PER # SUBJECT TYPE NAME			
DOB / AGE RANGE			
ADDRESS			
RACE			
SEX			
HEIGHT			
WEIGHT			
HAIR			
EYE			
D/LID NUMBER			
STATE			
JACKET NUMBER			
DOB / AGE RANGE			
PRIMARY PHONE			
SECONDARY PHONE			
PER # SUBJECT TYPE NAME			
DOB / AGE RANGE			
ADDRESS			
RACE			
SEX			
HEIGHT			
WEIGHT			
HAIR			
EYE			
D/LID NUMBER			
STATE			
JACKET NUMBER			
DOB / AGE RANGE			
PRIMARY PHONE			
SECONDARY PHONE			

REPORTING OFFICER & IBM # Hwang, Nancy 3960	APPROVING SUPERVISOR Frahm, Brian
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COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

INITIAL INFORMATION

On Monday 07-17-2016 at approximately 1447 hours, I, Officer N. Hwang/3960 a sworn peace officer with Colorado Springs Police Department (CSPD) was dispatched to a shooting located at the parking lot of Taco Bell located at 1507 S. Nevada Avenue, Colorado Springs CO 80907. The call screen stated the reporting party, later identified as **JACK A. ROGERS (D.O.B. 02-04-1936)**, shot a black male, later identified as **JESSE ROBERTO GARCIA (D.O.B. 09-20-1992)**, and it was possibly a road rage incident.

Additional officers and detectives also arrived to investigate the scene. Upon arrival, I interviewed two separate witnesses and took photographs of the scene with my department-issued digital camera.

See original case report and additional officers' supplements for more details.

OFFICER ACTIONS

The following officers, sergeants, detectives, and lieutenant arrived to the scene:

1. Lieutenant D. Abbink/1331, (1P02)
2. Lieutenant. B. Poole/382, (1X01)
3. Sergeant J. Rodgers/1412, (1X20)
4. Sgt. E. Frederic/2747, (2P07)
5. Sgt. P. Martinez/3176, (2P04)
6. Detective M. Suarez/3523, (1X31)
7. Det. S. Peterson/1408, (1X33)
8. Detective W. Bichel/1333, (1X35)
9. Detective J. Somosky/2321, (1X37)
10. Detective E. Hengst/3561, (1X38)
11. Detective B. Rogers/2641, (1X38)
12. Officer A. Lawton/5713,(2A11) - Interviewed witnesses; scene security
13. Officer C. May/3646 (2A11) - Scene security
14. Officer G. Darrass/088, (2A21) - Scene security
15. Officer G. Prunsky/5558, (2A25) - Interviewed witnesses; Scene security
16. Officer M. Peterson/4026, (2A25) - Business follow-up with Taco Bell; Scene security
17. Officer J. Wyatt/032,(2A31) - Arrived to Memorial Central Hospital
18. Officer E. Crofoot/3511 (2A41) - Interviewed witnesses; Scene security
19. Officer F. Jacques/3227 ,(2A35) - Took photographs of scene; Interviewed witnesses
20. Officer W. Alvey/5694,(2A41) - Interviewed witnesses; Scene security
21. Officer R. Hallas/2035,(2A51) - Interviewed witnesses; Scene security
22. Officer B. Orten/2895, (2A55) - Took photographs of scene; Scene security
23. Officer C. Humphreys/5708, (2A55) - Took photographs of scene; Scene security
24. Officer C. Garcia/1751, (2A61) - Secured firearm and property from victim/suspect
25. Officer M. Forbes/4158, (2A65) - Interviewed witnesses; Scene security
26. Officer J. Scott/1506, (2A73) - Arrived to Memorial Central Hospital
27. Officer J. Taylor/5731, (2A73) - Arrived to Memorial Central Hospital
28. Officer J. Bates/4893, (2A83) - Interviewed witnesses; scene security

REPORTING OFFICER & IBM # Hwang, Nancy 3960	APPROVING SUPERVISOR Frahm, Brian
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

- 29. Officer M. Sandoval/979, (2G54) - Interviewed witnesses; Scene security
- 30. Officer G. Bouwmans/5697, (5A35) - Scene security; Impounded vehicles
- 31. Officer K. Retzlaff/4921, (5A35) - Scene security; Impounded vehicles
- 32. Officer J. Ray/4173, (5A55) - Arrived to Memorial Central Hospital
- 33. Officer D. Tapia/5157, (5A73) - Interviewed witnesses; scene security
- 34. Community Service Officer (CSO) T. Mielke/5061, (2C207) - Scene security
- 35. CSO S. Zamora/5231, (2C209) - Scene security

WITNESS' STATEMENT [REDACTED] (CARL)

Mr. Carl stated on 07-17-2016 at approximately 1445 hours, he was having lunch inside the Taco Bell when he was watching Mr. Rogers sitting in the driver seat of a 1977 International Scout, "wrestling" with Mr. Garcia, who was standing directly outside of Mr. Rogers' front driver's door. Mr. Carl said the two males were "jostling" when all of a sudden, Mr. Garcia dropped to the ground. Mr. Carl stated he immediately went outside and saw Mr. Garcia lying on the ground and Mr. Rogers was still sitting in the driver's seat on his cell phone. Mr. Carl said he did not hear anything during the entire incident and never saw a firearm.

WITNESS' STATEMENT (LISA [REDACTED])

Ms. [REDACTED] stated on 07-17-2016 at approximately 1445 hours, she had exited Taco Bell's south doors approximately three feet and began walking in a southeast direction. Ms. [REDACTED] said she heard a "pop" and someone screamed, "Someone's shooting!" out loud. Ms. [REDACTED] said she turned around and saw the victim on the ground and the male driver was still in the gray SUV. She added the male driver looked "stunned" and watched as an Officer pulled the gun from within the SUV.

OFFICER ACTIONS

After I took Mr. Carl's statement, I took photographs of the scene and uploaded all photographs to CSPD's DIMS digital photo database. I remained at the scene and secured the outer perimeter until the scene was released at approximately 1939 hours.

STATUS OF PATROL INVESTIGATION

Patrol investigation complete

No further information

See original case report and additional supplements for more details

End of supplement

REPORTING OFFICER & IBM #
Hwang, Nancy 3960

APPROVING SUPERVISOR
Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

ADDITIONAL SUSPECTS / OTHER SUBJECTS

PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
02		Witness		WILLIAM [REDACTED]		[REDACTED]	
ADDRESS							
Colorado Springs CO [REDACTED]							
RACE		SEX		HEIGHT		WEIGHT	
White		Male		6 00		225	
DL/ID NUMBER		STATE		JACKET NUMBER			
[REDACTED]		OK		[REDACTED]			
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
03		Witness		KEA [REDACTED]		[REDACTED]	
ADDRESS							
Colorado Springs CO [REDACTED]							
RACE		SEX		HEIGHT		WEIGHT	
Black		Female		[REDACTED]		[REDACTED]	
DL/ID NUMBER		STATE		JACKET NUMBER			
[REDACTED]		[REDACTED]		[REDACTED]			
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
04		Witness		KYMBERLY [REDACTED]		[REDACTED]	
ADDRESS							
Colorado Springs CO 80905							
RACE		SEX		HEIGHT		WEIGHT	
White		Female		5 6		165	
DL/ID NUMBER		STATE		JACKET NUMBER			
[REDACTED]		OK		[REDACTED]			
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
05		Witness		[REDACTED]		[REDACTED]	
ADDRESS							
COLORADO SPRINGS CO [REDACTED]							
RACE		SEX		HEIGHT		WEIGHT	
Black		Female		[REDACTED]		[REDACTED]	
DL/ID NUMBER		STATE		JACKET NUMBER			
[REDACTED]		[REDACTED]		[REDACTED]			
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
06		Witness		KESHAWN [REDACTED]		[REDACTED]	
ADDRESS							
Colorado Springs CO [REDACTED]							
RACE		SEX		HEIGHT		WEIGHT	
Black		Male		[REDACTED]		[REDACTED]	
DL/ID NUMBER		STATE		JACKET NUMBER			
[REDACTED]		[REDACTED]		[REDACTED]			

REPORTING OFFICER & IBM # **Jacquez, Fabiola 3227** APPROVING SUPERVISOR **Frahm, Brian**



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

INITIAL INFORMATION

On June 17, 2016 at approximately 1447 hours, I, **Officer Jacquez, 3227/2A35** was dispatched the Taco Bell located at to 1507 South Nevada Avenue, City of Colorado Springs, County of El Paso, and State of Colorado on a shooting call (**Call for Service #16315579/Case Report #16-28051**).

OFFICER STATEMENT

I arrived on scene and took pictures of vehicles and people still in the parking lot.

I first spoke to **MELISSA** [redacted] and her granddaughter, **KYAH** [redacted] Melissa said she and her family were loading vehicles to go to the SecurCare Self Storage located at 4729 Astrozon Boulevard, Colorado Springs, Colorado, 80916. Melissa said she and Kyah were in a 1994 Ford F150 with Oklahoma license plate [redacted] Melissa's daughter in law, **KYMERLY** [redacted] her granddaughter, **KEA VICTORIA** [redacted] and her other daughter in law, [redacted] temporary license plate [redacted] Melissa's husband, **WILLIAM** [redacted] were in a white Buick Rainier with [redacted] and her grandson, **KESHAWN** [redacted] were in the SecurCare Self Storage moving truck with Colorado license plate [redacted]

Melissa and Kyah were driving out of the parking lot. The windows of the truck were rolled down. They heard a loud "boom" at approximately 1430 hours. She heard someone yell, "Call 911, he's been shot!" Melissa said she and her family stopped to see if they could help. Melissa said when she heard the shot she thought it sounded like a gunshot.

Michael said he didn't hear or see anything because the windows were rolled up in the moving truck. Keshawn said he heard a gunshot but didn't see anything.

Kymerly said they hear fireworks all the time in the area especially after the 4th of July. She thought she heard fireworks. The family stopped to help but no one went close to the incident. The only family member that went towards the incident was **JASON** [redacted] Jason said he heard someone say they saw an old man and a young guy wrestling inside the grey car.

I was parked behind the Taco Bell drive-thru and **HENNESSY** [redacted] and **PATRICIA** [redacted] **JORDAN** [redacted] arrived on scene and walked towards my patrol car. Hennessy said his little brother was **JESSE ROBERT GARCIA (DOB: 09/20/1992)**. I advised the detectives on scene and a detective and a victim advocate spoke to the family members.

EVIDENCE

REPORTING OFFICER & IBM # Jacquez, Fabiola 3227	APPROVING SUPERVISOR Frahm, Brian
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COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

I took pictures of the vehicles and people located behind the Taco Bell parking lot when I arrived on scene. I placed the pictures into digital evidence.

NOTHING FURTHER

REPORTING OFFICER & IBM #
Jacquez, Fabiola 3227

APPROVING SUPERVISOR
Frahm, Brian



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

ADDITIONAL SUSPECTS / OTHER SUBJECTS

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
07	Witness	[REDACTED] VICTORIA [REDACTED]	[REDACTED]
ADDRESS [REDACTED]			
HIGHLANDS RANCH CO [REDACTED]			
RACE White			
SEX Female			
HEIGHT [REDACTED]			
WEIGHT [REDACTED]			
HAIR [REDACTED]			
EYE [REDACTED]			
JACKET NUMBER [REDACTED]			
STATE OK			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
DOB / AGE RANGE [REDACTED]			
08	Family Member	[REDACTED] Henessy [REDACTED]	[REDACTED]
ADDRESS [REDACTED]			
COLORADO SPRINGS CO [REDACTED]			
RACE Black			
SEX Male			
HEIGHT 5 8			
WEIGHT 165			
HAIR Black			
EYE Brown			
JACKET NUMBER [REDACTED]			
STATE CO			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
DOB / AGE RANGE [REDACTED]			
09	Family Member	[REDACTED] Patricia [REDACTED]	[REDACTED]
ADDRESS [REDACTED]			
COLORADO SPRINGS CO [REDACTED]			
RACE Black			
SEX Female			
HEIGHT 5 2			
WEIGHT 170			
HAIR Brown			
EYE Brown			
JACKET NUMBER [REDACTED]			
STATE CO			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
DOB / AGE RANGE [REDACTED]			
ADDRESS [REDACTED]			
RACE [REDACTED]			
SEX [REDACTED]			
HEIGHT [REDACTED]			
WEIGHT [REDACTED]			
HAIR [REDACTED]			
EYE [REDACTED]			
JACKET NUMBER [REDACTED]			
STATE [REDACTED]			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
DOB / AGE RANGE [REDACTED]			
ADDRESS [REDACTED]			
RACE [REDACTED]			
SEX [REDACTED]			
HEIGHT [REDACTED]			
WEIGHT [REDACTED]			
HAIR [REDACTED]			
EYE [REDACTED]			
JACKET NUMBER [REDACTED]			
STATE [REDACTED]			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
DOB / AGE RANGE [REDACTED]			

REPORTING OFFICER & IBM # **Jacquez, Fabiola 3227** APPROVING SUPERVISOR **Frahm, Brian**



COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

On July 17, 2016, at about 1447 hrs., I Sergeant Frederic, 2747, 2P07, was dispatched to a shooting at the Taco Bell located at South Nevada and Brookside Street. I arrived at approximately 1454 hrs. and took command of the scene.

I had officers on scene place crime scene tape around the perimeter of the crime scene which was located south of the Taco Bell restaurant. I then directed other officers to start interviewing witnesses in the area. I noted that Officer Hallas (2035) had the alleged suspect in the backseat of his patrol car. Officer Garcia (1751) had recovered the weapon which was later determined to be a Glock 23, 40 caliber handgun. I also saw that AMR had arrived and was picking up the victim and getting ready to transport him to Memorial Hospital.

I directed officer Hwang (3960) to note down all the officers on scene and who they had interviewed or what their roles were on scene. See her supplement for further.

I later coordinated with homicide detectives and Sergeant Rodgers regarding containment of the scene, removal of vehicles and transporting witnesses to the Police Operation Center. It should be noted that the victim's vehicle, the white Mustang, was left running by the victim until Detective Bichel (1333) turned it off. I remained on scene until I was released by Sergeant Rodgers and the vehicles were towed at about 1945 hours.

Nothing further.

REPORTING OFFICER & IBM #

Frederic, Eric 2747

APPROVING SUPERVISOR

Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

Supplemental Information

On 07/17/2016 at approximately 1510 hours I, Sgt. Paul Martinez-3176, responded to a shooting at the Taco bell located at 1507 S. Nevada Ave. Upon arrival I contacted Sgt. Frederic (Command) who asked me to assist with securing the scene. I directed officers to start identifying and documenting everyone and every vehicle on scene and to tape off the parking lot. At Sgt. Frederic's request I then responded to Memorial hospital Central where the shooting victim had been transported. Upon arrival at the hospital I contacted Officer Jennene Scott. Officer Scott advised me that she had documented the status of the victim to include all of the pertinent information regarding medical staff involved in his care. I remained on scene until Detective Joe Somosky- 2321 arrived and took charge of the hospital scene. Refer to Officer Scott's supplemental report for further information.

Nothing Further

REPORTING OFFICER & IBM #
Martinez, Paul 3176

APPROVING SUPERVISOR
Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

INITIAL INFORMATION (CASE SYNOPSIS)

On Monday, 7-18-2016, at approximately 1915 hours, I, Ofc. W. Wilkerson (#5222), while serving as a Direct Line Reporting (DLR) Officer at the Police Operations Center (POC), located at 705 South Nevada Avenue, was assigned a Supplement Call for Service. After initiating telephonic contact with the Reporting Party, identified as Jennifer [REDACTED] it was learned that her son, identified as Orlando [REDACTED] informed her that he was a witness to a shooting that had occurred at Taco Bell, located at 1507 South Nevada Avenue, on Sunday, 7-17-2016. Jennifer subsequently contacted CSPD out of concern for the welfare of her son.

REPORTING PARTY STATEMENT

On Sunday, 7-17-2016, at an undetermined time, Jennifer [REDACTED] who resides at [REDACTED] was contacted on the telephone by her son, identified as Orlando [REDACTED] who stated that he wanted to come stay with her for the evening because of an incident, NFI. Orlando normally stays with his grandmother (Not identified) at her residence, located at [REDACTED] in the Southgate area. Jennifer later learned that the incident her son was referring to was a shooting that had occurred at Taco Bell, located at 1507 South Nevada Avenue. Once at Jennifer's residence, Orlando didn't discuss the incident, but did state to her that he was worried about "retaliation" for witnessing the event, NFI. On Monday, 7-18-2016, at an undetermined time, Orlando returned to his grandmother's residence.

Jennifer could provide no further information pertaining to this incident.

OFFICER STATEMENT/INVESTIGATIVE ACTIONS COMPLETED

After my initial contact with Jennifer and confirming that the incident her son was referring to was the shooting at Taco Bell, I informed her that a Detective would like to talk to him regarding what he witnessed versus myself or a Patrol Officer interview. Jennifer understood this and I informed her that, based upon the time of this Call for Service, it would most likely be in the morning hours of 7-19-2016 before a Detective would be available. Jennifer asked if it would be possible to call her son prior in order to determine his availability, which I stated I would add such to the notes of this call.

According to Jennifer, the ERT that took her initial Call for Service provided her with the contact information for the CSPD Victim Advocacy Unit. I suggested to Jennifer that she not hesitate to call them if she needs (or thinks her son needs) to speak to an advocate.

NOTIFICATIONS MADE

- **HOMICIDE** - The Communications Center Supervisor contacted the Homicide Detective responsible for the investigation and provided him with the specifics of this Call for Service and the need for Orlando to be interviewed.

STATUS OF PATROL INVESTIGATION

DLR investigation considered closed at this time, no further investigative acts anticipated.

REPORTING OFFICER & IBM # Wilkerson, Wesley 5222	APPROVING SUPERVISOR Snuggs, Michael
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

PATROL / dmc

Officer dictating: E. Crofoot, 3511

INITIATING INFORMATION:

On 07/17/2016 at approximately 1449 hours, I (Officer E. Crofoot 3511) along with **Officer W. Alvey** 5694 responded to the Taco Bell located at 1507 South Nevada Avenue for a reported shooting. Prior to arrival the reporting party told officers that he was involved in a shooting and that there was a male patient on the ground with a gunshot wound.

INITIAL ARRIVAL ON SCENE:

Upon arrival on scene, our marked patrol vehicle was parked in the east parking lot to the east of the Taco Bell located at the aforementioned address. I approached the south side of the Taco Bell on foot and immediately observed a gray in color International Scout bearing Colorado license plate [REDACTED] parked in the handicap space located to the southwest of the main entry doors of the Taco Bell. I walked in front of the International Scout on the driver's side and I immediately observed a male patient lying on the ground, bleeding and being treated by medical personnel. I immediately observed that the patient's feet were on the ground and closer to the Taco Bell and his head was closer to the open parking lot area towards the rear of the International Scout. Medical personnel were attending to the male patient and immediately loaded him into a waiting ambulance and departed the scene. I began contacting potential witnesses that were gathering in front of the Taco Bell.

WITNESS STATEMENT (MR. WINN):

CONTACT INFORMATION:

Name: **RONNIE** [REDACTED]
 DOB: [REDACTED]
 Address: Transient
 Last known address: [REDACTED]

REPORTING OFFICER & IBM # Crofoot, Edward 3511	APPROVING SUPERVISOR Rosenoff, Mary
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

Address: [REDACTED]
Common hangout: [REDACTED]
Telephone: [REDACTED]
Family members: None
No known family members

While standing near the entry to the Taco Bell, I contacted a black male who identified himself as Ronnie [REDACTED]. Mr. [REDACTED] stated he was sitting on the curb near the front entrance to the Taco Bell when he was contacted by an unknown female who asked if she could buy him food from the restaurant. Mr. [REDACTED] stated he and this unknown female entered the restaurant and was inside for approximately five minutes. Mr. [REDACTED] stated after receiving his food, he exited the Taco Bell. Mr. [REDACTED] said as he exited, he observed the gray in color International Scout being driven by an older male gentleman.

Mr. [REDACTED] stated a younger, unknown male wearing a white shirt was standing at the driver's side door of the Scout and was yelling and screaming. Mr. [REDACTED] stated the older male driver and the young male were "scrapping". I asked Mr. [REDACTED] to clarify what he meant by "scrapping" and he stated they were in a verbal argument yelling and screaming at each other.

I asked Mr. [REDACTED] if he saw either of the gentlemen in a physical altercation, meaning like hitting, punching, grabbing each other and he stated, "No, I heard the yelling." Mr. [REDACTED] stated he then immediately turned east and began walking in front of the Taco Bell away from the vehicle. Mr. [REDACTED] stated a few seconds later he heard a very loud bang which he immediately recognized as a gunshot. Mr. [REDACTED] stated he turned around and saw the younger male lying on the ground on the driver's side of the International Scout. Mr. [REDACTED] stated he did not see a gun and did not see the shooting itself; he only heard the bang and then immediately turned and saw the young man lying on the ground outside of the vehicle.

Mr. [REDACTED] said people then began gathering around and then police immediately arrived. Mr. [REDACTED] stated he did not see the older male gentleman that was driving the Scout exit the vehicle until police arrived on scene. Mr. [REDACTED] then explained to me that he did not want to be involved in this situation and demanded that he would not go to court for

REPORTING OFFICER & IBM #
Crofoot, Edward 3511

APPROVING SUPERVISOR
Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT

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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

any reason and refused to be transported to speak with detectives and stated he would wait in the area for a little bit but did not want to have any involvement. I advised Mr. [REDACTED] that it would be asked that detectives speak with him upon their arrival in the area. Mr. [REDACTED] stated he would sit near the front of the Taco Bell and wait until a detective came and spoke with him.

CRIME SCENE SETUP:

After speaking with Mr. [REDACTED], I contacted Colorado Springs Police Department Sergeant E. Frederic 2747 who had arrived on scene and was directing officers to set up the initial crime scene. I assisted in crime scene tape being placed around several locations on the exterior perimeter of the crime scene. I was then asked by Sergeant Frederic to have Officer Alvey and I check the area immediately surrounding the gray International Scout to attempt to locate any physical evidence.

I directed Officer Alvey to begin searching the parking space located to the west of the International Scout near where the younger male patient was prior to being transported to the hospital. I then immediately conducted a sweep of the parking lot area beginning at the concrete curb line of the Taco Bell in the same parking spot located to the west of the vehicle. Located in the space where the young man fell to the ground next to the vehicle was a large pool of blood believed to be from the young man transported from the scene. I did not locate any shell casings or any other physical evidence in that area. I then looked through the open window of the driver's side of the Scout in an attempt to locate a shell casing or any other items of interest to the investigation. I did not observe a shell casing or any items of evidentiary value nor did I observe any items that would be an immediate danger to officers on scene. I then went to the passenger side of the vehicle which also had the window down and looked inside and did not locate any physical evidence at that time. While standing at the passenger door, I observed what I believed to be dried blood on the inside driver's door panel and blood spatter marks on the ceiling just above the driver's seat. I contacted Sergeant Frederic and advised him of my findings.

REPORTING OFFICER & IBM #

Crofoot, Edward 3511

APPROVING SUPERVISOR

Rosenoff, Mary



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

WITNESS TRANSPORT:

Violent Crimes Unit detectives arrived on scene and began asking officers to transport witnesses that were still on scene to the Police Operations Center at 705 South Nevada Avenue. I directed detectives to speak with Mr. [REDACTED] and advised he had refused to be transported anywhere from the area and they stated they would contact Mr. [REDACTED]

Sergeant Frederic asked if I would transport a separate witness to the Police Operations Center and directed my attention to a white male who was later identified as **BARETT** [REDACTED] I introduced myself to Mr. [REDACTED] and asked if he was willing to go with officers to the Police Operations Center. I advised Mr. [REDACTED] that he was not in custody. Mr. [REDACTED] stated he understood completely and was willing to go and speak with detectives at the Police Operations Center. Mr. [REDACTED] provided me with the following contact information:

Name: Barrett [REDACTED]
 DOB: [REDACTED]
 Address: [REDACTED]
 Employer: [REDACTED]
 Work address: [REDACTED] Colorado Springs, Colorado

Mr. [REDACTED] advised officers he had arrived at the Taco Bell in a silver 1999 Lexus ES300 sedan that was parked near the suspect vehicle in front of the Taco Bell and that vehicle was remaining on scene. I advised Mr. [REDACTED] that the vehicle would be secured within the crime scene and officers would notify him when the crime scene was released and he would be able to retrieve his vehicle.

Mr. [REDACTED] was escorted to a marked patrol vehicle and transported to the Police Operations Center at approximately 1615 hours. Upon arrival, Mr. [REDACTED] was escorted to the second floor investigations area where he was contacted by Violent Crimes Unit detectives.

WITNESS STATEMENT (MR. [REDACTED])

REPORTING OFFICER & IBM # Crofoot, Edward 3511	APPROVING SUPERVISOR Rosenoff, Mary
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 705 S. Nevada Ave.
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 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

CONTACT INFORMATION:

Name: **JEREMY** [REDACTED]
 DOB: [REDACTED]
 Address: [REDACTED] Colorado Springs, Colorado
 80907
 Employer: [REDACTED]
 Work address: [REDACTED] Colorado Springs, Colorado 80904
 Cell phone: [REDACTED]
 Work phone: [REDACTED]
 Email: [REDACTED]
 Colorado driver's license: [REDACTED]
 Race / Sex: [REDACTED] White / Male
 Height / Weight: 5'4" / 150
 Hair / Eyes: [REDACTED]
 Spouse contact: **TIFFANY** [REDACTED]
 Vehicle: [REDACTED] Hyundai [REDACTED]

While at the Police Operations Center I was contacted by Violent Crimes Unit detectives and asked if I would speak with a witness who was on scene at the Taco Bell identified as Jeremy [REDACTED]

I contacted Mr. [REDACTED] who was with his wife, identified as Witness Tiffany [REDACTED] I asked Mr. [REDACTED] if he would be willing to speak with me. Mr. [REDACTED] stated he would. Mr. [REDACTED] was then escorted into the main conference room located in the Investigations Section on the second floor of the Police Operations Center.

I identified myself as a police officer and advised Mr. [REDACTED] I would like to speak with him regarding the incident at Taco Bell and also advised him that the interview would be audio recorded. Mr. [REDACTED] stated he understood. On 07/17/2016 at approximately 1654 hours, I completed a recorded interview with Mr. [REDACTED]

Mr. [REDACTED] stated he and his soon-to-be pregnant wife Tiffany [REDACTED] were leaving the Broadmoor Terrace Club and traveling northbound on Nevada Avenue from Lake. Mr. [REDACTED] stated Tiffany was hungry and wanted Wendy's. Mr. [REDACTED] stated they drove northbound along South Nevada Avenue until they arrived at the Wendy's located in the 1500 block of South Nevada Avenue. Mr. [REDACTED] stated they entered the drive-through line and were in that line for approximately seven to eight minutes. Mr. [REDACTED] stated Tiffany received the food she ordered and she proceeded to drive to the north side of the Wendy's and parked in a parking space located in the shared lot between Taco Bell and Wendy's.

REPORTING OFFICER & IBM #
Crofoot, Edward 3511

APPROVING SUPERVISOR
Rosenoff, Mary



Case Supplement Report

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(719) 444-7000

Case Report # 2016-00028051

NARRATIVE (continuation)

Mr. [REDACTED] described that his vehicle was parked facing north in the parking lot directly behind a gold Mitsubishi sedan. Mr. [REDACTED] further explained that that Mitsubishi sedan was parked between him and his wife's vehicle and the Taco Bell. Mr. [REDACTED] stated his vehicle was not moved and was still in that location when officers arrived on scene and when he was transported to the Police Operations Center by officers. Mr. [REDACTED] stated he was seated in the passenger seat of his [REDACTED] Hyundai [REDACTED] and his wife was in the driver's seat and began eating her food. Mr. [REDACTED] stated he was on his cell phone and was looking at different applications on his cell phone at the time. Mr. [REDACTED] stated he noticed the primer gray International Scout that was parked in a handicap spot in front of the Taco Bell. He stated his vision was partially blocked by the gold in color Mitsubishi sedan in front of him.

Mr. [REDACTED] stated while he and his wife were seated in the vehicle, a white Ford Mustang came from behind his vehicle and parked catty-corner off of the driver front corner of his vehicle next to the Mitsubishi sedan. Mr. [REDACTED] stated the Mustang came into the parking spot very quickly and immediately parked. Mr. [REDACTED] stated a very light-skinned black male then exited the driver's side door and was wearing a white "wife-beater". Mr. [REDACTED] stated the male began walking towards the Taco Bell. Mr. [REDACTED] also thought it was strange that the vehicle was left running and that the driver's door was left open when the male walked away from the vehicle and walked towards the Taco Bell.

Mr. [REDACTED] stated he remained in the passenger seat of his vehicle and continued to look on his phone. Mr. [REDACTED] stated a few seconds later he heard a loud pop. Mr. [REDACTED] stated he immediately thought that it was a vehicle backfire and believed it would have been from the International Scout backing out of the parking spot. Mr. [REDACTED] stated he then began seeing people moving in front of the Taco Bell and looking at the area where the Scout was. Mr. [REDACTED] stated he looked up and looked around the gold Mitsubishi parked in front of him and observed what he believed to be someone laying on the ground next to where the gray International Scout was parked.

Mr. [REDACTED] stated when he heard the pop, his wife immediately began to panic. Mr. [REDACTED] stated this caught his attention along with the people beginning to gather in front of the Taco Bell. Mr. [REDACTED] stated he exited the vehicle after looking around the gold Mitsubishi sedan and observing the male party on the ground. Mr. [REDACTED] said he walked towards the front of the gold Mitsubishi parked in front of him and observed the young male who was the driver of the white Mustang lying on the ground next to the gray International Scout.

Mr. [REDACTED] stated the male was lying on the ground with his feet towards the Taco Bell and immediately observed blood coming from his head. He stated

REPORTING OFFICER & IBM #
Crofoot, Edward 3511

APPROVING SUPERVISOR
Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

the male party was convulsing on the ground. Mr. [REDACTED] said he stopped and did not walk any closer than the front of the gold Mitsubishi parked in the parking space in front of his vehicle because he immediately saw someone was still in the gray Scout and did not know how safe it was to approach.

Mr. [REDACTED] stated he saw people in the area near the front of the Taco Bell but did not observe anyone running away from the scene and did not see the shooting happen. He did not know where the person with the gun may have been. Mr. [REDACTED] stated there were not many people that he observed in front of the Taco Bell at first but then noticed that crowds began gathering while the male was still lying on the ground. Mr. [REDACTED] stated he did not see anyone approach the male party until medical personnel and one rendered aid or touched the male party until police arrived on scene the police arrived on scene. Mr. [REDACTED] stated when police arrived on scene the male that was seated in the gray Scout was escorted from the vehicle by police.

[REDACTED] stated prior to police arriving, he observed the male was still seated in the gray International Scout and it appeared that he was on the phone. Mr. [REDACTED] further explained that he observed the older male driver's left arm was resting on the open window with his left hand up near his ear holding a cell phone and believed he was on the phone. Mr. [REDACTED] stated he could not see the male's right hand. Mr. [REDACTED] continued, describing the older male as an extremely elderly white male with extremely dirty clothing. Mr. [REDACTED] stated officers escorted the male from the driver's seat of the vehicle to a police vehicle and he did not see the male again.

Mr. [REDACTED] stated that the male did not talk to anyone on scene and he did not hear anything said and that the male did not appear to speak to anyone. He said the male did not make any movements while he was on the phone in the vehicle. I asked Mr. [REDACTED] if he was able to see the young man that exited the white Mustang approach the Scout. Mr. [REDACTED] again explained that the young man exited the white Ford Mustang and approached the Taco Bell. Because of the gold Mitsubishi parked in front of him, Mr. [REDACTED] said he could not see where the male walked to after that and began looking at his phone until he heard the bangs and realized what was happening. Mr. [REDACTED] stated after he looked around the gold Mitsubishi and first saw the male lying on the ground he immediately called 9-1-1. Mr. [REDACTED] looked on his cell phone and observed his phone call to 9-1-1 was at 1447 hours. Mr. [REDACTED] stated he was on hold for approximately three minutes and when the dispatcher finally answered the line and asked him the address of the emergency, he provided the Taco Bell address. Mr. [REDACTED] stated police arrived at that moment and the dispatcher told him that police were arriving on the additional calls and disconnected the line.

Mr. [REDACTED] stated while he was on scene there were not many people near the Taco Bell at the time that he heard the bang. But while police were on

REPORTING OFFICER & IBM #
Crofoot, Edward 3511

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Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

scene, there were lots of people that began coming into the parking lot area to see what was occurring and when police began speaking with people, many of those people left the scene.

I asked Mr. [REDACTED] if at any point he had seen a gun and Mr. [REDACTED] stated no, he did not see a gun. Mr. [REDACTED] stated the young male driver was the only vehicle occupant in the Mustang and no other persons were seen in the vehicle or around the vehicle. Mr. [REDACTED] stated the older male gentleman driver was the only driver and occupant of the International Scout and no other persons were seen in the vehicle with him.

Mr. [REDACTED] stated prior to arriving in the area while they were traveling northbound on Nevada and in the area, they did not see either of these two vehicles and did not see any other vehicles that were swerving or seemed to be in distress on Nevada Avenue or in the area.

During this interview, I provided two breaks to Mr. [REDACTED] one to use the bathroom and one to speak with Violent Crimes Unit supervisors to clarify any additional questions. During these breaks Mr. [REDACTED] did use the bathroom and was asked if he needed any beverages or any other items and he stated no. I provided Mr. [REDACTED] upon returning to the interview room, continuing the investigation, with a color printed map of the parking area located between the Taco Bell and the Wendy's in the 1500 block of South Nevada Avenue. On this photograph using a green marker, Mr. [REDACTED] identified the location of his vehicle in the parking spaces with a green "X", a green arrow tip was then placed indicating that his vehicle was parked facing the Taco Bell. Using that same green marker, Mr. [REDACTED] placed an arrow in the parking spaces located directly to the south of the Taco Bell indicating the location that he observed the younger male who was driving the white Mustang and where he was lying next to the gray Scout.

Mr. [REDACTED] then used a red magic marker to identify the parking locations of the gray International Scout in the handicap space located in the parking spaces directly next to the Taco Bell. Mr. [REDACTED] then identified with a red "X" where the white Mustang was parked catty-corner to his vehicle's location. Again an arrow directional was placed next to the "X" s showing the direction of the front of the vehicle.

Mr. [REDACTED] then placed a black "X" on the photograph indicating where the gold Mitsubishi was parked partially blocking his view. After making these marks on the photograph, Mr. [REDACTED] signed and dated indicated that these were his observations at that time. The interview was then completed and details were provided to Violent Crimes Unit detectives.

I was then advised there were no additional questions and that Mr. [REDACTED] s assistance was no longer needed and that he and his wife could be transported to a location of their choosing. They were advised that officers would contact them when their vehicle was released from the crime

REPORTING OFFICER & IBM #
Crofoot, Edward 3511

APPROVING SUPERVISOR
Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

scene area.

WITNESS TRANSPORT:

After completing the interview with Mr. [REDACTED] Violent Crimes Unit detectives asked if I would be able to transport Mr. Barrett [REDACTED] back to his address. I was advised that Mr. [REDACTED] was waiting in the investigations public lobby. I contacted Mr. [REDACTED] who asked to be transported to [REDACTED] Street. Mr. [REDACTED] was escorted back down to a marked patrol vehicle and transported to [REDACTED] Street at approximately 1806 hours.

EVIDENCE:

The digital photograph indicating the vehicle locations identified by Mr. [REDACTED] was placed into evidence at the Gold Hill Division. The audio recording of Mr. [REDACTED]'s interview dated 07/17/2016 at approximately 1654 hours was placed into DIMS.

I have no further information at this time.
End of supplement.

REPORTING OFFICER & IBM #
Crofoot, Edward 3511

APPROVING SUPERVISOR
Rosenoff, Mary



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
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 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 07/17/2016 14:48
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos			
STATUTE / DESCRIPTION			
Counts Attempt/Commit			

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS			
PRIMARY PHONE			
SECONDARY PHONE			
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS			
PRIMARY PHONE			
SECONDARY PHONE			
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
DL/ID NUMBER		STATE	JACKET NUMBER

VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL		YEAR
PLATE	STATE	VIN
VALUE		
DESCRIPTION		

ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE
COLOR		
ITEM TYPE and DESCRIPTION		

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM #		APPROVING SUPERVISOR & IBM #	
Alvey, William 5694		Rosenoff, Mary	Gold Hill Patrol



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

Patrol / mm

Officer dictating: William Alvey, 5694

INITIAL INFORMATION

I, Officer William Alvey, 5694, along with Officer E. Crofoot, 3511, were dispatched to 1507 S. Nevada Ave. to the Taco Bell at approximately 1457 to a shooting in the parking lot. Dispatch also advised a young male was shot in the head by the RP.

ARRIVAL ON SCENE

Upon arrival, I parked the police cruiser on the east side of the Taco Bell, approximately 30 meters from the young male patient who was lying on the ground. When I approached the south main entrance, I noticed a gray in color International Scout, license plate [REDACTED] which was facing north. Moving around to the front of the vehicle on the driver's side, I noticed a young Hispanic male, approximate age 20 - 22, lying on the ground with a large pool of blood surrounding his head and upper torso. Directly behind me, close to the entrance of the Taco Bell, was a group of five to six males. I then approached the males to ask them if they had any information about what went on. One of the males stated I don't have anything to say and walked away. The rest of the males followed.

Shortly after I tried to contact the group of males, I noticed the medical team was loading the patient into the back of the ambulance. I immediately relocated to Nevada Ave. to block traffic so the ambulance could leave the scene. I then proceeded to the intersection of Nevada and Brookside to move traffic along through the red lights so the ambulance could proceed.

I then noticed Officer Hallas, 2035, was trying to back out of the crime scene onto Nevada with an individual being escorted. I immediately proceeded to the back of his car, stopping traffic on Nevada, so he could exit and leave.

WITNESS STATEMENT

[REDACTED]

Contact Information

LISA [REDACTED]

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NARRATIVE (continuation)

DOB: [REDACTED]
 Contact number: [REDACTED]
 Address: [REDACTED] Colorado Springs, Colorado [REDACTED]

I contacted Lisa [REDACTED] and her husband, JAMES [REDACTED], in the shared parking lot of the Wendy's. At the time of the shooting, Lisa was walking out of the Wendy's. Lisa described hearing a pop sound as she was walking back to her vehicle. At this time, Lisa went around her vehicle to the front and witnessed a large crowd gathering around a young male who had apparently been shot. Lisa then called 911 and gathered around the victim.

WITNESS STATEMENT (JAMES [REDACTED])

I then contacted James [REDACTED] contact number [REDACTED] address [REDACTED] [REDACTED], Colorado Springs, Colorado [REDACTED] husband of Lisa [REDACTED].
 At the time of the incident, James [REDACTED] was inside of the Wendy's ordering food for him and his wife. James did not hear the pop sound; he only gathered information from his wife, Lisa [REDACTED].

OFFICER STATEMENT

After interview with James and Lisa [REDACTED] I and Officer Crofoot proceeded back to where the male had been shot and the gray International Scout was parked to try and locate any evidence and/or shell casings. I searched the immediate area in a north to south manner. Officer Crofoot searched the immediate area in the opposite manner.

WITNESS TRANSPORT

I, along with Officer Crofoot, then transported a possible witness, [REDACTED] BARRETT, DOB: [REDACTED] to the second floor of the POC to meet with detectives. After interviews were complete, we transported Mr. [REDACTED] back to his home residence at [REDACTED].

EVIDENCE

None placed by this officer.
 Nothing further.

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NARRATIVE

NOTIFICATION

On 07/17/16 (Sunday) at 1515 hours, I, Detective Shawn Peterson/1408, currently assigned to the Missing Person/Homicide Unit was contacted by Sgt. Michael Finn/961. Sgt. Finn advised he was activating a homicide call out team for a possible road rage situation that ended with one of the drivers being shot at the Taco Bell located on Brookside and S. Nevada, address of 1507 S. Nevada Ave., Colorado Springs, Colorado.

Sgt. Finn advised there were several witnesses who were in contact with patrol officers on scene and they were being transported to the Police Operations Center. Sgt. Finn advised the two parties involved; the shooter was identified as **JACK ROGERS** who was driving a gray Scout that had parked at the Taco Bell when he was approached by a younger male identified as **JESSIE GARCIA**. He advised Jessie Garcia had been driving a Mustang that was currently parked in the parking lot of the Taco Bell also. Sgt. Finn advised a road rage situation had occurred on the way to the Taco Bell and Jessie Garcia had confronted Jack Rogers at his vehicle and during that confrontation Jessie Garcia sustained a gunshot wound and was pronounced dead at the scene.

Sgt. Finn advised I was to respond to the Police Operations Center to assist Detective Michael Suarez/3523D in conducting an interview with Jack Rogers along with any witnesses that were to be transported to the Police Operations Center.

I arrived at the Police Operations Center at 1615 hours and met with Detective Suarez and Officer Hallas/2035. Officer Hallas had transported **JACK ROGERS DOB: 02/14/36** to the Police Operations Center from the scene. Officer Hallas gave me a brief description of what had occurred. He advised Mr. Rogers had been driving a gray Scout and was parked in a handicap parking spot at the Taco Bell and the victim was lying near the driver's side door of this vehicle. Officer Hallas advised off duty Chief District Attorney Investigator Andy James was the first to arrive on scene and he kept the scene calm until Officer Hallas and other officers could arrive on scene. He advised Chief District Attorney Investigator James was off duty and was driving by when he observed this situation and stopped to assist.

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Officer Hallas advised he believes the gun Mr. Rogers was in possession of and had been used in this call for service was a semi-automatic 40 caliber. He advised the driver of the Scout, Mr. Rogers, had called 911 and he lives on Stevens Ave. He explains they were driving on Brookside towards the Taco Bell and Mr. Rogers was approached by Jessie Garcia being upset with his driving. He advised he had his gun near the center console area of his vehicle and his phone was also present. He had to put the gun down so he could dial 911 and that's when Jessie Garcia reached in and they started fighting over the gun and the gun went off.

Officer Hallas advised this is what Jack Rogers had told him as he was transporting him here but he had not asked him any questions or provided him with a Miranda waiver. Officer Hallas advised that Officer Chris Garcia who later arrived on scene did secure the gun and Chief Investigator James, along with Officer Hallas then secured Mr. Rogers to Officer Hallas's vehicle and transported him to the Police Operations Center. Officer Hallas advised a crowd was starting to form and that's why they decided to take him from the scene to the Police Operations Center.

Officer Hallas advised Mr. Rogers stated he was starting to feel light headed and he had told him that Jessie Garcia had punched him in the face. Officer Hallas advised that he had AMR respond to the Police Operations Center and make contact with Mr. Rogers and cleaned him up. Officer Hallas advised he observed Mr. Rogers' left eye was starting to become swollen. He advised that Mr. Rogers refused medical transportation to the hospital and that he had complained of feeling pain because of this incident. Officer Hallas advised he observed possible blood staining on Mr. Rogers' pants on the right thigh and knee area. He advised that Mr. Rogers also attempted to point out a scratch on his right forearm that he stated he had received from contact from Jessie Garcia. Officer Hallas took photos of Mr. Rogers, which he was able to show me. These photos were later placed into evidence by Officer Hallas.

Shortly after I obtained this briefing, District Attorney Billlick and Lt. Poole arrived. I advised them both of the information we'd obtained and Detective Suarez then started to conduct an interview with Jack Rogers.

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Other witnesses were brought up to the Police Operations Center second floor. I requested Officer Mark Sandoval/979 obtain information from all of the witnesses and have them separated as best as possible based on the limited space. I asked for Officer Sandoval to advise which witnesses he thought were the most important and advise me after he obtained this information.

As I was speaking with Lt. Poole, Detective Jordan Hengst/3561D arrived at the Police Operations Center to assist in interviewing witnesses, along with additional patrol officers who were transporting witnesses.

I met with Officer Sandoval who advised he believed the witness who may have seen the most interaction based on their contact was in Interview Room #4. He advised another witness was in the interview room who was a female and Detective Hengst then obtained that information and started that interview. For further information see his supplement.

Officer Sandoval advised that other witnesses did not seem to see as much as the two that he had identified earlier. I asked if he, along with Officer Crofoot/3511 could conduct audio or video recorded interviews of these witnesses and brief Lt. Poole on their statements at the conclusion. As they started to do this, I then entered Interview Room #4 and conducted a recorded interview with witness, **BARRETT** [REDACTED]

STATEMENT BY BARRETT

[REDACTED]

BARRETT

DOB: [REDACTED]

Home Address:

[REDACTED]

Colorado Springs, Colorado

CO DL #:

[REDACTED]

Phone Number:

[REDACTED]

The following is a synopsis of a recorded interview that was conducted. The recorded interview was later placed into Evidence at the Police Operations Center by me. For complete details see that video recorded interview.

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As the recording starts, Mr. [REDACTED] is sitting in Interview Room #4 with a Taco Bell bag on the table. He is using his phone and Officer Crofoot then provides him with a bottle of water and advised him that it would be just a little bit before somebody came and talked to him.

I entered the interview room at approximately 1656 hours. I then advised him I appreciated him coming down here and shook his hand. I then showed him my badge and photo ID and introduced myself. I then asked Mr. [REDACTED] if he had ID on him and he stated yes, he did and then provided me with his driver's license and a photo of his driver's license was taken by me and later placed into Evidence at the Police Operations Center. I then was contacted by another officer in the hall and I briefly left the interview room to speak with him. I then reentered the interview room.

I asked Mr. [REDACTED] if he had anything on him he should not have and he related no and I advised him he is not in any trouble whatsoever and I'm grateful that he came down here. I asked Barrett if he had any injuries or anything like that and he stated no. I asked him if he ended up getting involved of touching anything and he stated no, he was inside when he saw, he didn't see anybody pull up, he just happened to stand up and saw the kid on the outside of the vehicle and he got to the point where he was outside of the vehicle jostling with the man in the vehicle and he saw him drop.

I asked if he still lived at the address listed on his driver's license and he stated yes. He then provided me with the phone number listed above. He advised that his cell phone carrier is [REDACTED] and he has had that since January. I asked Barrett if he was by himself and he stated that he stays at a [REDACTED] and then I asked him at the Taco Bell and he related yes, he was at the Taco Bell by himself.

I asked if he drove there or walked and he related he drove. I asked him what he drove and he stated it was a [REDACTED] I asked him if it was still there and he stated yes and he stated it's the one right next to the vehicle which is a Scout. I asked him what color his car was and he stated it's [REDACTED] and it's a [REDACTED] door.

I asked him about what time he got to the Taco Bell and he stated he was

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not looking at the time. I advised him its almost 5 right now and he stated approximately 2 something maybe. He advised he really wasn't looking at the time or anything and he got out of church at about 12:30, stayed and talked to somebody after that until about maybe 1 and then he drove up to [REDACTED] stopped by his work. I asked where that is and he stated it's [REDACTED]. He stated he stopped in there. I asked him if he was thinking 2 or 3ish and he related yes and he was not certain cause he was not looking.

I asked him at the Taco Bell where did he park and he stated right in front of the store. I asked him if the Wendy's is behind him and he related yes. I asked if it was the south side of the parking lot and he was by the side door and he related yes. I asked him if there were any cars next to him when he pulled in and he stated not that he recalled. I asked if he went in that door and ordered his food and he stated yes.

I asked him where he sat. He stated he sat on the north end of the store. I asked if it was the opposite side of his car and he stated yes. I asked if he was against the window and he stated he was against the window facing south. I asked if he could see his car and he related yes, he could see it but there is a wall right there. I asked if he could see his car while he was sitting there and he stated he can't recall if that wall was blocking it or not.

I asked if the place is pretty busy and he stated there were a few people in there. I asked him what a few was and he stated there was about maybe ten or less inside the store. I asked Barrett what draws his attention and he finished the statement by saying to even look out that way and he stated nothing, he was just standing up and he just happened to see the younger kid at the driver's side door and he seen him wrestling around. Barrett then uses both of his arms and starts swinging them both in front of his body and he described it as if he was wrestling around or something and then he didn't see a gun or anything but he saw him drop. He then thought maybe he got punched or something because he just saw him drop from inside and he stated he didn't hear anything.

I asked if the first thing when he looks over he sees this younger guy. I asked if he could describe him. I asked him if he was white or black and he

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stated light skinned black male. I asked him how old and he stated maybe 20. I asked if he remembered anything he was wearing and he stated jeans and a shirt. I asked him if they were blue jeans and he stated yes, light blue. I asked him on the shirt and he stated a white t-shirt maybe.

I asked if the gray car he's talking about to be an International Scout and asked him if that's what he knows it to be and he stated yes. I advised he had said that's parked next to his car, I asked if it was pulled forward or backward and he advised it was pulled up in the parking spot. I asked if the front of it was towards the business and he stated yes, the same way his car was. I advised him so the cars were pulled in forward and he related yes. I asked if the driver's side of this vehicle was closest to Nevada and he stated yes and I asked him if it was right next to his car and he related it was two spaces over. I asked how far away from where he's standing up seeing this to where the vehicle is. He stated from inside the store and he estimated approximately 30 feet.

I asked if he wears glasses or contacts and he related no. I asked if he could see it pretty clearly what was going on and what he just described to me and he stated from the moment he glanced and saw everything, he just saw him, arms wrestling around, and it happened so fast and he just dropped and it was right after he looked and it all happened pretty much like a split second or two. I asked if he's looking through the store window and he related yes. He advised he didn't hear a shot or anything he just saw him drop. I asked him how long does he think that encounter was before he dropped. He stated maybe a second. He then stated at the most; two seconds.

I clarified to Barrett he is describing using both hands; I asked if he has both hands at the door or in the door or around the door. He stated from where he could see, it looked like he was reaching in. I asked if it was with both hands and he related yes. I asked if his feet were still on the ground and he related yes. I asked him if it was like a reach and not a jumping and he stated yes. I stated to Barrett that he sees this young man reach in but then corrected myself that when he looks over he sees him with both of his arms in already or did he see him reach in or not. I asked if he saw his arms in the vehicle the whole time and I advised I know were talking a second. He stated yes, from what it appeared like to him so I

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clarified from the minute he looked over and both of his arms were inside the vehicle and he stated yes, it's like he was reaching in and then he started moving his shoulders back and forth as to demonstrate how his movement was. I asked him if his upper torso was moving a lot and he stated yes.

I asked if he ever saw the person inside the Scout, did he ever see his arms come out or anything out of the Scout. I advised that I'm assuming were talking through an open car window or open vehicle window or was the vehicle's door open. He advised the window was open because that's what he was going through, was the window. I asked him if the door was closed and he related yes.

I asked if there was anyone else in that car and he related not that he saw. I asked if he saw anybody else around with the kid who was reaching in through the window and he related no. I asked if he knows any of these people and he related no. I asked him if he's ever seen any of these people or vehicles around before and he related no.

I advised he sees this going on for about a second and then he had told me he just drops. I asked if he could describe that. He advised when everything was going on, he was standing and he just went back. I advised that he's demonstrating this going back with both arms straight out and he's going to his left shoulder, I asked if that's what he did or if he just went straight down. He advised he did not know but believes he kind of just fell backwards and he knew that he fell down. I asked if he saw what he landed on when he went down and he stated no, because the view was blocked. He advised that he could see approximately where the wall is. He advised that once he fell he didn't see him hit the ground and then he and he was already standing and he just walked out.

I asked that he walked out the closest doors to this incident and he stated yes. I asked what he's seeing as he's walking. He then stated he got a picture. I asked him if he did. I asked him what he had. He then brought up his cell phone and I asked him how many pictures he took and he stated one or two. I asked if he could text those photos to me and he related yes. I provided Barrett with my business card containing my contact information

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including my work cell phone. I asked him if I could take a look at the photos he had on his cell phone before he texted them to me so I could make sure they were the same thing.

He advised that he was trying to get service and he showed me a text message. I asked him who he text these photos to and he stated it's his friend in California. I asked if there's any way he could tell his friend to stay off of social media and I would hate to see any of the pictures he took of the scene out on the 9:00 news or anything like that before we've had a chance to investigate it.

He showed me two photos and I used my phone and took a photo of his phone and I also asked if he could still text them to me which he agreed to do. He later did text the two pictures to my phone and both the photos I took and the photos he text me were later placed into Evidence at the Police Operations Center.

I would note the photos depict what he described and the victim is still lying on the ground as officers are attempting to contact the driver of the Scout. The individual not in uniform at the driver's side door of the Scout is viewed from the back wearing a gray shirt and camo shorts. I know this individual to match the description of Chief Investigator Andy James. The second photo is the driver of the Scout being escorted away from the Scout as police officer personnel are attempting to render aid to the victim. You can observe in the back of this photo the driver of the Scout is being escorted away from the Scout and he is using a walking cane in his right hand.

Barrett then asked if that was bad what he did by taking the photos. I advised him in a way from an investigative point of view, I'm glad he took the photo and I'm glad I got to see it, but from a, if that was your loved one point of view, you would not want to see a photo of your loved one in that condition. I advised him that's the reason we ask mainly is we need to respect the rights of everybody involved and I advised that I did not know what he did or didn't do but I'm sure his family did not want to see him in that condition. I advised that I am not mad, but I would ask that he maybe contact his friend to make sure. I asked him if that was the only two

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photos and he related yes. I asked if he could advise his friend please do not send them anywhere and then I asked him if he could again text them to my cell phone when he gets service which he agreed to do.

I stated to Barrett as he's going towards the door, does he go outside and he related yes. I advised as he's heading outside and going towards the door, what is he seeing. He stated that he saw the victim on the ground and he then saw the gentleman who did it was on the phone really quick. I asked if he was in his vehicle and he stated yes, he did not get out or anything. I asked if he ever got out and he related no. I asked if he is seeing anybody with the young man who is down on the ground, if he sees anybody with him and he stated no, he didn't. I asked him what he did. I asked him if he just stayed there on the sidewalk or did he approach or anything. He advised he just stood back a little bit because he was already right there kind of close, but he didn't want to put himself in danger.

I asked if he's seeing the driver of the gray vehicle through the window or the windshield and he advised through the windshield at first and then when he went to the side he could see him through the open window. I asked what he's seeing him do. He advised that he's on the phone talking on the phone. I asked if he remembered which hand he was talking on the phone with, did he see the phone closest to the window or closer to the center area of the car. He advised he believed he was using his right hand with the phone. I advised that he could only see his right hand up and he didn't see anything on the left, which would be the open window and he related no.

I asked Barrett if he ever saw a weapon and he related he did not. I asked him if he ever heard a sound and he related he did not.

I asked him when he got outside, how many people were outside. He advised people were starting to gather around, he said maybe 10 to 15 and he was not sure exactly.

I asked what happens after he comes outside and sees the young man lying on the ground. I advised that in that picture a police officer's already on scene, so I advised before the police get there, he's down on the ground, the driver's on the phone in the car and then what. He advised that he just

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remembers people saying "really man, really, you had to shoot him in the head." I asked him if he saw that he was shot in the head and he stated that he just really saw him drop and he stated it was so fast and he thought he got punched.

Barrett then received a phone call and I advised him to go right ahead and answered it. He then advised to the female I could hear on the other end of the line to not put anything out with the pictures he had sent and I heard her advise alright. He then hung up the phone and I advised that I appreciated that and that a lot of people get carried away and throw stuff out there instantly and the media is always happy to get that, but I always look at it from the fact if that was my brother lying on the ground, what I would want done. I advised that I would want him to share it with authorities because I want them to get to the bottom of the truth, regardless of what it is and I advised that I appreciate that.

I then went back and stated he had said there were about 10 or 15 people standing around and he stated yes, they were not totally converged but they were it was then 10 feet. I asked him if the young man laying on the ground was saying anything and he related no, he was just breathing hard and it seemed like he was still breathing. I asked if the guy was still on the phone and he related yes. He advised that he didn't say anything to anybody, he was just on the phone. I asked if the young man is moving around or anything or if he was just breathing hard. He advised he was barely moving and he was moving a little bit. I asked if he was trying to get up and he related no. I asked what was moving on him and he stated he thinks his arm. I asked him how long was that going on before something else had happened. He advised before the cops showed up it seemed like maybe four or five minutes.

I asked what happens before the cops get there, did anybody touch or say anything to the young man on the ground or to the gentleman who was on the phone in the vehicle. He stated no, he didn't recall anybody. He then stated a bystander did go up to the vehicle but he believes that was after the cops may have pulled up. I asked if he saw what he was driving, this bystander. He advised that he thinks he was just standing outside or something and he wasn't sure where he came from. I asked him what this

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bystander did. He advised when the police showed up, he walked up to the door of the vehicle and he was speaking with the guy, doesn't know if he was saying anything back to him. I asked him if the police were also there at this time and he related yes and he advised you can see it in the photo, the guy he's talking about who was at the window. I advised that this is the individual I know to be Chief District Attorney Investigator Andy James.

I asked what happened then. He stated then nothing. I then showed him the photo that he had provided me and I described the individual in the picture that I know to be Chief District Attorney Investigator Andy James. I asked when the police get there, then what happens. He advised the paramedics are not on scene yet so they started doing first aid. He advised he didn't even know if they were doing first aid or anything but they may have cut his shirt open, but he didn't remember. I asked if they were tending to him on the ground and he related yes.

I asked if he ever touched any of the vehicles. I asked if he ever touched the body on the ground or the gentleman in the vehicle he was talking about and he related no, he never got that close. I asked if he thinks he was the closest to see all of this or were there people that would see it closer and he advised there were probably people who had seen it and stated that there was a lady who may have seen more of it than he did that was out there.

I asked if there's anything he thinks I need to know that I have not asked and he related no. I verified that he did not hear what was being said between the two of them and that all he saw was the young man with two arms in the vehicle, see him drop and then you come outside and you see that he's breathing heavy but he's not really moving too much and then police arrive along with this individual in the picture and then you get brought down here and he related yes, and he stated he waited there for a while. I advised him that I appreciated him waiting.

I then asked if he was brought down by the police officer and he stated yes. I asked if his vehicle was still on scene and he related yes. I told him that I was not sure when his vehicle would be released but it depends

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on if it needs to be processed or not, and I'm not sure how long that would be. He then advised he just lives a few blocks away and asked him what he would like done right now, where would he like to go, would he like to wait here until we know how long the scenes going to be, or does he want me to have somebody take him back to his house. He asked if somebody would call him when he could go pick it up and I related yes, I would call him as soon as I know when that will be released.

I asked if he has any blood or anything on him and he related no. I asked if he was doing okay and he stated yes and then I left the interview room.

I then reentered the interview room and provided Barrett with a photo I had obtained from the internet, a Google earth view of the area. I advised there was the Wendy's and asked him if this looks like the area we were talking about and he related yes. I advised this is a Google earth photo and I was being told that was the Taco Bell and pointed to the picture and asked him if that was correct and I showed that I've got the address of 1507 S. Nevada and even though it says Canam Hwy., USA 85 is Nevada Ave. I asked him if that looks familiar and he stated yes.

I asked where he parked and he pointed two spots over from the door or handicap parking spot. I asked him if he could mark this with a green marker showing where his car was and asked if he could write car next to it. He did this and then I put in the margin a green box showing where his car was parked.

I provided him with a blue marker and asked him if he could show me where the Scout was marked and asked him if he could mark that for me in which he drew a blue box and put an X next to it. I then put in the margins of this photo a blue box indicating the Scout and he placed an S over this vehicle for Scout.

I asked where did he see the young man that was laying on the ground, where was he at and I provided Barrett with a red marker. He then drew an X in between the two vehicles and advised he was not sure of the angle he was laying at and then I made this into a red X and I marked in the margin a red X putting it as the man on the ground and asked him if that was right

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NARRATIVE (continuation)

outside of the driver's door of the Scout and he related yes.

I then asked him if this was a pretty accurate depiction and he stated yes. I asked him if he would mind signing this in which he did. I then also signed this as a witness on the photo. This drawing was later placed into Evidence at the Police Operations Center by me. The drawing was given **Bar Code # : 200928205**.

I asked with regards to those photos, I would prefer he not have them but they are his property and he was legally where he needed to be to take those photos, but if he wanted to delete them it would be fine with me and he already let his friend know which I greatly appreciate. I advised he needs to do whatever he feels is right and I greatly appreciate him coming down and I asked again if he had my card or had any questions for me and he related no.

I advised that I'm going to take him to the lobby and I'm gonna get a patrol officer to take him back to his house. I asked if he gets texts on his phone and he related yes. I asked him if it would be alright if I could text him when I know when he can go get his car and I asked him if he'd keep his phone with him. I asked him if he kept his car keys with him and he stated yes. I asked if there was something to be on his car then I would call him and ask to let him know. I asked if he thinks there's anything on his car, blood or anything and he stated he didn't think so, but he didn't really look at it. He advised it would not surprise him if there was.

I asked if he had any questions for me and he related no. I then shook his hand and we left the interview room.

DETECTIVE STATEMENT

I was then instructed we needed to find a place to place two vehicles at the Police Operations Center for evidentiary reasons and the vehicle evidence bags were currently full, based on prior calls for service that had happened over the weekend.

I was also advised by Lt. Poole a red Toyota Camry that was in the evidence

REPORTING OFFICER & IBM #
Peterson, Shawn 1408

APPROVING SUPERVISOR
Rodgers, James



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bay at the Police Operations Center could be moved out of the bay. I waited for the arrival of the Randy's tow truck driver, **JASON [REDACTED]** who removed a red Toyota Camry from the evidence bay and placed it in a lower parking garage area that is secured inside the Police Operations Center ground floor. This vehicle was then secured with crime scene tape and stanchions marking it as such in that area. The Randy's driver then moved the gray Scout into the evidence bay and the evidence bay was secured by Detective Bichel.

A white Ford Mustang was also placed next to the red Camry at the lower level of the parking garage. The evidence tape in securing this area of the parking garage was completed by me and signs were posted that you are not to cross this area and it is an evidence scene.

At this time, Detective Bichel had opened up the Annex Evidence Bay #4 as to move the vehicle out of that bay and after discussion, we decided to leave the vehicle in that bay. I then responded over to the Police Operations Center Annex and I met with Officer Retzlaff/4921 and Officer Bouwnans/5697 and advised them I would secure the bay and they were clear. I secured Evidence Bay #4 of the Annex and after the white Mustang was secured in the parking garage by me, I then text Barrett [REDACTED] and another witness, **JEREMY [REDACTED]** that the scene had been released and they were alright to go recover their vehicles that had been left at the scene.

From Barrett [REDACTED], he advised via text message he appreciated it and he had erased the photos from his phone because that was the right thing to do and Jeremy [REDACTED] acknowledged the text message that I was alright to go get his car by saying thank you, have a good night.

I later obtained a video recorded interview that was conducted with **TIFFANY [REDACTED]** that had been interviewed by Officer Sandoval at the Police Operations Center in Room #5. This video recorded interview was placed into Evidence at the Police Operations Center by me and a copy was later provided to Officer Sandoval.

I cleared the Police Operations Center at 2030 hours.

REPORTING OFFICER & IBM # Peterson, Shawn 1408	APPROVING SUPERVISOR Rodgers, James
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NARRATIVE (continuation)

(No Further)

[Empty narrative area]

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OCCURRED INCIDENT Homicide		INCIDENT #		DATE/TIME REPORTED 7/24/2016 14:35	
LOCATION OF OCCURRENCE				OCCURRED DATE/TIME	
				OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence		<input type="checkbox"/> DNA Evidence		<input type="checkbox"/> Interpreter Needed	
STATUTE / DESCRIPTION					
				Evidence <input type="checkbox"/> Counts <input type="checkbox"/> Photos <input type="checkbox"/> Attempts/Commit	

OFFENSES					

PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
ADDRESS							
RACE		SEX		HEIGHT		WEIGHT	
						HAIR	
						EYE	
VICTIM / OFFENDER RELATIONSHIP				EMAIL ADDRESS			
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE	
ADDRESS							
RACE		SEX		HEIGHT		WEIGHT	
						HAIR	
						EYE	
ADDRESS				PRIMARY PHONE			
				SECONDARY PHONE			

SUSPECT / OTHER							
DL/D NUMBER		STATE		JACKET NUMBER			
VEH #		PROPERTY CODE		<input type="checkbox"/> Burned <input type="checkbox"/> Recovered <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Seized <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown			
TYPE / MAKE / MODEL		YEAR		COLOR			
PLATE		STATE		VIN		VALUE	
DESCRIPTION							
ITEM #		PROPERTY CODE		<input type="checkbox"/> Burned <input type="checkbox"/> Recovered <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Seized <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown			
SERIAL NUMBER		QTY/UNIT OF MEASURE		VALUE		COLOR	
ITEM TYPE and DESCRIPTION							

CASE DISPOSITION		EXCEPTIONAL CLEARANCE		ASSOCIATED CASES		REPORTING DISTRICT	
REPORTING OFFICER & IBM #		Sandoval, Mark 0979		APPROVING SUPERVISOR & IBM #		HOT Dart Team	
				Wisler, Scott			



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NARRATIVE

Patrol/sjr

Officer Mark Sandoval, 979

On 07-17-16, at approximately 1448 hours, numerous officers and myself, Officer M.A. Sandoval, 979, were dispatched to the area of E. Brookside and S. Nevada Ave. on a report of a shooting that had just occurred. While en route to the area, officers were notified that the suspect and the victim were located in the **Taco Bell** parking lot, which is located at **1507 S. Nevada Ave.** I noted that other officers were arriving on scene, some entering through the south entrance located a block east of Nevada on Brookside and some at the west driveway, off of Nevada Ave. I entered from the northwest driveway just west of the intersection of Nevada and Navajo.

Upon arrival, I noted Officer Hallas had stopped in the driveway of the Taco Bell and was in contact with an older male subject. I noted Officer Garcia was requesting assistance, as he was with a male subject who was lying on his back in a parking space next to a gray International Scout vehicle. Officer Garcia was requesting assistance to render aid to the obviously injured subject. This officer notes that medical was staged until the scene was secure. We requested that they continue to the scene and began their treatment of the subject so that he might be transported to a local hospital for treatment for traumatic injuries.

Fire department personnel were preparing the subject to be transported and they requested that the **American Medical Response** ambulance that was responding travel directly to this location in order that they could load and transport the subject as quickly as possible. The AMR ambulance arrived on scene and I directed them to the location where they were required.

At this time, I began taking photographs of the location of the subject in relationship to the vehicle. I took photographs of the surrounding area to attempt to document persons who were in the Taco Bell courtyard who may have observed the incident. I noted the scene was not yet secure and began to assist other officers with defining the crime scene and marking it as such to eliminate traffic from entering or exiting the area.

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Sandoval, Mark 0979

APPROVING SUPERVISOR
Wisler, Scott



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During that time, I identified a [REDACTED] Hyundai [REDACTED] Colorado license [REDACTED] that was parked facing the Taco Bell. It was occupied by a white female driver and a white male passenger. I spoke with them briefly. They advised me they were in the parking lot at the time of the incident. I requested they stay until they could be interviewed, and they agreed to do so.

During the course of the preliminary conversation with them, they indicated a white Ford Mustang, bearing license plate 908-FQY, that had parked near them was the vehicle that the injured male subject had arrived on scene in. I noted the vehicle engine was running and the driver's door was partially open. I placed crime scene tape around the vehicle to identify the vehicle as part of the incident.

WITNESS STATEMENT

While on scene at the 1507 S. Nevada Ave. location, I contacted two witnesses; both of whom were occupying a [REDACTED] Hyundai [REDACTED] in color, license plate [REDACTED]. The driver provided identification identifying her as **TIFFANY** [REDACTED] telephone number [REDACTED]. She was occupying the driver's seat of the vehicle. Seated in the front passenger position was **JEREMY** [REDACTED]. Telephone number [REDACTED]. I obtained a preliminary statement from [REDACTED] as follows.

Initially, [REDACTED] informed me she and [REDACTED] had gone through the drive-thru at the **Wendy's** located just south of where they parked and went through the drive-thru. Once they picked up their order from the drive-thru they pulled into the parking lot just north of the drive-thru with the intention of eating there meal at that location. [REDACTED] said they had stopped and had been parked for approximately three minutes, when a white Ford pulled up next to her side of the car, which was the driver's side, and continued into an open parking spot northwest of their car. She saw a man exit the vehicle quickly and without shutting the door, began to walk towards the **Taco Bell**. She also noted that the person had not shut the engine off to

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APPROVING SUPERVISOR **Wisler, Scott**



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NARRATIVE (continuation)

the car .

█ said the vehicle that was parked directly in front of them, a gold Mitsubishi sedan was blocking the view of the subject as he walked from his car to the Taco Bell. █ said shortly after that they heard what they thought was an exhaust backfire, possibly from the SUV that was parked in the handicap spot in front of the Taco Bell. █ said █ got out of the passenger side of the car and saw a person lying on the parking lot next to the SUV. He relayed that information to █ █ said upon hearing this, they called 911.

Both of them noted the older male in the SUV remained in the SUV and did not exit. I asked █ several follow-up questions; one of which was how quickly did the white car pull into the parking spot. █ told me it was rather quick; however, not excessive, probably a little bit faster than normal travel through a parking lot. I asked █ if the male who got out of the car and was walking towards the Taco Bell was doing so quickly and if he was gesturing at anyone in the direction of the Taco Bell entrance. She said she did not recall any hand gestures, but noted that while he was not running, he was walking quickly in the direction of the Taco Bell. I asked if she noted any passengers in the white car. She said there were none.

After that, I queried Mr. █ about what he saw based on his position on the passenger side of the vehicle. He told me he hadn't noticed anything unusual while he was in the car until the loud sound, which he believed was possibly a backfire from a vehicle in the parking lot. He didn't think anything of that until he noticed there were people who were sitting on a curb near the entrance to the Taco Bell "started looking weird". Upon seeing this, he wondered if something else had happened and opened the door to his car so he could get a better view of the area that as being blocked by the gold Mitsubishi in front of them. When he did so, he looked around the car and saw the man lying in the parking lot and that person was lying still and bleeding. It was after seeing this that he called 911.

I asked both of them if they noticed anyone approach the person lying on the ground. They said no. █ said he was placed on hold when calling

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NARRATIVE (continuation)

911 and went towards Nevada Ave. to attempt to flag down any police officers who might be passing by or driving through the area. Shortly after this, an officer pulled into a parking lot and he was connected with 911, who told him that officers were already on scene. [REDACTED] noted along with the officer who had arrived at the Nevada location, another officer arrived from behind the Taco Bell, and that the officers approached the SUV. [REDACTED] noted that the driver appeared to have his hands in view of the officers and/or on the steering wheel of the vehicle. Shortly after that, he said officers attempted to assist the person on the ground, and shortly after that, paramedics arrived and took over. This basically concluded the preliminary interview with [REDACTED] I passed this information on to the supervisor in command of the scene. He asked that I advise those persons to remain in their vehicle and to remain on scene until Major Crimes detectives arrived to further assess the scene and determine if additional witness statements would be required from either [REDACTED]

As detectives were arriving on scene, they advised me the [REDACTED] Hyundai [REDACTED] would need to be left in place and that the two subjects occupying the vehicle would need to be transported to the **Police Operations Center** for a more formal interview. I advised [REDACTED] of the situation. Both agreed to be transported to the Police Operations Center and I did transport them in my marked police cruiser to the Police Operations Center.

Upon arrival, at the Police Operations Center, I met with Detective Peterson, who asked that I determine what witnesses had been placed into any of the occupied interview rooms and to attempt to discern the priority in which those subjects should be interviewed based on their knowledge of the incident. I provided Detective Peterson with that information, at which time he assigned different officers to interview those subjects. Detective Peterson assigned the formal interview of Tiffany [REDACTED] to me and I did complete that interview with her in Interview Room #5. I note that both [REDACTED] and [REDACTED] were initially escorted to the lobby area of the second floor to await further instructions. I was directed to place both of them in Interview Room #5 until they would be interviewed. Mr. [REDACTED] was interviewed separately in a different location, which allowed Ms. [REDACTED] to be interviewed in Interview Room #5. See supplement for that formal interview.

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Wisler, Scott



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After completing the interview with Ms. [REDACTED], I waited the completion of the interview of Mr. [REDACTED] and upon locating Mr. [REDACTED] I transported both [REDACTED] and [REDACTED] to their residence and advised them that officers at the scene at 1507 S. Nevada Ave. would contact them to have them collect their vehicle as soon as the scene was reopened to normal operation.

Nothing further at this time.

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NARRATIVE

Patrol/Is

Officer Dictating: D.Tapia/5157

INITIATING INFORMATION

On Sunday, 07/17/2016, at approximately 1448 hours, I, **Officer D. Tapia/5157** was dispatched as back-up to East Brookside Street and South Nevada Avenue, for a shooting call for service. Upon arrival, I contacted **Sgt. P. Martinez/3176** on the west side of the Taco Bell restaurant, located at 1507 S. Nevada Avenue. Sgt. Martinez instructed me to go inside Taco Bell and conduct witness interviews.

EMPLOYEE INTERVIEWS

I contacted Taco Bell employee, **D [REDACTED]**. **D [REDACTED]** informed me he was inside the restaurant when he heard a gunshot and saw customers start to panic. **D [REDACTED]** stated he did not see anything else. **D [REDACTED]** stated he could not provide a description for anyone involved.

I contacted Taco Bell employee, **A [REDACTED]**. **A [REDACTED]** stated he was in the back of the restaurant working; however, he did not see or hear anything.

I contacted Taco Bell employee, **J [REDACTED]**. **J [REDACTED]** informed me he was cooking in the back when he saw people come into the restaurant and say someone got shot. **J [REDACTED]** stated he did not see or hear anything else.

I contacted Taco Bell employee, **J [REDACTED]**. **J [REDACTED]** informed me she was working the drive thru when a Hispanic male came through the drive thru and said, "I think someone just got shot outside near the front." **J [REDACTED]** said the Hispanic male did not make any further comments and drove off after he received his drinks. **J [REDACTED]** stated the driver was a Hispanic male but was not able to provide any further description. **J [REDACTED]** stated the man was driving what she thought was a gray Chevy midsize truck. **J [REDACTED]** said the driver had a pug dog in the back of his truck. **J [REDACTED]** stated she believed the individual came through the drive thru window around 1500 hours

CUSTOMER INTERVIEWS

I contacted **John [REDACTED]**. John stated he was inside the restaurant, along the east side wall, when he heard a commotion of customers. John stated he did not see or hear anything else outside the commotion.

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Tapia, David 5157

APPROVING SUPERVISOR
Konz, Robert



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I contacted **Melissa** [REDACTED] Melissa informed me she was with her mother inside the restaurant, along the west side wall. She stated she did not see or hear anything.

I contacted **Melissa's** mother, identified as **Maria** [REDACTED] Maria stated she was inside the restaurant eating with her daughter and did not see or hear anything.

I contacted **Chanel** [REDACTED] Chanel informed she was inside with her husband and did not see or hear anything.

I contacted **Chanel's** husband, identified as **Christopher** [REDACTED] Christopher stated he was eating with his wife and did not see or hear anything.

OFFICER ACTIONS

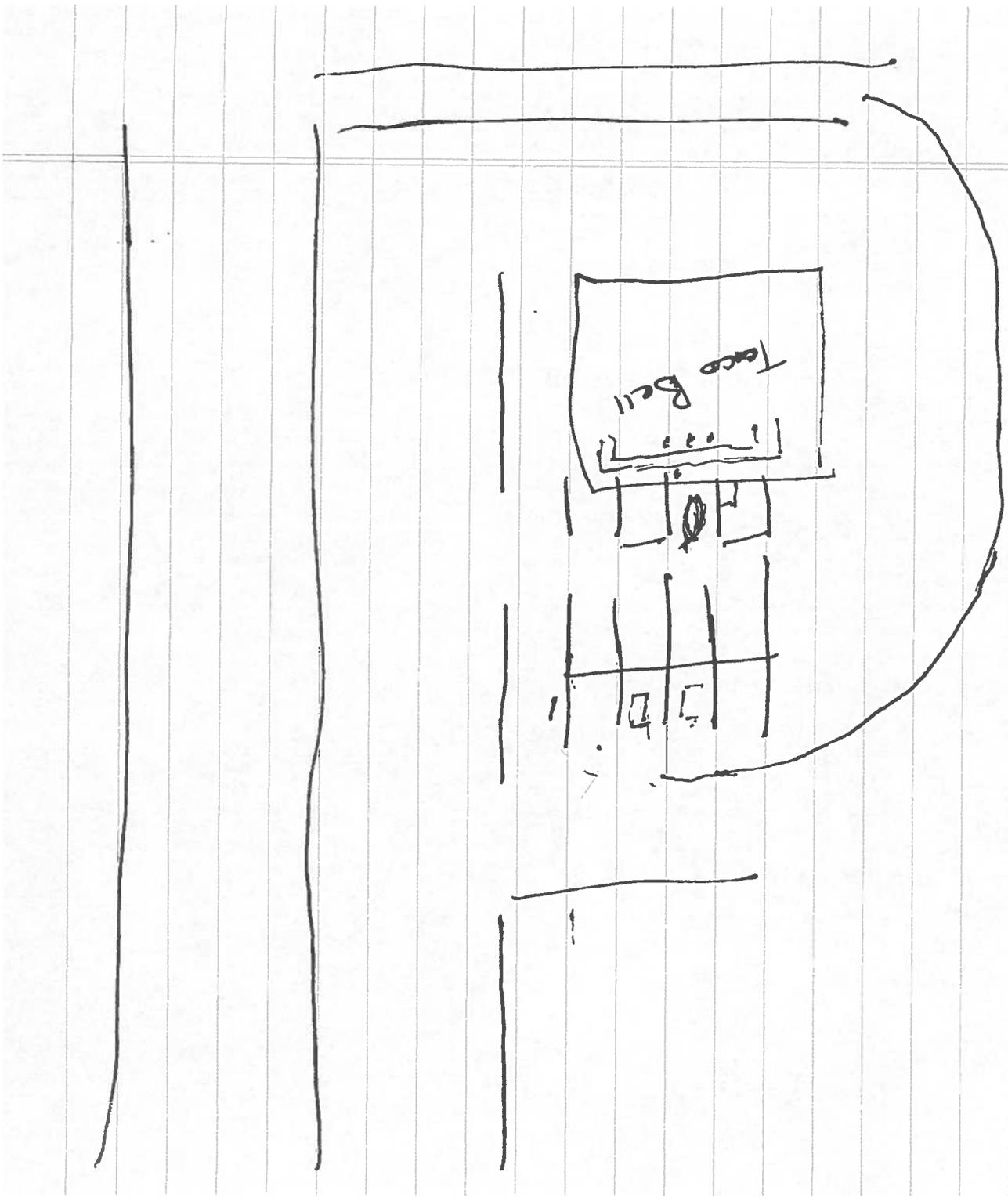
I performed no other action.

END OF SUPPLEMENT

REPORTING OFFICER & IBM #
Tapia, David 5157

APPROVING SUPERVISOR
Konz, Robert

Navvy Diagram





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NARRATIVE

CASE ACTIVITY DATE: 07/17/2016

CALL OUT:

1515 hours

On Sunday 07/17/2016, I **Detective J. Hengst / 3561**, was contacted by **Sergeant M. Finn / 961** in reference to assisting patrol officers with the investigation of a shooting. Sergeant Finn advised patrol officers were investigating a shooting that happened at the Taco Bell Restaurant at 1507 South Nevada Avenue. Sergeant Finn requested I respond to the scene to assist with the investigation of the incident.

RESPONSE / ARRIVAL ON SCENE:

1605 hours

Upon notification of the call out, I gathered my equipment and responded to the Taco Bell. I arrived at approximately 1605 hours and contacted **Detective W. Bichel / 1333** and **Sergeant E. Frederic / 2747**.

I was advised an older gentleman driving a gray International Scout SUV parked in a handicapped spot on the south side of the Taco Bell. A black male followed the older male into the parking lot in a white Ford Mustang. I was advised the black male exited the Ford Mustang and contacted the older male in his vehicle. After some discussion, a struggle ensued between the older male and the black male. During this struggle, a shot was fired and the black male sustained a gunshot wound.

Detective Bichel advised he didn't need any assistance with the scene and asked that I coordinate interviews with witnesses who were still on scene. Officers pointed out several witnesses to the incident. I requested officers transport witnesses to the Police Operations Center (POC) for interviews. I was informed one of the witnesses had already expressed his refusal to be transported anywhere, so I contacted him on scene. This witness was identified as **Rondell [REDACTED]** and I contacted him inside the Taco Bell Restaurant.

CONTACT WITH OFFICER CROFOOT:

Officer E. Crofoot / 3511, informed me officers had briefly contacted Mr. [REDACTED] when they arrived and he told them he saw what happened. Officer Crofoot instructed Mr. [REDACTED] to wait in the Taco Bell. Officer Crofoot walked with me into the Taco Bell and introduced me to Mr. [REDACTED]

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Hengst, E 3561

APPROVING SUPERVISOR

Finn, Michael



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NARRATIVE (continuation)

INTERVIEW INFORMATION:

The following interview I conducted with Mr. [REDACTED] was audio recorded. The following isn't a verbatim account of my contact with Mr. [REDACTED] it's simply an overview of our conversation. For a verbatim account of our contact, please see the audio recording submitted for evidence in the Colorado Springs Police Department (CSPD) Digital Imaging Management System (DIMS).

MR. WINN STATEMENT:

1619 hours

I introduced myself to Mr. [REDACTED] and asked him to tell me what happened. Mr. [REDACTED] stated he had been at the Taco Bell sitting outside on the east side of the building near the rocks. Mr. [REDACTED] stated he was waiting outside, in hopes of soliciting food from somebody. Mr. [REDACTED] stated as he was waiting, he needed to use the restroom so he entered the restaurant and was inside for several minutes. Mr. [REDACTED] stated when he finished in the restroom, he walked back outside. Mr. [REDACTED] stated when he stepped outside, he noticed the vehicle. Mr. [REDACTED] stated he noticed a male in the front driver side seat of the vehicle and another male standing outside the vehicle. Mr. [REDACTED] stated they appeared to be struggling with each other. Mr. [REDACTED] pointed out a gray older SUV parked in front of the Taco Bell on the south side of the business and advised the gray vehicle was the vehicle he was refereeing to. Mr. [REDACTED] advised although he observed the two people struggling, he didn't pay much attention to them because he was trying to mind his own business. Mr. [REDACTED] stated he began to sit back down when he heard a pop.

Mr. [REDACTED] stated his initial reaction was to stand up and run east, toward the alley. Mr. [REDACTED] stated he started to run because he was fearful it could have been a situation where the shooter began shooting at everyone. Mr. [REDACTED] stated as he started to run away, he decided to stop and turn around. Mr. [REDACTED] stated when he turned around, he saw the individual in the vehicle on the phone and observed people coming out of the restaurant. Mr. [REDACTED] stated he guessed the other male was on the ground.

I asked Mr. [REDACTED] how long he'd been at the Taco Bell. Mr. [REDACTED] stated he didn't know. I asked Mr. [REDACTED] to provide a rough estimate and he stated he was fairly certain it was longer than thirty minutes. I asked Mr. [REDACTED] why he chose Taco Bell and he stated he usually comes to this Taco Bell and solicits patrons for food. Mr. [REDACTED] advised he had solicited food from a patron of the restaurant, so he was outside waiting for the food when everything happened.

I asked Mr. [REDACTED] if he knew when the truck pulled into the parking space. Mr. [REDACTED] stated he wasn't paying attention and he couldn't tell me when the truck pulled in and parked. I asked

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Finn, Michael



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Mr. [REDACTED] if he saw any other vehicles pull into the parking lot during, or prior to the incident, and he stated he didn't. Mr. [REDACTED] stated he remembered seeing the driver of the gray SUV sitting in the vehicle and another individual standing outside of the vehicle at the driver side door. Mr. [REDACTED] stated he initially thought the two people were talking, but soon realized after everything happened they had been struggling. I asked Mr. [REDACTED] to define what he meant when he said they were struggling. Mr. [REDACTED] stated they were at each other. Mr. [REDACTED] stated they were wrestling with each other. Mr. [REDACTED] advised they were physically wrestling with each other. Mr. [REDACTED] stated as they were struggling with each other, that's when he heard the gunshot.

I asked Mr. [REDACTED] how long they were struggling or wrestling with each other before he heard a gunshot. Mr. [REDACTED] estimated it was no more than two to three minutes, and stated it was more than likely shorter than that. Mr. [REDACTED] advised they were in contact with each other for a very short period of time before he heard a gunshot.

I asked Mr. [REDACTED] if he could describe the person outside the vehicle. Mr. [REDACTED] stated he didn't get a good look and he wasn't paying attention to him; however, he thought it could have been a young Hispanic male who was at the driver side door. Mr. [REDACTED] stated he recalled the individual wearing pants and a t-shirt, and he stated his hair was cut funny, indicating it was shaved on the sides, and he possibly had a ponytail. I asked Mr. [REDACTED] if he heard anything being said while the two were struggling and wrestling with each other. Mr. [REDACTED] stated he didn't hear anything. Mr. [REDACTED] stated there was no talking; they were just wrestling. Mr. [REDACTED] stated if there was any conversation between the two, he couldn't hear it.

DESCRIPTION OF GUNSHOT:

I asked Mr. [REDACTED] where the popping noise came from. Mr. [REDACTED] stated it came from the direction of the vehicle. I asked Mr. [REDACTED] what the popping noise was and if he could describe it to me. Mr. [REDACTED] stated the popping noise was a gunshot. I asked Mr. [REDACTED] how he knew it was a gunshot. Mr. [REDACTED] replied, stating, "I know it was a gunshot." Mr. [REDACTED] stated after he heard the gunshot he began to run to the east but didn't make it very far before he turned around. Mr. [REDACTED] stated he was still waiting on food from the patron who offered to purchase a meal for him. Mr. [REDACTED] advised the patron emerged from the restaurant and gave him some food. Mr. [REDACTED] stated he looked over and realized the younger male who was outside the vehicle was laying on the ground.

I asked Mr. [REDACTED] what he did next. Mr. [REDACTED] stated he remained in the parking lot area of the Taco Bell speaking with another female. Mr. [REDACTED] stated shortly after the gunshot was fired, police officers began arriving in the area. Mr. [REDACTED] stated one of the police officers contacted him and requested him to remain on scene, so he stayed at their request. I asked Mr. [REDACTED] if there was anything I'd missed, or anything we hadn't discussed that he felt was pertinent to

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Hengst, E 3561

APPROVING SUPERVISOR
Finn, Michael



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NARRATIVE (continuation)

the investigation. Mr. [REDACTED] replied stating, "No, that's the truth." Mr. [REDACTED] stated everything just happened so fast.

MR. [REDACTED] INFORMATION:

After gathering Mr. [REDACTED] statement, I asked if he had an ID so I could document his personal information. Mr. [REDACTED] stated he lost his wallet and he didn't have his ID with him. I asked Mr. [REDACTED] for his personal information, and he provided the following:

- Name: Rondell [REDACTED]
- DOB: [REDACTED]
- Address: [REDACTED] Colorado Springs, Colorado
- Phone #: None

Since Mr. [REDACTED], I asked where he typically hung out, or where he could be contacted. Mr. [REDACTED] stated he commonly stays in the area of [REDACTED], or the [REDACTED] on [REDACTED] Street.

DETECTIVE STATEMENT:

After speaking with Mr. [REDACTED], I contacted Sergeant Frederic and asked about other witnesses. Sergeant Frederic advised the other witnesses had already been transported to the POC. Based on this information, I responded to the POC to assist with additional interviews.

INTERVIEW INFORMATION:

The following interviews I conducted with witnesses to the incident were video and audio recorded. The following is not a verbatim account my contact with any of the witnesses, it's simply an overview of our conversations. For a verbatim account of our contacts, please see the video recordings submitted for evidence in the CSPD DIMS Database.

MS. NANCY [REDACTED] INFORMATION:

1647 hours

I contacted Ms. Nancy [REDACTED] in interview room #1 at the POC. Ms. [REDACTED] had been transported to the POC because she witnessed the incident. I advised Ms. [REDACTED] I was a detective with the Police Department and I informed her I wanted to ask her some questions about what she may have seen or heard at the Taco Bell. I asked Ms. [REDACTED] if she had an ID. Ms. [REDACTED] was unable to locate her ID. I gathered her identifying information and the

REPORTING OFFICER & IBM #

Hengst, E 3561

APPROVING SUPERVISOR

Finn, Michael



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NARRATIVE (continuation)

information she provided is as follows:

- Name: Nancy [REDACTED]
- DOB: [REDACTED]
- Address: [REDACTED]
Colorado Springs, Colorado
- Phone #: [REDACTED]
- Employer: [REDACTED]

MS. [REDACTED] STATEMENT:

Ms. [REDACTED] advised she was traveling northbound on South Nevada Avenue, and she was hungry. Ms. [REDACTED] stated she saw the Taco Bell Restaurant so she turned east on Brookside and approached Taco Bell from the back alleyway. Ms. [REDACTED] advised when she pulled into the parking lot, she was looking for a space to park. Ms. [REDACTED] stated she was focused on parking her vehicle, but she noticed out of the corner of her eye what appeared to be a person falling backward. Ms. [REDACTED] advised the individual that fell was a young male, and he fell between two cars. Ms. [REDACTED] stated she parked her vehicle and approached the male. Ms. [REDACTED] advised as she got closer, she realized there was blood coming from the male's head. Ms. [REDACTED] stated she was unsure what was going on, so she ran toward the male to see if she needed to provide mouth to mouth resuscitation and CPR. Ms. [REDACTED] stated as she approached the male, she shouted for someone to call 911. Ms. [REDACTED] stated a female came out of Taco Bell and told her she'd already called 911. Ms. [REDACTED] stated she turned her attention to the male to see if she could help him in any way, but advised he was bleeding very severely.

In order to gain an understanding of where the male was, I drew a diagram (not to scale) of the Taco Bell and surrounding area and asked Ms. [REDACTED] if she could show me where everything happened. Ms. [REDACTED] drew on the diagram, and advised the male she saw fall to the ground fell in a parking space located directly south of the Taco Bell building in the parking lot. Ms. [REDACTED] drew on the diagram, outlining a knee-high wall between the Taco Bell and the parking lot, as well as a sidewalk. Ms. [REDACTED] advised the male fell down in a parking space directly south of the sidewalk on the south side of Taco Bell in a parking space.

Ms. [REDACTED] advised when she was parking, she initially thought the male had been hit by a car. Ms. [REDACTED] drew on the diagram indicating she believed the person in an older gray SUV parked in the space beside where the male had fallen hit the male with his vehicle. Ms. [REDACTED] stated the male in the SUV stayed in the SUV. Ms. [REDACTED] again stated she ran toward the male to see if she could help him, but shook her head side to side, and advised there wasn't much she could do, and he was bleeding a lot.

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Ms. [REDACTED] drew a small dot on the diagram to the north of the area where the male fell. Ms. [REDACTED] stated the dot represented a male who was standing on the sidewalk. Ms. [REDACTED] described this male as being very slim. Ms. [REDACTED] stated this male was shouting, "He shot him, he shot him." Ms. [REDACTED] stated she approached the male who was saying "he shot him" to ask him what happened. Ms. [REDACTED] stated she looked over at the vehicle and saw the male inside the SUV just sitting there. Ms. [REDACTED] stated she could see blood running down the driver side door of the SUV, and there appeared to be blood on the male's shirt who was sitting in the truck.

Ms. [REDACTED] stated she didn't know what to do. Ms. [REDACTED] stated multiple people began exiting Taco Bell and were standing behind the barrier (knee wall), and they began saying different things. Ms. [REDACTED] stated a male exited the Taco Bell and made the comment that both the male on the ground and the male in the truck were his customers. Ms. [REDACTED] stated another male made the comment he thought they got into a fight over something. Ms. [REDACTED] stated she was trying to figure out what happened in her own mind, and thought maybe the male in the truck punched the male on the ground. Ms. [REDACTED] stated she thought this because she didn't hear any gunshots.

Ms. [REDACTED] stated when she was pulling into the Taco Bell; she observed three females running away from the restaurant in a northeasterly direction, so she guessed they may have heard shots. Ms. [REDACTED] stated she only thought about the girls who were running after the fact because of the mention of the male being shot.

I asked Ms. [REDACTED] to show me where she parked her vehicle. Ms. [REDACTED] advised she parked her vehicle in the row south of where the male was lying on the ground. Ms. [REDACTED] couldn't recall exactly where she parked her vehicle, but stated she had a clear view of the male on the ground. I asked Ms. [REDACTED] if she recalled any other vehicles in the parking lot when she pulled in. Ms. [REDACTED] advised she remembered the gray SUV with the male sitting inside, and she said there was also another vehicle that pulled into the parking lot and parked beside her.

DESCRIPTION OF VEHICLE:

I asked Ms. [REDACTED] to describe the gray vehicle the male was sitting in to me. Ms. [REDACTED] stated it was an older van type of vehicle. Ms. [REDACTED] stated it was painted primer gray and she expressed the vehicle was old.

MS. [REDACTED] STATEMENT CONTINUED:

I asked Ms. [REDACTED] what she did after she approached the young male and realized there may not be much she could do. Ms. [REDACTED] stated she began to cry and was pleading with someone to help the kid because she believed he was going to die. Ms. [REDACTED] stated she

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was standing near the male who stated 'he shot him, he shot him' and a female approached them. Ms. [REDACTED] stated the female began yelling at the male she was standing beside, and was cursing loudly. Ms. [REDACTED] described the male she was standing beside as an African American male and advised he began yelling back at the female.

Ms. [REDACTED] stated she began hearing sirens almost immediately. I asked Ms. [REDACTED] how long she was on scene before police and emergency personnel began arriving. Ms. [REDACTED] stated it was rather quick, and estimated it was no more than five to ten minutes.

I asked Ms. [REDACTED] if she noticed any of the vehicles in the parking lot driving on the roadway when she was driving on Nevada before she turned into the Taco Bell. Ms. [REDACTED] stated she didn't recall, and advised she wasn't necessarily paying attention to other vehicles on the roadway at that time. I asked Ms. [REDACTED] if she observed the gray vehicle on the roadway as she was driving, and she stated she didn't. Ms. [REDACTED] said the vehicle was parked in the parking lot when she arrived.

After gathering Ms. [REDACTED] statement, I asked her if she had driven herself to the POC, or if she had been transported by officers. Ms. [REDACTED] advised officers had brought her to the building. I advised Ms. [REDACTED] would contact an officer and have them give her a ride back to her vehicle. I asked Ms. [REDACTED] what type of vehicle she drove. Ms. [REDACTED] stated she had a [REDACTED]-ord [REDACTED] that was [REDACTED] in color, and had Colorado license plates. **Officer S. Hallas / 2035**, escorted Ms. [REDACTED] from the interview room at approximately 1710 hours and transported her back to her vehicle.

CONTACT WITH DIANE [REDACTED]

1709 hours

I was advised another potential witness to the incident was in interview room #3. I was asked to interview this individual. I entered the room and Ms. [REDACTED] was standing up and appeared to be on edge. Ms. [REDACTED] was moving around and acting scared. I advised Ms. [REDACTED] I was a detective with the Police Department and I informed her I wanted to ask her some questions about what she may have seen or heard at the Taco Bell. I asked Ms. [REDACTED] if she would be willing to speak with me, and she stated she would be.

MS. [REDACTED] INFORMATION:

Ms. [REDACTED] sat down and I informed her before I asked her any questions, I needed to gather some information from her. I asked Ms. [REDACTED] if she had an ID card, and she stated she didn't. I asked Ms. [REDACTED] for her personal information, and she provided the following:

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NARRATIVE (continuation)

- Name: Diane ██████████
- DOB: ██████████
- Address: ██████████
Colorado Springs, Colorado ██████████
- Phone #: ██████████
- Alternate Phone #: ██████████
- Employer: ██████████

MS. ██████████ STATEMENT:

1713 hours

Ms. ██████████ immediately asked me if he made it. I advised Ms. ██████████ I was unaware of the status of the victim because I hadn't been to the hospital. I advised Ms. ██████████ hadn't been updated as to the status of anyone. Ms. ██████████ then stated she didn't want to say anything, but she saw the argument and heard a bang.

I asked Ms. ██████████ where she was. Ms. ██████████ stated she was outside the Taco Bell standing between the sidewalk and the building. Ms. ██████████ advised when she heard the bang, she got up and ran over to see what was going on. Ms. ██████████ mentioned something about a gray truck being involved. I asked Ms. ██████████ if she was at Taco Bell with anyone else. Ms. ██████████ stated she was there with a friend identified as John. I asked Ms. ██████████ if the police spoke with him, or if he split from the scene. Ms. ██████████ stated he split. Ms. ██████████ stated John didn't like the police, and he didn't want to stay around. Ms. ██████████ stated she would try to get in touch with him to see if she could encourage him to contact me to tell me what happened.

I asked Ms. ██████████ how long she and John had been at the Taco Bell. Ms. ██████████ estimated they'd been there for around a half an hour. I asked Ms. ██████████ if they were eating, or just hanging out. Ms. ██████████ stated they were just hanging out. I asked Ms. ██████████ if the gray truck she referred to was there before she and John got to Taco Bell, or if it arrived later. Ms. ██████████ stated she didn't know. I asked Ms. ██████████ if she knew what led up to the incident because she stated there was an argument. Ms. ██████████ stated she didn't know. Ms. ██████████ stated the male was standing there talking to the other guy when she suddenly heard a bang. Ms. ██████████ stated the individual who was sitting in the truck just sat there. She became very emotional, and stated it appeared to her as though the male in the truck didn't care about the other male. Ms. ██████████ stated it was just like, another life, like nobody cared. Ms. ██████████ asked me directly if the male in the truck shot the other male. I informed her I didn't know and that is why I was speaking with witnesses and people who were on scene.

I asked Ms. ██████████ if she knew where the male standing outside the truck came from. Ms. ██████████ stated she didn't know where he'd come from.

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NARRATIVE (continuation)

Ms. [REDACTED] became emotional and stated the male in the truck just sat there after he shot him. Ms. [REDACTED] stated he didn't do anything, he just sat there, and that's how she knows he killed him. Ms. [REDACTED] stated she heard the gun and saw the boy fall. I asked Ms. [REDACTED] what she meant when she stated she saw them talking or arguing. Ms. [REDACTED] stated she assumed they were talking. I asked Ms. [REDACTED] specifically where the males were. Ms. [REDACTED] stated the male who fell, who she believed was shot, was standing outside the truck. I asked Ms. [REDACTED] why she assumed they were talking, and she stated it was because the male fell down. I asked Ms. [REDACTED] how long the males had been interacting with each other, and she stated she didn't know. Ms. [REDACTED] stated she wasn't paying attention.

I asked Ms. [REDACTED] if she saw anything else, or heard anything else. Ms. [REDACTED] stated once the boy fell, she observed blood gushing out of his head. Ms. [REDACTED] stated the guy in the truck just sat there, laughing. Ms. [REDACTED] stated he was on the phone laughing like it was a joke. I asked Ms. [REDACTED] if she heard anything before the kid fell. Ms. [REDACTED] stated she didn't. I asked Ms. [REDACTED] what she did after she observed the kid fall to the ground. Ms. [REDACTED] stated she began to run, and ran toward the side of Taco Bell, motioning to the east. I asked Ms. [REDACTED] if she noticed anyone attempting to render aid after the male fell. Ms. [REDACTED] advised she didn't know what to do, and didn't notice anyone else rendering aid.

I asked Ms. [REDACTED] if she'd ever seen either of the males before. Ms. [REDACTED] stated the gentleman in the truck looked familiar, but she wasn't sure; and she'd have to see him again to be certain. Ms. [REDACTED] indicated she hadn't seen the other male before.

MS. [REDACTED] STATEMENT CONTINUED:

Ms. [REDACTED] advised when she began to run, she ran to the side of Taco Bell and was yelling for someone to call the police. Ms. [REDACTED] advised she recently got a new cell phone and forgot she had the ability to call 911. Ms. [REDACTED] stated when she remembered, she dialed 911 to report the incident. Ms. [REDACTED] stated she didn't know if anyone else called, but believed she may have been the only one to call the police. I asked Ms. [REDACTED] if she remembered what she told the Dispatcher. Ms. [REDACTED] stated she told them someone had been shot and they needed to send emergency personnel immediately.

I asked Ms. [REDACTED] how she knew, or what made her believe, the individual had been shot. Ms. [REDACTED] stated it was because she heard the gunshot. I advised Ms. [REDACTED] I just wanted confirmation, because when I asked earlier if she heard anything before he fell, she stated she didn't. Ms. [REDACTED] stated she heard a gunshot. I asked Ms. [REDACTED] how many gunshots she heard, and she stated she only heard one. I asked Ms. [REDACTED] how she knew it was a gunshot, and she stated she didn't know if it was a gunshot, but it was a shot. Ms. [REDACTED] stated it sounded like a gunshot to her, and it had to have been a gunshot because there was

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blood everywhere. I asked Ms. [REDACTED] what she did when the police arrived. Ms. [REDACTED] advised she remained on scene and told the police what she observed. Ms. [REDACTED] stated she went to the restroom at Wendy's, but remained in contact with police officers the rest of the time.

DESCRIPTION OF JOHN:

Since Ms. [REDACTED] mentioned her friend, John, as being present and leaving the scene before officers arrived, I asked her to identify him. I asked Ms. [REDACTED] if she knew what John's last name was. Ms. [REDACTED] stated she didn't know. I advised Ms. [REDACTED] I wanted the opportunity to speak with John, so if she could get into contact with him, I would appreciate a phone call. I provided Ms. [REDACTED] with my business card. Ms. [REDACTED] stated John is a white male and he wears bright fluorescent green shoes.

As I was finishing my conversation with Ms. [REDACTED] I asked her if she noticed if the male who fell did anything once he fell to the ground. Ms. [REDACTED] stated it appeared to her as though he was gasping for air, but that was all she noticed. I ended my contact with Ms. [REDACTED] at 1731 hours, and I escorted her to the lobby of the POC. Ms. [REDACTED] was released into the lobby.

DEATH NOTIFICATION:

1750 hours

Once I finished speaking with Ms. [REDACTED] I was contacted by Lieutenant B. Poole/382, and requested to contact Victim Advocate H. Liggett/4185. I was advised the victim, Mr. Jesse Garcia DOB: 09/20/92, had succumbed to his injuries and was deceased as a result of the incident at Taco Bell. Lieutenant Poole advised Ms. Liggett was the victim advocate on call and he requested I contact her and assist in making the death notification to the immediate family of the victim. Lt. Poole advised Sergeant J. Rodgers/1412 was on scene at Taco Bell and several family members had arrived asking what was going on. I contacted Ms. Liggett and we responded to the Taco Bell at 1507 South Nevada Avenue.

Ms. Liggett and I contacted Mr. Henessy [REDACTED] and Ms. Patricia [REDACTED]. Ms. [REDACTED] informed me she was the grandmother of Mr. Garcia, and Mr. Butler stated he was a blood brother of Mr. Garcia. In addition to Mr. [REDACTED] and Ms. [REDACTED] an individual identified as Jordan [REDACTED] was present, but I was unable to collect any further information from him. Mr. [REDACTED] and Ms. [REDACTED] asked me what was going on, and Mr. [REDACTED] asked if his brother was okay. I advised Mr. [REDACTED] there was no easy way to break the news to them; however, I informed him there was an incident involving Mr. Garcia and another male, and Mr. Garcia had sustained a gunshot wound as a result of the incident. I advised Mr. [REDACTED] and Ms. [REDACTED] that unfortunately, Mr. Garcia didn't make it, and he had passed away.

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MR. [REDACTED] STATEMENT:

After the initial shock of the news, I was able to speak with Mr. [REDACTED] regarding what information he knew. Mr. [REDACTED] immediately asked if the incident was gang related. I informed him that as of this point, it didn't appear to be. Mr. [REDACTED] stated Mr. Garcia was a good kid who never went out partying or doing anything crazy because he was taking care of his daughter. Mr. [REDACTED] stated he received several phone calls from people who knew him, advising him Mr. Garcia's vehicle was at the South Nevada Taco Bell and his car was wrapped in police tape. Mr. [REDACTED] stated he and his grandmother, Ms. [REDACTED] received this information from multiple friends (who he didn't identify), so they responded to the scene to see what was going on. As I was speaking with Mr. [REDACTED] he informed me it was unlike Mr. Garcia to be in this area of town. Mr. [REDACTED] stated Mr. Garcia didn't have a reason to be on South Nevada Avenue, so he didn't know why he was over here. Throughout my conversation, I did my best to console Mr. [REDACTED] and Ms. [REDACTED].

Ms. Liggett provided Ms. [REDACTED] and Mr. [REDACTED] with paperwork from the Victim Advocate Unit along with her contact information. I also provided my business card to Mr. [REDACTED] and informed him if they had any questions to please contact me. I asked Mr. [REDACTED] and Ms. [REDACTED] if there was anything we could do for them, or any notifications we could make to assist them. Mr. [REDACTED] and Ms. [REDACTED] thanked us for our offer and advised they would reach out to us if they needed assistance. Mr. [REDACTED] stated he would notify the remainder of their family about Mr. Garcia.

DETECTIVE STATEMENT:

After speaking with Mr. [REDACTED] and Ms. [REDACTED] I contacted Sergeant Rodgers and informed him the death notification had been made. I asked Sergeant Rodgers if he needed any additional assistance on scene, and he advised he didn't. Ms. Liggett and I returned to the POC. I contacted Lt. Poole and asked if there were any additional tasks needing to be completed. Lt. Poole informed me there weren't.

I was released from the initial call out of this investigation. I left the POC and returned to my residence, calling off shift at 2015 hours.

For further information regarding the actions of other Officers and Detectives in the investigation of this incident, please see their supplemental reports. This concludes my involvement in the investigation of this incident on this date.

End of report.

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NARRATIVE

Gold Hill/ Patrol/ smt

INITIAL INFORMATION

On 07/17/2016 at approximately 1448 hours, I, Officer Bates 4893 was dispatched to 1507 South Nevada Avenue, Taco Bell, City of Colorado Springs, El Paso County, Colorado in reference to a Shooting.

Upon arrival on scene, several other officers to include Officer Hallas/2035, and Sgt Frederic/2747 were already on scene and securing witnesses as well as the scene. Medical had also arrived on scene to treat the victim.

I immediately taped of the scene from the west side of the parking lot, around the south of the parking lot (just outside of the Wendy's north doors), around the east of the parking lot, and finally around the north of the parking lot (just outside of the south door's of the Taco Bell).

I located and contacted several people for statements.

WITNESS STATEMENT

Emanuel



Emanuel advised he had gone through the Wendy's drive-through and pulled into the row of the parking spots in the row of stalls just north of the Wendy's; in the parking lot between Wendy's and Taco Bell.

Emanuel said he sat and ate his food and began to pull forward when he noted a male on the ground. Emanuel said that he exited his vehicle and approached the male. Emanuel stated he observed a male in a gray SUV and stated that he observed what appeared to be blood on the male's chest. I asked about the demeanor of the driver of the vehicle and Emanuel said the driver was on the phone the whole time.

Emanuel stated that he returned to his vehicle and had proceeded to leave the scene before Officer Hallas had stopped him.

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Bates, Jessica 4893

APPROVING SUPERVISOR

Frederic, Eric



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OFFICER STATEMENT

It should be noted that I later transported Emanuel to the Police Operations Center, located at 705 S Nevada Ave, for a statement which was collected by Officer Hallas.

WITNESS STATEMENT

Cheri

[REDACTED]

Cheri said that she had not seen or heard anything and had only pulled into the drive-through at the Wendy's to get her food.

WITNESS STATEMENT

Christine

[REDACTED]

Christine stated that she had just gotten food from Wendy's and had not seen or heard anything occur.

WITNESS STATEMENT

Travis

[REDACTED]

Travis advised that he was in his truck and in the drive through for the Taco Bell. Travis advised he was next to the dumpsters when he heard a big bang. Travis said he recognized the sound as a gunshot. After receiving his food, Travis finished pulling forward through the drive through and said he could see someone lying on the ground in a white shirt. Travis advised that a male was sitting in a gray pickup.

I asked about the demeanor of the male in the gray pickup and Travis said the male was just sitting there. Travis advised that the male acted like nothing was going on.

WITNESS STATEMENT

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APPROVING SUPERVISOR
Frederic, Eric



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NARRATIVE (continuation)

S [REDACTED]

S [REDACTED] is a Taco Bell employee and said she was sitting in the southwest corner at a table in the eating area when she heard a shot. S [REDACTED] said she looked to her right and saw the victim falling to the ground. S [REDACTED] said she observed the victim hit the ground.

I asked S [REDACTED] if she saw the suspect and she said no. I asked S [REDACTED] if she saw a weapon and she said no.

I asked S [REDACTED] to describe the victim.

S [REDACTED] said it appeared to be a white male wearing a white t-shirt. She said everybody began to rush around the victim.

S [REDACTED] said she went outside; saw the blood on the ground and returned back inside to contact a manager later identified as Lindsey [REDACTED]

WITNESS STATEMENT

J [REDACTED]

J [REDACTED] said he did not hear or see anything but said that S [REDACTED] had run inside the restaurant and said someone had been shot so he ran outside and saw a crowd of people. J [REDACTED] advised he could not see anything as the crowd of people had blocked his view of the victim and suspect.

WITNESS STATEMENT

Lindsey [REDACTED]

Lindsey [REDACTED] advised that she was "on the line" making food and taking orders. Lindsey advised she had

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Frederic, Eric



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trouble understanding a customer over the intercom when she heard the customer say, "Think someone may have been shot". That is when Lindsey proceeded to call 911.

Lindsey could not identify the customer who had been at the intercom ordering food.

Nothing further at this time.

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NARRATIVE

On July 17, 2016 at approximately 1615 hours, I, Sgt. Pamela Castro 2153, received a telephone call from the Colorado Springs Police Department Dispatch. I was the after-hours/on-call Public Information Officer (PIO) on that date. I was notified by dispatch that Lt. Poole was requesting a response for a shooting investigation. I contacted Lt. Poole and he told me the location of the call (S. Nevada Ave. and E. Brookside), that Violent Crimes Detectives had responded, and that Violent Crimes Sgt. J. Rodgers was the supervisor in charge at the scene. Lt. Poole also advised that there were media personnel on-scene requesting an interview and asked that I contact Sgt. Rodgers to confirm that he still needed a PIO response.

I called Sgt. Rodgers and confirmed that there were media personnel still on-scene. I advised that I would be responding to his location. I then reviewed the call screen and based on the information contained in it, I drafted the Press Release.

I then responded to the scene, where I showed the draft press release to Sgt. Rodgers to approve prior to being interviewed by the media. At no time was I briefed on the investigation by Sgt. Rodgers or involved in any aspect of the investigation. After completing the media interview on-scene, I sent out the press release and completed the CSPD Blotter entry. That was the end of my involvement with this investigation.

Nothing Further From This Officer.

REPORTING OFFICER & IBM #
Castro, Pamela 2153

APPROVING SUPERVISOR
Rodgers, James



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NARRATIVE

DETECTIVES/1K

OS #057

OPENING STATEMENT

07/17/2016

Approximately 1448 hours

Officers of the Colorado Springs Police Department's Patrol Division, to include **Patrol Supervisor Eric Frederic/2747**, responded to the Taco Bell located at 1507 South Nevada Avenue to the report of a shooting.

SUPERVISOR NOTIFICATION

07/17/2016

Approximately 1545 hours

I, Sergeant Jim Rodgers/1412D, while functioning as the on-call supervisor of the Homicide Unit/Violent Crimes Section of the Investigations Division for the Colorado Springs Police Department, received notification from **Lieutenant Bret Poole/382D** requesting that I respond to the scene of this incident. Lieutenant Poole advised that he initially assigned **Sergeant Michael Finn/961D** to respond to the scene; however, had made a change to the assignment and requested that I respond to the scene at 1507 South Nevada Avenue and assume command of the scene. Lieutenant Poole also reported that Sergeant Finn had previously activated detectives to respond to the scene and reported that **Detective Joe Somosky/2321D** was assigned as the victim detective and had responded to Memorial Central Hospital. Lieutenant Poole further informed me that **Detective Mike Suarez/3523D** was assigned as the lead detective in this investigation and **Detective Wayne Bichel/1333D** was assigned to process the scene at 1507 South Nevada Avenue. Assisting Detective Bichel was **Detective Jordan Hengst/3561D** of the Felony Assault Unit, and, in a support role, **Detective Shawn Peterson/1408D** was also assigned to this investigation.

Lieutenant Poole provided brief information on the incident and explained

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Rodgers, James 1412

APPROVING SUPERVISOR

Finn, Michael



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NARRATIVE (continuation)

that the shooting might have occurred as the result of a road rage incident between an 80 year old male and a 23 year old male. The shooting victim was taken from the scene to Memorial Central Hospital for treatment and the 80 year old male was transported to the Police Operations Center to be interviewed by Detective Suarez.

Lieutenant Poole also informed me that notification had been made to **Senior Deputy District Attorney Donna Billek** and Ms. Billek had responded to the Police Operations Center in an advisement capacity for this investigation.

I left my residence at approximately 1610 hours and arrived on scene at 1507 South Nevada Avenue at approximately 1642 hours. While en route to the scene I contacted Detective Joe Somosky who was at Memorial Central Hospital overseeing treatment of the victim. Detective Somosky informed me that the victim, later identified as **Jessie Garcia**, DOB 09/20/1992, was pronounced brain dead at 1607 hours. Detective Somosky later contacted me to advise that medical personnel had terminated care and life support at approximately 1640 hours after which the victim, Jessie Garcia, was pronounced dead at 1704 hours.

CLOSING STATEMENT

While present at the scene, I remained primarily in my police department vehicle providing administrative oversight and resource allocation efforts for the detectives and officers conducting this investigation. I left the scene at 1945 hours and reported to the Police Operations Center where I continued to provide oversight for this investigation throughout the evening of 07/17/2016.

Other than the aforementioned efforts, I conducted no further direct investigative interviews or processes in regards to this case. Please reference other officers' and detectives' supplemental reports and other submitted documentation for further information and details.

END OF REPORT

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Finn, Michael



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OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 7/25/2016 08:00
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME	OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> DNA Evidence	<input type="checkbox"/> Interpreter Needed	<input type="checkbox"/> Evidence
STATUTE / DESCRIPTION		Counts	Photos
OFFENSES			
PER #		SUBJECT TYPE	NAME
ADDRESS		DOB / AGE RANGE	
RACE		SEX	HEIGHT
WEIGHT		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	
PER #	SUBJECT TYPE	DOB / AGE RANGE	
01	Witness	Nicholas	
ADDRESS		SECONDARY PHONE	
COLORADO SPRINGS CO		SECONDARY PHONE	
RACE	SEX	HEIGHT	WEIGHT
White	Male		
STATE	JACKET NUMBER	HAIR	EYE
CO			
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned	<input type="checkbox"/> Counterfeit / Forged
		<input type="checkbox"/> Recovered	<input type="checkbox"/> Seized
TYPE / MAKE / MODEL		YEAR	COLOR
PLATE	STATE	VIN	VALUE
DESCRIPTION			
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned	<input type="checkbox"/> Counterfeit / Forged
		<input type="checkbox"/> Recovered	<input type="checkbox"/> Seized
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR
ITEM TYPE and DESCRIPTION			

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR & IBM # Rodgers, James		Homicide



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ADDITIONAL SUSPECTS / OTHER SUBJECTS

PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE		
02	Witness	[REDACTED]		Amanda		[REDACTED]		
ADDRESS		[REDACTED]						
[REDACTED]		[REDACTED]						
Colorado Springs CO		[REDACTED]						
RACE		White	SEX	Female	HEIGHT	WEIGHT	HAIR	EYE
DL/ID NUMBER		[REDACTED]						
JACKET NUMBER		[REDACTED]						
SECONDARY PHONE		[REDACTED]						
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE		
03	Witness	[REDACTED]		Timothy [REDACTED]		[REDACTED]		
ADDRESS		[REDACTED]						
[REDACTED]		[REDACTED]						
COLORADO SPRINGS CO		[REDACTED]						
RACE		Black	SEX	Male	HEIGHT	WEIGHT	HAIR	EYE
DL/ID NUMBER		[REDACTED]						
JACKET NUMBER		[REDACTED]						
SECONDARY PHONE		[REDACTED]						
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE		
ADDRESS		[REDACTED]						
[REDACTED]		[REDACTED]						
RACE		Black	SEX	Male	HEIGHT	WEIGHT	HAIR	EYE
DL/ID NUMBER		[REDACTED]						
JACKET NUMBER		[REDACTED]						
SECONDARY PHONE		[REDACTED]						
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE		
ADDRESS		[REDACTED]						
[REDACTED]		[REDACTED]						
RACE		White	SEX	Female	HEIGHT	WEIGHT	HAIR	EYE
DL/ID NUMBER		[REDACTED]						
JACKET NUMBER		[REDACTED]						
SECONDARY PHONE		[REDACTED]						
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE		
ADDRESS		[REDACTED]						
[REDACTED]		[REDACTED]						
RACE		White	SEX	Female	HEIGHT	WEIGHT	HAIR	EYE
DL/ID NUMBER		[REDACTED]						
JACKET NUMBER		[REDACTED]						
SECONDARY PHONE		[REDACTED]						
PER #		SUBJECT TYPE		NAME		DOB / AGE RANGE		
ADDRESS		[REDACTED]						
[REDACTED]		[REDACTED]						
RACE		White	SEX	Female	HEIGHT	WEIGHT	HAIR	EYE
DL/ID NUMBER		[REDACTED]						
JACKET NUMBER		[REDACTED]						
SECONDARY PHONE		[REDACTED]						

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NARRATIVE

DETECTIVE STATEMENT:

**07-21-2016 (Thursday)
 12:21 A.M.**

I (Detective M. Suarez/3523D who is currently assigned to the Violent Crimes Section/Homicide Unit) received a voicemail from a **Jack Rogers (DOB: 02-04-1936)**. Jack called me from phone number [REDACTED]

Jack called me saying that he had just spoke to his neighbor a couple of hours ago because he works odd hours; telling me that **Pat**, who lives across the street, saying that **Jesse (Jesse Garcia DOB: 09-20-1992)** had recently got out of jail for aggravated robbery.

Jack stated that there were stories of Jesse and him meeting at a liquor store and getting into it. Jack stated there was even a story of him getting out at Taco Bell and then fighting. Jack said in the voicemail that he (Patricia) had an army gathered around her, and that they're packing guns and threatening the whole neighborhood. Jack stated that this was going to start a race war.

Jack stated that this was getting very serious. Jack asked me to call him in the morning, and that he needed help. Jack stated that this was going to escalate. Jack stated that the media is going to get a lynch mob up. Jack again requested that I call him back in the morning, providing his phone number, and then disconnected the line.

DETECTIVE STATEMENT CONTINUED:

I spoke with Detectives with the Homicide Unit, asking for assistance to respond to the

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location of [REDACTED] conduct a neighborhood follow-up in regards to Jesse and Jack. Detective D. Graham/090D and Detective R. Gysin/042D both volunteered to help.

I briefed Detective Graham and Detective Gysin of what I was trying to accomplish in the area.

We all left the Police Operations Center (POC), which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903, and arrived in the area of [REDACTED] around 9:20 A.M. on 07-21-2016 (Thursday).

NEIGHBORHOOD FOLLOW-UP CONDUCTED:

The following addresses were contacted, and I received the following information or statements:

07-21-2016 (Thursday)
9:30 A.M.

[REDACTED] No answer. I left a business card at the door.

07-21-2016 (Thursday)
9:32A.M.

[REDACTED] - No answer. Business card left at the door.

07-21-2016 (Thursday)
9:34 A.M.

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- I made contact with a Jessica [REDACTED] Home phone number of [REDACTED] identified as Jack. She told me that she's lived in the neighborhood for about 8-years, and knew that Jack was religious person, and that he lived by himself. She stated that Jack was very set in his ways, and that he would stand in the doorway and watch the neighborhood. She stated that Jack would act like the neighborhood watch guy; telling me that he used to drive or drives an older, what she thought, grey or silver Blazer.

She stated maybe a couple of years ago that she had to call the police on him before. She stated it was nothing serious. I asked her if she could recall what it was for, and she told she couldn't say, and it was quite a while ago.

I asked her if she had ever seen any kind of Ford Mustang in the area, and she told me that she did not recall any such vehicle.

I provided her with my business card, and asked her to contact me if she recalled anything else.

07-21-2016 (Thursday)

9:42 A.M.

- No answer at door. Business card left in doorjamb.

07-21-2016 (Thursday)

9:46 A.M.

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NARRATIVE (continuation)

I made contact with the residents of [REDACTED] The first person that I spoke to was Amanda [REDACTED] Contact phone number [REDACTED]

She stated that she was currently a nurse for the Department of Corrections, and was worried that this would come back to her job. I advised her that I was not here to investigate her, but simply was asking questions about her neighborhood.

She stated she understood, and I asked her about her neighbor, Jack. She stated that she knows who he is very well because she'll go over there and take care of some of his medical needs, like cutting his toenails and fingernails, and just generally checking up on him.

She stated that Jack is a quiet guy, and that he does have a military background; saying that he was a Veteran. She stated that Jack doesn't like it when dogs are barking, and always tries to tell them to keep their dogs quiet after about 11:00 or 11:30 at night.

She stated that Jack kind of acted like the neighborhood security, and will call the police when other people didn't.

Ms. [REDACTED] stated that Jack did not like black people. I asked her what she meant by that, and she told me that before her and her husband bought the house, a set of black individuals had looked at the house to purchase it. She stated after her husband and her moved in, Jack made the comment to them "glad nigger did not move in". She stated she was a little concerned based off of what he said; stating that was kind of odd for just moving into the neighborhood and this being said to them.

She told me that Jack would sit out on the porch all the time, watching the neighborhood. She stated Jack kept a gun in his back pants, and one time she went to help put a jacket on him, and when she was on his backside helping bring the jacket around his back so he could put it on, Jack flipped out. She stated that he flipped out because she was near his gun, and he

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didn't like it.

I asked her if she could recall what kind of vehicle Jack would drive, and she stated that it was primer grey Scout 2-door.

She told me that Jack's daughter would come out all the time to check on him, and see how things were going.

Ms. [REDACTED] told me she could not recall if any Mustangs had been in the area.

After speaking with her, I asked her if she could send out her husband so that I may speak with him. He was identified as **Nicholas [REDACTED]** I was provided a phone number of [REDACTED]

I spoke with Mr. [REDACTED] advising him that I had heard that he went on to the news media outlet with channel 5, and spoke with them about this investigation. He stated that was correct.

He told the press that he said Jack told him that he knew Jesse. I asked him Jack had actually said that, or what the conversation was like. Mr. [REDACTED] stated Jack had told him those people. He stated that after the news article or media went on last night, he received a call from Jack asking him about why he would say the things he did to the media.

I asked Mr. [REDACTED] if there was any issues between Jack and his neighbors, and he told me right after they moved in. I asked him where he was referring to these neighbors, and he stated the people across the street, catty-corner to Jack's house.

I asked him if he's ever seen any kind of Ford Mustangs parked in the area, and he told me that he does see a white older Ford Mustang with an older body style. He estimated it could

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have been the 70's or 80's model. He stated that the car would drive up and down the street once in a while. He stated he cannot identify who the driver of that vehicle was.

Mr. [REDACTED] stated that Jack and those neighbors would go back and forth calling the police on each other.

Mr. [REDACTED] stated that Jack would go out and yell at the kids.

Mr. [REDACTED] stated about 2 or 3-days prior to the shooting, Jack was outside with his front door opened around 3 o'clock in the morning. He told me that he was actually standing in the front door, and it just seemed a little odd to him.

I asked Mr. [REDACTED] if there is anything he can recall, and he told me that when him and Jack spoke on the phone, Jack had talked about that it was him that was involved in the shooting, and that Jesse had shot himself with the gun.

I asked him if Jack had told him about Jesse's name, and he told me that Jack did not, that he actually got it from the grandmother who lives cattycorner to Jack.

He told me that Jack has invited his wife and him into their home several times before; telling me that when he's been inside the house, he has seen spiral notebooks that Jack has shown them with the various license plate numbers that Jack had written down over the years. I asked Mr. [REDACTED] when the last time he was in Jack's home and saw this notebook, and telling me that it was a couple months ago; estimating around June of 2016.

I asked Mr. [REDACTED] if there was anything else that he can recall about what's going on in the neighborhood, and he told me he did not.

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After, I provided him and his wife with my business card and asked them to call me if they can recall anything else. I did ask him before I left recalling asking him if there is any garage sale around the street recently, and he told me no, that he cannot recall. He did state however though that the grandkids that are at that house do flash their guns around because they were always on their hips; telling me that the guns had disappeared recently because of what's happened.

I thanked Mr. [REDACTED] for his time, and then exited his home and then Detective Graham and I left the area, and returning back to the POC. Please see Detective Graham and Detective Gysin's supplement for further information about the neighborhood follow-up that was completed.

TIMOTHY [REDACTED] INTERVIEW:

07-21-2016 (Thursday)
10:35 A.M.

I called Timothy [REDACTED]. The phone number that I dialed was [REDACTED]. Once he answered the line he stated hello, and I identified myself and asked him if he was Timothy [REDACTED] he stated he was, and I recognized his voice but I couldn't place where I had heard it from. I spoke with him about the voicemails that he had left me.

I confirmed with Mr. [REDACTED] that Jesse was his nephew, and he stated yes. I explained to Mr. [REDACTED] that we interviewed our suspect, and due to some facts we had to let him go. I told him that meant that the investigation was not over yet. I told him I'm still looking into things. I told him that I was gathering up all the facts, and then it would be sent over to the District Attorney's Office and ultimately it would be up to them.

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He told me the thing that he didn't understand is how the person gets shot in the back of the head, and it's his fault that he got shot in the back of his head. I explained to him that there were some circumstances that only the Police Department and the District Attorney's officer were aware of.

He told me that he's been following the news; talking about an intruder breaking into some dude's house. I told him that the news doesn't always put out all the right information. Mr. [REDACTED] stated that they filed charges against him; saying he did not know the guy's name. He talked about some guy breaking into some guy's house, and that it was a detached garage. Mr. [REDACTED] stated that the guy went outside to protect his home or what he felt like he was protecting, and that he shot the intruder in the back, and he got charges filed against him for protecting his home even though he did shoot the guy in the back. I told Mr. [REDACTED] I knew exactly what case he was talking about because I had been on it before. I explained to him that there were other circumstances that the public does not know, and that's what lead to his arrest.

Mr. [REDACTED] talks about that the same guy that shot his nephew is the same guy that harassed him before. He stated what is this guy's MO. Mr. [REDACTED] stated this guy appears to be racist. Mr. [REDACTED] stated that this guy followed him from pretty much his job, which was at Circle and Platt. He stated at that time he did not know that this guy stayed across the street from his mother-in-law. Mr. [REDACTED] stated that this individual was giving him the middle finger all the way home, and things of that nature.

He stated prior to his nephew getting killed, he had exchanged words with him; talking about when you park in front of somebody's house that is public property. Mr. [REDACTED] stated at Taco Bell it was verbal, and that Jesse went to walk away; saying that there was a scuffle over the gun. Jesse threw the gun back into the car, and as he was turning away the guy shot him in

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NARRATIVE (continuation)

the back of the head.

I explained to Mr. [REDACTED] that the information that he had was totally inaccurate; telling him that I have seen what had happened; that it is on video. I told him what he was telling me was inaccurate.

Mr. [REDACTED] talks about how Jesse was shot in the back of the head, and I told him I don't know because I haven't seen the autopsy report yet; saying that could be inaccurate. Mr. [REDACTED] stated he did not know or understand why this guy was out; telling me that the same night he saw this guy pull up in front of his house, saying how is this possible. Mr. [REDACTED] stated that this guy killed somebody, and that he was out on the street; stating that it made him reflect back onto his son's case; telling me that it was the case that I was on.

He stated how is this guy not considered a threat to the community because he had just killed someone. Mr. [REDACTED] stated maybe that the justice system is really blind, and that was their thinking. He stated that these people don't have enough evidence to pinpoint his son as far as being the shooter; saying that it was all hearsay, saying that the hearsay was somebody getting shot doesn't mean anything because this man is walking around freely.

I told Mr. [REDACTED] that this investigation is not over yet, and that I am still working on it and investigating it. Mr. [REDACTED] stated he still couldn't understand why somebody was driving around and free; telling me that if he felt that threatened that's what 911 was for.

Mr. [REDACTED] then started talking about street justice; telling me that he was starting to understand this more and more, and because of the different situations going on around the country, saying that there is more street justice now, saying more than a judge and a jury.

I explained to Mr. [REDACTED] that I do not have a side in this; that I am totally neutral; that I am

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gathering the facts of what happened, and trying to present the best case. I told him I don't care what color, race anybody is, or what the case is; that I am looking at it as a neutral stance.

Once again Mr. [REDACTED] started talking about the news, and how this guy's daughter went on the news saying that he was beat up and just got out of the hospital, and had two black eyes. I told Mr. [REDACTED] not to believe in everything that the news was putting out; telling him that the news is not putting out accurate information.

Mr. [REDACTED] started talking about the character of this individual, being Jack; telling me that Jack has followed him and his wife before, and saying his little boy to his mother-in-law's house.

I asked Mr. [REDACTED] if he was talking about his wife being Patricia's daughter, and I provided the name of [REDACTED], and he stated yeah. He explained to me that this guy was following him and giving him the finger; telling me that ironically that he pulls up in the street in front of his mother-in-law's house, and gets out the car and says get out and come on over to my yard. Mr. [REDACTED] stated no, because he understood the make my day loss.

I asked Timothy when this happened, and he stated earlier this year. I asked if he was talking like the middle of the year or the beginning of the year, and he told me beginning of this year, 2016.

I asked him what kind of car he was in, and he told me that it was a Chrysler 300. Mr. [REDACTED] stated that this individual was driving his same Scout, and that's how he recognized the truck. He stated that's how he recognized him, because it was the same dude that drives that Scout that's parked across the street.

Mr. [REDACTED] stated that he harasses everybody, and it's for no reason. He said he wasn't sure,

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but doesn't want to think, but decided maybe it's because he is racist; telling me that's what it seemed like.

Mr. [REDACTED] stated that he would always complain about parties being to loud; telling me that some of these parties were during broad daylight, and not like at 11:00 or 11:30 at night.

Mr. [REDACTED] stated it's came to his knowledge that he's road raged before with other people, to include the mailman, and has had issues with other people.

I told Mr. [REDACTED] that I heard about the Chrysler from somebody else, and asked him to give me some more information about it. I asked him if this happened in town, and he told me yeah, that it happened at Circle and Platte.

He stated that he was coming from somewhere and couldn't remember where from. He told me that he was going to his mother-in-law's house, maybe to pick her up. I asked him where the Scout started following him from; if it was Circle and Platte, and he stated pretty much at Circle and Platte. He told me at first he was behind him at Circle and Platte, being Mr. [REDACTED] behind Jack. He didn't know if maybe Jack thought that he pulled up too close to him or what. He stated he knows he wasn't close to the Scout at all, and when he looked up he saw Jack flipping him off.

He told me that he made a left onto Circle from Platte, and went south on Circle. Mr. [REDACTED] stated that he passed Jack, and he was still giving him the finger. Mr. [REDACTED] stated that he got down around Cheyenne and Circle, and he was still doing the same thing. Mr. [REDACTED] stated he pulled up to his mother-in-law's house, and Jack told him come on over here into my yard.

Mr. [REDACTED] told Jack no, you bring your old ass out here in the middle of the street. Mr. [REDACTED] says he then goes inside and tells his mother-in-law what happened, and his mother-in-law

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told him that he messes with everybody.

Mr. [REDACTED] stated he went over to the DA's office yesterday to try to get some information, and he wasn't able to get any because the receptionist didn't know too much.

I asked Mr. [REDACTED] if he ever knew if Jesse and Jack had any quarrels before, and he told me no, not other than when Jesse parked his car in front of Jack's house. He told me that that was public property.

Mr. [REDACTED] told me that dodged a bullet that day because he stated that could have been him. Mr. [REDACTED] stated that when he heard it was Detective Suarez that was on this case, he realized it was the same Detective that is on his son's case, and I couldn't still put it together so I asked him who his son was, and he told me to was T [REDACTED]

After hearing that name, I immediately knew which case he was talking about. We started just chitchatting, saying that it was a small world, and he stated maybe it was time to move because this guy had followed him and then shot his nephew and killed him, and then that I was working both cases involving his family.

After completing this conversation, I hung up with Mr. [REDACTED]

VOICEMAIL FOR JACK:

07-21-2016 (Thursday)

10:52 A.M.

I called Jack at phone number [REDACTED] I left a voicemail for Jack asking him to call

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NARRATIVE (continuation)

me back.

JACK RETURNS PHONE CALL:

07-21-2016 (Thursday)

10:56 A.M.

Jack calls me back from the same phone number listed as above, leaving me a voicemail saying that he missed my call, and that his phone is being finicky.

RETURNED JACK'S PHONE CALL:

07-21-2016 (Thursday)

11:14 A.M.

I called Jack back and asked him if he'd be willing to come down to the POC to be interviewed again. He stated he would, and told me that he was currently at his daughter's house and provided me with an address of [REDACTED]

VOICEMAIL FROM ANNIE [REDACTED]

07-21-2016 (Thursday)

12:15 A.M.

I received a voicemail from Annie [REDACTED] stating that she received my card when I was out doing my neighborhood follow-up earlier today. She stated she lived at [REDACTED] Avenue, and provided me with her phone number as [REDACTED] and asked me to give her a call

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



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NARRATIVE (continuation)

when I had a chance.

EN ROUTE TO [REDACTED]

07-21-2016 (Thursday)

12:00 P.M.

Detective R. Gysin/042D and I went to [REDACTED] Once we arrived at this location I made contact with Jack. We arrived at his home at approximately 12:15 P.M. on 07-21-2016 (Thursday).

EN ROUTE TO POC:

After picking up Jack, I advised him that he was not under arrest and that I would be returning him back home. He was not handcuffed, and sat in the front right passenger seat of the vehicle while Detective Gysin sat in the left rear seat behind me while I drove my unmarked Police issued vehicle.

We would arrive at the POC at 12:30 P.M. on 07-21-2016 (Thursday).

JACK'S SECOND INTERVIEW:

07-21-2016 (Thursday)

12:32 P.M.

I would conduct another interview with Jack. I spoke with Jack about if he knew Jesse or not who lived across the street at his grandmother's house, and he told me no. He told me that

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NARRATIVE (continuation)

there had been issues between him and Pat in the past.

This interview with Jack was video recorded, and the following information is only a synopsis of that recording. Please see the complete recording that was placed into evidence for further information.

I would continue to ask Jack if he knew who at least Jesse was, and he told me no. I asked him if at any time he ever got into a verbal disturbance with Jesse because his car was parked in front of his house, and he told me no. I asked him if he ever recognized the car before, and he said no. I asked Jack if anybody's ever threatened him since this has happened, and he told me no. I would retrieve a photograph of Jesse and of Jesse's vehicle and show it to Jack, and he told me that he did not recognize him or the vehicle.

I spoke with Jack about being a neighborhood watchman, and he stated that he was, and told me that he had notebooks full of possible license plates of these vehicles. I asked him if he'd be willing to go to his house to retrieve these, and he stated he was.

I would provide Jack with a Consent to Search for [REDACTED] which was his home address. Jack consented to this document at 1:22 P.M. on 07-21-2016 (Thursday).

After Jack consented to this, I would take some additional digital photographs of his injuries because I noticed that his black and blue eye was more pronounced today than it was when I first had interviewed him on 07-17-2016 (Sunday).

DETECTIVE STATEMENT CONTINUED:

After completing my interview with Jack, Detective Gysin and I would transport Jack to his

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NARRATIVE (continuation)

home. We would leave the POC at 1:30 P.M., and would arrive at Jack's home at 1:40 P.M.

Once we went into his house, Jack, with the assistance of Detective Gysin and I, started searching for any kind of notebooks with license plates. Jack would eventually would find the notebook binder, and had several license plate numbers written on it.

I would collect this and later submit it into evidence at the POC.

While reviewing this notebook, I came across a page that said summary with a date of 11-30-2015. I observed that it listed a white something with a possible plate of QNX735 came up on my back bumper too damn close at Platte and Circle. It says that he turned south, and I can't read his handwriting, which I believe would be consistent with what Mr. [REDACTED] had told me previously in the day.

Detective Gysin and I would after collecting this notebook, take Jack back to his home; arriving in his home at 2:20 P.M. on 07-21-2016 (Thursday).

After dropping Jack off, we would return to the POC where I would process the following evidence.

VOICEMAIL FOR JACK:

07-21-2016 (Thursday)

4:03 P.M.

I received a voicemail from Jack talking about the videos when I had asked him during my interview, if there was a conversation between him and Jesse before the gun went off. He told

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NARRATIVE (continuation)

me that in the voicemail that Jesse was just standing there, and just stood there more and looked at him with those eyes before Jesse came into the car.

EVIDENCE COLLECTED/SUBMITTED:

The following items have been collected and submitted into evidence at the Police Operations Center (POC) Evidence lockers, which is located at 705 South Nevada Avenue, Colorado Springs, Colorado 80903:

Item Number 6MPS: Photographs of Jesse Garcia and of Jesse's Mustang shown to Jack (Colorado Springs Police Department Bar Code Number 200928970). I placed this item into Locker Number 31 within the POC Temporary Evidence locker holding area.

Item Number 7MPS: Consent to Search for [REDACTED] Colorado Springs Police Department Bar Code Number 200928971). I placed this item into Locker Number 31 within the POC Temporary Evidence locker holding area.

Item Number 8MPS: Jack's spiral notebook (Colorado Springs Police Department Bar Code Number 200928972). I placed this item into Locker Number 31 within the POC Temporary Evidence Locker holding area.

The following items have been collected and submitted into evidence at the Police Operations Center (POC) Digital Information Management System (DIMS), which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903:

Set Number 0026 - Jack Roger's second interview.

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NARRATIVE (continuation)

Set Number 0025 - Digital photograph of Jack's injuries.

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forthcoming supplements for further information.

Nothing further.

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NARRATIVE

Patrol/sjr

Officer John Taylor, 5731

Supplemental information

On 07-17-16, at approximately 1448 hours, the Colorado Springs Police Department received a call;a road rage involved shooting at Nevada Avenue and Brookside Street. Multiple officers were dispatched.

Officer Scott, 1506, and I Officer Taylor 5731 were dispatched at 1452 hours. While In route Officer Scott and I were re-routed to meet with the ambulance at **Memorial Hospital Central at 1400 East Boulder Street.**

We arrived at approximately 1456 hours; AMR Medic 2 had made the transport and had already arrived. Memorial Hospital medical staff were with the patient in Recess one.

Officer Scott directed me to photograph the gurney which transported the patient. I observed a lot of blood in the area of where the head would have rested. I took various pictures of the gurney with blood soaked sheets.

While the patient was being treated, Officer Scott started to interview various medical and **AMR** personnel.

Officers accompanied medical staff as they moved the patient into a room to be CAT scanned. Officer Scott learned the patients name was, **JESSE GARCIA**, DOB: 09/20/1992. After medical concluded their analysis in CAT scan, Mr. Garcia was moved to ICU. Medical staff advised [REDACTED]

Officers accompanied Mr. Garcia to ICU.

Detective Somosky, 2321, arrived in ICU and was briefed on the situation and he assumed control of the scene.

I later submitted the digital photos I took into our digital evidence system.

REPORTING OFFICER & IBM #
Taylor III, John 5731

APPROVING SUPERVISOR
Frederic, Eric



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NARRATIVE (continuation)

EVIDENCE
Photos placed.

Please refer to other officers and detectives reports for additional information.

Nothing further at this time.

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APPROVING SUPERVISOR
Frederic, Eric



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NARRATIVE

DETECTIVE STATEMENT:

07-19-2016 (Tuesday)

7:18 A.M.

I (Detective M. Suarez/3523D is currently assigned to the Violent Crimes Section/Homicide Unit) completed a preservation request for a Facebook account. The Facebook account was for a **Brittany Brown**. The account that I preserved was [REDACTED]

PHONE CALL TO JENNIFER [REDACTED]

07-19-2016 (Tuesday)

8:20 A.M.

I called Jennifer [REDACTED] at phone number [REDACTED] Ms. [REDACTED] had called the previous night, 07-18-2016, making a Call for Service saying her son, [REDACTED] had been a witness to the shooting at Taco Bell. After dialing the number, a female answered the line and I introduced myself. I asked her if she was Jennifer, and she stated she was. She stated she was waiting for my call. I asked her if [REDACTED] and her were free to come down to the Police Operations Center (POC), which is located at 705 South Nevada Avenue, Colorado Springs, Colorado 80903, so I could interview her son. She stated that would be fine, and they would be on their way shortly.

PHONE CALL FROM POLICE SERVICE REPRESENTATIVE (PSR):

07-19-2016 (Tuesday)

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NARRATIVE (continuation)

8:53 A.M.

I would receive a phone call from the on-duty Police Service Representative (PSR) that was working in the front lobby within the POC. She advised me that Jennifer and her son were waiting in the lobby for me. I advised the PSR that I would be down shortly to escort both parties up to the second floor within the POC.

DETECTIVE STATEMENT CONTINUED:

I went down to the front lobby of the POC, and greeted Jennifer and her son, [REDACTED]. I thanked them for coming down and would escort them up to the second floor within the POC. I would escort both parties into Interview Room Number Two. Prior to going into this interview room, I asked Jennifer if she wanted to be present for this interview, and she stated it was up to her son, [REDACTED]. [REDACTED] told Jennifer and I that he wanted his mother to be present, and I stated that was okay.

The following statement that I collected from [REDACTED] is only a synopsis of my interview. Please see the complete recording that was placed into evidence for further information.

STATEMENT:

07-19-2016 (Tuesday)
9:02 A.M.

After escorting both parties into the interview room, I showed them my credentials; showing them that I was a Police Officer with the City of Colorado Springs Police Department.

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NARRATIVE (continuation)

I asked [REDACTED] that he was at the Taco Bell, and he stated mmm-hmm. I asked [REDACTED] what did he see or hear. [REDACTED] stated that they were having conflicts before this incident between both of them. I stated really, and [REDACTED] stated yes.

[REDACTED] stated that the kid's grandmother lived across the street from the old man. [REDACTED] stated that they were having problems. [REDACTED] stated he had been harassing them, and calling them racist names. [REDACTED] stated he guessed the grandson stated that guy, and pulled in to the Taco Bell. [REDACTED] told me from what he saw saying that he got out of the car and went up to the window, and were yelling at each other. [REDACTED] stated that was when he pulled the gun.

I asked [REDACTED] if he knew what they were arguing about. He thought it might have been between what was going on between the grandmother and that guy, saying that was his guess. I asked [REDACTED] if he heard what they were saying, and he told me no sir.

I asked [REDACTED] where he was at when this happened. He told me that he was at the Family Dollar that was right across from it. I asked [REDACTED] if he could recall what kind of cars they were driving, and he told me that one of them was driving an older Mustang. [REDACTED] stated the old guy was driving an International truck.

I asked [REDACTED] how he knew that these people were having issues with each other. He said from his grandpa telling me that when [REDACTED] showed him what had happened [REDACTED] stated his grandfather remembered the truck, saying the old man's truck. [REDACTED] stated he went to where that old guy was because he was at their house for a yard sale, saying that he remembered the truck; telling me that he went to where he thought the truck was and where the old man lived, saying that people were outside with his grandma. He asked them if they saw the guy there all day, and they told him no. They conversated and they came back to get him, and he showed them a picture of the truck and that's how.

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NARRATIVE (continuation)

█ stated it was because they were calling each other racist names.

I asked █ how long this has been happening, and he told me that it's been going on back and forth for a while. I confirmed with him that he heard it from his grandmother and grandfather, and he said his grandpa. █ stated when he went over there, that she told him also (the victim's grandmother).

I asked █ when he was across the street at the Family Dollar, what did he exactly see or hear. He told me that he saw the gun come out, and that the victim was shot in the head. █ stated that he had two other friends with him, saying they did not pay attention and they heard the pop, and that's when they looked.

I asked █ when he stated that he saw the gun out the window, if he saw it with the old man, and he told me yes. I asked █ where the other guy was that got shot was standing, and he told me right by the truck; telling me that he wasn't too far away from it. I asked █ again if the guy came out of the truck, and he stated that the old man stayed in the truck.

█ stated after the old man shot him, he put the gun down next to him in the seat and just sat in the truck. █ stated he did not try to escape or nothing.

I asked █ what kind of vantage point he had of the truck; if he was standing behind it, to the side of it. He stated that he was standing catycorner of it, on the driver's side. He showed me with a Kleenex box where Taco Bell was and the front of the truck, and then he showed me where he was standing at, which would have been almost the left rear corner of the vehicle.

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NARRATIVE (continuation)

I confirmed with [REDACTED] that he was on the other side of Nevada, and he stated yes (the Dollar Store is located on the western curb line of South Nevada Avenue, while the Taco Bell sits on the eastern curb line of South Nevada Avenue).

I asked [REDACTED] if there was anything else he could think of, and he told me that the guy did not die instantly, that he was still moving. [REDACTED] said people were yelling out, tried to go and help him. [REDACTED] stated he thought that the old guy would shoot anybody that was trying to help him because that gun was on the passenger seat.

I asked [REDACTED] if he saw the vehicles pull into the parking lot, and he told me no; he told me that he just saw the kid coming out of his car.

I told [REDACTED] that I need to speak to his grandparents since they had information about our victim and suspect quarreling before the shooting. He told me that was probably just going to be his grandpa.

I asked [REDACTED] for his grandfather's name, and he provided it as Daniel [REDACTED]. I asked [REDACTED] for his grandfather's phone number, and he gave it to me as [REDACTED]. I asked him for the address, and Jennifer stated it was [REDACTED] Avenue. I asked Jennifer if that was a house, and she stated yes. She told me that it was off of [REDACTED]. I asked [REDACTED] if his grandfather worked or if he was home most of the time, and [REDACTED] stated that he was home.

I asked [REDACTED] if he's seen any of this on the news, and he told me that he really doesn't watch the news, but saw a lot of it on Facebook. Jennifer stated that there was a video of it on Facebook, and I gave her a perplexed look, and she told me that it wasn't a video of the actual shooting; it was just a video of everything afterwards. I confirmed with her if it was like after the Police Officers arrived, and she said after the officers arrived.

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NARRATIVE (continuation)

I asked [REDACTED] if there was anything else I should know or anybody else I should talk to, and he told me the only other ones that he could think of were his friends that were with him. I asked him for his friends' names, and he told me the first one was [REDACTED]. He provided me with a phone number of [REDACTED]. He provided me the second friend as [REDACTED] with a phone number of [REDACTED].

I asked Jennifer if there was any fear of retaliation, and she stated not for her but for her son, [REDACTED] for coming forward. I told her that she had nothing to worry about, and that [REDACTED] had nothing to worry about. She asked me if this would be going to court, and I told her that most likely it would not be.

I stood up and exited the interview room at 9:15 A.M. on 07-19-2016 (Tuesday). I returned back into the interview room at 9:24 A.M. on 07-19-2016 (Tuesday).

I advised [REDACTED] and Jennifer I had no further questions for them, but asked them not to speak about this case with anybody else. I escorted Jennifer and [REDACTED] out of Interview Room Number Two at 9:25 A.M. on 07-19-2016 (Tuesday). I would then escort them down to the front lobby of the POC, and thanked them for their time.

DANIEL [REDACTED] INFORMATION/STATEMENT:

07-19-2016 (Tuesday)
10:51 A.M.

Name: Daniel [REDACTED]
DOB: [REDACTED]

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NARRATIVE (continuation)

Home Address: [REDACTED] Avenue, Colorado Springs, Colorado [REDACTED]

Phone Number: [REDACTED]

I called Mr. [REDACTED] and introduced myself to him, and explained to him why I was calling. I explained to Mr. [REDACTED] that I had spoken with his grandson just earlier. Mr. [REDACTED] told me that he did not know anything directly in regards to the shooting; telling me that he was not there and did not see it happen.

I asked him if he knew who the people were that were involved. He stated he had no idea who he was. Mr. [REDACTED] stated he had seen the vehicle in the neighborhood a little bit, and did not know who the man was. Mr. [REDACTED] stated that they had a garage sale a while ago, and he was telling his wife that the old man looked like the person that came over to the garage sale; telling me that it was kind of scary that that could have been him that was involved in the shooting.

Mr. [REDACTED] stated he went over to [REDACTED] and spoke with a lady across the street; asking her if that was the old man that lived here that drove an old grey Blazer. She stated yeah, I think that was the man that shot my grandson. He stated that this grandmother told him that they were the ones arguing, and he didn't know what they were arguing about.

I confirmed with Mr. [REDACTED] he didn't see anything involving these two fighting before or anything like that, and told me no.

I thanked him for his time, and then we disconnected the phone line.

VOICEMAIL FROM JACK ROGERS:

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NARRATIVE (continuation)

07-19-2016 (Tuesday)

11:42 A.M.

I would receive a voicemail from Jack Rogers (DOB: 02-04-1936). In this voicemail Jack asked for his shoes, and that he was hurting everywhere. Jack asked to get his car back. Jack also requested that he cannot see, and he needed his glasses that were inside the car. Jack asked me if there was anything that I could do to help him. The phone number that Jack called me from was [REDACTED]

RETURNED JACK'S PHONE CALL:

07-19-2016 (Tuesday)

2:28 P.M.

I called Jack back at the phone number of [REDACTED] I spoke with him briefly; telling him that no property could be released at this time, and that his vehicle was currently in police evidence. I advised Jack that the only personnel that could authorize the release of his property was the El Paso County Fourth Judicial District Attorney's office. I told him that I would first have to write up everything and send it over to them so they can review it; so they can make the decision if to release any of his property. He stated he understood and thanked me for calling him back.

E-MAIL FROM THE FOURTH JUDICIAL DISTRICT ATTORNEY'S INVESTIGATOR'S

OFFICE:

07-19-2016 (Tuesday)

2:34 P.M.

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NARRATIVE (continuation)

I received an e-mail from Deputy Chief Investigator D. Edwards with the Fourth Judicial District Attorney's office. Deputy Chief Investigator is an Investigator with the Fourth Judicial District, District, Attorney's office, which is located at 105 East Vermijo Avenue, Colorado Springs, Colorado 80903.

In this e-mail it contained the driver's license history for **Jesse Garcia (DOB: 09-20-1992)**. In this record it showed Jesse's driving history, which included driving a defective or unsafe vehicle, speeding, and DUI for alcohol and/or drugs.

I observed that his driver's license was currently valid with an interlock device.

E-MAIL FROM VICTIM ADVOCATE UNIT:

07-19-2016 (Tuesday)

5:02 P.M.

I received an e-mail that contained a voicemail from the Victim Advocate Unit. In this e-mail it was Jack requesting help because we took everything from him, and that he was the victim. Jack says in the audio that he, being the kid, shot himself. Jack had asked for help.

EVIDENCE COLLECTED/SUBMITTED:

The following item has been collected and submitted into evidence at the Police Operations Center (POC) Digital Information Management System (DIMMS), which is located at 705 South Nevada Avenue, Colorado Springs, Colorado 80903.

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NARRATIVE (continuation)

Set 0029 - Interview of Orlando Franceschi

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forthcoming supplements for further information.

Nothing further.

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OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 7/25/2016 08:21
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos			
STATUTE / DESCRIPTION			
Counts Attempt/Commit			

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS			
		PRIMARY PHONE	
		SECONDARY PHONE	

RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP					
					EMAIL ADDRESS

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS			
		PRIMARY PHONE	
		SECONDARY PHONE	

VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
TYPE / MAKE / MODEL	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
PLATE	STATE	VIN
DESCRIPTION		YEAR
		COLOR
		VALUE

ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
SERIAL NUMBER	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
QTY/UNIT OF MEASURE	VALUE	COLOR
ITEM TYPE and DESCRIPTION		

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM #		APPROVING SUPERVISOR & IBM #	
Suarez, Michael 3523		Rodgers, James	Homicide



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NARRATIVE

DETECTIVE STATEMENT:

07-20-2016 (Wednesday)
7:59 A.M.

I (Detective M. Suarez/3523D was currently assigned to the Violent Crime Section/Homicide Unit), received a voicemail from Jack Rogers (DOB: 02-04-1936). I received a voicemail from phone number [REDACTED] Jack stated he was calling because he wanted me to see if there was a way that I can find out if the young man (Jesse Garcia DOB: 09-20-1992) fell and possibly hit the trigger. Jack stated he did not know if it was his hand or finger that pulled the trigger. Jack also asked for items back, saying that the items we took are causing him a lot of inconvenience. Jack requested that I would call him back.

VOICEMAIL FROM FOURTH JUDICIAL DISTRICT ATTORNEY INVESTIGATOR'S OFFICE:

07-20-2016 (Wednesday)
9:20 A.M.

I received a voicemail from El Paso County District Attorney's office Investigator G. Couch. Investigator Couch stated that a Tim [REDACTED] showed up at the El Paso County District Attorney's Office (which is located at 105 East Vermijo Avenue, Colorado Springs, Colorado 80903). Mr. [REDACTED] showed up asking why nobody had been arrested in his nephew's case. Mr. [REDACTED] told at the front desk that he was the uncle of the deceased. He has provided a phone number of [REDACTED] as his contact number. I was advised by Investigator Couch that Mr. [REDACTED] had been sent home.

CRIME ANALYSIS:

REPORTING OFFICER & IBM #
 Suarez, Michael 3523

APPROVING SUPERVISOR
 Rodgers, James



COLORADO SPRINGS POLICE DEPARTMENT
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(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

07-20-2016 (Wednesday)
11:32 A.M.

I requested through the Crime Analysis Unit to have Call Screens located for the address of [REDACTED] Colorado Springs, Colorado [REDACTED]. These were the corresponding addresses for our victim and suspect.

DETECTIVE STATEMENT CONTINUED:

I would call Jesse's grandmother, who is identified as a Patricia [REDACTED]. I was provided with a phone number of [REDACTED]. I was provided her address as [REDACTED] Avenue, Colorado Springs, Colorado [REDACTED]. I was provided this information by the Victim Advocate Unit.

STATEMENT:

07-20-2016 (Wednesday)
10:51 A.M.

After dialing this number, an unidentified female answered her line saying yeah. I asked her if her name was Patricia, and she stated yes. I then introduced myself to her as a Detective with the Colorado Springs Police Department. She then told me that she was so glad that I called her. I asked her how she was holding up, and she told me that she was doing pretty good.

Ms [REDACTED] stated they let him out, and she did not know why. Ms [REDACTED] stated let me tell

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You what, I've been living here for 5-years, saying that he (Jack) has been harassing her for the past 5-years. Ms. [REDACTED] stated Jack has harassed her grandkids. She stated Jack had a road rage incident not too long ago with her daughter and her daughter's boyfriend. She stated Jack told him to come on over there to his yard, which Ms. [REDACTED] stated her grandson told him no. She told me that it was her daughter's husband sort of, or whatever you want to call it. Ms. [REDACTED] stated no, if you want to come and talk to me, you come out in the street, and why do you keep on harassing us. Ms. [REDACTED] stated the people that are next door to her, he keeps on harassing them. She stated that every time they see him coming, they close the door on him.

Ms. [REDACTED] stated that they bang on his door and stuff. I told Ms. [REDACTED] that's why I was calling her, that I had heard that Jack possibly knew her grandson, Jesse. Ms. [REDACTED] stated 5-years she had been living in this house.

Ms. [REDACTED] described at one time they were having a party at her house, and that the kids were out back and that the adults were out front. She stated she heard one of her kids yelling to Jack saying get out of our yard. Ms. [REDACTED] stated that Jack was trying to open up the back gate to get into the back yard.

I asked Patricia if there was a garage sale on that day, being the date of the shooting 07-17-2016 (Sunday) if there was a garage sale at her house, and she told me no. I asked her if there was any garage sales in the area, and she told me no and none that she knew of. I asked Ms. [REDACTED] when the last time Jack or anyone in her family had any issues with each other, and she told me that she really did not know.

Ms. [REDACTED] stated that she does know that Jack does mess with her family. Ms. [REDACTED] stated that when the last times that she knew anything was going on was when her daughter was coming over to her house with her boyfriend. She stated that Jack had been road raging

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NARRATIVE (continuation)

with her about her and her boyfriend. Ms. [REDACTED] estimated that it could have been maybe a month ago that this incident happened. I asked Ms. [REDACTED] who her daughter was, and she stated her name was [REDACTED].

Ms. [REDACTED] stated that her daughter was currently at work, and she wouldn't know if she would answer. She stated she'd still give it to me, and I would also provide Ms. [REDACTED] with my contact information so this way if she happened to run into her daughter or spoke with her, she could pass on my phone number to her.

Ms. [REDACTED] stated that she was willing to come down and talk to us, and find out what she could. She also wanted to make sure that we knew about Jack harassing them.

I asked Ms. [REDACTED] if she's ever called the police before due to this harassment, and she told me yes, she did. I confirmed with her that her address was [REDACTED] and she stated that is correct. Ms. [REDACTED] stated that they'd called the police and they did come out. She even told me that Jack would call the police constantly, and the police would come out. Ms. [REDACTED] stated that they wouldn't do anything, that they would just play their music.

I asked Ms. [REDACTED] if Jack has ever seen her grandson, Jesse, before. She stated he might have. At that time, Ms. [REDACTED] stated hang on, let me ask my other grandson. I heard Ms. [REDACTED] ask a male individual this information, and I heard the male say yeah. I heard this male ask who it was, and Ms. [REDACTED] responded it is the police. Ms. [REDACTED] asked me if I wanted to talk to him real quick, and I stated yes.

A male came on the line and I introduced myself as a detective with the Colorado Springs Police Department. This individual said hey Suarez. He told me that Jack has seen Jesse before. This individual described that at one time before, Jesse had parked his white Mustang in front of Jack's house before. He stated it was the same car that his cousin was always in.

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This individual stated that Jack came out telling them that they needed to move their car. This individual stated that Jack told them, "move your cars out of the street niggers". This individual stated that they moved the car across the street, stating that this old guy was tripping. This individual stated this incident happened 3-weeks ago. He told me that it was almost 3-weeks to the day. He told me that his cousin got killed over road rage, with the same guy that always has problems with us. He told me that it was the same guy that also everybody had problems with in the neighborhood. I asked this individual for his name, and he provided it to me as **Deondre [REDACTED]**. He provided me with h [REDACTED]

I asked Deondre if he saw this happen, or if he was with Jesse, or if he just heard it from Jesse when it happened. Deondre stated that he was actually with Jesse and saw all of this happen between Jack and him. Deondre told me that this was so senseless, and he did not know why it happened. He told me that they were all confused that this happened.

I asked Deondre if he knew of any other problems with Jesse or Jesse and him, and he told me that they didn't have problems with him, it was just him having problems with them.

Deondre started explaining that they spoke with one of the neighbors yesterday, and that neighbors told him that Jack's been racist of late, and out on a vendetta; saying that Jack would stay outside and be watching everybody. He stated that Jack would be sitting outside to about to 3 o'clock in the morning, just sitting there watching everybody with the door open. He stated it was weird and that they just didn't understand it. He stated they don't cause trouble with nobody, and they don't want no trouble from anybody.

I asked Deondre if there was anybody else that we should talk to, and he told me that we should talk to his neighbor. I asked him which neighbor this was, and he told me if I was facing Jack's house, it was the neighbor towards his left.

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Deondre stated that there was a lot of rumors going around out there with the media, and people talking. I told him not to listen to any of that stuff, and just anything important would come out from the Police Department or the District Attorney's office. He stated he knew, but he's still hearing quite a lot of stuff.

Deondre asked me if his cousin, Jesse, suffered at all, and I told him I did not believe so.

I thanked Deondre for his time, and then spoke again with Ms. [REDACTED] briefly, just providing her with my contact information. I thanked her for her time, and then we disconnected the line.

E-MAIL FROM CRIME ANALYST:

07-20-2016 (Wednesday)

12:56 P.M.

I received an e-mail from the Colorado Springs Crime Analyst. In this e-mail it contained several Calls for Service for the address of [REDACTED]

I reviewed these and observed that on 11-09-2012 there was a Call for Service documented under Call for Service Number [REDACTED] came in as a noise complaint, with the address of [REDACTED] The notes stated no signed complaint. The suspect black male, 18-

years of age. Suspect vehicle in the driveway, ongoing problem per Reporting Party (RP), lots

[REDACTED]

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[REDACTED]

The next Call for Service I observed was from 05-20-2012, with a Call for Service Number of [REDACTED]. I observed that this call for service was harassment at [REDACTED]. The call for service stated occurred today. Harassment from neighbor at [REDACTED]. RP said suspect always carries a pistol in his back pocket. Suspect is a white male, 70-years of age, 5'6", medium, wears glasses and has grey hair. Last seen wearing a plaid shirt, black jacket, unknown pants. Suspect vehicle was a green truck that was parked in the driveway.

Next Call for Service was from 09-21-2011, with a Call for Service Number of [REDACTED]. The location was [REDACTED]. This was also a noise complaint. It stated two people in the garage with a loud stereo, ongoing problem. Nothing further. I would observe that the RP was back on the line that the music had vulgar language.

The next Call for Service I observed was 09-09-2011, with a Call Screen Number of [REDACTED]. This was noise complaint. The complaint was loud rap music. One person involved. Suspect was listed as a 17-year old black male, around 6-feet high, heavy build. I observed that the RP was calling back stating the noise was still occurring. It stated the RP made verbal contact with the neighbor, and states they made fun of him. [REDACTED]. RP does not want to sign complaint. I would observe that it said two males sitting in the driveway with loud music, was an ongoing problem.

I would observe another Call for Service on 07-31-2011, with a Call for Service Number of [REDACTED]. I observed this was a noise complaint for [REDACTED] address. I observed that it was a loud music at this location, and the RP has asked the suspects to quiet down. It states suspects are black males, heavy builds, 20's. RP was calling back to confirm the location. Does not want to sign complaint. Ongoing problem with noise.

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Next Call for Service was 06-25-2011, under Call for Service Number [REDACTED] This was also a noise complaint for the address of [REDACTED] In this call for service listed as three people involved per the RP, and that it was a loud party. Says the suspects are in the garage now. That there is a pitbull still in garage with suspects. Shows that there was a linked call of [REDACTED] It says on the linked call it was a kegger. Call Screen indicates that ongoing problem, and the RP is back on the line saying the noise has stopped, and that the PD was not needed. The call was cancelled.

I would observe the kegger call for service that was called in on 06-25-2011, under Call Screen Number [REDACTED] stated that there was a large party. No signed complaints. Unknown suspect info. Stated all safe and alcohol involved, unknown drugs. Stated that it was possibly teens, but no further information.

On the Call Screen I could see that the RP was calling back and that the Police had just arrived. Stated that the RP called back and that an unknown person arrived at the location. The kegger has now stopped, and police were no longer needed.

VOICEMAIL FROM TIMOTHY [REDACTED]

07-20-2016 (Wednesday)
1:09 P.M.

I received a voicemail from an individual, who I identified himself as Timothy [REDACTED] asking for a call back. I was provided a phone number of [REDACTED]

VOICEMAIL FROM STEVE [REDACTED]

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07-20-2016 (Wednesday)

1:20 P.M.

I received a voicemail from a Steve [REDACTED] Mr. [REDACTED] stated in the voicemail he was the son-in-law to Jack. He stated that he was trying to recover Jack's shoes and glasses, stating that it was inconvenient for him not to have these items.

He stated that he was at Jack's house, and observed that there was a memorial that stated Jesse in front of it. He told me that there was a concern because he did not know who the victim was, and believed that if it was Jesse, that these two addresses were very close in proximity. He stated the sign stated Justice for Jesse. He requested a phone call back and provided me with a phone number of [REDACTED]

E-MAIL FORWARDED TO ME:

07-20-2016 (Wednesday)

3:21 P.M.

I was forwarded an e-mail from the Victim Advocate Unit with the Colorado Springs Police Department. In this e-mail it was from Mr. [REDACTED] stating that he needed assistance and requested contact by the Police Department.

[REDACTED]

[REDACTED]

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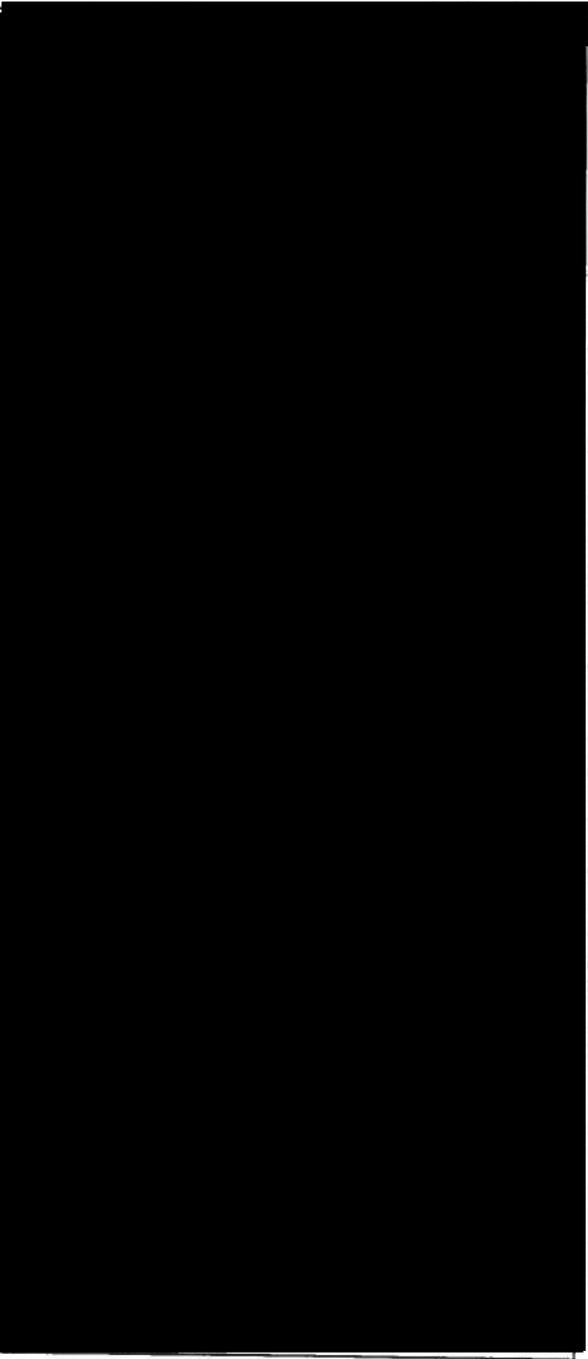


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NARRATIVE (continuation)



E-MAIL FROM SERGEANT RODGERS:

07-20-2016 (Wednesday)

5:34 P.M.

I was forwarded an e-mail from Sergeant Rodgers. In this e-mail it was a voicemail from a Timothy [REDACTED] Timothy had called saying that he was the uncle of the person that was killed, and did not understand why no charges had been filed. Mr. [REDACTED] requested that he get a phone call back, and provided his phone number as [REDACTED]

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forthcoming supplements for further information.

Nothing further.

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NARRATIVE

DETECTIVE STATEMENT:

07-17-2016 (Sunday)

3:11 P.M.

I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit), received a phone call on my department issued cell phone from Sergeant M. Finn/0961D. Sergeant Finn advised me that there was a shooting, a suspect had been detained, and the victim was currently on his way to the hospital with a gunshot wound to the head. Sergeant Finn requested that I respond to the Police Operations Center (POC) which is located at 705 South Nevada Avenue, Colorado Springs, Colorado, 80903. Sergeant Finn requested that I talk to the suspect who was identified as a **Jack Rogers (DOB: 02-04-1936)**. Sergeant Finn also advised me that I would be the lead detective on this case.

EN ROUTE:

07-17-2016 (Sunday)

3:30 P.M.

I left my home in my department issued unmarked vehicle. While en route to the POC I observed that the temperature outside was 89 degrees and that it was mostly cloudy.

ARRIVAL AT POC:

07-17-2016 (Sunday)

3:50 P.M.

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NARRATIVE (continuation)

I arrived at the POC and made contact with Officer R. Hallas/2035P. Officer Hallas had transported Mr. Rogers to the POC and advised me that he was first on scene. Officer Hallas provided me with a quick synopsis of what Mr. Rogers had told him. Please see Officer Hallas' supplement for further information. I did ask Officer Hallas if Mr. Rogers was handcuffed when transported here to the POC, and he told me he was not. I asked him if Mr. Hallas had been Mirandized yet, and he told me he had not. I asked Officer Hallas which interview room Mr. Rogers was in, and he told me that he was currently sitting in Interview Room Number One. I asked Officer Hallas if we could move him into Interview Room Number Two; this interview room was larger in size.

DETECTIVE STATEMENT CONTINUED:

While I was waiting for Lieutenant B. Poole/0382D, and Senior El Paso County District Attorney, D. Bilek, I grabbed the necessary paperwork that I needed to complete my interview with Mr. Rogers. I would also be joined by Detective S. Peterson/1408D. I would be notified by Sergeant Finn that he would no longer be the supervisor in charge of this investigation and that this was passed on to Sergeant J. Rodgers/1412D. After Ms. Billek and Lieutenant Poole arrived, I would start my interview with Mr. Rogers. It should be noted that the following interview was recorded and the following information is only a synopsis of my interview with Mr. Rogers. Please see the complete recording that was placed in evidence for further information.

MR. ROGERS INFORMATION/STATEMENT:

07-17-2016 (Sunday)
4:41 P.M.

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Before sitting down Jack told me that his chest area was hurting him. I asked him if he needed medical to come look at him, and he told me no. I would then sit down and show Jack my credentials, show him that I was a police officer with the City of Colorado Springs Police Department. After showing Jack my credentials he asked me if there was a way he could get a couple of aspirin. I asked him if he was okay or if he needed medical, and he told me that his neck was hurting and that it was popping every time he turned it. I asked him again if he wanted medical, and he told me, nah, I don't want no medical. He told me he just wanted it on the record.

I started filling out the Colorado Springs Police Department Miranda Sheet and asked Jack if he still had his ID on him or if they took it, and he told me, nah. He asked me if he was going to get his Glock back, and I told him that I did not know. I told Jack that I didn't even know what had happened yet and that's why we were here, to figure it out. I would then complete the Colorado Springs Police Department's Miranda Sheet with the following information:

Name: Jack Allen Rogers

DOB: 02-04-1936

Age: 80

Home Address: [REDACTED]

Cell Phone Number: [REDACTED]

Employer Information: Retired

I explained to Jack that I knew he was transported to the POC un-handcuffed; he was in the back of a car, and currently in a police station. I advised him that I wanted to read him his Miranda rights and asked him if he has heard that before, and he told me, oh yeah. I read Jack the following off the Colorado Springs Police Department Miranda Sheet.

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Miranda Warning:

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have them present with you while you are being questioned.
4. If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish.

I explained to Jack that I had two simple questions for him.

Waiver:

1. Do you understand each of these rights I've explained to you? Jack shook his head up and down in a yes motion and then verbalized by saying, "Yes."
2. I read Number Two to Jack, having these rights in mind, do you wish to talk to me now? Jack stated, "Sure." I clarified with Jack if that was a yes, and he stated, "Yes."

The clock inside the interview room had a time stamp of 6:42 P.M. The time stamp on the video recording showed 4:47 P.M. on 07-17-2016 (Sunday); that would be the time that Jack waived his Miranda rights.

I told Jack that I didn't know what really had happened today and that he was just transported down here because something had happened. I asked Jack to explain to me what had happened today. He stated he was heading down Corona towards Brookside to eat. Jack stated he looked back and he was on his back bumper with his bumper. Jack stated he went to turn left there and put his hand out, making the traffic signal for the hand motions. I observed that Jack was putting his left hand down towards his side. He stated it was his left hand turn signal. He said, he almost hit me. Jack said he following him to the KFC. He said that this individual had tried to pass him on the right and that he couldn't. Jack said instead

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he passed him on the left. Jack said he went and parked. As he was parking Jack said he came up to the window cussing. He said this individual was asking him what was wrong with this old man. Jack said he told this individual to get out of here, get out of here right now. Jack explained to me that his Glock was sitting right there, making a motion with his right hand going up and down next to his knee area on the right side of his body. Jack stated that there was a box that was in between the seats. He stated he picked it up and held it about like this. I saw Jack's right arm come up to his chest area. I observed that his right hand was in a motion of holding something that would be consistent like a gun. I observed that his right shoulder to his elbow was down to the right side of his body and that his elbow to his hand was bent at a 90 degree angle and pointing towards me. He stated he was high on something and that this individual looked him square in the eye.

Jack said he went like this, again showing me that the gun was in the same position but slightly more at a slight angle going towards an upward position with the muzzle. Jack stated he grabbed it. He said that he was trying to lay it down like this, showing me again that he was trying to place it on the right side of his body, and made a setting down motion with his hand. Jack said he went to pull his phone out, reaching with his left hand. I observed that he was putting it in his pocket on his flannel shirt on the left side of his body. Jack said he was going to dial 911. He said he came through the window, grabbed the steering wheel, grabbed at him and hit him. Jack stated he hit him here; Jack put his left hand right over his left breast area, stating he believes it was with that individual's elbow. Jack said he had ahold of it and was pulling it. Jack stated he was pulling it out of the window. Jack stated he only had his right hand on it. He said it went off. Jack stated he knew this individual grabbed the steering wheel to get in there. Jack said that he was all over him.

I asked Jack what he was doing before this, telling him that he was going to get something to eat. I asked him if he was coming from his house, and he stated yeah. I asked Jack what time he left his house, and he said he had no idea. He said that he was hungry. I asked Jack

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where he was going to go, and he told me Taco Bell. I asked Jack to describe to me which way he went to Taco Bell. He said he went west on [REDACTED] Avenue. He stated he turned right onto William. Jack said he got to Corona and turned right. Jack said that's when he was behind him. Jack said he did not stop at the stop sign by the school, referring to the other vehicle. He said he turned left onto Brookside. Jack said he was right on him. He said that he turned left, putting on his signal, again showing me the hand signal, and went in there. Jack said he gunned it and passed him on the right. Jack said he couldn't do, hit the brakes, and got on his bumper again. Jack said he passed him on the left and went and parked.

I asked Jack what kind of car he drives, and he told me that it's a 1977 International Scout Traveler. I asked Jack about the other car, and he told me he did not know, saying it was a junker. He told me that it was a little bug. I asked him if he could recall what color, and he told me that it was different colors. Jack said it was a piece of crap. I asked Jack when was the first time that he saw the car up on his bumper. Jack stated it was at the corner before getting to the corner of Brookside and Corona. Jack started explaining that there's a stop sign by the school and he was behind him there. Jack said that he was right up on him, followed him, and turned left. I asked Jack when he said right up on his bumper, how close, and he told me he is surprised that that individual did not hit him. I asked Jack if he was talking about feet or inches, and he told me that he was almost touching him.

I asked Jack if he could see what the person that was driving the car looked like. He told me that it was a "light complected Negro." Jack stated his eyes were looking like he was looking into the eyes of the devil. Jack said that he was high on something. Jack said he was sure they would check his blood. Jack then asked me if he was dead, and I told him I did not know. I explained to Jack that I was with him and I had no idea. It should be noted that I would not find out that the male victim was deceased until well after my interview was over with Jack. I was advised that he actually was pronounced deceased almost at the beginning of my interview with Jack. I asked Jack if this individual was by himself in the car, and he stated,

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Yeah, I guess, telling me that he did not see anyone else. I asked Jack if he was by himself in the car and he shook his head up and down in a yes motion.

I asked Jack after he saw the car at Brookside and Corona what happened next, and Jack told me that he followed him into the KFC. He said that he tried to pass him on the right there and that he couldn't. Jack told me that there was no room for him to do it there. Jack said he hit the brakes and pulled in there. Jack said he was trying not to have any confrontation. I asked Jack if this individual tried to pass him on Nevada, Brookside, or Corona, and he told me that it was a block east of Nevada Avenue, saying that it was behind the KFC. Jack said it was not a very wide entrance into it. I asked Jack if the entrance was for two cars, and he told me that the entrance wasn't really made for two cars. He told me that every time he goes in there he lets someone come out so he can turn. Jack made the comment that it was not a wide street.

I asked him how long he thought this individual was following, and he told me that he couldn't even guess. Jack then estimated two to three minutes. I asked Jack if this individual was honking at him or anything like that, and he shook his head back and forth in a no motion while saying no. Jack said this individual would give him the finger. I asked him where this was happening, and he told me right at the turn where you turn into there at the back of the KFC. Jack said this individual was hollering, screaming and cussing at him. I asked Jack if he remembered what he was saying, and he told me some pretty bad language. I told Jack that you are not going to offend me. Jack then stated that he really didn't pay that much attention to him. Jack stated he was just trying to ignore him. Jack stated something about old man, crazy, and what the fuck is the matter with you. Jack stated it was the same thing that he said to him walking up to his car at the Taco Bell.

I asked Jack if his windows were rolled up or down, and he told me that both windows were rolled down because it was hot outside. I asked Jack which windows were rolled down, and he told me that it was both of them, being the driver and passenger. I asked him if it was the

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front passenger or rear passenger, and he told me that there were only two windows in it. I asked Jack how fast they were going, and he told me that he looked down at his speedometer and they were only going 25 miles per hour. Jack says he tries his best to obey the law, telling me that nobody else does. He started talking about a stop sign and saying that he was the only one that stopped at it.

I went over again with Jack about the car following him and the turn, where he explained to me that the car was passing was him. He told me that the car could not pass him on the right due to some obstructions, saying that he could not pass him on the right, saying there was no way he could. I asked him if when he was passed on the left side if this individual drove up on the sidewalk, and he told me that he had passed him on the left and went and parked. I confirmed with Jack that the Taco Bell and KFC were next to each other, and he stated they are. He told me that if you go in westbound that it is a block before them that you would turn left. Jack tells me after this car passes him on the left it goes and parks somewhere in the parking lot, telling me that he did not see where. I asked Jack if he goes and parks in the parking lot, and he tells me he does. He stated that he parked on the left side of the entrance in the handicapped parking space.

I asked Jack what happened next and he told me that he came out between the cars, screaming. Jack said what kind of problem do you have old man, what the fuck is wrong with you, and came right at him. Jack said his eyes telling me that he knew he was high on something. He said he did not know what the deal was. I asked Jack what made him think that he was high on something, and he told me that his eyes looked like the devil. I started to ask Jack what does that mean when Jack cut me off and said he wouldn't change his glance or nothing. Jack said he was staring at him and got real close to his face. Jack told me that he could smell his breath. I asked Jack again what this individual was screaming at him when he got out of the car. He said what kind of problem do you got. I asked Jack if he said anything back to his person, and he told me no. Jack said no, not until he came at him and

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put both arms on his window seal. Jack told me that's when he picked the Glock up. Jack said that it was laying right there in plain sight. Jack said that there was a box with the lid on it. Jack said that he was in Stratton Meadows.

I tried having Jack explain to me when he was talking about the individual coming up and putting both hands on the window seal when Jack cut me off, saying he was looking at me and leaned over. Jack said he was right in his face. I responded back to Jack, asking how far away. Jack stated, right in my face. I then put him my hands in front of my face, going like this or like this, trying to show a distance or the gap. Jack then held up his right hand, placing his right thumb almost directly on his nose. I asked him if it was almost touching, and he stated almost. Jack once again told me that he could smell his breath. I asked Jack if he could smell anything, and he told me no.

I asked Jack what happened next. Jack said he told him to get out of there and do it now. Jack said his eyes got crazier. Jack once again picked up his right hand, putting it up at almost a 90 degree angle in front of him, saying he picked up the gun and that he was going to put it down and call 911. Jack said that he came to the window and grabbed his wrist. I confirmed with Jack that his gun was a Glock, and he told me that it was a Glock 23, telling me that it was a .40 caliber. I asked him if it was a semi-automatic or a revolver, and Jack said it was a semi-automatic. I asked Jack how many rounds it had, and he told me 13. Jack stated there was 12 in the mag and one in the pipe. I asked Jack if there was a safety on it, and he told me that there was no safety on the Glock, telling me that it was just the trigger. He stated it was incorporated into the trigger. I asked Jack what color the Glock was, if it was silver or black, and he stated that it was black.

I then went over with Jack about where the gun was kept, and he started explaining to me that it was kept in a thing that you pulled out to get stuff, and I said like a center console, and he stated yeah. Jack said it was custom made. Jack said that he cut a piece of carpet like that,

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telling me that he had his billfold and some miscellaneous items laying there, telling me that they would still be there. I asked Jack if it was sitting in it or on top, and he told me that the Glock was sitting on top of the carpet. Jack told me that he was out garage sailing today. Jack said that he was buying, selling, trading, everything. Jack told me that he did not feel good. Jack said that his neck cracks when he turns it. Jack told me, go ahead, and I told him if he needed medical to let me know. Jack said that he doesn't need medical and that he refused it, telling me that he had no insurance. Jack told me that he was over at the VA.

I went over with the Jack the individual reaching in and grabbing the gun, and Jack told me that he told him to get out of there now. Jack said that's when he went crazy. Jack said he wasn't shifting his eyes, and told me it was the way he, being Jack, was looking at me right now. Jack said he was up real close. Jack said he went back and then lunged. I asked Jack in regards to this individual's hands if they were inside the car when he was describing that he had grabbed his window seal. Jack told me that he put them up there. I asked Jack if this individual's hands were sort of laying like this, making it look like somebody was resting up with their elbows on the window seal, leaning in, or if it was like this with a grabbing motion to hold onto the window seal from the outside to the inside of the car. Jack then put his hands down like he was almost going to be playing the piano and told me, like that. I confirmed with Jack that he told me that they were close, and I asked him if he was close to him at that time and he stated yes. Jack then told me he grabbed it like that and held it like this, again picking up the gun from his side and bringing it up to his chest area. Jack once again stated, get out of here and do it now. Jack said he then went crazy. I asked Jack what he meant by that, and he told me this individual backed up and lunged at him. Jack said he grabbed his arm and this individual grabbed his gun with both hands and pulling it out. Jack told me he had his phone in his left hand. Jack said he thought he was going to take it away from him. Jack said he about just had it, and I clarified with Jack if he was going to get the gun or the phone, and Jack told me it was the gun. Jack told me that it went off. Jack said that he shot himself. Jack stated he caused it to happen. Jack told me he did not deliberately pull the trigger.

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I asked Jack when he was talking about the individual backing off, how far he backed off. Jack made a motion of leaning back and then coming forward in his chair. Jack said that he used that momentum to come in. I asked Jack if he was talking about feet or inches. Jack said this individual did not move his feet. I confirmed with Jack that this individual didn't just lean back, and he stated yep, telling me that he leaned back and dove in. I asked him what he meant by dove in. Jack said he just dove in. I told Jack that when he's talking about him diving in that I was imagining someone like Superman, putting my hands in front of me. Jack told me that when this individual dove in that he believes the elbow hit his mid chest bone area. Jack told me he then grabbed his right arm, making a motion with both of his hands in front of him in a grabbing motion. Jack told me that he had the telephone in his left hand. Jack said that he was getting ready to dial 911. Jack said he grabbed his right arm and was pulling it out like that. Jack had his arm at a 90 degree angle in front of his right chest area and then pulled it up almost to neck level and making it look like he was being pulled across his body. Jack said then that's what caused it to go off. I confirmed with Jack after he said that he dove in and he got hit, Jack then put his right hand up to his chest bone area, the middle of his chest, saying I got hit right there, telling me that it was sore. Jack told me that he was sore over here, raising his right arm and placing his left hand in his right armpit area. Jack said it was his shoulder and everything.

Jack told me when this individual grabbed for the gun he thought that this individual was going to get the gun away from him. I was going over with Jack how this individual dove in and grabbed the gun, saying that he had the phone in his left hand and that the gun was down towards his right. Jack told me that as he was coming in he got hit in the face area, pointing to the left side of his face. I could see that his left side of his face had a black and blue bruise that appeared to be fresh, and then also a possible cut on the left side of his nose down by where his cheek and nose touch. I asked Jack what he got hit with, and he told me, "His fist." I asked Jack if the fist was open or closed and he told me I don't know, all I know is that he hit

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me. Jack told me he did not see that. I asked Jack if he knew what hand had hit him, and he told me it had to be his right hand. Jack told me that something had to hit him right here, once again putting his right hand up to his chest bone, telling me that he was sore. Jack said he was sure that that was bruised. I asked Jack when he got hit if that was before the person was diving in or after, and he told me it was as he was diving into the car. I asked Jack if he had released his grip on the gun when he was telling me that he was going to put it down on the box, and he told me that he had not yet. He told me that he was able to get his hands on him. Jack then pointed out some blood on his right pant leg, going that there was blood here and there. Jack said he did not know if it was his, being Jack's or the other individual's. Jack told me that he was bleeding right here, raising his right hand, and then with his pointer finger on his left hand pointing to his right pointer finger knuckle.

I go over again with Jack that he comes in and hits him, and Jack says hard. I asked Jack what happened next, telling him that his arm came up. Jack told me that the individual with both hands grabbed his arm and pulled his right arm up, forcing the gun to almost come out of his hands and being pointed towards this individual. I asked Jack where this individual was grabbing him at, and he told me that he had the gun and had changed it to his hand. I confirmed with Jack that he wasn't actually grabbing his arm but was actually grabbing his wrist area right over his hands where the gun would have been held and Jack told me yeah. Jack tells me that this individual jerks his arm up and then the gun is pointing up. Jack told me that when he did, "bam." I asked Jack when he said bam how close this individual was to him. Jack told me that he had it out the window. Jack said that he had his arm out the window or partly, saying he did not know if it was all the way out or what. Jack told me he did not know where it went off. Jack stated it surprised the hell out of him. Jack said he had no intention of pulling the trigger on him.

I tried asking Jack if the gun was inside or outside of the car, and he told me he did not know, stating it could have been outside of the car, saying he did not know. Jack told me that they

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could probably tell by the GSR if they did the car. Jack said that he knows that he, being the other individual, has it on both of his hands. I asked Jack if they were pretty close when the gun went off, and Jack raised both of his arms up saying, like that. I would observe that maybe it was a foot apart between his hands. Jack said he was going back out the window and had it. Jack said he would have had the gun if it didn't go off. Jack said he had both hands on it. Jack told me, in fact, he had even twisted it. I asked Jack what he meant by that, and he told me that this individual was trying to get the gun out of his hand. Jack told me that he was manipulating and that he was strong. I asked Jack what happened after the gun went off. Jack said he dialed 911. Jack told me that everybody else out there was also dialing 911. Jack said everyone was making him out to be the bad guy. Jack told me he was in fear of retaliation. Jack told me that he was a banger. Jack stated, the Meadow Apartments is full of them. He said there were three different kinds of bandana colors.

I asked Jack if he had any alcohol today, and he told me he did not, telling me that he's been sober for many years. I asked Jack about any drugs or anything like that. I told him like marijuana or anything like that, and he started laughing at me.

I asked Jack if he was on any medications

[REDACTED]

I told Jack that I had a map of the area but after reviewing that map I did not believe that a pen marking it would be sufficient in seeing what Jack was talking about. He told me that he needed to go to the bathroom. Before I exited the interview room I asked Jack if he needed anything else and he told me that a double shot of whiskey would be good right now. I got up and exited the interview room at 5:13 P.M. on 7-17-2016 (Sunday)

As the door was closing I heard Jack say something and when I opened the door asking him

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what was that he asked me if he could go to the restroom. Before taking Jack to the restroom I entered Interview Room Number Two at 5:17 P.M. on 07-17-2016 (Sunday). I advised Jack before I could take him to the restroom that I needed to complete a gunshot residue (GSR) kit on him. While collecting the kit from Jack I asked him if there was any family in town that we could call and he told me that we could call his daughter [REDACTED] who drives a delivery route in town for the mail. [REDACTED] told Jack that we would be collecting his clothes and asked him if he was okay with [REDACTED] sweatpants or if he wanted his family to bring him something to wear.

I started collecting the GSR kit from Jack and he told me that he must have twisted the Glock pretty hard because his hand was hurting. After collecting this GSR kit it would be placed into evidence. Jack told me that he should have stayed home and just watched TV. After collecting the GSR kit, I escorted Jack out of the interview room at 5:21 P.M. on 07-17-2016 (Sunday) and an unformed patrol officer and I escorted him into the restroom. I escorted Jack back into Interview Room Number Two at 5:26 P.M. on 07-17-2016 (Sunday).

Before I exited the interview room I asked Jack if he needed anything and he told me that he still could use that double shot. While I was out of the interview room Jack knelt down on both knees at 5:32 P.M. on 07-17-2016 (Sunday) and made a prayer like motion with his arms crossed and sat down at the table. At 5:33 P.M. on 07-17-2016 (Sunday) Jack would get up from his kneeling position and sit back in the chair.

In entered Interview Room Number Two at 5:44 P.M. on 07-17-2016 (Sunday). Jack told me that he must have bent that thing clear over because his hand was hurting. Jack asked me if I heard anything about him, if he was still alive. I told Jack that I had not heard anything yet. Jack told me that he changed his mind telling me that he did not think he'd be able to drive home telling me that he needed to call his daughter. I told Jack that in the worst case that somebody or one of us could take him home. He asked that maybe she could bring him some

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clothes. I asked Jack if he had a phone number for his daughter and he provided to [REDACTED]

I asked Jack what his daughters name was and he told me it was [REDACTED] [REDACTED] told Jack that I had a map and I was going to have him point out some areas on it that he was talking about. He leaned over and told me that he really couldn't see it because he doesn't have his glasses, telling me that is what his glasses are for. I asked him if he could see it and he told me no, not really. I told Jack that this doesn't really help him and he told me let's see. He then leaned in and started reviewing the map when I pointed out where the KFC and the Taco Bell were. I explained to Jack that he was telling me that he had tried to pass him and I asked him where this was at. Jack told me that it was at the entrance to KFC and asked me where it was on the map.

I pointed to the general area and he pointed to an area from this Google map. Jack pointed to a spot on the map saying that's where he passed me on the left hand side. This area would be marked in orange on the Google map. I told Jack that the Lunch Dog was where he tried to pass him and Jack said on the right side. Jack said there was so much construction there and that he couldn't go nowhere. I asked Jack when he was using his hand signals was it because the lights on the vehicle weren't working and he told me that they were working fine. Jack explained to me that the vehicle was being or in the process of being restored. I asked Jack then why the hand signals and he told me he does that. Jack stated that is what he does. I asked Jack if he still uses the blinkers and the hand signals and he told me yes. I asked Jack if he thought maybe this guy miss-understood his signals and Jack told me he did not know what he was thinking.

He said he knew he was a really nice. Jack stated he had to be high on something. I asked Jack when this individual was up on his bumper how he was feeling at that time. Jack told me that he was tailgating him and that was illegal. He told me that some people would use their handbrake and he told me he was not that way. I asked Jack if he was upset or pissed off and he told me no not really. I told Jack that he was just driving along and he shook his head up

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and down in a yes motion. He said he thought it would blow over just like it always does. He said there's a lot of road rage out there these days. I asked Jack when this individual first pulled up behind him, if he's ever seen this person or this individual before and he shook his head back and forth in a no motion.

I asked Jack if he has ever seen that car before and he shook his head back and forth in the no motion. Jack told me nope and then made a grin on his face. I asked Jack about why he kept talking about the Meadows and he told me that he lives in Stratton Meadows. I asked Jack if that was the first time he seen the car or if he has seen the car in the area before and Jack told me nope. I asked Jack if he had any injuries on him that were from prior to today and Jack went on to explain some prior injuries that he had sustained. He stated this injury was to his right arm and explained to me how it happened

I asked Jack after the shot went off if he got out of the vehicle and called 911. Jack stated he never got out of the vehicle. Jack told me he was calling 911 and everybody out there was calling 911. Jack told me that everybody was yelling and shouting. Jack made the comment a whole lot of blacks. I asked Jack if he made it through to 911 and he stated yeah. I asked Jack if it was the same number he called from that he gave me and he stated yes.

I asked Jack when he got out of the car if it was when the officers got there and he stated yes. I asked Jack if they got him out of the car and he stated they helped him out. Jack said one of them was in plain clothes and told him that he was a police officer. Jack stated this individual grabbed his arm. I asked Jack when the last time the Glock was fired and he stated he's never fired it since he's owned it. I asked Jack how long he's owned the gun and he told me since the gun show. He stated it was the last Tioma Gun show. I asked Jack why he had a gun on him anyways and he told me that he carries it with him wherever he goes. I asked him why and he stated for protection. I asked Jack if that's why he keeps it loaded and Jack

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stated all of his guns were loaded. I asked Jack then if he was pretty familiar with weapons and he told me every shape, way and form.

I asked Jack when he was talking with the male individual I asked him being Jack what the other individual said to him. Jack stated what's your problem old man. I asked Jack if he said anything to him and Jack stated he said get out of here, do it now. I confirmed with Jack that he said nothing else and he told me no. I brought into the interview room a yellow plastic gun and asked Jack to kind of show me what happened inside his vehicle with the gun.

Jack showed me that the gun was laying just like that, I observed that the slide portion which was the top of the gun was facing towards his right leg. I observed that the muzzle of the weapon was pointing forward towards his right knee. Jack stated he did not pick up the gun until he put both hands on his door. I asked Jack when this individual put both of his hands on his door what did Jack do next. Jack told me he did this, Jack picked up the gun with his right arm and bent him arm at a 90 degree angle so that the muzzle of the weapon was pointing towards his left across his body.

Jack told me he said get out of here, do it right now. I asked Jack what happened next and he told me that he backed up saying during that whole time he was staring him in the eye telling me it was like he was nuts. Jack stated this individual backed up and lunged and knocked him around. Jack stated this individual grabbed his steering wheel. Jack said he grabbed his right hand with both of his hands. Jack stated he still had the phone in his left hand.

I asked Jack when he picked up the phone and he told me when he was standing there. I asked Jack where the phone was at before he grabbed it and he stated right here pointing towards his left breast pocket on his flannel shirt. Jack then pulled out his cell phone out of his pocket showing the position of where it was telling me that he couldn't even get it flipped open. Jack said it's hard to do one hand with this thing.

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I talked with Jack about this individual placing both hands on his gun and Jack makes a motion with the gun telling me right there. Jack raises the gun slightly with the muzzle almost directly lined up with his center chest bone and right above his right breast pocket on his flannel shirt with the muzzle facing towards his left. Jack told me that he tried to twist the gun to get it out of his hands and then it went off. I asked Jack if this individuals hands were on his wrist and he told me they were all over.

I asked Jack when the gun went off if it was pointed at an upward angle and he told me he did not know. Jack told me that he was hurting. I then said especially about raising his right shoulder up and then pointed to his right bicep area. I made the statement to Jack something about his knuckled and he told me he bent it over his hand making a motion of the gun coming out of his hands. Jack told me that he would have had it if it did not go off. Jack said he would have taken it out of his hand telling me he was using both hands and that he was 80 years old and injured.

Jack stated he would have taken it out of his hand and then it went off. I asked Jack if at any time if his hands were on the gun and he told me I guess so telling me that he thought he twisted it. I asked Jack after the gunshot went off what did he do with the gun and he told me he laid it down just like that showing me that he placed it back with the muzzle facing towards his knee and the slide again towards his right leg.

He told me it was lying right there when they took it. I told Jack that I would try and contact his daughter and see if we could get ahold of her. I asked him if he needed anything else and he stated some more water. Jack asked me if I could find a couple of aspirins that he would sure take them. I then stood up and exited the interview room at 5:57 P.M. on 07-17-2016 (Sunday).

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DETECTIVES STATEMENT CONTINUED:

**07-17-2016 (Sunday)
6:12 P.M.**

I called the phone number [REDACTED] contacted Joni [REDACTED]. I introduced myself to Joni advising her that I was a detective with the Colorado Springs Police Department. I explained to Joni that her father was okay and that he was currently at the police station. Joni asked me what had happened and I explained to her that her father was in a disturbance and that a shot was fired. I heard Joni then say out loud to her husband who was later identified as Steven [REDACTED] that her father had just shot someone. She asked me what I needed and I asked her if she could go to his home and collect some clothing for him and bring it to our location. She stated she would and asked me if her father had any injuries. I advised her that he did have some and I wanted to take him to the hospital to have him checked out and have a forensic exam completed on him. She told me that she really wanted that to be completed and told me that her father has a history [REDACTED]. She requested that I notify him that that was her wishes. She stated that he would most likely comply with her wishes. I thanked her for her time and then disconnected the phone line.

I entered Interview Room Number Two at 6:20 P.M. on 07-17-2016 (Sunday). After entering the interview room Jack stated that he needed to use the urinal again. I told Jack that I had spoken with his daughter and that she was going to be bringing down some clothes for him. He stated that he did not have another belt and asked me if he could keep the one he was wearing and I told him that he could not.

I received a knock on the door at 6:20 P.M. on 07-17-2016 (Sunday) and exited the interview

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room. I spoke with Jack about his phone saying that I needed to collect it. I gave him the option of a consent to search for the phone or that I would have to take it. Jack told me it was his only phone so that we could do what we needed to do.

When I stepped out of the interview room, I was advised that the detectives from the digital forensic until with the Colorado Springs Police Department were on their way to this location and if his phone was available they would be able to download it quickly so it could be returned back to him.

I then went over the consent to search with electronic device waiver with Jack. I advised him that it was voluntary and that he could or couldn't do it. I explained the form to him; Jack signed the document at 6:22 P.M. on 07-17-2016 (Sunday). I would also exit the interview room at that time to advise my supervisor that Jack consented to evidence from his phone downloaded.

I would enter Interview Room Number Two at 6:23 P.M. on 07-17-2016 (Sunday). When I walked into the interview room I observed that Jack had actually signed his name where he should have just written his name out. I had him re-sign the document at 6:23 P.M. on 07-17-2016 (Sunday). I would then take his phone and place it into an evidence bag.

Jack asked me what his daughter said to me when I told her about what happened. I explained to him what she had said. I explained to Jack that I wanted to collect his DNA sample explaining that it would be two cotton swabs in his mouth and he stated fabulous.

I explained to Jack that he could tell me no and to pound sand. Jack stated there were two other prescriptions that he thought of that I could add to the list. I asked Jack that I needed a signature on the consent to biological sample which he willingly signed at 6:25 on 07-17-2016 (Sunday). I explained to Jack that I wanted to take him to the hospital to get a forensic exam

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done on him. I explained to him that they would be documenting his injuries to his face. I also advised Jack that his daughter had also requested that he be looked at. Jack asked me who was going to front the bill on that and he told me that he sure as hell couldn't. I told him that it was being done at our request. I collected Jack's DNA with two buccal swabs at 6:26 P.M. on 07-17-2016 (Sunday). After collecting these, I placed them in the envelope and sealed it. These items would be later placed into evidence. I asked Jack if he wanted to go to the hospital and he told me sure. I asked him if he'd be okay with signing a consent form so I could receive his medical records from Memorial Hospital. He signed this waiver at 6:27 P.M. on 07-17-2016 (Sunday).

I explained to Jack that he was not under arrest and that he would be going home. He asked me if he was going to be exonerated and I told him I did not know. Jack stated he was not fixing to be happy with what was going to happen with the papers and the TV. Jack told me he didn't want everybody taking his photos and I told him that was fine. He told me that he lives in [REDACTED] for a reason. Jack told me that he likened himself to the neighborhood watch. He stated the kids all call him Grandpa Jack. Jack told me that the word is out that he is armed and that he will take care of his neighborhood. I will provide Jack a business card.

Jack told me that he needed to use the restroom at which time I would exit the interview room a 6:31 P.M. on 07-17-2016 (Sunday). While I was out of the interview room Jack started emptying his pockets and placing all of his items out of his pockets on a blue bandana on the top of the table.

I re-entered Interview Room Number Two at 6:52 P.M. on 07-17-2016 (Sunday). Also joining me was crime scene investigator (CSI) J. Weise/5258C. CSI Weise would process Jack at that time by taking digital photographs of his clothing and injuries. Jack explained some of it is yard sale stuff to us. CSI Weise took digital photographs of the items on the table. CSI

REPORTING OFFICER & IBM #

Suarez, Michael 3523

APPROVING SUPERVISOR

Rodgers, James



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

Weise and I went through Jack's items that he had placed on the table and pulled out the various items that we would collect as evidence. CSI Weise and I would exit Interview Room Number Two at 7:01 P.M. on 07-17-2016 (Sunday).

I was advised by Officer M. Forbes/4158P that Jacks daughter was currently downstairs waiting in the front lobby of the POC. I would go down to the front lobby of the POC and collect the clothing from Joni and bring it upstairs. I entered Interview Room Number Two at 7:07 P.M. on 07-17-2016 (Sunday) dropped off the items of clothing telling Jack not to take anything off because there was a process that I wanted to do it by and he smiled and then I would exit the interview room to collect some shoes for him.

I exited the interview room at 7:07 P.M. on 07-17-2016 (Sunday).

While I was collecting shoes for Jack, I was given back his cell phone by Detective B. Rogers/2641D.

I entered back into the Interview Room Number Two at 7:13 P.M. on 07-17-2016 (Sunday). I would then process Jack's clothing and place them into evidence bags. After collecting all these items I would escort them down to the crime lab storage area with CSI Weise who would secure them within the crime lab.

Before taking his items downstairs Jack asked if he could go to the restroom which I had Officer Forbes escort him to the restroom. Jack made the comment to me that before exiting the interview room that he was a gang banger, he was in fear of retaliation. I advised Jack that I spoke to his daughter about that and that he was going to be going with Joni for the night. Jack said that he would not be arguing with her. I would exit Interview Room Number Two at 7:18 P.M. on 07-17-2016 (Sunday).

REPORTING OFFICER & IBM #
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APPROVING SUPERVISOR
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

After learning all questions and processing of Jack at the POC I requested Officer Forbes to transport Jack to Memorial Hospital so that he could be seen by a forensic nurse.

DETECTIVE STATEMENT CONTINUED:

After escorting Jack out of Interview Room Number Two at 7:47 P.M. on 07-17-2016 (Sunday) I left the POC at 7:52 P.M. on 07-17-2016 to go to Memorial Hospital. I arrived at Memorial Hospital at 7:58 P.M. on 07-17-2016 (Sunday).

MEMORIAL HOSPITAL:

After arriving at Memorial Hospital I made contact with Registered Nurse (RN) C. Riley who was a forensic nurse with Memorial Hospital. I provided her with a brief synopsis of what I needed accomplished and she stated that she would be the one conducting the examination. I thanked her for her time and told her that I would be leaving the hospital and Officer Forbes would be standing by with her and Jack. At that time I notified Jack that the male party that he had shot was currently deceased. Jack stated okay and did not show any signs of remorse or guilt or any kind of emotion. After making this notification to Jack, I left Memorial Hospital at 8:32 P.M. on 07-17-2016 (Sunday).

After arriving at the Police Operations Center I made contact with my supervisor who told me I could go off shift for the evening. I would clear and go off shift at 8:46 P.M. on 07-17-2016 (Sunday).

EVIDENCE COLLECTED/SUBMITTED:

The following items have been collected and submitted at the Police Operations Center (POC)

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Rodgers, James
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705 S. Nevada Ave
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

evidence lockers which are located at 705 South Nevada Avenue Colorado Springs, Colorado, 80903.

Item Number 1MPS: Colorado Springs Police Department waivers and medical release for Memorial Hospital. (Colorado Springs Police Department Barcode number 200928085). I would place this item into locker number six within the POC temporary evidence locker holding area.

Item Number 2MPS: Google map printouts of area shown to Jack Rogers (Colorado Springs Police Department Barcode number 200928087). I placed this item into locker number six within the POC temporary evidence locker holding area.

Item Number 3MPS: Gunshot residue kit collected from Jack Rogers (Colorado Springs Police Department Barcode number 200928088). I placed this item into locker number six within the POC temporary evidence locker holding area.

Item Number 4MPS: Jack Rogers buccal swabs (Colorado Springs Police Department Barcode number 200928089). I placed this item into locker number six within the POC temporary evidence locker holding area.

Item Number 5MPS: Sets of Jack Rogers knives (Colorado Springs Police Department Barcode number 200928090). I placed this item into locker number six within the POC temporary evidence locker holding area.

The following items have been collected and submitted into evidence at the Police Operations Center (POC) Digital Information management system (DIMS) which is located at 705 South Nevada Avenue Colorado Springs, Colorado, 80903.

REPORTING OFFICER & IBM #
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Rodgers, James



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

Set Number 0014: Jack Rogers Interview

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forth coming supplements for further information.

Nothing further.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James

METRO CRIME LABORATORY
705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7379
LABORATORY REPORT

Requesting Agency: Case No: 16-28051

Lab Case Number: 16MCL01861

Colorado Springs Police Department
705 S Nevada Ave
Colorado Springs, CO 80903

Unit: Crime Scene Investigations

Request Submitted By: Officer Wayne BICHEL, 1333

Crime Scene Inv.: Jesalie Weise, 5258

Request Date: Sun Jul 17, 2016

Report Date: Wed Jul 27, 2016 15:09

Offense: Homicide: Murder/Non-negligent Manslaughter

Suspect: ROGERS, JACK A

DOB: 02/04/1936

Victim: GARCIA, JESSE

DOB: 09/20/1992

REQUESTED SERVICE - [Crime Scene - Response]

CSI RESPONSE DOCUMENTATION

CSI - Scene Processing

Scene Processing Location

3D Laser Scan Images (DIMS)

1507 S. Nevada Avenue Colorado Springs CO

[X]

[X]

Evidence item(s) related to Scene processing of 1507 S. Nevada Avenue, Colorado Springs CO

- 200928024 (S-01) {FIREARM - HANDGUN (APPROVAL)} SERIAL NO.: E [REDACTED] CALIBER: 40 CAL. DESC: GLOCK, MODEL 23, 40 CAL. HANDGUN, REC'D FROM OFFICER, GARCIA.(REC'D FROM FRONT PASS SEAT OF SUSPECTS CAR).
- 200928025 (S-02) {FIREARM - MAG} CALIBER: 40 CAL. DESC: GLOCK, 40 CAL MAG WITH 11 CARTRIDGES, (7 WIN 40S&W) & (4 R P 40 S&W), REC'D FROM OFFICER GARCIA.
- 200928026 (S-03) {DRIVERS LICENSE} DESC: CO DL IN THE NAME OF JESSE ROBERTO GARCIA, DOB 02-18-16,, DI [REDACTED] REC'D FROM OFFICER HWANG.
- 200928027 (S-04) {WALLET, DESC: WALLET- INSIDE- CHASE VISA DEBIT CARD/ [REDACTED] IN NAME OF JESSE GARCIA. REC'D FROM OFFICER GARCIA.
- 200928028 (S-05) {MONEY - US CURRENCY (APPROVAL)} DESC: 13 100'S, 2 100'S, 30 20'S, 2 10'S, 12 5'S, 3 1'S = 2,083 DOLLARS., REC'D FROM OFFICER GARCIA.
- 200928029 (S-06) {POSS BLOOD SAMPLE} DESC: BLOOD SAMPLE REC'D FROM ASPHALT, ID'D AS PLACARD A.,
- 200928030 (S-07) {POSS BLOOD SAMPLE} DESC: BLOOD SAMPLE REC'D FROM THE SUSPECT'S FRONT DRIVERS, SIDE EXTERIOR DOOR.
- 200928031 (S-08) {FIREARM - SHELL CASING (HG FIRED)} DESC: CARTRIDGE CASING WITH HEADSTAMP WIN 40 S&W, REC'D, FROM THE FRONT PASS. FLOORBOARD OF SUSPECT'S VEHICLE.
- 200928032 (S-09) {CLOTHING} DESC: POLO RALPH LAUREN BRAND, SIZE XL WHITE T-SHIRT, CUT BY, MEDICAL, BLOODSTAINED, REC'D FROM ASPHALT ID'D AS #1.
- 200928034 (SUS-01) {CLOTHING} DESC: PLAINS WESTERN WEAR BRAND, SIZE XLT, RED, BLUE & TAN, PLAID SHIRT, BLOODSTAINED, REC'D FROM SUSPECT.
- 200928035 (SUS-02) {CLOTHING} DESC: LEE LEVI BRAND, SIZE 42X30, JEAN PANTS BLOODSTAINED,, REC'D FROM THE SUSPECT.
- 200928037 (SUS-03) {CLOTHING} DESC: BROWN LEATHER BELT WITH FLORAL DESIGN & SILVER BUCKLE., REC'D FROM THE SUSPECT.
- 200928038 (SUS-04) {SHOES} DESC: TIMBERLAND BRAND, SIZE 13, BROWN IN COLOR RIGHT SHOE, W/ RIGHT WHITE HANES SOCK, REC'D FROM SUSPECT.

METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: 16MCL01861

Agency Case No.: 16-28051 [CSPD]

CSI - Scene Processing

Scene Processing Location

3D Laser Scan Images (DIMS)

1507 S. Nevada Avenue Colorado Springs CO

[X]

[X]

200928039 (SUS-05) {SHOES} DESC: TIMBERLAND BRAND, SIZE 13, BROWN IN COLOR LEFT SHOE, W/ LEFT WHITE HANES SOCK, REC'D FROM SUSPECT.

200928040 (SUS-06) DESC: MINI NOTEBOOK, CHECKBOOK, GLASSES CASE W/ PLASTIC INSIDE, PEN & RULER IN POUCH & BOTTLE OF LIQUID, REC'D FROM SUS.

200928041 (SUS-06) {KEYS} DESC: 3 SILVER KEYS, 2 BRASS KEYS, & 1 HANDCUFF KEY W/ GREEN, KEY CHAIN, REC'D FROM LEFT PANTS POCKET OF SUSPECT.

200928042 (SUS-07) DESC: RED LANYARD WITH MAGNIFYING GLASS REC'D FROM THE, SUSPECT'S NECK.

RESULTS and CONCLUSIONS

On Sunday, July 17, 2016, at approximately 1542 hours, I, Crime Scene Investigator Jesa Weise #5258, was contacted by Detective Wayne Bichel and was requested to assist in processing a shooting scene located in a Taco Bell parking lot at 1507 S. Nevada Avenue.

I arrived at the Police Operations Center at approximately 1600 hours to gather all necessary equipment and responded to 1507 S. Nevada Avenue.

At approximately 1620 hours I arrived on scene and contacted Detective Bichel. Detective Bichel explained the events as he knew them through the investigation. Detective Bichel stated the shooting started out as a road rage incident. The suspect and the victim pulled into the Taco Bell parking lot. The victim got out of his vehicle and approached the suspect's vehicle. At some point during the confrontation, the victim punched the suspect and a struggle occurred which resulted in the suspect shooting the victim. The victim was transported to Memorial Hospital by Medical Personnel.

Detective Bichel and I conducted a walkthrough of the scene. Taco Bell's parking lot was located on the south side of the building. Detective Bichel stated a gray International SUV with Colorado license plate [REDACTED] was parked in a handicapped spot next to the front doors of the Taco Bell. I would note both the driver side and passenger side window were rolled down. West of the gray SUV was a pool of blood as well as a white bloodstained shirt. On the front driver's side door of the gray SUV was a bloodstain. The victim's vehicle was a white convertible mustang with Colorado license plate # 908-FQY. The mustang was parked in a parking space located southwest of the gray SUV. The front driver's side door of the Mustang was opened and the vehicle's engine was still on. During the walkthrough I was informed by Detective Bichel the victim had died from his injuries.

I began processing the scene by taking photographs. I then placed placard #1 next to the white shirt and placard A next to the blood pool located west of the gray SUV. I photographed the shirt and the blood pool with their associated placards.

I was informed by Detective Bichel that Officer Christopher Garcia had taken possession of the suspect's handgun. Officer Garcia released the handgun into my possession. The handgun was photographed.

Officer Nancy Hwang had in her possession the victim's driver's license. I also took possession of the driver's license. Photographs of the victim's driver's license were taken.

At approximately 1620 hours, Detective Bichel requested I photograph the inside of the Gray SUV. Detective Bichel wanted to search the vehicle to locate a cartridge casing. Detective Bichel had

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METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: 16MCL01861

Agency Case No.: 16-28051 [CSPD]

RESULTS and CONCLUSIONS

made arrangements to have the vehicle towed to the Police Operations Center and did not want the cartridge casing to move from its original resting spot once the vehicle was towed. I photographed the inside of the SUV and collected a cartridge casing located on the front passenger floorboard.

Because it started raining I swabbed the blood located on the exterior front driver's side door using two cotton tips and distilled water.

I then took three scans of the scene using the FARO Laser Scanner. I would note it had begun to rain while the scans were being taken; therefore I placed an umbrella over the scanner.

At approximately 1745 hours, I was requested by Detective Bichel to respond to the Colorado Springs Police Department's Annex Building to unlock vehicle bays. I arrived at the Annex building with Detective Bichel. Because the vehicle bays were already full, Detective Bichel and I went to the Police Operations Center to have the suspect's vehicle placed in the vehicle bay located at the Police Operations Center.

I was then requested by Detective Shawn Peterson to contact Detective Mike Suarez, who was located on the second floor of the Police Operation Center. Detective Suarez requested I photograph suspect and collect the suspect's clothing. I photographed the suspect to include any injuries as well as his clothing and personal items located in any pockets. The clothing and items of evidence were collected. I placed the items of evidence in a secured processing room.

At approximately 1927 hours, I was requested by Detective Bichel to respond back at the scene to photograph where the vehicles were once they were removed from the scene. Photographs were taken.

I returned to the Metro Crime Lab at approximately 1950 hours, where all items of evidence were placed into a secured processing room. All items of evidence were subsequently inventoried, packaged, and submitted into the evidence unit.

Photographs of the scene and suspect were uploaded to the Colorado Springs Police Department's Digital Imaging System (DIMS) under case #16-28051.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

REMARKS: All items of evidence were submitted to the CSPD Evidence Unit on 7-18-2016.

END OF REPORT

Jessie Weise

Assigned Analyst
Jessie Weise | 5258

07/27/2016 13:17

CSI

16MCL01861 0002_20160717_ReqID_003212

Report CSI v.2016.07.25

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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
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 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

ADDITIONAL SUSPECTS / OTHER SUBJECTS

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
02	Other	Marvin	[REDACTED]
ADDRESS			
Colorado Springs CO [REDACTED]			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
RACE White			
SEX Male			
HEIGHT [REDACTED]			
WEIGHT [REDACTED]			
HAIR [REDACTED]			
EYE [REDACTED]			
D/LID NUMBER [REDACTED]			
JACKET NUMBER [REDACTED]			
PER # 03 SUBJECT TYPE Other NAME Sherrie [REDACTED] DOB / AGE RANGE [REDACTED]			
ADDRESS COLORADO SPRINGS CO 80906			
SECONDARY PHONE [REDACTED]			
RACE White			
SEX Female			
HEIGHT 5 5			
WEIGHT 160			
HAIR Blond			
EYE Hazel			
D/LID NUMBER [REDACTED]			
JACKET NUMBER [REDACTED]			
PER # 04 SUBJECT TYPE Other NAME Christian [REDACTED] DOB / AGE RANGE [REDACTED]			
ADDRESS Colorado Springs CO [REDACTED]			
SECONDARY PHONE [REDACTED]			
RACE White			
SEX Male			
HEIGHT [REDACTED]			
WEIGHT [REDACTED]			
HAIR [REDACTED]			
EYE [REDACTED]			
D/LID NUMBER [REDACTED]			
JACKET NUMBER [REDACTED]			
PER # 05 SUBJECT TYPE Other NAME DANIELLE [REDACTED] DOB / AGE RANGE [REDACTED]			
ADDRESS COLORADO SPRINGS CO [REDACTED]			
SECONDARY PHONE [REDACTED]			
RACE White			
SEX Female			
HEIGHT 5 6			
WEIGHT 220			
HAIR Brown			
EYE Brown			
D/LID NUMBER [REDACTED]			
JACKET NUMBER [REDACTED]			
DOB / AGE RANGE [REDACTED]			
ADDRESS [REDACTED] NAME [REDACTED] DOB / AGE RANGE [REDACTED]			
PRIMARY PHONE [REDACTED]			
SECONDARY PHONE [REDACTED]			
RACE [REDACTED]			
SEX [REDACTED]			
HEIGHT [REDACTED]			
WEIGHT [REDACTED]			
HAIR [REDACTED]			
EYE [REDACTED]			
D/LID NUMBER [REDACTED]			
JACKET NUMBER [REDACTED]			

REPORTING OFFICER & IBM # **Graham, Derek 0090** APPROVING SUPERVISOR **Rodgers, James**



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

Det/eb

DETECTIVE'S STATEMENT

07/21/16 (Thursday)
 9:20 a.m.

Detective Michael Suarez and I, Detective Derek Graham, departed together from the Police Operations Center en route to the [REDACTED]. Drive to conduct neighborhood follow up regarding this investigation. I was informed by Detective Suarez that this neighborhood follow up that was going to be conducted was in reference to the shooting that occurred at the Taco Bell on 07/17/16.

ARRIVAL IN THE [REDACTED] AVENUE

07/21/16
 9:27 a.m.

We arrived in the area of [REDACTED] Avenue.

ATTEMPT TO CONTACT RESIDENTS AT [REDACTED] AVENUE

07/21/16 (Thursday)
 9:29 a.m.

I attempted to make contact with the resident at [REDACTED] Avenue which met with negative results. I left a business card requesting that the tenants contact me regarding this investigation.

FOLLOW UP AT [REDACTED] AVENUE

07/21/16 (Thursday)
 9:30 a.m.

I attempted to contact the residents at [REDACTED] Avenue which met with negative results. I left a business card requesting that the residents

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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

contact me regarding this investigation.

INTERVIEW OF JOSIE [REDACTED]

Josie [REDACTED]

Hispanic female

[REDACTED] Colorado Springs, Colorado, 8 [REDACTED]

Home phone: [REDACTED]

07/21/16 (Thursday)

9:31 a.m.

I contacted Josie [REDACTED] at her residence located at [REDACTED] Avenue. Upon contact with Ms. [REDACTED], I identified myself to her and showed her my police credentials. I asked Ms. [REDACTED] if she knew her neighbors and she stated she knew all of them because she has lived there for a long time. Ms. [REDACTED] explained that she has lived at her current residence for approximately [REDACTED] years. Josie [REDACTED] stated she knew her neighbor **Jack** and has known him for some time. Josie [REDACTED] confirmed that she heard about the incident that occurred at the Taco Bell. She inquired how he was doing and I explained to her that I really was not sure because I was not the detective that was initially involved in this investigation.

Josie confirmed that she has known Jack for approximately ten years. She said she became acquainted with Jack when Jack would walk his dog up and down the street. She indicated sometimes her granddaughter would ride by Jack's house as she was acquainted with him as a neighbor. She described Jack as "real friendly". She said recently the church helped Jack finish working Jack's yard. She indicated she has never known Jack to be aggressive. She inquired if the other individual involved in this investigation died and I confirmed he had. She asked if he was a young individual and I told her that I did not know because I was not initially involved in the investigation.

I asked how frequently she interacted with her neighbor Jack. She said she interacted with him at least once a day. She pointed to a rock in the front of her house and said that a couple of weeks ago Jack came over and sat on the rock in front of her house and she had a conversation with him

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Rodgers, James



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Case Supplement Report

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NARRATIVE (continuation)

at that time. She stated Jack used to have a big dog but recently took the dog to some people that lived in the country. She stated Jack usually walked by her house every day and so she had interactions with him when she saw him. I asked if she knew what type of work Jack did prior to his retirement. She said Jack shared with her what he did but she had since forgotten what he said.

She stated I should contact another neighbor that lived two houses away from her house. She identified that individual as **Marvin [REDACTED]** (no relation). She stated Jack and Marvin borrow each other's trailers from one another and are acquainted. Ms. [REDACTED] said she learned from Marvin [REDACTED] about what had happened reference this investigation. She said she was also told that Jack was currently staying [REDACTED] She said she heard from a neighbor that Jack was staying [REDACTED] because he was freaked out about what happened reference this case. She said she has not spoken with Jack since this incident occurred. She stated she was aware that Jack drove an older Blazer which was sanded. Josie [REDACTED] said she never knew Jack to own any firearms. She said she was surprised to hear that Jack possessed a gun.

I asked Josie [REDACTED] if she was aware of any conflicts or problems that Jack was having with anyone in the neighborhood. She stated Jack has in the past complained to her about the house that is across the street from Jack's. Josie [REDACTED] said this house apparently had some rowdy kid in there. I asked Josie [REDACTED] what information she had pertaining to the house across the street from Jack. Josie was told by Jack that the neighbors across the street were real loud and that Jack goes over and complains about them all the time. Josie confirmed she learned this information from Jack. Jack had indicated that the individuals were real loud and were always "clowning him". She said she learned this information from Jack a few weeks ago when Jack was sitting on the rock in front of her house talking about this.

I asked if Jack went into any details about what may have been occurring between him and the neighbors. She said Jack only talked about his neighbors being loud. Josie [REDACTED] confirmed that the house that she was referring to that Jack talked about was [REDACTED]

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NARRATIVE (continuation)

Jack's which is located at [REDACTED] Josie said she believed that Jack told her that Jack had called to complain on the individuals that lived across the street from him. I asked how Jack referred to the neighbors when he was talking about them. She stated Jack would talk about them being rowdy neighbors. Jack also indicated to Josie that the neighbors were disrespectful. She said she was unaware of any other problems that were occurring in the neighborhood. She said she again was surprised to hear that Jack owned a gun.

Josie stated she has always had positive interactions with Jack. She said Jack is always respectful. Josie stated her granddaughter also adored Jack. Josie stated she has never known Jack to be aggressive. She said she was surprised about what she learned regarding this investigation. She inquired whether or not Jack was going to be charged. I explained to her that I did not know the answer to that question and that I was just assisting other detectives in conducting follow up. Nothing further available from Josie [REDACTED]

INTERVIEW OF MARVIN [REDACTED]

Marvin [REDACTED]

[REDACTED] Avenue, Colorado Springs, Colorado, [REDACTED]

Cellular phone: [REDACTED]

07/21/16 (Thursday)
9:46 a.m.

I contacted Marvin [REDACTED] at his residence located at [REDACTED] Avenue. Upon contact with Marvin [REDACTED] I identified myself to him and also showed him my police credentials. I explained to Mr. [REDACTED] that detectives were currently contacting neighbors to see if anyone in the neighborhood knew Jack that lived down the street from Mr. [REDACTED] house. Marvin [REDACTED] confirmed that he knew Jack. Marvin [REDACTED] stated he has known Jack since Jack moved into Jack's current residence. Marvin [REDACTED] told me that he has lived in his [REDACTED] house for 30 years. Marvin [REDACTED] said he believes Jack has lived at Jack's current residence for approximately 12 years, however, he was not sure. He described Jack as a "good man and a

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NARRATIVE (continuation)

good neighbor".

He indicated that Jack is the type of neighbor that if you need help he is always there for you. Marvin said Jack does not bother anyone in the neighborhood. He stated Jack keeps to himself. Marvin indicated that he does not see Jack very often. He stated he would see Jack on average about once a month. He said Jack is the type of neighbor that if he is driving by he will wave which is sometimes the only interaction he has with Jack. He indicated that Jack is the type of neighbor that will sometimes stop by if Jack has a question or two for Mr. [REDACTED]

Mr. [REDACTED] said the last interaction he had with Jack was approximately one month ago when Mr. [REDACTED] loaned his trailer to Jack. Marvin confirmed that Jack was the type of individual that he trusted to use Marvin's utility trailer if needed. Marvin [REDACTED] stated he is aware that Jack owns a gun. He said they will go to gun shows independently from one another. I asked if he was aware what type of employment Jack had prior to Jack retiring. Mr. Garcia stated Jack is "pretty vague" about what Jack did prior to Jack's retirement. He said he believed Jack was from "out east" somewhere.

I asked if he was aware of any conflicts or issues he was having with anyone. Marvin stated he was aware that Jack would sometimes call in and complain about his neighbor that lived across the street from Jack. Marvin stated he knew this information because Jack told him about it. Marvin indicated that Jack told him that there were kids that would come over, along with their parents, and stay until 2:00 or 3:00 in the morning playing their music. Marvin [REDACTED] stated he could even hear the music where he (Marvin) lived that was coming from the house across the street from Jack. Jack told Marvin that Jack has complained on the neighbors a couple of times.

Marvin stated on one occasion a black female officer contacted Jack and accused Jack of being prejudiced. I asked Marvin if Jack ever showed anything or did anything that Mr. [REDACTED] felt was prejudiced and he indicated that Jack did not. Marvin [REDACTED] said he is not aware of any additional issues that Jack was having with anyone. He stated that most

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people that knew Jack liked him. I asked Marvin [REDACTED] how he found out about what happened. Marvin said he learned about what had happened because earlier he had been at the 24 Hour Fitness when he decided to go get something to eat. Marvin said he rode his motorcycle and arrived in the area of the parking lot of the Taco Bell. Marvin said he saw that the parking lot to the Taco Bell was blocked off by the police. Marvin said he decided to go to KFC to get something to eat. After that he indicated that he returned to his residence.

Marvin said he turned on the news and saw a small clip about this investigation. Marvin said he saw on the news a Jeep and mention of an old man. Marvin said he later saw an additional news article regarding this investigation and was able to put two and two together reference Jack being the older individual that was involved in this case. Marvin stated he has had no contact with Jack since the shooting at the Taco Bell on 07/17/16. I asked Marvin [REDACTED] if he was aware of how long the issue had been going on with the house across the street from his. He stated during the last seven years Jack may have mentioned the issue on different occasions about the music that was playing across the street from Jack. He stated whenever Jack talks about the issues that were going on across the street from his house Jack never talks with an angry voice and just speaks about the loud noise coming from across the street. Marvin indicated that Jack does not "trash" the neighbor but just complains about them sometimes being too loud. Marvin indicated that Jack complained that Jack called the police about the neighbors that lived across the street from Jack's house.

I provided my business card to Mr. [REDACTED] I asked if there was anyone else in the neighborhood that might know Jack and he pointed to a corner house and stated that neighbor may possibly know Jack. Detective Gysin was responsible for contacting that neighbor. Please refer to Detective Gysin's supplement detailing his contact with the neighbor. Mr. [REDACTED] also mentioned that his neighbor **shelly** may know Jack. Mr. [REDACTED] stated that Jack has never had any problems and described Jack as a nice guy. Marvin stated he is aware that there were always two sides to every story in an investigation like this. Marvin described Jack as a "great" neighbor. No further information available from Marvin [REDACTED]

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CONTACT WITH SHERRI CARROLL

Sherrri

female

██████████ Avenue, Colorado Springs, Colorado, ██████████

Phone: ██████████

07/21/16 (Thursday)

9:27 a.m.

I contacted Sherrri ██████████ at her residence located at ██████████ Avenue. Upon contact with Ms. ██████████, I identified myself to her and also showed her my police credentials. I asked Sherrri ██████████ if she knew any of her neighbors. She said she really did not know anyone in the neighborhood. I specifically asked her if she knew an individual named Jack. She said she did not know anyone in the neighborhood by Jack. She provided no information pertaining to this investigation.

DEPARTURE FROM ██████████ AVE

07/21/16

9:35 a.m.

Detective Suarez and I departed from the ██████████ Ave and returned to the Police Operations Center.

TELEPHONE CONTACT WITH CHRISTAN ██████████

Christan

DOB ██████████

white male

██████████ Colorado Springs, Colorado, ██████████

Phone: ██████████

07/21/16 (Thursday)

10:41 a.m.

I received a telephone call from Christan ██████████. Mr. ██████████ advised that he had received my business card that I left at his residence. Mr. ██████████ confirmed that he knew ██████████ Jack (last

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name unknown). He said Jack is always pleasant when he deals with him. He said he is aware that Jack owns and likes guns because Jack sometimes will frequently talk about it. He stated Jack can sometimes be grumpy and loud. He said he has known him for approximately eight months. He indicated he has never had any issues with Jack. He stated Jack has never shared any information with him about any issues that were going on in the neighborhood. Christan [redacted] stated approximately one week ago Jack approached Christan [redacted] roommate **Danielle [redacted]** and asked her to turn down her music. Christan stated there were no issues between Jack and his roommate other than he had asked her to turn down the music and she did.

At that time I briefly spoke with Christan [redacted] roommate Danielle [redacted] She was identified as follows:

Danielle [redacted] female
Phone: [redacted]

Danielle [redacted] advised that it was one week ago when the next door neighbor Jack asked her to turn down her music. She said she was playing her music maybe a little loud and when Jack approached her and asked her to turn down the music, at which time she did. She said she is unaware of any issues that Jack may be having with anyone in the neighborhood. No further information available from Christan [redacted] or Danielle [redacted]

CASE DISPOSITION

Nothing further at this time. Please see other supplements to this case for further information.

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NARRATIVE

DETECTIVE STATEMENT:

07-18-2016 (Monday)

10:15 A.M.

I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit), went to the El Paso County District Attorney's Office (which is located at 105 East Vermijo Avenue Colorado Springs, Colorado 80903) to conduct an interview with Chief Investigator **Andrew James**.

The following interview with Mr. James was recorded and the following information is only a synopsis of this interview. Please listen to complete recording that was placed into evidence for the complete interview.

MR. JAMES STATEMENT:

07-18-2016 (Monday)

10:20 A.M.

I asked Mr. James to tell me what happened yesterday. Mr. James stated he is a retired Colorado Springs Police Department Sergeant and currently employed by the District Attorney's Office as a Chief Investigator. Mr. James stated yesterday, not recording the time at about 2:30 or 2:45 he was driving northbound on Nevada Avenue in his personal vehicle. Mr. James stated he was off duty at that time.

Mr. James stated while driving northbound on Nevada Avenue at Brookside, saying traffic was backed up. Mr. James stated he started looking around and looked into the Taco Bell parking lot. He stated he observed several people standing around and pointing down to the ground.

He stated when he looked down at the ground; he observed a male lying on the ground. Mr.

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James stated the male was on the ground with his head facing towards the south. He stated he observed a large pool of blood around this male's head. Mr. James stated it was an indication that he had been shot.

Mr. James stated he saw a lot of people just standing around and was not sure if anyone had called 911.

He stated he pulled into the parking lot and asked a lady what had happened. Mr. James stated this lady had told him that the male laying on the ground had been shot. Mr. James stated he asked the lady who had shot the guy and she pointed to a silver or primer gray SUV looking vehicle. Mr. James stated he was not sure what kind of vehicle it was. Mr. James stated the lady stated the guy inside the primer gray SUV had just shot the kid.

Mr. James stated he could see inside the vehicle was an elderly looking man. He stated the male had in his left hand a cell phone up to his ear. Mr. James stated he observed this male's right hand was on the steering wheel. He stated at that time, no police officers were on scene yet and he could hear sirens coming.

Mr. James stated he was not sure if the sirens would spook the guy and cause him to leave the scene. He stated he walked around and tried to get a license plate number from the vehicle. Mr. James stated he could tell there was a handicap plate on the vehicle. He stated as he was doing this, he approached the vehicle from the front. Mr. James stated the vehicle was facing northbound and was pulled into a parking spot.

Mr. James stated Officer S. Hallas (2035P) had pulled up on scene and parked fairly close to the vehicle. He stated once Officer Hallas exits the vehicle they recognize each other. Mr. James stated he pointed and said this is your suspect. He stated he was pointing to the vehicle with the elderly man in it.

He stated Officer Hallas and him went over and could see the elderly man was still on the phone and the other hand was on the steering wheel. Mr. James stated Officer Hallas and him

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grabbed the elderly man's arm to secure him inside the vehicle.

Mr. James stated while looking in the vehicle he could see a black semi-automatic handgun sitting on the center console of this males vehicle. Mr. James stated while looking on the passenger floor board he could see the males glasses (he thought maybe his prescription glasses) lying on the floor on the passenger side of the vehicle.

Mr. James stated the elderly male was still talking on the phone at that time and he stated to him he needed to hang up the phone. Mr. James stated he knew the elderly male was probably talking to dispatch at that time. Mr. James stated Police Officers are here now and to hang up. He stated the elderly man did so and the elderly male asked Mr. James if his eye was swollen or if his eye was cut. Mr. James stated no sir it is not cut, it looks like you have a lump on it. Mr. James stated he also noticed on the left side of the elderly male's nose a little drop of blood. Mr. James stated the elderly male stated he punched me saying this twice to Mr. James.

Mr. James stated he told the elderly male to relax. Mr. James stated not to lose control of the males hands, Officer Hallas had Officer Garcia (C. Garcia/1751P) go to the other side of the vehicle and secure the weapon. Mr. James stated Officer Hallas and him escort the male out of the truck to Officer Hallas's vehicle/police car. Mr. James would later be asked if he was handcuffed or not and he stated no.

Mr. James stated Sergeant Frederic (E. Frederic/2747P) arrived on scene and observed him. Mr. James stated he spoke with Sergeant Frederic about what he had seen. Sergeant Frederic told Officer Garcia to get a quick statement from Mr. James and let him on his way. Mr. James stated he provided Officer Garcia a quick statement, got in his truck, and then left the scene.

I asked Mr. James if he could recall what the old lady looked like that he earlier described to me. He stated he did. He described her as a white female and stated he had pointed this

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female out to a female officer that was on scene. Mr. James stated the officer did get the ladies information, he was not sure if an interview was completed with her or not.

I asked Mr. James how the elderly male was acting and he stated he in distraught and shock. Mr. James stated he was sitting there with a glazed look on his face and talking on the phone, still with his hand on the steering wheel. Mr. James stated people were screaming and yelling in the parking that he (elderly male) had shot him.

I asked Mr. James if there was anything else he could think of and he told me no. This would conclude my interview with Mr. James.

REQUEST OF 911 CALLS:

07-18-2016 (Monday)

11:32 A.M.

I completed a request with the Colorado Springs Police/Fire Communications Center (which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903) to request all 911 calls made in regards to call screen number 16315579.

VOICEMAIL FROM STEVEN:

07-18-2016 (Monday)

11:35 A.M.

I received a voicemail from a male who identified himself as **Steven**. Steven requested to know the suspect's (**Jack Rogers DOB: 02-04-1936**) bond and if a toxicology was collected from the suspect. I was provided a phone number of (719) 232-5654 to call back.

CRIMINAL HISTORY REQUEST:

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07-18-2016 (Monday)

12:22 P.M.

I requested criminal histories for Jack and Jesse Garcia DOB: 09-20-1992) through an office specialist assigned to the Violent Crimes Section.

VIDEO UPDATE:

07-18-2016 (Monday)

12:30 P.M.

I was notified by Detective B. Rodgers/2641D with the Colorado Springs Police Departments Digital Forensic Unit he was reviewing video surveillance that was recovered from the Taco Bell (which is located at 1507 South Nevada Avenue Colorado Springs, Colorado 80905).

Detective Rodgers stated when reviewing the video it appeared the victim (Jesse) had attempted to cover his face with his t-shirt.

REVIEW OF CRIMINAL HISTORIES:

07-18-2016 (Monday)

12:41 P.M.

I was notified the criminal histories for Jack and Jesse were completed and available for my review.

I observed for Jack his local criminal history consisted of traffic related charges for careless driving and speeding. I also observed he was listed as a victim in a theft case. No other criminal history was located for Jack.

I observed for Jesse he also had several traffic related citations [REDACTED]

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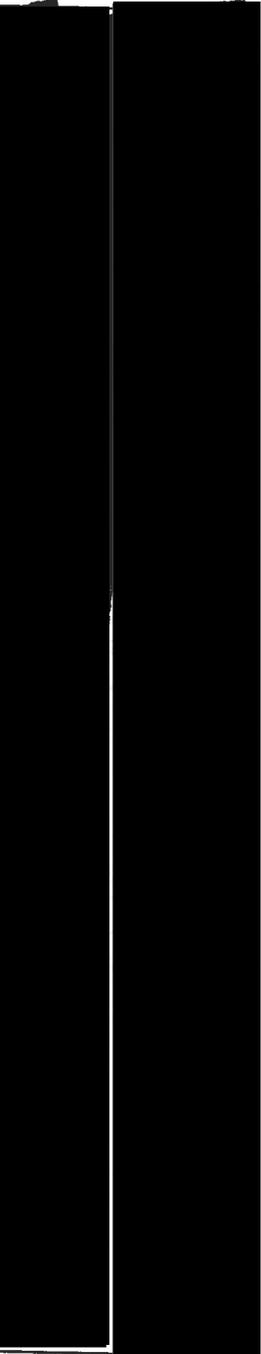


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VOICEMAIL FROM JACK:

07-18-2016 (Monday)

1:26 P.M.

I received a voicemail from Jack saying he sure needed to talk to me and to call him back. I was provided a call back phone number of [REDACTED]

PHONE CALL TO JACK:

07-18-2016 (Monday)

1:29 P.M.

I called Jack back at phone number [REDACTED] Jack told me his daughter (Jon [REDACTED])
DOB: [REDACTED] was being interviewed by KKTU 11 News. I advised Jack that I could not stop his daughter from talking to the media. Jack said the media is out to crucify him about what happened yesterday.

SECOND PHONE CALL TO JACK:

07-18-2016 (Monday)

1:46 P.M.

I called Jack at phone number [REDACTED] asked Jack if he could recall if the person he shot had attempted to cover his face in any way. Jack stated he could not recall if the person

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had attempted to cover his face or not. Jack told me that person was higher than a kite. Jack asked me if I had any news for him and I told I did not.

LEAD SHEET MEETING:

07-18-2016 (Monday)

2:30 P.M.

I attended a lead sheet meeting that was held in the second floor conference room located within the Police Operations Center (POC) which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903. The following personal were also in attendance for this meeting:

- Commander K. Wilson/1352
- Lieutenant B. Poole/091D
- Sergeant J. Rodgers/1412D
- Detective W. Bichel/1333D
- Detective S. Peterson/1408D
- Detective J. Somosky/2321D
- Detective J. Hengst/3561D
- Senior El Paso County Deputy District Attorney J. Lindsey
- El Paso County District Attorney Investigator D. Edwards

I was assigned various tasks to follow-up on this investigation. One of these tasks was to send District Attorney Investigator Edwards the contact information for Emoni [REDACTED] with an address of [REDACTED] Colorado Springs, Colorado [REDACTED]. I was provided a phone number of [REDACTED]. I would email this requested information to District Attorney Investigator Edwards for his office to make contact with Mr. [REDACTED].

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PHONE CALL FROM JACK:

07-18-2016 (Monday)

4:09 P.M.

Jack called me from phone number [REDACTED]. He stated News Channel 13 had put out the wrong information. I asked him what they said and he said that is getting scared about this. I told Jack that I needed to put his case together and send it to the District Attorney's Office. Jack stated he did not know if the person was a neighbor or friend of a neighbor. Jack asked me if he could talk to the media and I told Jack it was up to him. Jack asked me if he could arm himself again and I told him that it was up to him and I could not answer that question for him.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

METRO CRIME LAB:

07-18-2016 (Monday)

4:40 P.M.

I completed a laboratory request with the Colorado Springs Metro Crime Lab (which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903) to have Jack's Glock Model 23, .40 Cal bearing a serial number of EAU505 be swapped for DNA. The Glock was placed

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into evidence under Colorado Springs Police Department Barcode Number 200928024.

911 AUDIO RECORDINGS:

07-18-2016 (Monday)

4:47 P.M.

I received from the Colorado Springs Police/Fire Communications Center emails that contained the audio files from the 911 calls made on 07-17-2016 (Sunday) in regards to this investigation. The following information is only a synopsis of those recordings. Please listen to the complete audio that was placed into evidence for further information.

The first audio file that I listened to was documented under call screen number 16315579. I heard this call was made on Sunday, 07-17-2016, at 2:47 P.M.

I heard the Emergency Response Technician (ERT) ask the caller what was the address of the emergency and I heard the male (who I knew to be Jack from my previous interview/phone call with him) saying Taco Bell on South Nevada Avenue and I just shot of a guy.

The ERT asked Jack you shot a man sir. Jack responds back, I just shot a guy. ERT tells Jack she is going to get him help and asked for the address Jack was at. Jack once again provides the address as the Taco Bell on South Nevada, across from the Subway.

I heard the ERT ask Jack what the phone number was that he was calling from and Jack provides it as [REDACTED]. The ERT asked Jack what his name was and he provided it as Jack Rogers. ERT confirms with Jack that was next to Nevada and Brookside. Jacks responds yeah next to Taco Bell.

Jack told the ERT you better get an ambulance here quick. The ERT tells Jack that help is on the way to him. The ERT asked Jack to tell her what happened. Jack said he was tale gating him, coming up from Brookside. I heard Jack say he followed him over here to the Taco Bell

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and came over to the car and attacked me. At this time I could hear what sounded like yelling in the background.

The ERT asked Jack if he could get to safety and Jacks responded back saying a gang was gathering. Jack told the ERT that he was sitting inside his car. Jack provided the vehicle information as a 1977 International Scout and that it was a gray premiered. Jack stated this kid is dying.

I heard the ERT ask Jack if there was anyone that could help him (the person he shot) and Jack responded that there was all kind of black people coming up here. Jack stated he was a black guy. The ERT confirms with Jack that the victim is a black male and Jack stated yes. Jack was asked how old the victim was and Jack responded probably a teenager.

The ERT asked Jack if there is anyone that could help him (the victim) and Jack responded that he looks he is dead. Jack was asked if he was awake right now and Jack responded back saying he is dead.

The ERT tries to ask Jack if he could someone there to help out the victim. Jack once again responded back he is dead. The ERT asked Jack if he was awake now and Jack raises his voice and says "he is fucking dead".

I heard the ERT tell Jack help is coming and asked him if he was safe. Jack responds by saying a hell of a crowd is gathering. The ERT asked Jack were the weapon was and Jack responded that it was sitting by his side. The ERT asked Jack what kind of weapon it was and Jack responded it was a Glock .40 Cal. I could hear voices in the background and the ERT asked Jack if the officers are there and Jack responded there are two right here.

The ERT tells Jack she is going to disconnect. I could hear officer's radios in the background. Jack told someone he was 80 years old and the guy attacked me. I could hear Mr. James giving Jack instructions and Jack tells him that he was a police officer himself. After I heard

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that the line is disconnected.

The second audio file that I listened to was documented under call screen number 16315581. I heard this call was made on Sunday, 07-17-2016, at 2:48 P.M.

I heard the ERT ask the caller what was the address of the emergency and a female gets on the line screaming at Taco Bell and someone was shot in the head. I heard her say a guy shot a person. The ERT asked for a location and the female stated at Taco Bell on South Nevada. The female tells the ERT that he shot him in the head.

The female caller starts yelling that he is just sitting there and watching this shit, saying what the fuck is wrong with you. The female on the line says lazy mother fucker. I could hear the caller started to breakdown and possibly start crying. The female tells someone to get the license plate number. She said everyone is just standing there and watching this shit. I could hear the female say what the fuck is wrong with these people.

The ERT asked the female what phone number she was calling from and the female stated she did not know, telling the ERT she just got the phone. The female says he is dying and you need to call someone immediately. The ERT tells her that she as a call already started.

The female starts sobbing heavily on the phone. She was asked her name and she provided it as **Diane**. The ERT asked Diane what happened and Diane stated she did not know.

Diane says the man is just sitting there laughing about this shit. Diane tells the ERT that he is not moving. Diane is screaming oh no, and screams at someone saying how can you sit in the truck and sit there.

Diane starts sobbing more and screaming. Diane is asked were the suspect was and she says still sitting in the truck. The ERT would disconnect the line after asking some further questions.

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FACEBOOK:

07-18-2016 (Monday)

6:21 P.M.

I received an email from my supervisor about a Facebook account that belonged to Brittany [REDACTED]. The comments from post showed a screen shot of Ms. [REDACTED] comments saying her sister was in gray car parked next to the man's car that got shot at Taco Bell and witnessed the shooting.

I was provided with the following link [REDACTED]

CALL FOR SERVICE:

07-18-2016 (Monday)

7:49 P.M.

I received from the Colorado Springs Police/Fire Communications Center an email saying call for service number 16317527 was a call about a witness that called into the Communications Center to provide information.

I observed this call for service was made on 07-18-2016 at 7:00 P.M. I observed the reporting party (RP) was listed as Jennifer [REDACTED] with a listed phone number of [REDACTED]. I observed her address was listed as [REDACTED] (the [REDACTED]).

I observed Ms. [REDACTED] was calling in saying her son who was identified as Orlando [REDACTED] was a witness to the linked call (16315579). I observed a phone number for Orlando was listed as [REDACTED] I also observed on the call screen, Orlando was shaken up about the incident.

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I observed Officer W. Wilkerson/5222P was working as Direct Line Reporting (DLR) Officer and spoke with Ms. [REDACTED] I observed he stated Detectives would want to talk to Orlando and put some notes in the call screen. Please Officer Wilkerson's supplement for further information about speaking with Ms. [REDACTED]

EVIDENCE COLLECTED/SUBMITTED:

The following items have been collected and submitted into evidence at the Police Operations Center (POC) Digital Information Management System (DIMS) which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903.

Set Number 0024: Andy James Interview

Set Number 0023: 911 Audio Recordings

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forthcoming supplements for further information.

Nothing further.

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DETECTIVE STATEMENT

7/21/16

Detective Suarez, Detective Graham, and I responded to the [REDACTED] of [REDACTED] Avenue to conduct neighborhood follow-up reference this case.

RESPONSE TO [REDACTED] AVENUE

I responded to [REDACTED] Avenue, where I contacted **Mr. Trent [REDACTED] DOB [REDACTED]** phone number [REDACTED], and **Alexandria [REDACTED] DOB [REDACTED]** phone number [REDACTED]. After advising Mr. and Mrs. [REDACTED] that I was investigating a shooting that occurred over the weekend at a Taco Bell on South Nevada, I asked if they knew either of the neighbors - **Jesse Garcia or Jack Rogers** - who were involved in this altercation. Trent [REDACTED] advised that he had known Jesse from when they were in [REDACTED] High School. He stated he had seen Jesse a few times after that but that they were not close friends. Mr. [REDACTED] went on to state that it wasn't until he had seen the reports on the news of the shooting that he realized that Jesse was actually living just down the street from him. Mr. [REDACTED] stated he did not recognize Mr. Rogers but does recall seeing the gray SUV driving up and down the street.

Alexandria [REDACTED] then advised that she recognized Mr. Rogers. She went on to state that a couple of weeks ago, a small white dog walked into her house. She took the dog and walked up and down the street looking for the owner. She ran into who she later determined to be Mr. Rogers, who took the dog in and said it was his neighbor's dog. Mr. and Mrs. [REDACTED] stated they had had no additional contact with either individual nor were they aware of or had observed any issues or problems between the neighbors.

Mr. and Mrs. [REDACTED] both stated that the neighbors on this street generally stick to themselves.

RESPONSE TO [REDACTED] AVENUE

I responded to [REDACTED] Avenue. There was no contact; however, I left a

REPORTING OFFICER & IBM #
Gysin, Richard 0042

APPROVING SUPERVISOR
Rodgers, James



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705 S Nevada Ave
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

card requesting that the occupants contact me.

RESPONSE TO [REDACTED] AVENUE

I responded to [REDACTED] Avenue at the intersection of [REDACTED] and [REDACTED]

[REDACTED] I contacted Mr. James [REDACTED] DOB [REDACTED] phone number [REDACTED]. Mr. [REDACTED] advised that he knows Jack Rogers very well and knows that Jack has lived in the neighborhood for a long time. Mr. [REDACTED] states that he currently resides at this [REDACTED] Avenue residence with his parents and he's been living there for approximately two years. Mr. [REDACTED] stated that he has also completed mechanical work on Mr. Rogers' Scout and that he is actually the one that painted Mr. Rogers' Scout gray.

Mr. [REDACTED] stated that he would see and talk with Mr. Rogers on an average of two to three times a month. When asked what they'd speak about, Mr. [REDACTED] stated they would often talk about Mr. Rogers' Scout but he also learned in conversations with Mr. Rogers [REDACTED]

I asked Mr. [REDACTED] if he was aware of any issues between Mr. Rogers and any of his neighbors. Mr. [REDACTED] stated he does recall a story from approximately a year ago in which Mr. Rogers told him that he was driving his Scout when a white Chrysler 300 was driving next to him down the street. Mr. Rogers advised that he had turned his turn signal on to indicate his desire to move to the next lane; however, the driver of the Chrysler 300 kept "boxing him out." When asked to explain, Mr. [REDACTED] stated that Rogers told him that if he were to slow down, the Chrysler would slow down; if he were to speed up, the Chrysler would speed up. Mr. Rogers told Mr. [REDACTED] that eventually he just slammed on his brakes and the Chrysler went ahead of him so he was able to get over into the next lane behind the Chrysler 300. After moving over to the next lane, Mr. Rogers explained that the Chrysler 300 slammed on its brakes, "brake-checking" Mr. Rogers. Mr. Rogers stated to Mr. [REDACTED] that after the brake-check by the Chrysler, he immediately turned off to get away from the situation.

REPORTING OFFICER & IBM #
Gysin, Richard 0042

APPROVING SUPERVISOR
Rodgers, James



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Case Supplement Report

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NARRATIVE (continuation)

Mr. [REDACTED] stated that the reason Mr. Rogers was talking to him about his is because he believed that Mr. [REDACTED] brother-in-law was the driver of the Chrysler 300. Mr. [REDACTED] stated his brother-in-law had a white Chrysler 300 at the time and also lives in the neighborhood. Mr. [REDACTED] stated he talked to his brother-in-law and his sister, **Denise** [REDACTED], and determined it was not Mr. [REDACTED] brother-in-law involved in the incident. Mr. [REDACTED] stated it was then determined that the white Chrysler 300 belonged to an occupant of a residence across the street from Mr. Rogers.

Mr. [REDACTED] advised that he has heard some talk that possibly the shooting was racially based. He stated he does not know Mr. Rogers to have any racial bias. Mr. [REDACTED] went on to state he has numerous black friends and that this has never been an issue between him and Mr. Rogers. Mr. [REDACTED] stated that in fact, Mr. Rogers has a brother-in-law who is African-American and Mr. Rogers speaks very highly of him, stating Mr. Rogers advised Mr. [REDACTED] that his brother-in-law works at a used sporting goods store [REDACTED] and has worked his way up to management and is very successful. Mr. [REDACTED] stated he has never heard Mr. Rogers speak disparagingly of any individual based on their race.

There is nothing further from this detective at this time.

REPORTING OFFICER & IBM #
Gysin, Richard 0042

APPROVING SUPERVISOR
Rodgers, James



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CSPD DICTATION

DETECTIVE:	Det. J. F. Somosky/2321	CASE NO:	16-28051
SUPERVISOR:	Det. Sgt. Charles Rabideau/245		

NARRATIVE

EMERGENCY CALLOUT ACTIVATION:

*Sunday, July 17, 2016
15:05 hours
By telephone*

On Sunday, July 17, 2016 at 1545 hours, I, Detective J. F. Somosky/2321 assigned to the Colorado Springs Police Department (CSPD) Homicide Unit was activated for an emergency callout investigation by Violent Crimes Detective Sergeant M. Finn 961, via telephone. SGT Finn directed me to respond to Memorial Hospital Central located at 1400 East Boulder Street, acting in a Victim Detective role. SGT Finn explained that an unidentified male subject had been a victim of a gunshot wound (GSR) while at the Taco Bell restaurant located at 1507 South Nevada Avenue, and had been transported from the scene via ambulance to Memorial Hospital Central for emergency medical intervention. SGT Finn directed me to respond to the hospital, locate the shooting victim and work to identify him in addition to keeping him updated via telephone regarding the victim's medical condition.

ARRIVAL AT MEMORIAL HOSPITAL CENTRAL:

*Sunday, July 17, 2016
15:45 hours
Memorial Hospital Central
1400 E. Boulder Street
Emergency Department via Ambulance Bay*

On Sunday, July 17, 2016 at 1545 hours, I arrived at Memorial Hospital Central. After arriving within the Emergency Department Care Unit #1 I checked in with the charge nurse who advised me that the patient had been moved from resuscitation Room Number 1 to the Intensive Care Unit (ICU) on the fourth floor. I noted as I passed Resuscitation Room Number 1 that there was no hospital bed in the center of the room, however, there were numerous blood pools on the floor and paper wrappers from medical supplies and instruments scattered throughout the room on exam tables and on the floor.

I then proceeded to the fourth floor Intensive Care Unit where I located Several Colorado Springs Police Department Officers outside of **Intensive Care Unit Room 4636**. I noted that these officers were Gold Hill Division Patrol Sergeant P. Martinez 3176, Officer J. Scott 1506 and Officer J. Ray 4173. I requested a briefing from Officer Scott who was the primary investigating patrol officer at the hospital.

DETECTIVE OBSERVATIONS-VICTIM:



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Sunday, July 17, 2016
1600 hours

At this time, Officer Scott and I stepped out of the hall and into ICU room 4636. I observed the victim who had tentatively been identified as **Jesse Robert Garcia**, DOB 09-20-92, as he was undergoing emergency medical intervention by trauma personnel at Memorial Hospital Central, located at 1400 East Boulder Street. I noted that the victim was located within the Intensive Care Unit, fourth floor, in Room 4636. The victim was laying on his back, on a hospital bed in the center of the room, while being attended to by several doctors and nurses. I noted that the doctor overseeing the emergency medical intervention was an Emergency Department Dr. Reckard. Officer Scott explained that responding patrol officers had located an identification card on the victim's person prior to him being transported to the hospital that tentatively identified him as Jesse Robert Garcia 09/20/1992. Officer Scott believed that Gold Hill Division Patrol Officer C. Garcia 1751 had located and recovered the identification card on scene.

As medical personnel attended to the victim, I noted that he was either a light skinned African American or Hispanic male who appeared to be in his early twenties. The male appeared to have no clothing on, was partially covered from the waist down with a white-colored hospital sheet. I noted that the victim's feet were exposed at the other end of the hospital sheet and appeared to have on no socks and no shoes.

Victim photo redacted



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The focus of the emergency medical intervention appeared to be a wound to the victim's head. I observed no other obvious signs of visible injury, with the exception of an approximately **three-inch by three-inch patch of red-colored abrasions, bruises and large petechia** along the center line of the victim's neck. Just below the deceased's right shoulder on his outer right bicep area was an ink tattoo, which read the numbers **9/20/1992**. I noted this tattoo was in a date of birth format that also matched the date of birth for the tentatively identified victim Jesse Robert Garcia, DOB 09-20-92.

Victim photo redacted

The victim appeared to have blood on his right hand that I was unable to determine if it was transfer blood staining or spatter from the obvious head wound. On the deceased's left wrist was a hospital identification bracelet, which listed him by his John Doe hospital registration name of Hanksville Doe, 01012000. I visually inspected the remainder of the victim's body that I was able to see through medical personnel and the parts of his skin and body that were not covered by the hospital sheet and other than the previously mentioned injuries, did not observe any other signs of physical injury or trauma. I noted that the victim appeared to be a well-developed young man in his early twenties with dark colored hair and olive complected skin consistent with that of a mixed race, African American or Hispanic male.



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Victim photo redacted

BRIEFING FROM OFFICER SCOTT:

1601 hours

ICU – 4th floor outside room 4636

Officer Scott explained that the victim had tentatively been identified as **Jesse Robert Garcia**, DOB 09/20/1992. Officer Scott explained that Gold Hill Division Patrol Officer C. Garcia had located an identification card on the victim's person while at the scene that identified him as such. Officer Scott said that based upon the statement she received from Officer Garcia the photograph on the identification card recovered from the victim matched the likeness of the patient being treated in hospital room 4636. Officer Scott advised that the victim was reported to have had brain activity upon arrival at the hospital but that that activity, based upon medical personnel evaluation, was decreasing rapidly and that his medical condition was described as deteriorating. Officer Scott said that initially the victim was being medically evaluated and treated within the Emergency Department, Care Unit #1 recusitation room #1, but had been moved directly to the ICU by medical personnel. Officer Scott explained that the victim had not undergone surgery in the hospital Operating Room prior to him being treated in the ICU.



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DOCUMENTATION OF THE VICTIM WITH DIGITAL PHOTOGRAPHS:

At 1607 hours

ICU Room 4636

At 1607 hours I attempted to document the victim's condition with digital photographs while emergency medical intervention continued. I noted that the Chief Physician Attending to the victim's medical care was Emergency Department **Dr. Reckard** and several nurses and other medical staff. I noted while attempting to document the victim with digital photographs at 1607 hours, Dr. Reckard declared the patient brain dead as brain activity had ceased. I was advised by Dr. Reckard's staff that Donor Alliance will be contacted for potential harvesting of the victim's organs and tissues should he die from his injuries. I then received a paper bag containing the victim's clothing at 1607 hours from ICU Nurse **K. Warmacke**. I secured the victim's clothing in an evidence bag and maintained it on my person until a later time when I was able to depart the hospital and store it in the Colorado Springs Police Department Evidence Facility located at 705 S. Nevada Avenue.

Victim photo redacted

I then contacted Colorado Springs Police Department Homicide Sergeant J. Rodgers/1412, who had assumed command of the criminal investigation from Sergeant Finn by telephone and updated him on the development to the victim's medical condition to include the tentative identification made by patrol officers at the initial phase of the investigation. After completing the update to Sergeant



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Rodgers I began conducting queries of CSPD Law Enforcement Databases to determine if the patient had a documented next of kin.

EFFORTS TO IDENTIFY NEXT OF KIN FOR VICTIM JESSE GARCIA:

***At 1610 hours by telephone
ICU – outside room 4636***

I contacted the Falcon Division Police Service Representative by telephone, M. Montoya/3953. After identifying myself and confirming my identity via Badge Number and Radio Call Sign. I requested PSR Montoya's assistance in querying Law Enforcement databases for a possible next of kin for Jesse Robert Garcia, DOB 09/20/1992. PSR Montoya explained that she would conduct the query of Law Enforcement databases and call me back on my department cell phone.

Victim photo redacted

I then placed a telephone call to the El Paso County Colorado Sheriff's Office [REDACTED]

The call was answered by EPSO Deputy Rosencranz. I identified myself to Deputy Rosencranz and requested his assistance in identifying a possible documented next of kin for Jesse Robert Garcia who I was with at Memorial Hospital and being treated for a gunshot wound to the head [REDACTED]

[REDACTED] Deputy Rosencranz explained that the documented next of kin for Mr. Garcia [REDACTED] was listed as Ms. Edna [REDACTED]



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with an address of [REDACTED] Deputy Rosencranz explained that the next of kin phone number was listed as [REDACTED]. I thanked Deputy Rosencranz for his assistance and ended the call.

I then received a return call from PSR Montoya who confirmed the next of kin information that Deputy Rosencranz had located with the information documented in the Colorado Springs Police Department IERMS Database and the TLO Law Enforcement database [REDACTED]

PRONOUNCEMENT OF VICTIM DEATH:

***At 1708 hours
ICU room 4636***

At 1640 hours I noted that Dr. Reckard had given the order to medical personnel to terminate care for the patient based upon his continued brain inactivity and deteriorating medical condition. I updated Sergeant Rodgers of this development via telephone and advised him that I would remain at the hospital and stand by for the official time of death pronouncement. I noted that all medical care and intervention stopped at this time and that at **1708 hours Dr. Reckard and Charge Nurse Warmecke pronounced the time of death for the patient at 1708 hours.** I then updated Sergeant Rodgers of this development via telephone and Sergeant Rodgers directed me to contact the On-Call Coroner to respond to the hospital and take custody of the victim's body. Sergeant Rodgers directed me to respond to the Police Operations Center after the coroner's Office had taken custody of the body to meet with the Colorado Springs Police Department On-Call Victim Advocate to make arrangements to make the death notification to the victim's next of kin.

After ending the call with Sergeant Rodgers I notified the Colorado Springs Police Department Emergency Dispatch Center Citywide Chanel via telephone at 1712 hours and requested that they contact the On-Call El Paso County Deputy Coroner and have them call me on my department issued cell phone. At 1723 hours I received a call from El Paso County Deputy Coroner April Allgood who advised that the On-Call team was currently at a different death scene and would respond to the hospital upon completion. I advised Deputy Coroner Allgood that I was on the fourth floor within the Intensive Care Unit in Hospital Room 4636. I then ended the call and stood by to await the arrival of the Coroner's Office Personnel.

While I remained at the hospital waiting for the On-Call Coroner to arrive, I would later learn that Colorado Springs Police Department Victim Advocate H. Liggett and Homicide Detective J. Hengst/3561 would be tasked to make the next of kin notification to the brother of Jesse Garcia who reportedly arrived on scene while the investigation was ongoing.

CORONER ARRIVAL AT HOSPITAL:

***At 1812 hours
ICU room 4636***

At this time, El Paso County Colorado Deputy Coroner April Allgood, arrived in the ICU to the Victim's hospital room. I provided Deputy Coroner Allgood with a briefing regarding the information I had on



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the victim's tentative identification in regarding the investigation to that point. I noted that Deputy Coroner Allgood then documented the victim's conditions with digital photographs and made her own independent observations before preparing the victim for transport to the Coroner's Office at 1816 hours. At 1816 hours hospital medical staff provided Deputy Coroner Allgood with a copy of the victim's medical chart documented his treatment upon arrival at the Emergency Room up until the time of his pronouncement of death. Deputy Coroner Allgood secured evidence bags over both of the victim's hands and then requested that I bring the victim's clothing to the **autopsy exam scheduled for the next day, Monday, July 18, 2016 at 0845 hours** so that the coroner could examine the clothing at the time of the autopsy exam. At 1825 hours, Deputy Coroner Allgood transferred the victim's body from the hospital bed to her coroner's rolling gurney, placing the victim's body in a body bag.

At 1855 hours the hospital discharged the victim and I escorted Deputy Coroner Allgood as she removed the victim's body from the ICU to the ambulance bay where her coroner vehicle was located. After Deputy Coroner Allgood departed in the ambulance bay en route to the Coroner's Office I notified Sergeant Rodgers by telephone. Sergeant Rodgers then directed me to respond to the CSPD Police Operations Center located at 705 S. Nevada Avenue and await further instructions.

ITEMS SUBMITTED AS EVIDENCE:

2020 hours
CSPD Police Operations Center
705 S. Nevada Avenue
Evidence Unit (Basement)

At this time I packaged, processed and submitted the victim's clothing as evidence in this investigation and stored them in a temporary storage locker pending transport to the Coroner's Office for the autopsy the next day. At 2030 hours I uploaded the digital photographs taken of the victim's body while at the hospital as evidence in this investigation via the CSPD Digital Image Management System (DIMS) **set # 11**.

Upon completion of the autopsy exam, I documented the victim's clothing with digital photographs and officially submitted the clothing items as evidence in this investigation at the CSPD POC Evidence Facility. The photographs of the victims clothing were uploaded into DIMS via **set #15**.

For additional details, please see the attached Evidence Discovery report as reference.

VICTIM AUTOPSY EXAM:

0845 hours
El Paso County, Colorado Coroner's Office
2741 East Las Vegas Street
Colorado Springs, Colorado 80906

At this time, I responded to the El Paso County Coroner's Office to be present for the Autopsy Exam scheduled for victim Jesse Robert Garcia DOB 09/20/1992.



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COLORADO SPRINGS, CO 80903
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Coroner's Office Report # 16-0621
El Paso County Coroner Dr. Bux conducting exam
Metro Forensic Laboratory Crime Scene Investigator B. Annen 2191

I remained at the Coroner Exam room for the duration of the Autopsy, and noted at 1025 hours Dr. Bux determined the *cause of death as Gunshot Wound (GSR) and the manner of death as a Homicide*. I then returned to the POC and reported the Coroner's findings to SGT. Rodgers.

CASE STATUS:

This case is open and active. Investigation is continuing. No further information at this time.



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Colorado Springs, CO 80903
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

On 07-17-2016 at approximately 1501 hours I, CSO T. Mielke /5061, was dispatched to and arrived at S. Nevada Ave. and Brookside St. Colorado Springs, CO 80905 to assist with traffic control. Once on scene I helped secure the south perimeter of the scene using police tape and my cruiser. While on scene I helped to maintain the south perimeter and assured no vehicles entered the south side of the parking lot (1507 S. Nevada Ave.) from S. Nevada Ave. I was relieved of my position by **Officer N. Hwang / 3960** and cleared at approximately 1735 hours.

REPORTING OFFICER & IBM #
Mielke, Tanner 5061

APPROVING SUPERVISOR
Jones, Vanessa



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705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

DETECTIVE STATEMENT:

07-27-2016 (Wednesday)

9:48 A.M.

I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit) requested Colorado Springs Police Barcode Number 200929875 which was **Jesse Garcia's (DOB: 09-20-1992)** Apple iPhone 6 bearing an IMEI Number of: 359287061722310 be processed by Detective's with the Colorado Springs Police Department Digital Forensic Unit (which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903).

CALL SCREEN NUMBER: 15119698:

I reviewed call screen number 15119698 and observed **Charles [REDACTED]** had called in a call for service on 03-18-2015 at 9:35 A.M. saying he was road raged near Janitell Road and South Circle Drive. I observed the call screen indicated or documented a license plate of 908FQY. I knew this to the license plate on **Jesse Garcia's (DOB: 09-20-1992)** white Ford Mustang.

I observed in this call screen Mr. [REDACTED] did not want to sign a complaint. I observed Officers were able to locate a record and photo for Jesse and showed Jesse's photograph to Mr. [REDACTED] who identified Jesse as the suspect. I observed a phone number was listed for Mr. [REDACTED] as [REDACTED]

CONTACT WITH MR. [REDACTED]

07-27-2016 (Wednesday)

4:55 P.M.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Finn, Michael



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(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

I called Mr. [REDACTED] at phone number [REDACTED]. I spoke with Mr. [REDACTED] about the road rage incident. Mr. [REDACTED] stated he is a professional driver and is always on the road. He stated he was driving around Janitell Road and South Circle Drive when a white Mustang bearing Colorado License Plate 908FQY (provided to police on 03-18-2015) was driving erratically (coming up on bumper quickly, not using blinkers, and weaving in and out of traffic). Mr. [REDACTED] stated he made a motion to the driver in the Mustang. He stated this motion was to let the driver know to use his blinker and to slow down. He stated he pulled over and the Mustang pulls over also in the area of Janitell Road and South Circle Drive. Mr. [REDACTED] stated the male gets out of vehicle and lightly punches him in the face and then gets back into the vehicle and takes off. He stated he did not want any charges brought against the driver (Jesse) at that time.

PHONE CALL TO PATRICIA [REDACTED]

07-27-2016 (Wednesday)

5:11 P.M.

I called Patricia [REDACTED] at phone number [REDACTED]. I asked Ms. [REDACTED] when the last time she saw Jesse was and she stated maybe two and half weeks ago. I asked Ms. [REDACTED] how often Jesse would stop by at her home and she stated maybe twice a week. She stated it could have more or less depending on his schedule. I thanked Ms. [REDACTED] for her time and then disconnected the phone line.

EMAIL TO CORONER'S OFFICE:

07-27-2016 (Wednesday)

5:16 P.M.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Finn, Michael



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Case Report # **2016-00028051**

NARRATIVE (continuation)

I emailed the El Paso County Coroner's Office (which is located at 2741 East Las Vegas Street Colorado Springs, Colorado 80906) to ask about what substances may have been in Jesse's system.

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forthcoming supplements for further information.
Nothing further.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Finn, Michael



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

DETECTIVES/1k

QS # 1691

TEAM MEETING

07/18/2016 (Monday)
1508 hours

I, **Detective Wayne Bichel/1333D**, attended a team meeting regarding this investigation. Personnel present consisted of:

- Commander Wilson**
- Lieutenant Poole**
- Sergeants Rodgers & Finn**
- Detectives Suarez, Somosky, Peterson, Rogers and Hengst**
- District Attorney's Office Jeff Lindsey & DA Investigator Dan Edwards**

Details learned as far as this point in the investigation were discussed and additional tasks were assigned. I was assigned the task of preparing search warrants for the two vehicles towed from the scene and processing these two vehicles.

I prepared a search warrant for the two vehicles as follows:

A vehicle bearing Colorado license plate [REDACTED] that lists on a 1977 International Scout; this vehicle is currently held at the Colorado Springs Police Department Evidence Bay located at 705 South Nevada Avenue under evidence bar code #200928010.

A vehicle bearing Colorado license plate [REDACTED] that lists on a 1993 Ford Mustang; this vehicle is currently held at the Colorado Springs Police Department located at 705 South Nevada Avenue under evidence bar code # 200928011.

This search warrant was reviewed and approved by Sergeant Rodgers.

REPORTING OFFICER & IBM # Bichel, Wayne 1333	APPROVING SUPERVISOR Finn, Michael
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

07/19/2016 (Tuesday)

I contacted **Judge Acker** at the El Paso County Courthouse and presented him with the search warrant prepared by this detective for the two previously-described vehicles. Upon Judge Acker's review, he signed this warrant into effect on today's date, 07/18/2016 at 0844 hours.

07/19/2016 (Tuesday)

1110 hours

I executed the search warrant on the 1993 Ford Mustang bearing Colorado license plate [REDACTED] that was positioned in the parking garage located at the Police Operations Center. I observed this vehicle to be in the same condition as when it was placed here on Sunday, 07/17/2016. **Crime Scene Investigator Amanda Kimball** was present to assist with processing. Prior to a search being completed, exterior and interior photographs were taken. In completing the search of this vehicle, I located a cellular phone lying on the center console of this vehicle. It was collected as evidence. No other notable items of evidence were located inside of this vehicle. Post-search photographs were taken. A copy of this search warrant was left inside the vehicle.

07/19/2016 (Tuesday)

1145 hours

The processing of this vehicle concluded. I placed a phone call to Dispatch requesting Randy's to respond to this location to tow this vehicle to the impound lot.

07/19/2016 (Tuesday)

1230 hours

Randy's arrived and towed this vehicle from its current location to the Colorado Springs Police Department Impound Lot. I provided the Randy's driver the keys to this vehicle, requesting the keys to be provided to the impound lot.

REPORTING OFFICER & IBM #

Bichel, Wayne 1333

APPROVING SUPERVISOR

Finn, Michael



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Case Supplement Report

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NARRATIVE (continuation)

07/19/2016 (Tuesday)
1150 hours

Crime Scene Investigator Kimball unlocked the evidence bay at the Police Operations Center. I viewed the vehicle described as a 1977 International Scout bearing Colorado license plate [REDACTED] to be positioned inside of this evidence bay. Prior to processing the vehicle, Crime Scene Investigator Kimball took exterior and interior photographs, dusted the driver's door area for potential fingerprints, swabbed the driver's door area for possible DNA and obtained biological swabs (blood), noting exterior biological samples were obtained on Sunday, 07/17/2016 by **Crime Scene Investigator Weiss**.

I observed blood staining on the inside of the driver's door and blood stains on the inside ceiling of the vehicle. The blood stain on the inside ceiling of this vehicle appeared to be consistent with blood spatter giving the indication that the victim was shot while his head was inside of the vehicle.

In completing the search of the vehicle, I located and recovered a pair of eyeglasses from the front passenger side floorboard area. In the center console area, I located and recovered a magazine holster with two ammunition magazines. Additionally I located and recovered a plastic green in color ammunition container from the floorboard of the vehicle in front of the center console.

For additional information, please see report completed by Crime Scene Investigator Kimball, noting **Office Specialist Amy Carlson** was present, shadowing Crime Scene Investigator Kimball.

This search concluded on today's date, 07/19/2016 (Tuesday) at 1300 hours.

07/19/2016 (Tuesday)
1310 hours

Randy's Towing arrived and towed this vehicle to the Colorado Springs Police Department Impound Lot. I provided the Randy's driver with keys to

REPORTING OFFICER & IBM #

Bichel, Wayne 1333

APPROVING SUPERVISOR

Finn, Michael



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

this vehicle, requesting the keys to be left at the impound lot.

There is no further information available at this time. This investigation is continuing.

REPORTING OFFICER & IBM #
Bichel, Wayne 1333

APPROVING SUPERVISOR
Finn, Michael



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Case Report # **2016-00028051**

NARRATIVE

Det/eb/QS#1688

NOTIFICATION:

07/17/16 (Sunday)
1506 hours

I, Detective Wayne Bichel, 1333D, currently assigned to the Colorado Springs Police Department, Homicide Unit, received a call from Sgt. Finn while off duty at my residence. I was advised of a callout occurring at 1500 South Nevada Avenue, the Taco Bell. I was advised the victim was a 16 year old and was shot in the head, transported him to Memorial Hospital and not expected to survive.

It was reported the suspect identified as **Jack Rogers** made an initial statement that this was a road rage incident.

I was instructed to respond to the scene to process the scene. Sgt. Finn advised that Detective Somosky would be responding to the hospital and Detective Suarez would be responding to the Police Operations Center to conduct an interview with the suspect.

07/17/16 (Sunday)
1538 hours

I departed my residence noting the outside air temperature at 82°.

07/17/16 (Sunday)
1541 hours

I contacted Crime Scene Investigator Jesa Weise by phone and advised her of the callout requesting her to respond to the Taco Bell at 1500 South Nevada Avenue.

07/17/16 (Sunday)
1605 hours

REPORTING OFFICER & IBM #
Bichel, Wayne 1333

APPROVING SUPERVISOR
Finn, Michael



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

I arrived on scene entering eastbound on Brookside Street from southbound Nevada Avenue, then making a right hand turn southbound into the access road to the parking lot for the Taco Bell. This access road is on the east side of the Taco Bell. I observed numerous marked police vehicles and yellow crime scene tape in position to protect the scene.

I learned from Officer Chris Garcia that he recovered the weapon and currently had it in his possession in his vehicle. I was advised that Officer Nancy Wang had the victim's I.D. in her possession.

I was briefed by Sgt. Frederick advising the suspect identified as Jack Rogers, DOB 02/24/36, was already transported to the Police Operations Center. The victim identified as **Jesse R. Garcia**, DOB 09/20/92, was declared deceased at Memorial Hospital.

Sgt. Frederick advised that there were five witnesses that were identified so far. It was reported that the video surveillance from the Taco Bell shows the suspect vehicle, a gray Scout, pulling into a handicap parking space on the south side of the Taco Bell.

Then the victim parked a white in color Mustang in a parking space south of where the Scout was parked. Forty-five seconds later the video shows the victim approaching the gray Scout on the passenger side of the vehicle talking to the suspect and possibly reaching into the car. Fifteen seconds later the victim falls out of the vehicle.

I was advised the suspect made an initial statement that it was a road rage incident and he got scared causing him to remove his handgun from the center console and placing it on the dashboard of his vehicle. He then began to access his cell phone when the victim leaned into his vehicle from the driver's side window and grabbed the gun. A struggle ensued and the gun went off.

Sgt. Frederick advised me that the keys to the Scout were currently at the Police Operations Center. I made Arrangements with Sgt. Frederick to facilitate having the witnesses transported to the Police Operations Center for interviews. Sgt. Frederick advised one of the witnesses refused to be

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APPROVING SUPERVISOR
Finn, Michael



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

transported to the Police Operations Center for an interview.
Detective Jordan Hengst arrived on scene. I requested him to complete follow up interviews with the witnesses.

07/17/16 (Sunday)
1628 hours

I provided Crime Scene Investigator Jesa Weise with a brief overview known by this detective at this time.
Crime Scene Investigator Jesa Weise arrived on scene. I requested that she take initial scene photographs.

07/17/16 (Sunday)
1630 hours

Officer Wang provided me with the victim's driver's license. I then provided this to Crime Scene Investigator Weise. I requested Crime Scene Investigator Weise to recover the weapon from Officer Garcia.

07/17/16 (Sunday)
1616 hours

I received a phone call from Sgt. Rodgers who advised that he was responding to the scene and requested if this detective needs any assistance. I requested Sgt. Rodgers to contact the on-call Computer Forensic detective due to needing to recover the video surveillance from the Taco Bell.

I requested patrol officers complete tow cards and evidence tags on the two vehicles, the white Mustang and the gray Scout.

07/17/16 (Sunday)
1630 hours

Due to it starting to rain I opened the doors of the Scout enabling ability to roll up the windows. I requested Crime Scene Investigator Weise to take

REPORTING OFFICER & IBM #
Bichel, Wayne 1333

APPROVING SUPERVISOR
Finn, Michael



COLORADO SPRINGS POLICE DEPARTMENT
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(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

additional photographs of this process. Upon opening the passenger door to roll the window up a shell casing was observed lying on the front passenger side floor near the door threshold, inside the vehicle. This was collected due to the potential of it moving during the towing process.

SCENE DESCRIPTION:

The scene of the Taco Bell has an address of 1507 South Nevada Avenue. This business is located on the east side of Nevada Avenue, south of Kentucky Fried Chicken that is positioned on the southeast corner of Brookside Street and Nevada Avenue. The Taco Bell building runs in an east to west direction. There is a drive through access on the north side of the building. The parking lot is on the south side of the building.

There is a parking lot separating the Taco Bell and the Wendy's, Wendy's having an address of 1541 South Nevada Avenue, and this Wendy's is south of the Taco Bell. There are two access points to this parking lot from northbound Nevada, a south access and a north access. There is a drive through window for the Wendy's on the north side. An exterior video surveillance camera is visible on the roof of the Wendy's (north side facing a northeast direction). I was advised by Sgt. Frederick that this video surveillance does not depict either one of the entrances in the parking lot.

There are two rows of marked parking spaces in between the two access roads. These parking spaces are marked off in a west to east direction placing the vehicles either facing north or south.

A white Mustang bearing Colorado license [REDACTED] is parked in the north marked parking spaces, third parking space to the east. The driver's door is open, the window is down and the passenger door is closed. The window is partially down. The front of this vehicle is facing north and the engine is running and the radiator appears to be leaking anti-freeze on the ground.

Parked to the west is a black Volkswagen bearing Ohio license plate [REDACTED], leaving one marked parking space open to the west. On the east

REPORTING OFFICER & IBM #
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APPROVING SUPERVISOR
Finn, Michael



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

side of the white Mustang is a gold in color Mitsubishi Lancer bearing Colorado license [REDACTED] Directly behind this vehicle (south) is a gray Hyundai Elantra bearing Colorado license [REDACTED]

The front entrance doorway to the Taco Bell is positioned in the center of the building on the south side. There are five marked parking spaces to the west of this entrance.

The vehicle parked in the farthest west parking space is a black in color Acura bearing Colorado license [REDACTED] The next space to the east is open. The third space is a gold in color Lexus, [REDACTED] The next space is open. This is the area where the victim was treated by medical personnel.

What appears to be a white in color t-shirt is laying on the ground and a blood pool is next to it. Placard #1 denotes the t-shirt. Placard A denotes the pool of blood. The next parking space to the east is a handicap space. Parked in this parking space is a gray in color International Scout bearing handicap plate [REDACTED]

On the east side of the entrance to the Taco Bell the first parking space is a handicap space. The second parking space to the east is a gold Chevy Malibu bearing Colorado license [REDACTED] The third parking space is open.

There is a dumpster with a barrier around it positioned on the southeast corner of the Taco Bell. The drive thru access is at the far east side of the Taco Bell giving access in a northerly direction and then turning to the west along the north side of the Taco Bell.

On the far east side of the parking lot is another building running in a north to south direction. The first business in the northwest corner of this building is Ace Loans pawnshop having an address of 1515 South Nevada Avenue. A liquor store is positioned south of the pawnshop having the address of 1527 South Nevada Avenue. Then at the far south end is the Ivywild Tavern having the address of 1529 South Nevada Avenue.

07/17/16 (Sunday)

REPORTING OFFICER & IBM # Bichel, Wayne 1333	APPROVING SUPERVISOR Finn, Michael
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COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

1730 Hours

I requested Randy's respond to this location to tow the two vehicles. Officer Retzlaff, 4921 was assigned the task of following these two vehicles. Officer Garcia advised a male showed up on scene and identified himself as Jesse Garcia's brother. This information was provided to Sgt. Rodgers.

07/17/16 (Sunday)

1811 hours

I rolled the passenger window and the driver's window up on the Mustang and turned the engine off leaving the keys in the ignition.

07/17/16 (Sunday)

1814 hours

I cleared the scene, along with Crime Scene Investigator Weise.

07/17/16 (Sunday)

1818 hours

Crime Scene Investigator Weise and I arrived at the Colorado Springs Police Department. I spoke to Lt. Poole who advised he already made arrangements with Detective Peterson to facilitate having the Toyota towed over to the parking garage of the Police Operations Center.

07/17/16 (Sunday)

1839 hours

I was present when Randy's removed a vehicle from the POC Evidence bay (Red Toyota). See Detective Peterson's supplement regarding this. This vehicle was removed making room for the gray Scout.

07/17/16 (Sunday)

REPORTING OFFICER & IBM #

Bichel, Wayne 1333

APPROVING SUPERVISOR

Finn, Michael



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705 S Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

1915 hours

The gray Scout was placed into the POC Evidence bay and the bay was secured. I requested Randy's and patrol officers to respond back to the scene to retrieve the white Mustang.

07/17/16 (Sunday)

1927 hours

Crime Scene Investigator Weise and I cleared the POC returning to the scene.

07/17/16 (Sunday)

1932 hours

Crime Scene Investigator Weise and I returned to the scene. The area where the two vehicles were parked (Mustang and Scout) was photo documented noting no additional items of evidence located. Note: there was a wet spot of antifreeze where the left front Mustang was parked. FD was requested for a blood wash down.

07/17/16 (Sunday)

1946 hours

I cleared the scene en route to the Police Operations Center.

07/17/16 (Sunday)

1948 hours

I arrived at the Police Operations Center.

07/17/16 (Sunday)

2030 hours

I cleared the Police Operations Center ending my involvement in this investigation on today's date.

REPORTING OFFICER & IBM #

Bichel, Wayne 1333

APPROVING SUPERVISOR

Finn, Michael



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

There is no further information available at this time.

REPORTING OFFICER & IBM #
Bichel, Wayne 1333

APPROVING SUPERVISOR
Finn, Michael

METRO CRIME LABORATORY
705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7379
LABORATORY REPORT

Requesting Agency: Case No: 16-28051

Colorado Springs Police Department
705 S Nevada Ave
Colorado Springs, CO 80903

Lab Case Number: 16MCL01861

Unit: Crime Scene Investigations

Request Submitted By: Officer Joseph SOMOSKY, 2321

Examiner: Brian Annen, 2191

Request Date: Mon Jul 18, 2016

Report Date: Fri Jul 29, 2016 11:37

Offense: Homicide: Murder/Non-negligent Manslaughter

Suspect: ROGERS, JACK A

DOB: 02/04/1936

Victim: GARCIA, JESSE

DOB: 09/20/1992

REQUESTED SERVICE - [Crime Scene - Response]
CSI RESPONSE DOCUMENTATION

CSI - Autopsy Documentation

Autopsy No.	Date	Coroner/Medical Examiner	Decedent	Digital Images (DIMs)
16-00621	07/18/2016	Dr. Robert C Bux, M.D.	GARCIA, JESSE	<input checked="" type="checkbox"/>

Location of autopsy: 0

Response Date/Time: Mon Jul 18, 2016

Evidence item(s) related to Autopsy

- 200928269 (BA1) {HOMICIDE KIT} DESC: RIGHT/LEFT HAND SWABS&NAIL CLIPPINGS, FACE SWABS
- 200928270 (BA2) {TRACE} DESC: BLUE COLORED UNKNOWN SUBSTANCE,
- 200928271 (BA3) {DNA - BLOOD STANDARD} DESC: BLOOD CARD,
- 200928272 (BA4) {GSR PACKET} DESC: GSR KIT,
- 200928273 (BA5) {FIREARM - PROJECTILE} CALIBER: 40 CAL, DESC: COPPER JACKETED BULLET - DEFORMED,
- 200928274 (BA6) DESC: PAPER BAG RECOVERED FROM THE RIGHT HAND,
- 200928276 (BA7) DESC: PAPER BAG RECOVERED FROM THE LEFT HAND,
- 200929698 (BA8) DESC: 10-PRINT CARD WITH FPS OF J. GARCIA,

RESULTS and CONCLUSIONS

On 07/18/16 at approximately 8:45AM I, Latent Print Examiner Brian Annen, arrived at the El Paso County Coroner's Office located at 2741 E. Las Vegas for autopsy 16-00621. The autopsy began at approximately 9:00AM and was performed by Dr. Robert Bux. Detective Joseph Somosky was also present. During the autopsy I took digital photographs of the decedent and related items of evidence. The decedent was not clothed. The autopsy was concluded at approximately 10:15AM. I did obtain a set of inked fingerprints that were taken by the Coroner's Office from the decedent. All items of evidence were collected and brought to the Police Operations Center where I stored them securely in a temporary evidence room. I subsequently packaged and inventoried the items of evidence which are itemized in this report. All items were turned over to the evidence custodian by placing them in a temporary evidence storage locker.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT

**METRO CRIME LABORATORY
REPORT CONTINUATION**

Lab Case No.: 16MCL01861

Agency Case No.: 16-28051 [CSPD]

16MCL01861_0004_20160718_ReqID_003433



Assigned Analyst
Brian Annen | 2191
Latent Print Analyst

07/29/2016 11:27

Page 2 of 2

Report CSI v.2016.07.25

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METRO CRIME LABORATORY
LABORATORY REPORT

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7379

Requesting Agency: Case No: 16-28051

Colorado Springs Police Department
705 S Nevada Ave
Colorado Springs, CO 80903

Lab Case Number: 16MCL01861

Unit: Latent Prints

Request Submitted By: Officer Joseph SOMOSKY, 2321

Request Date: Mon Jul 18, 2016

Examiner: Brian Annen, 2191
Report Date: Mon Aug 01, 2016

Offense: Homicide: Murder/Non-negligent Manslaughter

Suspect: ROGERS, JACK A

DOB: 02/04/1936

Victim: GARCIA, JESSE

DOB: 09/20/1992

REQUESTED SERVICE - [Latent Print - Examination]

SUBMITTED EVIDENCE ITEMS

Barcode (Item No.) Item description as submitted

200929698 (BA8) 10-PRINT CARD WITH FP'S OF J. GARCIA ,

INITIAL REVIEW

Barcode	Total Cards	Prints Reviewed	Prints Of Value (OV)	Date Started
200929698	1	1	1	07/29/2016

CASE COMMENTS

A check through CSPD, CBI, and FBI records show no fingerprints on file for Jesse Garcia, d.o.b. 09/20/92.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT



Assigned Analyst
Brian Annen | 2191
Latent Print Analyst

07/29/2016 10:04

16MCL01861_0005_20160718_ReqID_003453

Report v.2016.07.25

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COLORADO SPRINGS POLICE DEPARTMENT
 705 S Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

I, Detective Bryan Rogers 2641, have been assigned to the CSPD Digital Forensic Unit since December 2009. I have over 470 hours of computer forensic training in multiple operating systems, forensic methodologies, computer technologies, networks, mobile device repair and advanced physical/RAW data extractions. I also have a Bachelor's degree in Software Engineering and a Master's degree in Information System Security. I am an Encase Certified Examiner, AccessData Certified Examiner, a Certified AccessData Mobile Examiner, a Certified Ethical Hacker and a Certified Hacking Forensic Investigator.

On 07/28/2016, I was contacted by Detective Suarez who requested that I extract data from one mobile device. I requested and retrieved the device from the CSPD Evidence Unit. That device is:

200929875 - Apple iPhone 6 A1586 IMEI 359287061722310

Search Authority

Search Warrant

Requested Information

- Account Information
- Audio
- Calendar
- Call Log
- Contacts
- Email
- Internet Records
- Location Data
- Messages
- Network Information
- Pictures
- Videos

200929875 - Apple iPhone 6 A1586 IMEI 359287061722310

I booted the device and noticed it was locked with a code. I am unable to bypass or remove the lock on this particular device. No information was obtained. Detective Suarez was informed of my findings. I returned the device to the CSPD Evidence Unit.

No further.

REPORTING OFFICER & IBM # Rogers, Bryan 2641	APPROVING SUPERVISOR Ledbetter, Jason
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S Nevada Ave
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

On 07/17/2016, I, Detect Bryan Rogers 2641, was contacted by the communications center and told to respond to 1507 S Nevada Ave to assist with an emergency call out. I went to that location and contacted Sgt. Rodgers. He asked me to obtain the video surveillance from the business at this location which is a Taco Bell. He said he was interested in video showing two vehicles and a shooting. He said one vehicle is white and the other is a blue Scout both of which were still in the parking lot.

I went inside of the business and contacted Officer M. Peterson inside of the office of the business. He said he reviewed some of the video but could not export it. He showed me the system and said that the vehicles of interest came into view on the front patio camera at approximately 1445 hrs. I recognized the user interface as one that I have used before. I exported the video for that camera between 1430 and 1500 hrs to a USB drive that I connected to the system. The export completed successfully in h.246 format. I removed the USB drive and connected it to my laptop. I reviewed the exported video and noticed that while the time stamp advanced forward when played, the image did not.

I went back to the DVR and reviewed the settings and found that it could also export in WMV9 format. I reviewed the video prior to exporting it this time. I noticed that the two vehicles came into view on the camera named "ExBack" at approximately 1444 hrs and could be seen driving across the parking lot to where the parked outside of the "Front Patio" camera. The two other cameras that they could be seen on while driving are named "Cubby1" and "Cubby2". I exported the video from 1440 through 1455 hrs for each of the cameras in WMV9 format to the USB drive I provided. I then took that USB drive and loaded the videos onto my laptop. This time the videos played successfully in both Windows Media Player and VLC.

When the export was finished, I noticed the system time and compared it to the actual timed store on my cellular phone.

System Time: 07/17/2016 @ 18:17:02

Actual Time: 07/17/2016 @ 18:17:04

I left the restaurant and went outside. I looked at the surrounding business including the Wendy's and a Pawn shop both next to the Taco Bell. Both have visible cameras on the outside of the buildings but the cameras were not directed to an area where the two vehicles could be seen. I did not obtain any other video. I contacted Sgt. Rodgers. He asked me to respond to the Police Operations Center to extract data from a mobile phone.

Once there, I contacted Detective Suarez. He gave me an LG flip phone with a search waiver signed by the owner Jack Rogers. Suarez asked only for the information from 07/17/2016 around the time of the shooting. I took those items to my office. The phone is and LG B450. The hardware and software tools that I have available to me do not support this device. I used a digital camera to capture the data on the device.

There were no messages on the device, the last picture or video was taken on 06/29/2016 and there were only

REPORTING OFFICER & IBM # Rogers, Bryan 2641	APPROVING SUPERVISOR Ledbetter, Jason
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

two calls listed on 07/17/2016. One is for an emergency call on 07/17/2016 @ 1446 hrs and another call was to "Rogers Jack" at 1540 hrs. The phone number for the device is [REDACTED] and the IMEI for the device is [REDACTED]. I extracted the data from the SIM card using MSAB's XRY which provided the device phone number and contacts. I returned the device and the waiver to Suarez. I copied the pictures I took and extracted data to an optical disk and submitted that disk to evidence under barcode #200928018.

The video obtained from the Taco Bell was copied to an optical disk and placed into evidence under barcode # 200828017.

I did review some of the video exported from the Taco Bell system. I notice that the white car and blue car could be seen driving from the North towards Taco Bell, around the drive through and through the parking lot. The blue car parked next to the building and no one got out. The white car parked one row away from the building. A male got out of that vehicle and approached the blue one. Once there, the male who walked up to the blue car stood outside of the car for a short time. Then, suddenly, he lunged into the blue car through the driver's side window. There appeared to be some sort of struggle, then he fell back out of the window and to the ground. A few seconds later, he rolled onto his back and I did not see him move again. No one got out of the blue car. No further.

REPORTING OFFICER & IBM #
Rogers, Bryan 2641

APPROVING SUPERVISOR
Ledbetter, Jason



COLORADO SPRINGS POLICE DEPARTMENT
 705 S Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report
 Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #		DATE/TIME REPORTED 07/17/2016 14:57	
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION			
COUNTS		ATTEMPT/COMMIT			

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS			
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS			
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	

DL/ID NUMBER	STATE	JACKET NUMBER
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized	<input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL	YEAR	COLOR
PLATE	STATE	VIN
		VALUE
DESCRIPTION		

ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized	<input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE
COLOR		
ITEM TYPE and DESCRIPTION		

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM #		APPROVING SUPERVISOR & IBM #	CSO
Zamora, Sean 5231		Taylor, Patricia	



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

On July 17, 2016 at approximately 1456 hours I, Community Service Officer S. Zamora/5231, was dispatched to the area of E. Brookside Street/S. Nevada Avenue to assist with traffic control at the scene of a shooting that occurred in the area. Upon arrival I was directed to close the right most through lane of S. Nevada Avenue starting in front of the Wendys located in front of 1541 S Nevada Avenue and continuing until the intersection of E. Brookside Street/ S. Nevada Avenue. After positioning my cruiser in the lane with emergency lights activated I placed cones in between the center and right lanes to prevent vehicles from entering the right lane. I then assisted officers with setting up the outer perimeter of the scene by putting up yellow crime scene tape. At approximately 1457 hours I was directed to re-open the closed lane of S Nevada Avenue and after doing so I cleared the scene.

End of supplement.

REPORTING OFFICER & IBM # Zamora, Sean 5231	APPROVING SUPERVISOR Taylor, Patricia
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report
 Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #		DATE/TIME REPORTED 07/17/2016 14:48	
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION			
COUNTS		ATTEMPT/COMMIT			

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
HAIR	EYE	EMAIL ADDRESS	

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
HAIR	EYE	EMAIL ADDRESS	

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
HAIR	EYE	EMAIL ADDRESS	

VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Recovered <input type="checkbox"/> Seized	<input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL		YEAR	COLOR
PLATE	STATE	VIN	VALUE
DESCRIPTION			

ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Recovered <input type="checkbox"/> Seized	<input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR
ITEM TYPE and DESCRIPTION			

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Sandoval, Mark 0979		APPROVING SUPERVISOR & IBM # Wisler, Scott	HOT Dart Team



COLORADO SPRINGS POLICE DEPARTMENT
705 S Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

WEST SIDE ENFORCEMENT/ska

SUPPLEMENTAL INFORMATION:

On 07-17-16 as part of the response to the scene of what was initially reported as a shooting in the parking lot of 1507 South Nevada Avenue, I, Officer A. M. Sandoval/979 was directed to transport two witnesses to the incident to the Police Operations Center for a formal interview. While there I was asked by Detective S. Peterson to interview one of the two witnesses whom I had transported. Officer Peterson directed me to Interview Room 5 where I could complete the interview with that subject. I directed that subject to Interview Room 5 along with her acquaintance. A short time later the male acquaintance was interviewed separately by another officer and I, along with the female witness, occupied Interview Room 5 where I completed the formal interview.

Upon completing the interview I reported to Detective Peterson who requested that I obtain additional personal information from the female subject and asked if I would be able to provide that witness with an printed overhead depiction of the scene and ask her to identify the locations of the subjects, subjects vehicles and the vehicle which she was driving on that color print. I returned to the interview room and completed those requests for Detective Peterson. After completing the interview with the female subject I escorted her to a waiting area until the male subject's interview was completed and upon conclusion of that interview I transported the two subjects to their residence until the scene at 1507 South Nevada was reopened to public access at which time I was advised they would be notified and they could respond to collect their vehicle.

WITNESS STATEMENT:

Name: **TIFFANY** [REDACTED]
DOB: [REDACTED]
Residence: [REDACTED] Colorado Springs, Colorado [REDACTED]
Cell Phone Number: [REDACTED]
Work Phone Number: None

REPORTING OFFICER & IBM # **Sandoval, Mark 0979** APPROVING SUPERVISOR **Wisler, Scott**



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

Employer: [REDACTED]
Email Address: [REDACTED]

Officer notes that Ms. [REDACTED] was operating a [REDACTED] Hyundai [REDACTED] in color automobile during the incident. Additionally, Ms. [REDACTED] was occupying the driver's position of that vehicle. Tiffany [REDACTED] is not the owner, but is it is owned by the front seat passenger **JEREMY** [REDACTED]. Prior to having [REDACTED] make a statement regarding the incident I obtained preliminary information from her as noted above. After this I asked [REDACTED] to describe the situation and her activities prior to arriving at the Wendy's and Taco Bell Restaurant parking lot she did so as follows.

[REDACTED] told me that she and Jeremy had recently left a friend's thirtieth birthday party which was being held at the Cheyenne Mountain Resort. [REDACTED] said that while traveling home she was hungry and decided to stop at the Wendy's Restaurant and decided to use the drive thru at the Wendy's Restaurant. Even though they were traveling home, [REDACTED] planned to shop before going home so both she and her passenger Jeremy [REDACTED] decided to stop and eat their meal in the parking lot next to the Wendy's Restaurant. [REDACTED] said that after they finished going through the drive thru they pulled into the parking spot (where there car was left) and had been there a minute or two. She said that Jeremy was on his phone when she noticed that from her left a white Ford Mustang pull up next to her, pass her vehicle and into a parking spot to her left into an empty spot that was to her left diagonally from her vehicle.

[REDACTED] noted that the car drove past hers fast for travel in a parking lot. She said the car stopped and parked and that a younger man got out of the car and that he left the car door open part way not shutting it and that he had also left the car running. He started walking toward the Taco Bell faster than a walk, but not running. [REDACTED] said that he walked out of her view as he passed in front of a parked car that was directly in front of their car. Shortly after he left her view when they heard a loud "pop", [REDACTED] initially thought the sound came from the old gray SUV that was parked near the entrance and thought it may have been that the truck (SUV) had back-fired. [REDACTED] said she leaned over to the position where Jeremy was seated and asked if the SUV was on fire because she noticed several people who were in the area were looking underneath the truck, specifically indicating the passenger side of the parked truck. She mentioned there were several people sitting on the curb who directed their attention toward the truck. She noted that the people who were seated at that curb area were startled by the sound and were looking underneath the vehicle. She again asked Jeremy if the truck may have been on fire, and at that time Jeremy opened the passenger door of their car and exited and told her that there was a man lying on the ground. [REDACTED] said she exited the driver's position of the vehicle and walked around the car to where Jeremy was standing and

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NARRATIVE (continuation)

that she saw a young man on the ground and it appeared he had been shot in the head and that there was blood near his head where he was lying. She said at that time Jeremy made a phone call to 911 and walked over toward Nevada Avenue to see if he could flag down a passing police officer should one be in the area. [REDACTED] said she stayed near the passenger door of the car and continued to watch the scene. [REDACTED] noted that there were a large number of people in the area near the vehicle and the person lying on the ground. [REDACTED] said she was concerned for the welfare of the male who was lying on the ground, but noted that no one approached either the vehicle or the person lying on the ground noting that the person occupying the truck/SUV was still seated in that vehicle. [REDACTED] noted a short time later a police officer arrived on scene and noted that the male subject inside the SUV remained seated in the SUV. [REDACTED] said he remained seated in the SUV until police officers contacted him and escorted him from the vehicle into of a police car.

At the conclusion of this statement I asked some follow-up questions to clarify some of the statements which she had made earlier. The first of which was to clarify the direction of travel of the car. She said it pulled up next to them and was facing the same way as her car was in the spot to the left diagonal of hers. Again, indicating that the white Mustang was facing the same way as her car, which this officer would note was in a north facing direction. I asked [REDACTED] to describe the speed at which the vehicle parked into the parking space and she described it as being faster than a person would normally drive in a parking lot, but "it wasn't like he slammed on the brakes or anything. [REDACTED] stated had she opened her door at the time the Mustang was passing her car it would have probably taken her door off. When asked if the car stopped abruptly when it entered the parking space [REDACTED] said it wasn't an excessively quick indicating a sliding sound at that time or skidding sound, but again it was fairly proportional to the speed in which it entered the parking space.

I then asked [REDACTED] to describe when the vehicle stopped and the driver exited the vehicle, was it immediately after the car stopped, she said that it was. When asked if he sat in the vehicle for any amount of time she said he did not. She said as soon as the vehicle stopped he got out of the vehicle and "as soon as he put the car in park he got out of the car."

Reference the open car door of the white Mustang, I asked if when the young man exited the Mustang if he did so and not closing the door or if he made an attempt to close the door. [REDACTED] said it looked like he may have tried to close the door but it did not latch and it stayed open. I went on to ask her how she knew that the car was still running and she said when she got out of her car she heard the man's car running. [REDACTED] went to state that she was concerned that no one at the scene was aware that the white car belonged to the man lying on the ground. [REDACTED] said there were several teenaged males in the parking lot area one of whom asked her if the keys were still in the car. She told them to not go near the car and not touch

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NARRATIVE (continuation)

the car. [REDACTED] said she did look into the car and noted that the keys were still in the ignition. I asked [REDACTED] to think back when the white Mustang pulled up next to her and asked her if she noticed if there was anybody else in the vehicle in the passenger side or back of the vehicle. She told me there was no one else in the car with him. I asked [REDACTED] if she could remember if anyone was in the passenger seat of the gray SUV. She said she wasn't sure, but felt that there was no one else in the SUV. She definitely remembers the man in the driver's seat. I asked a follow-up question about the male who got out of the SUV, specifically asking what she said she remembers was the man looking around and looking toward the passenger side, but again does not recall that there was anyone else in the SUV with him. I asked [REDACTED] if when the young man exited the car he did so quickly, if he walked toward the Taco Bell quickly, if he was being demonstrative meaning gesturing with his hands, raising his hands and arms above his head, she said she did not notice anything like that. She also indicated that neither she nor Jeremy noticed that the man raised his voice or was yelling. I asked if the windows to their car were up or down. She told me they were up, and also noted that the radio in their car was off as it generally is. [REDACTED] again reiterated the young man was walking fast in the direction of the Taco Bell, really fast, but not running. She said he did so "getting out with a purpose and walking with a purpose." "He got out of the car fast and walked fast." She said once he passed out of her view, which was blocked by the gold Mitsubishi she directed her attention back to finishing her meal.

I asked her to describe the time frame from when the person got out of the car to when they noticed the person on the ground. She said very soon after the young man got out of the car and walked toward the Taco Bell they heard the pop and she leaned over toward Jeremy and saw people looking at the truck and noticed that there was a lady standing near the curb wearing pink and may have had pink or purple hair. There was another woman along with her and another man and that the other woman and man were sitting down on the curb approximately 10 feet to the right of where the truck was parked. When they heard the pop Brown said she could see the girl jump and that is when she asked Jeremy if it was a car backfire. She noticed that the lady at the curb covered her mouth with her hand. [REDACTED] said she asked Jeremy "Is it a fire?" and Jeremy told her that someone was laying on the ground. She said that chain of events happened within seconds, specifying that was the time between when they heard the pop and when they got out of the car and looked. I again asked if anyone had approached either the person lying on the ground or the person in the SUV and she told me that no one did. She did note however a teenage male subject was standing on the sidewalk in the area of where the SUV was parked and the man was lying on the ground. She mentioned that the subject was pointing toward the man in the SUV and the man lying on the ground and made a statement which she said she could not remember the entire statement, but words to the effect of "he did it he did it." [REDACTED] again indicated that no one approached either the subject or the vehicle and that they waited until police arrived and that everybody

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NARRATIVE (continuation)

stayed back approximately 10-15 feet in a circle around the area. I asked [REDACTED] to attempt to describe the juvenile male who she saw closest to the scene. She told me he was a younger Hispanic teenager and he had something hanging around his neck. She described it as possibly being a bicycle inner tube. [REDACTED] mentioned while she was standing next to her car and concerned about the man lying on the ground being by himself, a lady wearing pink was next to her and came up next to her and said she was a nurse and based on what she saw nothing could be done to help the person lying on the ground.

I asked [REDACTED] to describe what happened when the police arrived. [REDACTED] told me she knows she saw one police car pull into the driveway of the Taco Bell, but was not sure from what direction the second officer had arrived from. Initially, both officers walked over to where the suspect was located and that one then diverted his attention to the victim lying on the ground. She said almost immediately the driver was detained by the officer and walked to the police car and noted that police who arrived after that remained with the victim until the ambulance got there. I asked [REDACTED] how the officers took the older man from the car. She told me she did not notice how he exited the vehicle. I asked if it appeared he was complying with orders being given by police and she nodded her head yes in agreement and stated yes and that he walked slowly with them and appeared calm. I completed the interview at that time, but did ask [REDACTED] to remain in the interview room.

I left the room and conferred with Detective Peterson who asked me to conduct some follow-up questions with [REDACTED] and also asked me if I would attempt to have [REDACTED] view and overhead photograph of the scene and indicate where in the parking lot the involved vehicles were located to include her vehicle.

I showed her this map and asked her some follow-up questions, one of which was if she had noticed the older male subject in the SUV and whether he was ever on the telephone or a cell phone. She said she did not notice anything of the sort or like that. I also asked if the male subject exited the vehicle or stuck any part of his person to include head or arms out of the vehicle she said she did not notice that either and this based on her view being blocked by the gold Mitsubishi that was parked in front of hers. Going back to the map, I showed her a printed copy on an 8 1/2 x 11 sheet of paper of an overhead view of the parking lot which depicted the Taco Bell in its entirety and a portion of the Wendy's to include the drive-through, and asked her to document where the assorted vehicles were located which included the gray SUV, the white Ford Mustang, the gold Mitsubishi, and her [REDACTED] Hyundai. I also asked if she would mark where the victim was lying. After completing this I asked her to sign a white portion of the paper, date and time stamp it. After [REDACTED] had marked the locations of each of those cars I wrote which vehicle was associated with each of the circles. Shortly after that I described the procedure that we would attempt to follow for them to get home and later retrieve their car and concluded the

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Case Report # **2016-00028051**

NARRATIVE (continuation)

Interview.

This officer has nothing further to report.

End of report.

[Empty box for narrative content]

REPORTING OFFICER & IBM #
Sandoval, Mark 0979

APPROVING SUPERVISOR
Wisler, Scott



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 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

INITIAL INFORMATION

On 7/17/16 at approximately 1448 Hours I, Officer A. Lawton 5713 and Officer C. May 3646 were at the Gold Hill Substation completing paperwork in reference to an unrelated investigation. I heard dispatch advise over the radio that a call had come in that a subject had been shot in the head near the Taco Bell at 1507 S. Nevada Ave. Officer May and I then prepared to respond to the call and advised Dispatch at approximately 1454 Hours that we were available to respond to the possible shooting. Dispatch then advised us to be enroute to the shooting at 1454 Hours as backup for the first responding officers. While preparing to leave the Gold Hill Substation, I heard Officer Hallas advise dispatch over the radio that the suspect was still on scene and one subject had been detained.

OFFICER STATEMENT

Officer May and I drove to the area of the shooting and entered the Taco Bell parking lot by driving behind the Wendy's located at 1541 S. Nevada Ave. I parked the vehicle in the Southeast corner of the parking lot with the patrol car facing North toward the parking area behind Taco Bell. Officer May and I exited the patrol car and approached Sergeant P. Martinez 3176 who was already on scene. Sgt. Martinez advised Officer May and I to ensure that no vehicles or people entered or exited the crime scene. I then walked back to the Southeast corner of the parking lot to ensure that no one entered or exited the crime scene. Once at that location, a [REDACTED] Ford Taurus displaying Colorado Tag: [REDACTED] drove Eastbound toward me and I stopped the vehicle. The driver and sole occupant of the vehicle was a White Female and was identified to be Nancy [REDACTED]

WITNESS INFORMATION

Nancy [REDACTED] F

DOB: [REDACTED]

Home Address: [REDACTED] Colorado Springs, CO [REDACTED]

[REDACTED]

WITNESS STATEMENT

Ms. [REDACTED] stated that she saw a kid fall backwards up next to the entrance to Taco Bell in the parking lot. Ms.

REPORTING OFFICER & IBM #
Lawton, Adam 5713

APPROVING SUPERVISOR
Alvarez, Shane



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NARRATIVE (continuation)

█ then said she didn't hear anything prior to seeing the shot party fall backwards to the ground. Ms. █ advised that the shot party was next to the Gray car where the bloody shirts were on the ground. Ms. █ said she had just pulled into the parking lot and pulled into a parking space. Ms. █ stated that she drove into the parking lot from behind the Taco Bell on the Northeast side of Taco Bell. Ms. █ then said she drove South behind the business and then turned West and drove through the parking lot until she parked in a parking space two spaces from the Western most edge of the parking lot in the second row of parking spaces South of Taco Bell. █ said she parked her vehicle facing Taco Bell (North) and then saw the shot party fall backwards onto the ground. █ said as she was driving into the parking lot she observed 3 females walking Eastbound away from the area of the front entrance of Taco Bell. Ms. █ said that the females were walking quickly as if they were trying to get away from something but they were not running. Ms. █ said that all of the females looked like they were in their 20's and one of the females was a white female with curly blonde hair. Ms. █ stated that she did not get a good look at the females and was unable to provide any more detail about the females or give any further description.

Ms. █ stated that when she saw the shot party fall down, she originally thought he had been hit by a car because of the way he fell. She stated that a gray truck was parked in a parking space just to the East of where the victim fell down. Ms. █ stated that she ran over to the area where the kid had fallen and saw that the victim appeared to be a Hispanic male wearing a white shirt and blue jeans. Ms. █ stated that when she first looked over and saw the victim falling, the only person she saw near the victim was a black male who was standing on the sidewalk in front of the gray truck. She described the black male as being slim, in his early 20's with dark skin and black hair which was tied in short dreadlocks. She stated that he was wearing a gray T-Shirt and had a cup of some sort in one of his hands.

Ms. █ stated that when she ran up to the victim, she noticed that he was bleeding from the side of his head and a pool of blood had already formed on the ground next to him. She stated that the victim was grasping for air and was unable to say anything. Ms. █ said she then started yelling for someone to call 911.

Ms. █ also said that when she got closer to the shot party, she saw that an individual was sitting in the driver's seat of the gray vehicle. Ms. █ described him as a white male in his late 60's wearing a light colored shirt of some kind. She said that when she first saw the male, he had both of his hands on the steering wheel and did not appear to be moving much. She said that she did not speak to him directly, and she did not hear him talking at all.

Ms. █ stated that as she ran up to the area where the party was shot, several more subjects walked up to the area and the black male wearing a gray shirt, said "the fucking man shot him". Ms. █ stated that a female who had walked up to the area began to yell obscenities and other subjects walked out of the Taco Bell and were standing on the sidewalk and in the outdoor seating area of the Taco Bell.

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Lawson, Adam 5713

APPROVING SUPERVISOR
Alvarez, Shane



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NARRATIVE (continuation)

Ms. Jouve stated that the driver of the truck did not exit the vehicle until he was taken out of the truck by a Police Officer.

OFFICER STATEMENT CONT.

After taking a statement from Ms. [REDACTED] I informed her that she would need to remain on scene until she was cleared to leave by a Detective. Officer May and I asked her if she needed anything and she requested a cup of water. Officer May and I then went to Wendy's and got her a cup of water.

Sergeant Frederic 2747 advised Officer May and I to transported Ms. [REDACTED] to the Police Operations Center to meet with Detectives for an interview. Officer May and I transported Ms. [REDACTED] to the POC and took her to Interview Room 1 to be interviewed by a Detective.

Lieutenant B. Poole 382 then asked me and several other Officers who had transported individuals to the POC to remain in a position where we could view the hallway between the interview rooms to ensure that no individuals left the interview rooms while they were waiting to be interviewed. At one point, a white female who was in the eastern most interview room on the south side of the hallway opened the door and I walked up to the room to speak with her. The female stated that she had fallen asleep and was tired of waiting to be interviewed. She stated that she was getting ready to leave and I asked her to be patient and remain in the interview room until she had been interviewed. The female then reluctantly agreed to sit back down in the room and wait to be interviewed.

After several more minutes, Detective Suarez 3523 came out of the interview room on the far northwest side of the hallway. Det. Suarez asked me to accompany him as he took the individual he was interviewing to the bathroom. I then followed Det. Suarez and the subject he was interviewing to the bathroom. The subject used the restroom and I followed him and Det. Suarez back to the interview room. I then returned to an area where I would watch the hallway to ensure that no individuals left the interview rooms unescorted.

Lt. Poole then released Officer May and I at 1755 Hours and we returned to the Gold Hill Substation to complete paperwork.

REPORTING OFFICER & IBM #
Lawton, Adam 5713

APPROVING SUPERVISOR
Alvarez, Shane



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

INITIATING INFORMATION

On 07-17-16 at approx. 1448 hrs. I, (Ofc. C.Garcia,1751P) was dispatched to 1507 S. Nevada Ave; Taco Bell Restaurant for a possible shooting. Upon my arrival at 1450 hrs. I observed Officer S. Hallas at the driver's side door of an older International Scout. Officer Hallas had control of the driver's hands inside of Scout. I also seen a light skinned black male or Hispanic male laying on the ground on his back a few feet away from the driver's side door bleeding from the back of his head.

OFFICER STATEMENT

Upon arrival and seeing Officer Hallas along with a male identified as **Andy James DOB 10-28-60** had control of the driver/suspect. Officer Hallas informed me that the suspect's weapon was still inside of the vehicle (Scout) and he could see that it was on the front passenger seat. I walked around to the front right passenger seat and located a black in color Glock .40 caliber semi-automatic pistol. I grabbed the weapon and took the magazine out of the weapon. I pulled the slide back to clear the weapon at which time I found no live round in the chamber. I placed the weapon in my marked police cruiser.

After placing the weapon in my police cruiser, I immediately rendered aid to the victim until CSFD arrived on scene. While in contact with CSFD they asked me if the victim had any identification in his pockets. I checked and found folded up US currency in separated denominations of \$100, \$50, \$20,\$10 and \$5 denominations the front left and right pockets of the victim. I also found a paper/cardboard wallet. Inside of the wallet I located a Colorado Driver's License with the name and photo of the male that was on the ground, which had the name of Jesse Roberto Garcia DOB 09-20-92. I placed the money in a manila envelope and placed the envelope in my marked police cruiser until CSPD Major Crimes Unit arrived on scene. CSPD Crime scene investigator Weise arrived on scene and took possession of the victim's money and wallet.

I spoke with Andy James DOB 10-28-60. He stated that he was driving northbound on Nevada Ave and just happened to look in the parking lot and seen someone laying on the ground in the Taco Bell parking lot. A female waved her arms at him and he pulled around into the Taco Bell parking lot and heard an unknown woman's voice say that guy in the gray truck just shot that guy that was laying on the ground. He immediately ran to the driver of the Scout until Officer S. Hallas arrived a few seconds later.

REPORTING OFFICER & IBM # Garcia, Christopher 1751	APPROVING SUPERVISOR Alvarez, Shane
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Case Supplement Report

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NARRATIVE (continuation)

Nothing further

REPORTING OFFICER & IBM # Garcia, Christopher 1751	APPROVING SUPERVISOR Alvarez, Shane
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Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 7/18/2016 06:00
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos			
STATUTE / DESCRIPTION			
Counts Attempt/Commit			

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	

PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	

DL/ID NUMBER	SEX	HEIGHT	WEIGHT	HAIR	EYE
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	JACKET NUMBER	
TYPE / MAKE / MODEL		YEAR	COLOR		
PLATE	STATE	VIN	VALUE		
DESCRIPTION					

ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	VALUE	COLOR
SERIAL NUMBER					
QTY/UNIT OF MEASURE					
ITEM TYPE and DESCRIPTION					

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # May, Cory 3646		APPROVING SUPERVISOR & IBM # Alvarez, Shane	Gold Hill Patrol



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(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

Patrol/dp

Dictated by Officer May

INITIAL INFORMATION

On 07/17/2016 at 1448 hours, Officer Lawton/5713 and I, Officer C. May/3646, were at the Gold Hill substation located at 955 W. Moreno Ave. working on an unrelated investigation when I heard a call for service come in to the Taco Bell restaurant located at 1507 S. Nevada Ave. in reference to a shooting. Officer Lawton and I prepared to respond to the call for service once officers on scene asked for additional officers to assist. We advised Dispatch that we were available to respond and were dispatched to the scene at approximately 1454 hours. Officer Lawton drove our police cruiser to the scene where we arrived at approximately 1459 hours and drove on the south side of the Wendy's located at 1541 S. Nevada Ave. We positioned our police cruiser facing north at the southeast corner of the Taco Bell parking lot.

OFFICER'S STATEMENT

Officer Lawton and I walked to a group of supervisors that were on scene, and Sgt. P. Martinez/3176 tasked us with stopping vehicles that were leaving the scene near our patrol cruiser. As we walked back to our cruiser, a [REDACTED] Ford Focus bearing license plate [REDACTED] drove toward our location, and we identified the driver as being **NANCY [REDACTED]** DOB: [REDACTED].

Officer Lawton conducted an interview with Ms. [REDACTED] while I remained in the area next to him. Other vehicles were trying to leave the scene, so I momentarily left Officer Lawton's location while he was completing the interview to ensure that no other potential witnesses left the scene. I also walked over to a group of officers and advised them that several witnesses needed to be interviewed and pointed out the vehicles that were attempting to leave the scene. I then went back to Officer Lawton's location while he completed his interview with Ms. [REDACTED]. At the end of Officer Lawton's interview, Ms. [REDACTED] wanted to leave the scene, and we requested that she remain on scene until she could be interviewed by a detective.

Officer Lawton and I walked to the Wendy's and obtained a cup of water for Ms. [REDACTED] while we waited for Major Crimes response. I heard other officers advise that they were taking potential witnesses to the Police Operations Center located at 705 S. Nevada Ave. I then walked over to Sgt. E. Frederic/2747 who advised me that Officer Lawton and I would also need to transport Ms. [REDACTED] to the Police Operations Center. Officer Lawton and I asked Ms. [REDACTED] to park her vehicle, and she

REPORTING OFFICER & IBM #
May, Cory 3646

APPROVING SUPERVISOR
Alvarez, Shane



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NARRATIVE (continuation)

walked over to our police cruiser and sat in the back seat.

Officer Lawton and I then drove Ms. [REDACTED] to the Police Operations Center and walked her to the second floor where we were met by members of Major Crimes. Det. S. Peterson/1408 asked us to place Ms. Jouve in an interview room and then advised patrol officers who were on scene that the hallway to the interview rooms needed to be watched at all times to prevent people who were waiting to be interviewed from leaving.

Officer Lawton and I walked Ms. [REDACTED] to interview room #1, which is the furthest southwest interview room, and advised her that someone would be in shortly to interview her. Lt. B. Poole/382 then tasked Officer Lawton and I to walk over to the Police Operations Center Evidence Annex to confirm that all of the vehicle bays were full. Officer Lawton and I did complete that task and went back and advised Lt. Poole that all of the evidence vehicle bays were occupied at that time. We were then tasked to watch the interview room hallway to ensure nobody leaves the rooms.

I left Officer Lawton to continue to watch the interview rooms while I went to another area in the investigations offices to check the status of any further tasks for Officer Lawton and myself. When I went back to Officer Lawton's location, he advised me that a female in one of the interview rooms attempted to leave, and he requested that she stay in the room. Officer Lawton and I were watching the interview rooms when Det. M. Suarez/3523 asked for one of us to assist him as he took a party that he was interviewing to the restroom. I continued to watch the interview rooms while Officer Lawton assisted Det. Suarez.

Once Officer Lawton completed helping Det. Suarez, we were once again watching the interview room hallway when Lt. Poole advised us that we could be released from our duties and could depart from the Police Operations Center. Officer Lawton and I then drove to the Gold Hill substation.

I had no further involvement in this investigation. Please refer to other officers' and detectives' supplements for further details.

REPORTING OFFICER & IBM #
May, Cory 3646

APPROVING SUPERVISOR
Alvarez, Shane



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

Patrol/sjr

Officer Jennene Scott, 1506

SUPPLEMENTAL INFORMATION

On July 17, 2016, at approximately 2:47 p.m., the Colorado Springs Police Department received a report of a shooting at the **Taco Bell** at **1507 South Nevada Avenue**. The information was received related to a road rage incident. The reporting party, a **JACK ROGERS** (DOB: 02/04/1936), called to report he had just shot someone. Officers were dispatched emergently to the scene. Officer Hallas, 2035, and Officer Garcia, 1751, were the first two officers to arrive. They had a large crowd gathering. The reporting party advised he was driving in a gray primered **International Scout**. Medical was also dispatched, but staged in the area until it could be determine the scene was safe. The caller was concerned the victim might be deceased. Additional units were requested.

As officers arrived on scene, the caller reported he suspected the patient was a 16-year-old, and that there was a large crowd gathering. The weapon was recovered and determined to be a .40-caliber. American Medical Response (AMR) Medic 2 under trip #85336, and CSFD Engine 4 Shift A, were directed into the scene.

Officer Hallas advised they had the suspect detained and Officer Hallas requested additional assistance to help identify witnesses and control the scene.

Officer Garcia advised the shooting patient was going to be an emergent transport by AMR for medical care to the hospital.

Officer Hallas requested a second ambulance for an elderly male not feeling well.

One of vehicles was identified as a **white Ford Mustang**, bearing Colorado license plate [REDACTED]. Sergeant Eric Frederic, 2747, was dispatched to the scene and additional officers were responding to the scene.

Initially, Officer John Taylor, 5731, and I were responding to the scene, but when it was determined the patient was being transported to **Memorial Hospital Central** and officers would need to respond to the hospital to track the shooting patient's status. As we had not arrived on scene yet, I asked Dispatch if they needed us to respond to Memorial Hospital instead, and as we were still a few minutes away Dispatch sent Officer Taylor and I to Memorial Hospital Central. We were close to the

REPORTING OFFICER & IBM # Scott, Jennene 1506	APPROVING SUPERVISOR Alvarez, Shane
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

scene when we were directed to hospital and passed the scene and observed the ambulance, Medic 2, leaving in an emergent manner and we followed in a non-emergent manner.

We arrived at Memorial Hospital at 3:04 p.m. Medic 2 had arrived on scene at 3:03 p.m. The patient was immediately brought inside and was in Recess 1 and a trauma team was in the process of helping the patient, who was now identified as **JESSE GARCIA** (DOB: 09/20/1992). Neurosurgeons and other medical staff were involved.

CONTACT WITH AMR ALEX COGHLIN

AMR Medic 2 was staffed by driver **Alex Coghlin** and Paramedic **Sean Keating**. EMT Coghlin was with the cot and Officer Taylor took photographs of the cot, which showed a large pool of blood and coagulated blood on the gurney in the head area. EMT Coghlin reported when they arrived on scene police officers and fire department personnel were already on scene. Someone had already cut Mr. Garcia's shirt.

EMT Coghlin reported it was immediately clear they needed to get the patient (Mr. Garcia) on to a backboard and get him transported. They put a C-collar (neck) on the patient and got him moved on to the backboard. EMT Coghlin reported he observed the patient was breathing on his own. They placed the patient on the gurney and loaded the gurney into the ambulance and EMT Coghlin drove the ambulance to the hospital.

EMT Coghlin advised from what he saw it appeared to be a left temple gunshot wound, but he had minimal direct patient contact. His primary job was to get the ambulance to the hospital. EMT Coghlin advised the patient was breathing on his own when they arrived. EMT Coghlin reported the patient may have stopped breathing while they were in transport, but EMT Coghlin did not know what happened during the transport. EMT Coghlin stated two fire department personnel rode in with the patient and assisted Paramedic Keating with the patient's care. EMT Coghlin indicated the fire department personnel and Paramedic Keating were inside with the trauma team.

Officer Ray, 4173, arrived on scene at the hospital and Officers Taylor, Ray and I entered the treatment area without interfering with the patient care. The trauma team was trying to control the bleeding and stabilize the patient.

CONTACT WITH CSFD LIEUTENANT EVERS

I spoke with Lieutenant **Mike Evers** of Colorado Springs Fire Department, who today was working

REPORTING OFFICER & IBM #

Scott, Jennene 1506

APPROVING SUPERVISOR

Alvarez, Shane



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

Engine 4, Shift A, but is typically assigned to Engine 9, Shift A. Lieutenant Evers advised they had received the report of the gunshot wound at 2:48PM. The Engine arrived in the area at 2:51PM, but waited until they were advised the scene was safe to enter by CSPD.

They were directed at approximately 2:52PM and two officers were with the patient administering aid. There was a large crowd that had gathered. Lieutenant Evers advised they immediately started attending to the patient, who had approximately 200ccs of blood underneath his head, his shirt had been cut off but the sleeves were still attached. Lieutenant Evers advised he cut the remaining parts of the shirt off.

Initially, they were told the gun was lying next to the patient; however, he never saw a gun. Lieutenant Evers reported the gunshot wound was on the right side of the head and appeared to be part of the temple and the occipital. Lieutenant Evers advised the patient was kind of leaning towards the right and he observed brain matter, white matter, and blood on the ground. Lieutenant Evers was a paramedic before promoting and knows the amount of blood and the fact there was brain matter on the ground, this was significant serious injury.

Lieutenant Evers reported AMR Medic 2 arrived on scene. Lieutenant Evers stated he held the patient's head to prevent any additional neck injuries and they got a C-collar, onto the patient's neck to reduce neck movement. Lieutenant Evers explained the patient was breathing on his own. Lieutenant Evers explained they got the patient loaded onto the backboard and then lifted the backboard onto the gurney and loaded it into the ambulance. Once inside the ambulance the AMR Paramedic Keating, CSFD Paramedic Brian Coontz and he rode in with the patient. They started an IV and gave him oxygen. The patient never regained consciousness, made no statements; his eyes were open, but not focused.

Lieutenant Evers identified the other personnel on Engine 4 today as **Brian Gurule** and **Brian Gardner**. Lieutenant Evers stated he did not think they had patient contact and were monitoring the crowd and getting equipment.

Lieutenant Evers stated they did not have a patient name and he did not know the situation which resulted in the shooting.

CONTACT WITH AMR PARAMEDIC SEAN KEATING

I next spoke with Sean Keating, the AMR paramedic. Paramedic Keating advised once they were allowed to enter the scene they located the patient, Jesse Garcia, on the ground in the parking lot of

REPORTING OFFICER & IBM # Scott, Jennene 1506	APPROVING SUPERVISOR Alvarez, Shane
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

the Taco Bell. Paramedic Keating stated the patient was lying supine with his feet pointed toward the Taco Bell and his head toward the parking lot.

Paramedic Keating arrived on scene CSFD was on scene attending the patient. One of the firemen was holding the patient's head and a C-collar was put into place to limit neck movement. Paramedic Keating stated he observed brain matter and blood on the left side of the patient's head but the wound was on the right side. Paramedic Keating advised the wound appeared to be approximately 3" in length and was from the temple to occipital on the patient's right side. Paramedic Keating did not see an exit wound.

Paramedic Keating stated on scene he had limited patient contact as he was prepping with the IV and he knew it was an urgent transport. Paramedic Keating stated the patient was loaded onto the backboard and onto the gurney. Once inside the ambulance Paramedic Keating started two IVs and administered oxygen. The patient was breathing on his own, but during transport the patient's rapid breathing slowed to slow breathing, which is generally indicative of inner cranial pressure. Paramedic Keating reported the patient was unconscious and made no signs or sounds. The patient had a rightward gaze the entire time and his eyes were open, but were fixed to the right and they were not following stimulus.

Paramedic Keating did not see any marks on the patient's arms or chest; but he did observe a petechial or contusion mark on the neck at the windpipe area and Paramedic Keating did not know the source of the mark. The patient appeared overall as a healthy adult male. Once they arrived at the hospital, emergency room personnel took over the care and treatment.

Paramedic Keating advised they did not know the patient's name.

MEDICAL CARE

Medical staff moved Mr. Garcia to CAT Scan at 3:21 p.m. Medical Staff inquired as to the name of the patient and I contacted Sergeant Frederick, the on scene supervisor to determine if we information about the patient's identity. Sergeant Frederick advised Officer Garcia had obtained the patient's ID prior to transport and he was identified as Jesse Garcia, DOB: 09/20/1992. I shared this information with medical staff.

Medical staff was also concerned they had received information this was a gang involved incident and placed the hospital on lockdown. After speaking with Sergeant Frederick I was able to confirm it was not a gang related incident and the party involved was detained and not being transported to

REPORTING OFFICER & IBM #
Scott, Jennene 1506

APPROVING SUPERVISOR
Alvarez, Shane



COLORADO SPRINGS POLICE DEPARTMENT
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

Memorial Hospital at this time. I advised Memorial Staff and the lockdown was lifted.

Sergeant Frederick wanted us to check Mr. Garcia's pants for money and possibly drugs, but I explained we had not had any patient contact and as far as I could tell at this point the clothing was still on Mr. Garcia.

Medical staff inquired about the caliber of the bullet and I contacted Sergeant Frederick again and learned it was a 40 caliber gun.

Sergeant Martinez arrived on scene at the hospital at approximately 3:30PM, and I briefed him as to the information we had obtained.

The CAT Scan determined the projectile was still inside Mr. Garcia's brain. Memorial Neurosurgeon **John McVickers** contacted officers and explained Mr. Garcia would be moved to ICU. Dr. McVickers explained Mr. Garcia had sustained a [REDACTED] injury is typically non-survivable. Dr. McVickers

[REDACTED]

We accompanied medical staff to ICU and we arrived at 3:50 p.m. in room 4636. Medical staff inquired as to Mr. Garcia's organ donation status from his driver's license. I contacted Sergeant Frederick and officers on scene who had the driver's license verified the license did not indicate Mr. Garcia was an organ donor and the license had been obtained in February, 2016. I contacted dispatch and had them check Mr. Garcia's driver's license information and it was confirmed Mr. Garcia was not an organ donor. I advised medical staff.

Medical staff continued to surround Mr. Garcia and officers had not made contact with Mr. Garcia and no pictures were taken.

Detective Somosky arrived in the ICU at 3:57 p.m. I briefed Detective Somosky on the information we had obtained and the status of Mr. Garcia.

At 4:04 p.m., one of the nurses responded from the ER and provided Detective Somosky the patient's

REPORTING OFFICER & BM #
Scott, Jennene 1506

APPROVING SUPERVISOR
Alvarez, Shane



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

clothing. I advised Detective Somosky about Sergeant Frederick's request to check the clothing and Detective Somosky advised that would be handled later.

At 4:07 p.m., we were advised Mr. Garcia was considered brain dead. We were advised they were going to make the patient comfortable, but because of the brain death, medical staff was maintaining body viability for possible organ donation. Memorial Hospital notified the Donor Alliance and provided them the information we had obtained. Once it was determined Mr. Garcia would not be an organ donor medical staff removed artificial life support measures. Memorial Hospital Attending Physician Reckard placed a Do Not Resuscitate (DNR) order at 5:05 p.m. Mr. Garcia's body function stopped and no additional care was provided at 5:08 p.m.

Detective Somosky remained on scene with Mr. Garcia's body and arranged for the coroner's office to respond and take custody of the body.

Sergeant Martinez, Officers Ray, Taylor and I left the ICU. Officer Taylor later placed the photo he had taken of the blood soaked gurney into our digital evidence system related to this case.

Please refer to other officers' and detectives' reports for additional information regarding this investigation.

Nothing further at this time.

REPORTING OFFICER & IBM #
Scott, Jennene 1506

APPROVING SUPERVISOR
Alvarez, Shane



COLORADO SPRINGS POLICE DEPARTMENT

705 S. Nevada Ave.

Colorado Springs, CO 80903

(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

INITIATING INFORMATION

At approximately 3:00 PM on Sunday July 18, 2016, I, Sgt. Michael F Finn 961, acting as the on-call Sergeant for the Violent Crimes Unit, received a telephone call from the Communications Center (CSPD) reference a shooting incident at 1507 S. Nevada Avenue. I was advised the patrol supervisor on scene was Sgt. E. Frederic, and I was asked to contact him by telephone. At approximately 3:01 PM, I contacted Sgt. Frederic telephonically, at which time I learned the following information.

Sgt. Frederic advised patrol officers were dispatched to the parking lot of the Taco Bell restaurant located at 1507 S. Nevada on the report of a shooting, and upon their arrival, initial investigation determined one subject had been shot in the head following a road rage situation. Sgt. Frederic related the victim had yet to be positively identified, but he confronted an individual identified as Jack Rogers (02/04/1936) in the parking lot of the Taco Bell, and during the confrontation, Mr. Rogers fired one shot at the victim striking him in the head. Sgt. Frederic related death was not confirmed as the victim was immediately loaded into an ambulance and transported, but I was informed that apparent brain matter was located on scene; victim transported to UCH-Memorial Hospital Central.

Sgt. Frederic related Mr. Rogers was being detained and was cooperative, and I asked that he be transported to the Police Operations Center for further investigation.

DETECTIVE ACTIVATION

Following my conversation with Sgt. Frederic, I activated the following personnel to assist with the investigation:

Detective W. Bichel was contacted by telephone, provided a brief synopsis of the investigation, and he was asked to respond to the scene on Nevada Avenue and assume the role of Scene Detective.

Detective J. Somosky was contacted by telephone, provided a brief synopsis of the investigation, and he was asked to respond to Memorial Hospital Central and assume the role of Victim Detective.

Detective M. Suarez was contacted by telephone, provided a brief synopsis, and he was asked to respond to the Police Operations Center and assume the role of Suspect Detective; Detective Suarez was also assigned as the Lead Investigator.

Detective S. Peterson was contacted by telephone, provided a brief synopsis of the investigation, and he was asked to respond to the Police Operations Center and assist Detective Suarez.

Detective J. Hengst was contacted by telephone, provided a brief synopsis of the investigation, and he was asked to respond to the scene on Nevada Avenue and assist Detective Bichel as needed.

After the aforementioned Detectives were activated, I contacted Lt. B. Poole by telephone and advised him of

REPORTING OFFICER & IBM #

Finn, Michael 0961

APPROVING SUPERVISOR

Lehmkuhl, Marcus



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

the known information, to include the activation of the unit detectives. I advised Sgt. Poole I was currently out at a family meal but would be responding home in order to get cleaned up real quick, and then would be responding to the scene. In the process of heading back to my residence, Lt. Poole attempted to contact me several times and I was able to return his call upon my arrival. Lt. Poole advised Homicide Sergeant J. Rodgers had returned from scheduled time-off, and he (Lt. Poole) would activate Sgt. Rodgers for this investigation. I did not respond to either the scene of the incident or the Police Operations Center, and I took no further active role in the investigation upon Sgt. Rodger's activation. Nothing further at this time, end supplemental report.

REPORTING OFFICER & IBM #
Finn, Michael 0961

APPROVING SUPERVISOR
Lehmkuhl, Marcus

METRO CRIME LABORATORY
LABORATORY REPORT

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7379

Requesting Agency: Case No: 16-28051 **Lab Case Number:** 16MCL01861
Colorado Springs Police Department
705 S Nevada Ave **Unit:** Latent Prints
Colorado Springs, CO 80903
Request Submitted By: Officer Michael SUAREZ, 3523 **Crime Scene Inv.:** Jesalie Weise, 5258
Request Date: Mon Jul 18, 2016 **Report Date:** Wed Aug 03, 2016

REQUESTED SERVICE - [Latent Print - DNA Swab/Process]

SUBMITTED EVIDENCE ITEMS

Barcode (Item No.) Item description as submitted

200928024 (S-01) SERIAL NO.: EAU505, CALIBER: 40 CAL, GLOCK, MODEL 23, 40 CAL. HANDGUN, REC'D FROM OFFICER, GARCIA.(REC'D FROM FRONT PASS SEAT OF SUSPECTS CAR).
200930907 (S-01-A) POSSIBLE BIOLOGICAL SAMPLES RECOVERED FROM THE HANDGUN (ITEM S-01; BARCODE 200928024).

LOCATION: 705 S Nevada Av (Colorado Springs Police Department Metro Forensic Crime Laboratory)

RESULTS and CONCLUSIONS

Barcode 200928024 (S-01): The following item of evidence described as:

SERIALNUMBER: EAU505, CALIBER: 40 CAL, GLOCK, MODEL 23, 40 CAL. HANDGUN, REC'D FROM OFFICER, GARCIA.(REC'D FROM FRONT PASS SEAT OF SUSPECTS CAR).
was processed for latent fingerprints using the following procedure(s):

- Powder RUVIS - Reflected Ultraviolet Imaging System
- Ninhydrin Cyanoacrylate fuming
- Other: Rhodamine and Poly light
- Latent prints recovered **NO Latent Prints Recovered**
- Possible biological sample recovered **200930907**

Comments/Results: I swabbed the firearm for possible biological samples from the trigger, trigger guard, slide and grip.

Date Processed: Mon Aug 01, 2016

EVIDENCE DISPOSITION

REMARKS: Item # S-01 was returned to the CSPD Evidence Unit on August 2, 2016 by CSI Weise. Item # S-01-A was submitted to the CSPD Evidence Unit on August 2, 2016 by CSI Weise.

END OF REPORT

Jesalie Weise
Assigned Analyst
Jesalie Weise | 5258 08/03/2016 10:10
CSI



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

DETECTIVE STATEMENT:

08-03-2016 (Wednesday)

7:43 A.M.

I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit) received a voicemail from Timothy [REDACTED] (DOB: [REDACTED]). Mr. [REDACTED] called from phone number [REDACTED].

RETURNED MR. BEAN'S PHONE CALL:

08-03-2016 (Wednesday)

7:46 A.M.

I called Mr. Bean back at the phone number listed above. He answered the line and asked me what the status of Jesse Garcia's (DOB: 09-20-1992) case was. I advised him that I could not talk to him about the case due to the wishes of Jesse's mother not wanting anyone to talk to the family here in Colorado. He stated ok and this disconnected the phone line.

PHONE CALL FROM JACK ROGERS:

08-03-2016 (Wednesday)

10:32 A.M.

I received a phone call from phone number [REDACTED]. The person that called me was Jack Rogers (DOB: 02-04-1936). Jack asked me for a case status and I advised him that I could not provide him any information at that time. He thanked me for my assistance and then we disconnected the line.

SABRINA [REDACTED]

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Rabideau, Charles
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COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

08-03-2016 (Wednesday)

10:43 A.M.

I called Jesse's mother (Sabrina [REDACTED] at phone number [REDACTED] I left a voicemail message with Ms. [REDACTED] checking on her and to see if she needed anything.

EMAIL FROM SABRINA [REDACTED]

08-03-2016 (Wednesday)

11:10 A.M.

I received an email from Ms. [REDACTED] This email was from an email address of The following information was [REDACTED] contained in this email [REDACTED]

Hi Detective,

I contacted the family last night and let them know the facts. I also let them know that the information we received yesterday would be released last night or today once Donna prepared the paperwork. I understand it doesn't paint Jess in a good light but the truth isn't always pretty.

Youngsters are showing less restraint when there are more guns on the street than ever before. It should be the other way around.

Thank you for your due diligence. I don't know you but there is something in your tone that is very comforting and parent like. In this situation it's was soothing. Not to sound weird but I felt like I was in Honest to God good hands.

Thank you very much. Be safe!!

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rabideau, Charles



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705 S. Nevada Ave
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

Sabrina [REDACTED] (for Jesse Garcia)

DETECTIVE STATEMENT:

08-03-2016 (Wednesday)

3:44 P.M.

I received a phone call from El Paso County Senior Deputy District Attorney D. Billek advising me a press release would be released in regards to the final filing decision in regards to this case. Ms. Billek asked me to reach out to Ms. [REDACTED] and see if would be available for a conference call to go over the press release.

PHONE CALL TO SABRINA [REDACTED]

08-03-2016 (Wednesday)

3:45 P.M.

I called Ms. [REDACTED] at phone number [REDACTED] I left a voicemail message with Ms. [REDACTED] asking her if she would be available sometime this afternoon to discuss the press release.

CONFERENCE CALL WITH SABRINA [REDACTED]

08-03-2016 (Wednesday)

4:16 P.M.

A conference call with Ms. [REDACTED] who was currently in California was conducted with Ms. [REDACTED] I was in attendance for this conference call and the following personal were also present at the Police Operations Center (POC) which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903:

- Lieutenant B. Poole/0382D

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rabideau, Charles



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

- Sergeant J. Rodgers/1412D
- El Paso County Senior Deputy District Attorney D. Billek

Ms. Billek read to Ms. [REDACTED] the press release that would be released by the 4th Judicial District Attorney's Office (which is located at 105 East Vermijo Avenue Colorado Springs, Colorado 80903).

Ms. [REDACTED] was asked by Ms. Billek if she approved of the press release and Ms. [REDACTED] stated she approved of it.

I would later be advised by Ms. Billek the press release would not be released tonight.

PHONE CALL TO JACK ROGERS:

08-03-2016 (Wednesday)

5:22 P.M.

I called Jack and asked him if would be available tomorrow (Thursday, August 04, 2016) so I could meet with him about the investigation. He stated he would be free at 8:30 A.M. if I wanted to stop by. I advised Jack that would be fine and that I would see him tomorrow. I also requested members of his family be present when I would be there.

STATUS OF INVESTIGATION:

Status of investigation is not going at this time. This case will be placed into an in-active status and exceptionally cleared for prosecution declined.

Nothing further.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rabideau, Charles

METRO CRIME LABORATORY

705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903

Phone: (719)444-7750 Fax: (719)444-7379

LABORATORY REPORT

Requesting Agency: Case No: 16-28051

Colorado Springs Police Department

705 S Nevada Ave

Colorado Springs, CO 80903

Request Submitted By: Officer Wayne BICHEL, 1333

Request Date: Tue Jul 19, 2016

Lab Case Number: 16MCL01861

Unit: Crime Scene Investigations

Crime Scene Inv.: Amanda Kimball, 4867

Report Date: Thu Aug 04, 2016 08:17

REQUESTED SERVICE - Process [Crime Scene - Response]

CSI RESPONSE DOCUMENTATION

CSI - Vehicle Processing

Color	Year	Make / Model / Style	3D Laser Scan	Images (DIMS)
GRY/GRY	1977	International / Scout / Truck	<input type="checkbox"/>	<input checked="" type="checkbox"/>

License
Vehicle Identification No [REDACTED]

Registered to: Jack A Rogers

Address: [REDACTED]

Vehicle Processed at: 705 S Nevada Ave (Police Operations Center - Vehicle Lab Bay)

Evidence item(s) related to vehicle processing 1977 International / Scout / Truck

200929878 (V2-02) {POSS BLOOD SAMPLE} DESC: SWABS COLLECTED FROM INTERIOR FRONT

D/S CHAIR INTERIOR UPPER DOOR, & D/S CEILING, IN INDIVID. ENVIS

200929879 (V2-03) {POSS BIOLOGICAL SAMPLE} DESC: SWABS COLLECTED FROM FRONT D/S

DOOR EXTERIOR UPPER EDGE

200929880 (V2-04) {FIREARM - AMMO} MAKE: AMMO BOX, DESC: CONTAINING 50 "FEDERAL

40 S&W" BRASS HOLLOW POINT CARTRIDGES, RECOVERED FROM CENTER

CONSOLE

200929883 (V2-05) {FIREARM - AMMO} MAKE: GLOCK MAGS, DESC: 2 BLACK GLOCK MAGS IN

FOBUS HOLSTER, BOTH LOADED W/ 13 .45 ROUNDS, RECOVERED FROM

CENTER CONSOLE

200929886 (V2-06) {GLASSES} MAKE: MODERN NATE BRAND, DESC: EYEGLASSES RECOVERED

FROM FRONT PASSENGER FLOORBOARD

RESULTS and CONCLUSIONS

NOTIFICATION:

At approximately 1049 hours on Tuesday, July 19, 2016, I, Crime Scene Investigator Amanda Kimball, received a request from Detective Wayne Bichel to assist in processing two vehicles involved in a homicide. The first vehicle, identified as a Ford Mustang, was secured in the POC parking garage. The second vehicle involved, identified as an International Scout, was secured in the Metro Crime Lab vehicle processing bay. Detective Bichel requested the Ford Mustang be processed first and the International Scout after. Refer to the vehicle processing report for the Ford Mustang for further details on the processing of that vehicle.

RESPONSE:

At approximately 1151 hours I gathered the necessary materials to process the vehicle and met Detective Bichel in the lab bay. The vehicle processed is an International Scout, Colorado License plate [REDACTED] Detective Bichel gave me briefing on the case.

16MCL01861_0006_20160719_ReqID_003487

METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: 16MCL01861

Agency Case No.: 16-28051 [CSPD]

RESULTS and CONCLUSIONS

BRIEFING:

Detective Bichel stated a Ford Mustang, identified as the victim's vehicle, was driving south on Nevada Avenue when he engaged with the driver of a 1977 International Scout. Both vehicles pulled into the Taco Bell parking lot located at 1507 S. Nevada. The victim exited the vehicle and got into an altercation with the suspect. The suspect was seated in the driver seat of the Scout when he shot the victim. Detective Bichel stated a cartridge case located inside the vehicle had been documented and recovered on scene by CSI Weise. Refer to her report regarding the cartridge case recovery.

DOCUMENTATION/PROCESSING:

I began processing by taking photographs of the exterior and interior of the vehicle. A large bloodstain was located on the exterior front driver's side door of the Scout. Bloodstains were also located on the interior driver's side door, driver's seat outside edge, and on the interior roof. The bloodstains were photographed with a scale in place.

I then fingerprinted the exterior driver door and the interior top portion of the driver door. Latent fingerprints were developed on the interior upper driver door, the interior driver side window, and the rearview mirror. The latent fingerprints were marked as #1, #2, and #3, photographed, and lifted onto fingerprint cards.

Samples of the blood stains were collected from the driver seat, interior upper door, and roof. A possible biological sample was collected from the interior upper portion of the driver door.

Detective Bichel then searched the vehicle. The suspect's eyeglasses were recovered from the front passenger floorboard. A box of Federal .40 caliber ammo and two Glock .45 loaded magazines were recovered from the center console. A complete list of items of evidence recovered has been included in this report.

Processing of the vehicle was complete at 1300 hours. I cleared the vehicle bay at this time and returned to the Colorado Springs Metro Crime Lab, where all items of evidence recovered were placed in a secured processing room. They were subsequently inventoried, packaged and sealed, and submitted to the Evidence Unit.

The digital photographs taken of the vehicle were uploaded to the Digital Imaging Management System (DIMS) for permanent storage.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT

A Kimball, ASST
Assigned Analyst
Amanda Kimball | 4867
CSI

08/04/2016 08:00

16MCL01861_0006_20160719_ReqID_003487

Page 2 of 2

Report CSI v 2016.07.25

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METRO CRIME LABORATORY
705 South Nevada Avenue, Suite B200 Colorado Springs, CO 80903
Phone: (719)444-7750 Fax: (719)444-7379
LABORATORY REPORT

Requesting Agency: Case No: 16-28051

Lab Case Number: 16MCL01861

Colorado Springs Police Department
705 S Nevada Ave
Colorado Springs, CO 80903

Unit: Crime Scene Investigations

Request Submitted By: Officer Wayne BICHEL, 1333

Crime Scene Inv.: Amanda Kimball, 4867

Request Date: Tue Jul 19, 2016

Report Date: Thu Aug 04, 2016 08:18

Offense: Homicide: Murder/Non-negligent Manslaughter

Suspect: ROGERS, JACK A

DOB: 02/04/1936

Victim: GARCIA, JESSE

DOB: 09/20/1992

REQUESTED SERVICE - Process [Crime Scene - Response]

CSI RESPONSE DOCUMENTATION

CSI - Vehicle Processing

Color Year Make / Model / Style

3D Laser Scan Images (DIMS)

BLK/WHI 1993 Ford / Mustang / Convertible

[] [X]

License:

Vehicle Identification No.

Registered to: Jesse Garcia

Address: Colorado Springs, CO

Vehicle Processed at: 705 S Nevada Ave (Police Operations Center)

Evidence Item(s) related to vehicle processing 1993 Ford / Mustang / Convertible

200929875 (V1-01)

{DIGITAL - PHONE/PAGER} MAKE: APPLE IPHONE 6, DESC: FCC ID:
BCG-E2816A IMEI: 359287061722310 W/BLACK OTTER BOX CASE,
RECOVERED FROM CENTER CONSOLE OF THE FORD MUSTANG

RESULTS and CONCLUSIONS

NOTIFICATION:

At approximately 1049 hours on Tuesday, July 19, 2016, I, Crime Scene Investigator Amanda Kimball, received a request from Detective Wayne Bichel to assist in processing two vehicles involved in a homicide. The first vehicle, identified as a Ford Mustang, was secured in the POC parking garage. The second vehicle involved, identified as an International Scout, was secured in the Metro Crime Lab vehicle processing bay. Detective Bichel requested the Ford Mustang be processed first and the International Scout after. Refer to the vehicle processing report for the International Scout for further details on the processing of that vehicle.

RESPONSE:

At approximately 1100 hours I gathered the necessary materials to process the vehicle. I met Detective Bichel in the parking garage at 1110 hours. The vehicle processed is identified as a 1993 Ford Mustang, white in color, with Colorado License Plate . Detective Bichel gave me briefing on the case.

BRIEFING:

Detective Bichel stated the Ford Mustang, identified as the victim's vehicle, was driving on South on Nevada Avenue when he engaged with the driver of an International Scout. Both vehicles pulled into the Taco Bell parking lot located at 1507 S. Nevada. The victim exited the vehicle and got into an altercation with the suspect. The suspect was seated in the driver seat of the Scout when he shot

METRO CRIME LABORATORY REPORT CONTINUATION

Lab Case No.: 16MCL01861

Agency Case No.: 16-28051 [CSPD]

RESULTS and CONCLUSIONS

the victim.

DOCUMENTATION/PROCESSING:

I began processing by taking photographs of the exterior and interior of the vehicle. The vehicle's doors were unlocked. Detective Bichel then searched the vehicle. An Apple Iphone was recovered from the center console. No other items of evidentiary value were recovered.

Processing of the vehicle was complete at 1145 hours. I cleared the POC garage at this time and returned to the Metro Crime Lab. The item of evidence recovered was placed in a secured processing room. It was subsequently inventoried, packaged and sealed, and turned over to the Evidence Unit. The digital photographs of the vehicle were uploaded to the Digital Imaging Management System (DIMS) for permanent storage.

EVIDENCE DISPOSITION

All Evidence Disposition: Submit to Agency Evidence

END OF REPORT

A Kimball, ASST

Assigned Analyst

Amanda Kimball | 4867

08/04/2016 08:00

CSI

16MCL01861_0007_20160719_ReqID_003488

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Report CSI v.2016.07.28

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COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

SUBJECTS I HAD CONTACT WITH DURING THIS INCIDENT:

Jack Allen Rogers, W/M
 DOB: 02-04-36 80 YO

[REDACTED]

Emanuel [REDACTED] /M

DOB: [REDACTED]

[REDACTED] /S, Co., [REDACTED]

Cell # [REDACTED]

Vehicle info: [REDACTED] Volkswagen Passat, [REDACTED]

AMR MEDICAL PERSONNEL THAT TREATED JACK ROGERS AT POC:

Ambulance- Medic #6
 AMR trip # 85338
 Paramedic Moore.

EVIDENCE

1SH- copies of my notes. These notes can also be seen in the attachment tab on my supplemental report.

I took photographs of the Jack Rogers, DOB: 02-04-36, injuries and placed them into DIMS.

During my contact with Mr. Rogers I activated me digital recording device. Once Mr. Rogers was escorted into an interview room at the Police Operation Center (POC) and the interview room recording system was activated I turned off my digital recording device. The recording from my digital recording device was submitted into DIMS.

While at the POC I conducted an interview with a witness, Emanuel Jacob Weaver, DOB: 01-14-78. My interview with him was conducted while having my digital recording device activated. This interview was also submitted into DIMS.

INITIAL INFORMATION:

On 07-17-16 at approximately 1448 hours, I, Ofc. Scott Hallas, 2035/ 2A51, heard police dispatch air on the radio to several other police units of a shooting that had occurred at the Taco Bell restaurant located at 1507 S. Nevada Ave, in the City of Colorado Springs, El Paso

REPORTING OFFICER & IBM # Hallas, Randall 2035	APPROVING SUPERVISOR Frederic, Eric
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 705 S. Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

County, State of Colorado.

OFFICER STATEMENT:

As police dispatch was airing this information I was currently pulling up to a business in the 1000 blk of S. Tejon St as I was responding to a damage property call for service. Hearing dispatch air information about the shooting I advised dispatch to suspend me from the damaged property call and advised that I would be responding to the shooting location.

I activated the emergency lights and siren on my marked police vehicle and proceeded southbound on Tejon St, eastbound on Motor Way, then southbound on Nevada Ave. As I approached the intersection of Brookside St I noticed that traffic that was traveling northbound on Nevada Ave was very slight (at the moment there were only two vehicles traveling northbound on Nevada Ave approaching the intersection of Brookside St).

Knowing that Taco Bell is on the eastside and that the northbound and southbound lanes of traffic are separated by a raised center median at the intersection of Brookside St I crossed over into the northbound lanes of traffic, traveling southbound in the northbound lanes and proceeded into the Taco Bell parking lot. As I entered the parking lot I stopped and parked in the driveway access.

As I came to a stop I noticed that I was the first emergency responder to arrive on scene and noticed that there were approximately thirty (30) people standing around in the area and there was also a lot of cars parked in the parking lot. I then noticed a male individual lying on the ground in the parking lot area just outside the Taco Bell entry/ exit doors. The male who was lying on the ground appeared to have blood coming from his head area and was not moving.

I exited my patrol I began to slowly walk towards the male lying on the ground. I was scanning the area looking for a possible shoot as I was slowly approaching the male on the ground. While scanning the area several people approached me and as they did I asked where the shooter was at. Several people told me that they did not know but one female, unknown who she was, said that the shooter was in the truck as she pointed towards a blue/ green SUV type vehicle that was right next to the male on the ground.

As this unknown woman provided me with this information I recognized one of our agencies retired sergeants, Retired Sergeant Andy James (RS James), was approaching the SUV where the shooter was located. Observing RS James approaching the SUV I quickly moved towards the SUV where I found that it was occupied by one (1) occupant, an elderly male who was later identified as Jack Rogers.

As I approached Mr. Rogers I observed that he was on the phone and he was making a

REPORTING OFFICER & IBM #	APPROVING SUPERVISOR
Hallas, Randall 2035	Frederic, Eric



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

statement somewhat to the affect, "I'm here with the police now", and he then hung up the phone. The statement Mr. Rogers made me believe that he may have been talking with 911. As Mr. Rogers was hanging up his phone I observed a black pistol sitting on the center console between the driver and passenger front seats. While grabbing Mr. Rogers left arm and RS James grabbing his right arm I instructed him not to reach for the pistol. Mr. Rogers said that he won't. I asked if there were any other guns in the vehicle and he said no.

I noticed that Mr. Rogers had some blood on the left side of his nose and the outer area of his left eye appeared swollen and discolored. I advised Mr. Rogers about the blood on this nose and he stated, "He walloped me a good one in the face".

At this time Ofc. C. Garcia, 1751, arrived on scene and began to evaluate the male lying on the ground. Seeing Ofc. Garcia I asked him to go around the passenger side of Mr. Rogers vehicle and get the pistol that is on the center console and secure it. After Ofc. Garcia secured the pistol I advised Mr. Rogers that I was going open his car door and escort him to my police vehicle.

OFFICER NOTE: Throughout my contact with Mr. Rogers he was cooperative.

I opened Mr. Rogers vehicle door and with RS James assistance he was escorted to my police vehicle. Once at my police vehicle I asked Mr. Rogers if he had any other weapons on his person and he said that he has a couple knives in his pockets. He began to reach for the knives and I stopped him, while instructing him that I would retrieve the knives from his pockets. Mr. Rogers stopped his action and said ok. I then removed two (2) pockets knives from him, one from each of his front pants pockets.

As I removed the knives Mr. Rogers he stated that he doesn't feel right and that he was feeling light headed. I opened the passenger side rear door and asked him to have a seat as I also called for medical personnel to respond and check Mr. Rogers do to him having light headed feeling and possibly having a head injury.

OFFICER NOTE: At no time was Mr. Rogers ever placed into handcuffs by me or by any other officer while in my presence.

As Mr. Rogers was sitting in the back seat of my police vehicle I heard a couple of bystanders to begin to make some loud comments. Hearing this I advised Mr. Rogers that part of our procedures for this type of investigation is an interview that is usually conducted at the POC. I asked Mr. Rogers if he would mind if I transport him to the POC where we can also have medical personnel respond to check him out. Mr. Rogers moved his feet into the car and said, "Let's go". I instructed Sgt. Frederic, 2747, that I was going to transport Mr. Rogers to the POC and then left the scene. At 1457 hours I left the scene and transported Mr. Rogers to the

REPORTING OFFICER & IBM #
Hallas, Randall 2035

APPROVING SUPERVISOR
Frederic, Eric



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

POC.

As I left the scene I grabbed my digital recording device activating it to record my interactions with Mr. Rogers and to capture any statements that he may utter. Knowing that Mr. Rogers would be interviewed by our agencies detectives I did not advise Mr. Rogers of his Miranda Rights, nor did I ask him any questions about this incident.

Upon arrival at the POC I escorted Mr. Rogers to the break area just outside the rear entry door to the POC, in this area there are several picnic style benches. We sat at the picnic bench to await the arrival of AMR to medically evaluate Mr. Rogers.

While walking with Mr. Rogers from my police car to the picnic bench's Mr. Roger began to tell me his recollection of events as this situation had occurred.

Mr. Rogers: I have his blood on me.

Ofc. Hallas: You have some blood on your face.

Mr. Rogers: That's where he walloped me. I laid it down on the deal and told him he better get out of here. He then hit me pretty hard and then crawled through the window and grabbed it. I tried to get it out of his hand and it went off.

As Mr. Rogers said this he made a motion with his right hand, holding his fingers like a gun, and moving his hand from in front of him to the side like motioning that he was setting down a gun.

Mr. Rogers: Made a comment that he sure didn't mean for this to happen. Later stating that he used to be an officer and that he pretty much knows that law.

While sitting at the bench Mr. Rogers pulled a cell phone out of his left shirt pocket with his left hand and stated, that he was pulling his cell phone out of his pocket to call 911 and that's when he came through the window clear up to his belt buckle, trying to grab it out of my hand as he was laying the gun on his shelf (center console).

After Mr. Rogers made these statements the ambulance arrived and I introduced the medical personnel to Mr. Rogers. As the medical personnel began to check Mr. Rogers they wanted to clean up the blood on his face to check him out. I instructed the medical staff that before they clean him up that I needed to take photographs. Using my department issued iPhone I began to take pictures of Mr. Rogers as he sat at the bench.

After AMR cleaned and checked Mr. Rogers they recommend that he go to the hospital for further evaluation do to the bruising and swelling to the outside area of his eye/ head. Mr. Rogers refused as he stated that he cannot afford any ambulance ride or hospital bill. I advised Mr. Rogers that I also recommend that he go to the hospital for a medical evaluation

REPORTING OFFICER & IBM # Hallas, Randall 2035	APPROVING SUPERVISOR Frederic, Eric
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COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

and that he shouldn't let money dictate personal health. I also advised him that if he wants to avoid the ambulance bill I could transport him to the hospital. Mr. Rogers still refused to seek medical treatment stating that he cannot afford it. I instructed him that when he meets with our detectives that they will more than likely have him medically evaluated as part of the investigation. He just stated that he cannot afford it.

After Mr. Rogers was medically checked out by AMR, I escorted him upstairs in the POC into an interview room, room #1, once we were inside the interview room I deactivated my digital recording device and activated the interview room video surveillance.

Once inside the interview room Mr. Rogers and I made small talk until Detective M. Suarez, 3523 and Detective S. Peterson, 1408, arrived. I briefed both detectives of the information that I had received, I emailed them copies of the photos that I had taken of Mr. Rogers and then stood by while the detectives planned a course of action.

At approximately 1650 hours I was asked by Detective Peterson if I would interview one of the witness's to this incident. I was advised that the witness that I was to interview was in the break room.

I entered the break room and found Ofc. J. Bates, 4893, sitting with a males who identified himself as Emanuel [REDACTED]

INTERVIEW WITH EMANUEL [REDACTED]

Mr. [REDACTED] said that he had just gone through the drive through at Wendy's restaurant and after receiving his food he pulled into a parking stall in the area that the parking stalls are shared by both Wendy's and Taco Bell.

Mr. [REDACTED] said that he was sitting in his vehicle with the windows up and the air conditioning on. He said that after eating his food he began to pull forward to leave when he saw a male lying on the ground in a pool of blood.

The guy that was in the vehicle was on the phone the entire time until the police arrived.

I asked Mr. [REDACTED] if he heard any gun shots being fired and he said no.

Mr. [REDACTED] then stated that after seeing the guy on the ground he exited his vehicle and walked towards the man lying on the ground. I asked him how far away he was and he said that there was a guy sitting in the truck talking on the phone next to the guy on the ground. Just to the west of this was another parked vehicle and he walked over to the east side of the other vehicle where a lot of people from Taco Bell had begun to gather. He said that as he

REPORTING OFFICER & IBM #
Hallas, Randall 2035

APPROVING SUPERVISOR
Frederic, Eric



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

looked at the man in the truck on the phone he noticed that the male looked as though he had blood "in this area", as he was pointing to his chest.

Mr. [REDACTED] said that as he asked the crowd that was gathering by the side of Taco Bell what had happened and did not receive an answer he went back to his vehicle.

Mr. [REDACTED] said that when he went back to his vehicle there was an unknown man that walked up to a fire department person (FDP) that was on scene and Mr. [REDACTED] overheard the unknown male tell the FDP that he heard a shot and walked around the building to see the guy lying on the ground.

Mr. [REDACTED] said that he did not witness any of the incident. At 1510 hours I ended my interview with Mr. Weaver.

OFFICER STATEMENT:

After interviewing Mr. [REDACTED] I was asked if I could transport one of the other witness's back to her vehicle which was still at the Taco Bell parking lot. I drove this individual back to Taco bell where she was leased with her vehicle.

This concludes my involvement with this situation at this time.
No further information

REPORTING OFFICER & IBM #
Hallas, Randall 2035

APPROVING SUPERVISOR
Frederic, Eric



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
 Colorado Springs, CO 80903
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Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 7/28/2016 15:35
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION	Counts Attempt/Commit
OFFENSES			
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP		EMAIL ADDRESS	
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
		HAIR	EYE
SUSPECT / OTHER			
DL/ID NUMBER	STATE	JACKET NUMBER	
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL		YEAR	COLOR
PLATE	STATE	VIN	VALUE
VEHICLE DESCRIPTION			
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR
PROPERTY ITEM TYPE and DESCRIPTION			

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Suarez, Michael 3523		APPROVING SUPERVISOR & IBM # Finn, Michael	Homicide



COLORADO SPRINGS POLICE DEPARTMENT
 705 S Nevada Ave.
 Colorado Springs, CO 80903
 (719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

DETECTIVE STATEMENT:

07-28-2016 (Thursday)

8:55 A.M.

I, (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit) called the El Paso County Coroner's Office (which is located at 2741 East Las Vegas Street Colorado Springs, Colorado 80906) to see if there was any information about substances found in **Jesse Garcia's (DOB: 09-20-1992)** blood. I was advised nothing had come back yet and Doctor Bux was out the office for a while.

CASE REVIEW WITH EL PASO COUNTY DISTRICT ATTORNEY'S OFFICE:

07-28-2016 (Thursday)

10:00 A.M.

Lieutenant B. Poole/0382D, Sergeant J. Rodgers/1412D and I conducted a case review with the following personal at the El Paso County District Attorney's Office (which is located at 105 East Vermijo Avenue Colorado Springs, Colorado 80903):

- El Paso County District Attorney D. May
- Assistant District Attorney K. Kitchen
- Senior Deputy District Attorney J. Lindsey
- Senior Deputy District Attorney D. Billek
- El Paso County District Attorney Office Chief Investigator A. James
- El Paso County District Attorney Office Investigator G. Couch

After reviewing the case with the District Attorney's Office, it was determined no charges

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Finn, Michael



COLORADO SPRINGS POLICE DEPARTMENT
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Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

would be filed against **Jack Rogers (DOB: 02-04-1936)** for shooting **Jesse Garcia (DOB: 09-20-1992)**. I was provided a Case Filing Decision Form by Senior Deputy District Attorney Lindsey. I have attached this document to this case file for review.

DETECTIVE STATEMENT CONTINUED:

07-28-2016 (Thursday)

12:41 P.M.

I received an email from Detective B. Rogers/2641D with the Colorado Springs Police Departments Digital Forensic Unit which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903. In this email it stated Jesse's cell phone was locked and there was no way of bypassing the code on this device.

PHONE CALL TO PATRICIA [REDACTED]

07-28-2016 (Thursday)

2:02 P.M.

I called **Patricia [REDACTED]** at phone number [REDACTED] I asked Ms. [REDACTED] if she knew the passcode to Jesse's phone and she stated she did not. I could hear her ask her family members if they Jesse's passcode and she was told no. I thanked her for her time and disconnected the line.

PHONE CALL TO EMONI [REDACTED]

07-28-2016 (Thursday)

2:05 P.M.

I called **Emoni [REDACTED]** at phone number [REDACTED] Once dialing this

REPORTING OFFICER & IBM # **Suarez, Michael 3523** APPROVING SUPERVISOR **Finn, Michael**



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

number it rang for a while and then went to a voicemail. This message stated the mailbox was full and not accepting messages at this time.

SECOND PHONE CALL TO EMONI [REDACTED]

07-28-2016 (Thursday)

3:30 P.M.

I attempted to speak with Ms. [REDACTED] again and called phone number [REDACTED] Once dialing this number it rang for a while and then went to a voicemail. This message stated the mailbox was full and not accepting messages at this time.

STATUS OF INVESTIGATION:

Status of investigation is still ongoing at this time. Please see forthcoming supplements for further information.

Nothing further.

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Finn, Michael
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COLORADO SPRINGS POLICE DEPARTMENT
 705 S Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 8/19/2016 07:40
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos			
STATUTE / DESCRIPTION			
Counts Attempt/Commit			

OFFENSES	

VICTIM	
PER #	SUBJECT TYPE NAME DOB / AGE RANGE
ADDRESS	PRIMARY PHONE SECONDARY PHONE
RACE	SEX HEIGHT WEIGHT HAIR EYE
VICTIM / OFFENDER RELATIONSHIP EMAIL ADDRESS	
PER #	SUBJECT TYPE NAME DOB / AGE RANGE
ADDRESS	PRIMARY PHONE SECONDARY PHONE
RACE	SEX HEIGHT WEIGHT HAIR EYE
VICTIM / OFFENDER RELATIONSHIP EMAIL ADDRESS	

SUSPECT / OTHER	
DL/ID NUMBER	JACKET NUMBER
VEH #	PROPERTY CODE <input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL	YEAR COLOR
PLATE	STATE VIN VALUE
DESCRIPTION	VALUE

PROPERTY	
ITEM #	PROPERTY CODE <input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE VALUE COLOR
ITEM TYPE and DESCRIPTION	

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Suarez, Michael 3523		APPROVING SUPERVISOR & IBM # Rodgers, James	Homicide



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

DETECTIVES/lk

QS #262

DETECTIVE STATEMENT:

08-08-2016 (Monday)

2:34 P.M.

I, (Detective M. Suarez/3523D who is currently assigned to the Violent Crimes Section/Homicide Unit) received an email from Sergeant J. Rodgers/1412D. In this email, I observed **Caron [REDACTED]** came into the lobby of the Police Operations Center (POC) located at 705 South Nevada Avenue, Colorado Springs, Colorado 80903. Ms. [REDACTED] stated she believed a vehicle that was involved in a recent homicide had been following her.

She stated this happened maybe about a week prior to this homicide. She was describing a road rage incident and I was requested to contact her. I was provided with two phone numbers for Ms. [REDACTED] The first phone number was [REDACTED] and the second was [REDACTED]

VOICE MAILS LEFT FOR MS. [REDACTED]

08-08-2016 (Monday)

3:25 P.M.

I called Ms. [REDACTED] at both phone numbers and left her voicemails

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

asking her to contact me, I advised her that I would be out the office tomorrow (08-09-2016, Tuesday) for tranining.

VOICE MAIL FROM MS. [REDACTED]

**08-08-2016 (Monday)
4:47 P.M.**

I received a voicemail from phone number [REDACTED] In the voice mail was Ms. [REDACTED] returning my phone call. She stated that she would attempt to call me on Wednesday (08-10-2016) in the morning.

STATUS OF INVESTIGATION:

The status of this investigation is in-active for exceptionally cleared for prosecution declined.

Nothing further.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

DETECTIVES/lk

QS #263

DETECTIVE STATEMENT:

08-10-2016 (Wednesday)

9:27 A.M.

I, (Detective M. Suarez/3523D who is currently assigned to the Violent Crimes Section/Homicide Unit) received a phone call from phone number [REDACTED] This phone call was from **Caron** [REDACTED]

Ms. [REDACTED] stated that about a month or month and a half ago, she was driving at Nevada Avenue and Fillmore Street when she was making a right hand turn to go onto Nevada from Fillmore. She stated that there was a white car that was honking at her and driving aggressively. She stated this car pulled into the parking lot of the Auto Zone. Ms. [REDACTED] stated that she could not recall the license plate number on the vehicle. She told me that the car was all white and it was a male driver with dark hair that was longer in length. I asked her if the white car was a convertible or not and she told me she did not believe so. I asked her if the vehicle was two-toned and she stated she did not believe so.

I advised her that the vehicle that was used or involved in my homicide was a two-toned color and a convertible. She stated she believed that was not the same vehicle. I thanked her for reaching out

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Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



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(719) 444-7000

Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

to us and we disconnected the line.

STATUS OF INVESTIGATION:

This case has been placed into in-active status for exceptionally cleared and prosecution declined.

Nothing further.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



COLORADO SPRINGS POLICE DEPARTMENT
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 Colorado Springs, CO 80903
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Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #	DATE/TIME REPORTED 8/3/2016 11:06
LOCATION OF OCCURRENCE			OCCURRED DATE/TIME
			OCCURRED THROUGH
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos			
STATUTE / DESCRIPTION			
Counts Attempt/Commit			

OFFENSES	
PER #	SUBJECT TYPE
ADDRESS	
RACE	SEX
HEIGHT	WEIGHT
HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP	
EMAIL ADDRESS	

VICTIM			
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
HAIR	EYE		

SUSPECT / OTHER			
PER #	SUBJECT TYPE	NAME	DOB / AGE RANGE
ADDRESS		PRIMARY PHONE	SECONDARY PHONE
RACE	SEX	HEIGHT	WEIGHT
HAIR	EYE		
DL/DL NUMBER	STATE	JACKET NUMBER	

VEHICLE		
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL	YEAR	COLOR
PLATE	STATE	VIN
DESCRIPTION		VALUE

PROPERTY		
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized
		<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE
COLOR		
ITEM TYPE and DESCRIPTION		

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Suarez, Michael 3523		APPROVING SUPERVISOR & IBM # Rabideau, Charles	Homicide



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE

DETECTIVE STATEMENT:

08-02-2016 (Tuesday)

11:40 A.M.

I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit) was part of a family meeting **Sabrina** who was the mother of **Jesse Garcia (DOB: 09-20-1992)**. This meeting was a conference call with Ms. **█** who was currently in California. In attendance for this family meeting where the following personal:

- Commander K. Wilson/1352
- Lieutenant B. Poole/0382D
- Sergeant J. Rodgers/1412D
- Colorado Springs Police Department Victim Advocate H. Manzanilla/4185C
- El Paso County Senior Deputy District Attorney D. Billek
- El Paso County District Attorney Investigator D. Edwards

Ms. **█** was provided information about her son's death in detail. She requested the video that was collected from the Taco Bell (which is located at 1507 South Nevada Avenue Colorado 80905) that shows the chain of events not be shown to other family members or released to the public ever. She stated she was okay with the reports of the investigation being released and not the video.

Ms. **█** also requested no other family members be told any of the details and Ms. **█** would coordinate this with her family as to the release of information at this time.

Ms. **█** also made a request to receive some of Jesse's property back. We advised her I

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rabideau, Charles



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

would check on what items we had of Jesse's and get back with her.

STATUS OF INVESTIGATION:

Status of investigation is not going at this time. This case will be placed into an in-active status and exceptionally cleared for prosecution declined.

Nothing further.

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Rabideau, Charles
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Case Supplement Report

COLORADO SPRINGS POLICE DEPARTMENT

705 S Nevada Ave.

Colorado Springs, CO 80903

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Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #		DATE/TIME REPORTED 8/19/2016 07:45	
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION		Counts Attempt/Commit	
OFFENSES					
PER #		SUBJECT TYPE		NAME	
ADDRESS		DOB / AGE RANGE		PRIMARY PHONE	
				SECONDARY PHONE	
VICTIM					
RACE		SEX	HEIGHT	WEIGHT	HAIR
EYE					
VICTIM / OFFENDER RELATIONSHIP			EMAIL ADDRESS		
PER #		SUBJECT TYPE		NAME	
ADDRESS		DOB / AGE RANGE		PRIMARY PHONE	
				SECONDARY PHONE	
SUSPECT / OTHER					
DL/ID NUMBER		SEX	HEIGHT	WEIGHT	HAIR
EYE					
VEH #			PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown
TYPE / MAKE / MODEL		YEAR	COLOR		
PLATE		STATE	VIN	VALUE	
VEHICLE					
DESCRIPTION					
ITEM #		PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown	
SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR	
PROPERTY					
ITEM TYPE and DESCRIPTION					

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM #	APPROVING SUPERVISOR & IBM #		Homicide
Suarez, Michael 3523	Rodgers, James		



COLORADO SPRINGS POLICE DEPARTMENT
 705 S. Nevada Ave.
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

DETECTIVES/1k

OS #261

DETECTIVE'S STATEMENT

08-11-2016 (Thursday)

8:30 A.M.

Sergeant J. Rodgers/1412D and I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit) conducted a case review for this investigation with the command staff of the Colorado Springs Police Department. This case review was held at the Police Operations Center (POC) which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903.

After reviewing this case with the command staff, I was asked by Chief Carey to reach out to the victim's (**Jessie Garcia DOB: 09-20-1992**) mother (**Sabrina** [redacted]) and advise her that we had met on this case and the surveillance video would not be released that was collected from the Taco Bell (which is located at 1507 South Nevada Avenue Colorado Springs, Colorado 80905).

VOICEMAIL FOR SABRINA [redacted]

08-11-2016 (Thursday)

9:41 A.M.

I called Sabrina [redacted] at phone number [redacted] I left her a

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

voice mail advising her of Chief Carey's decision.

STATUS OF INVESTIGATION:

The status of this investigation is inactive and exceptionally cleared for prosecution declined.

Nothing further.

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



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Case Supplement Report

Case Report # **2016-00028051**

OCCURRED INCIDENT Homicide		INCIDENT #		DATE/TIME REPORTED 8/5/2016 08:01	
LOCATION OF OCCURRENCE		OCCURRED DATE/TIME		OCCURRED THROUGH	
<input type="checkbox"/> Domestic Violence <input type="checkbox"/> DNA Evidence <input type="checkbox"/> Interpreter Needed <input type="checkbox"/> Evidence <input type="checkbox"/> Photos		STATUTE / DESCRIPTION		Counts	Attempt/Commit
OFFENSES					
PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE	
ADDRESS					
PRIMARY PHONE					
SECONDARY PHONE					
VICTIM					
RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE
VICTIM / OFFENDER RELATIONSHIP			EMAIL ADDRESS		
PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE	
ADDRESS					
PRIMARY PHONE					
SECONDARY PHONE					
SUSPECT / OTHER					
RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE
D/LID NUMBER	STATE	JACKET NUMBER			
VEH #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
TYPE / MAKE / MODEL		YEAR	COLOR		
PLATE	STATE	VIN	VALUE		
VEHICLE DESCRIPTION					
ITEM #	PROPERTY CODE	<input type="checkbox"/> Burned <input type="checkbox"/> Counterfeit / Forged <input type="checkbox"/> Destroyed / Damaged / Vandalized	<input type="checkbox"/> Recovered <input type="checkbox"/> Seized <input type="checkbox"/> Stolen <input type="checkbox"/> Unknown		
SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR	
PROPERTY ITEM TYPE and DESCRIPTION					

CASE DISPOSITION	EXCEPTIONAL CLEARANCE	ASSOCIATED CASES	REPORTING DISTRICT
REPORTING OFFICER & IBM # Suarez, Michael 3523		APPROVING SUPERVISOR & IBM # Rodgers, James	Homicide



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE

DETECTIVE STATEMENT:

08-04-2016 (Thursday)

8:30 A.M.

Detective P. Tollefson/2167D and I (Detective M. Suarez/3523D, who is currently assigned to the Violent Crimes Section/Homicide Unit) went to Jack Rogers (DOB: 02-04-1936) home

[REDACTED]

Also present when I spoke with Jack was his daughter/Jodi [REDACTED] and her husband Steven [REDACTED]

I advised all three parties, that the case involving Jack had been presented to the El Paso County District Attorney's Office and at this time no charges were going to be filed against Jack. I advised Jack a press release would be release with some of the details about the case. I was asked if I could provide some of those details to them now. I provided a brief synopsis of what was contained in the press release to Jack and his family.

Jack and his family thanked us for the information and for the investigation.

Detective Tollefson and I then left their home and returned to the Police Operations Center (POC) which is located at 705 South Nevada Avenue Colorado Springs, Colorado 80903).

JHAQUAN [REDACTED]

08-04-2016 (Thursday)

11:33 A.M.

I was forward an email from my supervisor that contained a voicemail. In this voicemail, I heard a male identify himself as Jhaquan [REDACTED] asked for a call back in regards to the

REPORTING OFFICER & IBM #
Suarez, Michael 3523

APPROVING SUPERVISOR
Rodgers, James



COLORADO SPRINGS POLICE DEPARTMENT
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Case Supplement Report

Case Report # 2016-00028051

NARRATIVE (continuation)

Jesse Garcia. He provided a phone number of [REDACTED] to call him back at.

JHAQUAN [REDACTED]

08-04-2016 (Thursday)

12:04 P.M.

I called phone number [REDACTED] and spoke to Jhaquan [REDACTED]. Mr. [REDACTED] stated he feels like the case has not been fully investigated. He stated he found out that Jack Rogers's daughter has a relationship with a police officer. He stated "it is not fully getting justified". I advised Mr. [REDACTED] it has nothing to do with the case. Mr. [REDACTED] stated it has a lot to do with the case.

I explained to Mr. [REDACTED] this relationship was not found out about until after the interview with Jack Rogers was completed. I explained to Mr. [REDACTED] all the information that was put out during the press release was all the information that I would talk about.

Mr. [REDACTED] asked about the video and I advised him that Jesse's mom does not want anyone to review the video. He told me this is a race issue and if the roles were reversed Jesse would have been arrested. I told him that not is true and the same outcome would have happened.

Mr. [REDACTED] was upset about Jesse getting shot in the head. He stated he would get the black lives matter movement out here because this was not justified. Mr. [REDACTED] stated he would get a petition for Jack to appear in court. I advised him that the case has concluded and he told me it is not. Mr. [REDACTED] told this is going to be a worldwide petition and the case will be opened again.

I explained to Mr. [REDACTED] it did not matter what race anyone was in this case. The same outcome would have happened regardless of the race. Mr. [REDACTED] asked me what race I

REPORTING OFFICER & IBM # **Suarez, Michael 3523** APPROVING SUPERVISOR **Rodgers, James**



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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

was and I told him that I was going to tell him and told him it has nothing to do with this investigation.

Mr. [REDACTED] started talking about Donald Trump and I would eventually told him that I am not going to talk to him about politics. Mr. [REDACTED] stated he want this man to spend some time for killing his cousin. I asked him if he is a blood cousin or just a friend. He told me that they are blood cousins.

He told me that he has black lives matter on speed dial and this case will go to the Supreme Court. He stated they are going to start a movement to get justice.

He said have a good day and I responded the same to him. We then disconnected the line.

PHONE CALL FROM SABRINA [REDACTED]

08-04-2016 (Thursday)

2:33 P.M.

I received a phone call from phone number [REDACTED] On the line was **Sabrina [REDACTED]** She stated she heard a rumor about the shooter (Jack) having family at the scene of the shooting when it happened. She stated she heard he was also a law enforcement officer. I confirm to Ms. [REDACTED] that no other family or friends had been at the Taco Bell when her son was shot. She thanked me for my time and for the information. We then disconnected the phone line.

DETECTIVE STATEMENT CONTINUED:

I would be advised of possible threats to Jack's life and threats to the police by my supervisor and another Detective within the Violent Crimes Section. I placed patrol checks on both of Jack's known locations and coordinate this information with various units within the Colorado

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Rodgers, James
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Case Supplement Report

Case Report # **2016-00028051**

NARRATIVE (continuation)

Springs Police Department who would monitor the situation.

STATUS OF INVESTIGATION:

Status of investigation is not going at this time. This case will be placed into an in-active status and exceptionally cleared for prosecution declined.

Nothing further.

REPORTING OFFICER & IBM # Suarez, Michael 3523	APPROVING SUPERVISOR Rodgers, James
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4th Judicial District Attorney Case Filing Decision Form



DAO phone 719-520-6000 or dao_intake@elpasoco.com

LEA Case Report # CSPD 16-28051

LEA Agency / Contact (optional): Detective Mike Suarez

Defendant: Jack Rogers

- Filed the following Misdemeanor charges:
- Filed the following Felony charges:
- Filed the following Special Victim charges:
- Filed the following Drug charges:

No Charges Filed:

Additional District Attorney Filing Comments:

Evidence currently indicates the Defendant acted in self defense

Printed Name:

Attorney Reg:

Date Form Signed:

Jeff Lindsey JMJS

#24664

2/28/16