



AURORA POLICE DEPARTMENT

NARRATIVE TEXT HARDCOPY

GO# 2014-10964 OPEN

5404-0 TRAFFIC-DUI LIQUOR

Filed

MAR 26 2014

PROTECTED

TRAFFIC-DUI LIQUOR

ARAP/DOU PC DET 6

ARREST WARRANT AFFIDAVIT

14CR720 207 ORIGINAL

CLERK OF THE COMBINED COURT  
ARAPAHOE COUNTY, COLORADO

EIGHTEENTH JUDICIAL DISTRICT COUNTY OF ARAPAHOE

DETERMINATION OF PROBABLE CAUSE TO DETAIN (Completed by Arresting Authority)

Arrestee OLIVOS-GUTIERREZ, EVER MARTIN DOB 12261973  
 Address 89 DEL MAR CIRCLE SS# NA  
 City AURORA Date of Arrest 03/24/2014  
 State/ZIP COLORADO Time of Arrest 0020 X am pm  
 Arresting Agency - AURORA POLICE DEPT. Phone - (303) 739-6000  
 Arrested for: Charge CRS  
 Charge 1: MURDER IN THE FIRST DEGREE EXTREME INDIFFERENCE 18-3-102  
 Charge 2: VEHICULAR HOMICIDE (DUI) 18-3-106(B)(I)  
 Charge 3: VEHICULAR HOMICIDE (RECKLESS) 18-3-106(B)(I)  
 Charge 4: DRIVING WHILE HTO (DUI) 42-2-206(1)(B)  
 Charge 5: DRIVING WHILE HTO (RECKLESS) 42-2-206(1)(B)  
 Charge 6: DRIVING UNDER THE INFLUENCE THIRD OR SUBSEQUENT OFFENSE 42-4-1307(6)

The above person is ordered to report to court as directed by the appropriate law enforcement authorities per the following information:

Date 3-26-2014 ARAPAHOE COUNTY DIST. COURT MAR 26 2014  
 Court Location 7325 S. Peconic St., Centennial, CO 80112 0030

RH10020

(Completed by Judge) Probable Cause Determination

On this date, the court has reviewed the relevant information pertaining to the arrest of the above individual and has determined:

Probable cause to believe that this person has committed a crime does exist and there is reason to detain said person pending posting of bond or further court proceedings.

Probable cause to believe that this person has committed a crime has NOT been shown and the person is ordered released

R/A



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\_\_\_\_\_ pending further court proceedings and must appear before the court as directed above.

ORIGINAL

\_\_\_\_\_ In accordance with Section 18-1-1001(5) C.R.S., this person will not be allowed to be released from custody, even if the bond has been posted, until the person has received the mandatory protection order required from a judge or magistrate on the record.

BY THE COURT:

  
Judge

206

Division

3/26/14  
Date

9:30 A.  
Time

Original: Court File Copy 1: Arrestee. 2: Detention. 3: Dist. Attorney  
Author: CROWFOOT, CASEY N.  
Related date: Mar-25-2014 (Tue.)

\*\*\* END OF HARDCOPY \*\*\*



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CLERK OF THE COMBINED COURT  
ARAPAHOE COUNTY, COLORADO

STATE OF COLORADO  
EIGHTEENTH JUDICIAL DISTRICT  
COUNTY OF ARAPAHOE

Court Case # 14 CR 720 207

STATEMENT IN SUPPORT OF WARRANTLESS ARREST

OLIVOS-GUTIERREZ, EVER MARTIN  
Suspect (Last,First Middle)  
Date of Birth 12261973 Agency Case # 14-10964

Aurora Police Department (303)739-6000 03/24/2014 0020 X am pm  
Arresting Agency Phone # Date of Arrest Time of Arrest

Charge	Statue/Ordinance	Class	Bond
MURDER IN THE FIRST DEGREE EXTREME INDIFFERENCE	18-3-102	F1	NO BOND
VEHICULAR HOMICIDE (DUI)	18-3-106 (B) (I)	F3	
VEHICULAR HOMICIDE (RECKLESS)	18-3-106 (1) (a)	F3	
DRIVING WHILE HTO (DUI)	42-2-206 (1) (b)	F6	
DRIVING WHILE HTO (RECKLESS)	42-2-206 (1) (b)	F6	
DRIVING UNDER THE INFLUENCE THIRD OR SUBSEQUENT OFFENSE	42-4-1307 (6)	M1	

CASEY CROWFOOT, a Police officer with the AURORA POLICE DEPT. states that there exists probable cause for the warrantless arrest of the above named suspect for the charges stated above. The Officer further states that the facts below are based on personal knowledge and/or interviews with witness(s) and fellow peace officers and/or review of official law law enforcement reports.

1. The crime(s) alleged occurred on 03/24/2014, at  
Month/Day/Year

E. COLFAX AVENUE AND N. DAYTON STREET  
City of Aurora, County of ARAPAHOE State of Colorado.

2. The suspect was arrested at 0020 X AM PM on the 24TH  
day of MARCH/2014 Time  
Month/Year



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3. The facts in support of the probable cause for the warrantless arrest of the above named suspect are as follows:

On March 24, 2014 at approximately 0016, Commission Aurora Police Sergeant Brandon Samuels #24644 was on routine patrol in a marked Aurora Police Vehicle # 62206. Sergeant Samuels was parked in a parking lot at 9005 E. Colfax Ave and was reviewing police reports with his driver's side window rolled down to hear activity in the high crime area.

At approximately 0016 Sergeant Samuels attention was drawn to a green colored Ford Expedition (later identified as bearing Colorado License Plate 455EVQ) travelling eastbound on E. Colfax Ave at an extremely high rate of speed. Sergeant Samuels could hear the vehicle accelerating rapidly as it crossed from Denver (west side of Yosemite St) into Aurora (east side of Yosemite St). Sergeant Samuels clearly saw the Expedition and observe it to be traveling at a visual estimate of 70 -80 MPH on E. Colfax Ave, which is clearly posted at 30 MPH.

Sergeant Samuels was not able to observe the driver of the Expedition as it passed by his stationary vehicle. Sergeant Samuels did not observe any other vehicles near the Expedition nor did he observe any vehicle following the Expedition.

Sergeant Samuels then began to attempt to pull out from the north side parking lot where he was parked and continued his observation of the Expedition traveling eastbound still at his visual estimated speed of 70-80 MPH. At no time did Sergeant Samuels observe any brake lights activate on the Expedition. Sergeant Samuels had to wait for westbound traffic to clear before he could pull out and attempt a traffic stop of the Expedition.

Sergeant Samuels notified Aurora Dispatch via police radio that there was a vehicle traveling at a high rate of speed eastbound on E. Colfax.

Sergeant Samuels began to accelerate to in a fruitless attempt to catch up to the vehicle, when he observed a very large and violent collision between the speeding Expedition and another vehicle at approximately N. Dayton Street. The collision was extremely violent and Sergeant Samuels observed flying debris and smoke at the time the he observed the collision, he estimated that he was still four to five blocks behind the speeding Expedition. Sergeant Samuels stated that he was so far behind the Expedition that he hadn't even gotten close enough to activate his overhead lights to attempt a traffic stop.

Sergeant Samuels stated that after the collision he was not able to see either vehicle do to the smoke, but he aired over the Aurora Police radio that there was a violent traffic accident.



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Sergeant Samuels stated that he observed at the time of the collision that the traffic light for eastbound E. Colfax Ave was red and had been red for an amount of time.

As Sergeant Samuels arrived at the accident scene which was located at E. Colfax Ave and N. Dayton Street, which is located in the City of Aurora, County of Arapahoe, and the State of Colorado. His attention was drawn to a blue Camaro (bearing Colorado License Plate 796ESQ) that had severe damage to it. This vehicle was hit by the recklessly speeding Expedition which also had major damage to it and was present. The Expedition was the same vehicle that Sergeant Samuels observed traveling at speeds of around 80 MPH.

Sergeant Samuels went to the blue Camaro and observed a single white or Hispanic male driver (later identified as Juan Carlos Dominguez-Palomino 6.12.96, CO ID Card [REDACTED]) approximately 18-20 years of age.

Dominguez-Palomino was slumped backwards and wearing a seatbelt that was still intact. Sergeant Samuels stated that Dominguez-Palomino appeared lifeless and had minor bleeding from his nose/mouth area indicating internal injuries. Dominguez-Palomino was not breathing and Sergeant Samuels checked for a pulse and he was not able to get a pulse and did not observe any signs of life.

Sergeant Samuels observed the green Expedition approximately 20 feet away. The driver (later identified as EVER MARTIN OLIVOS-GUTIERREZ 12.26.73, by Matricula Consular Card [REDACTED]) was still in the driver's seat and appeared to be conscious and looking around. Sergeant Samuels observed OLIVOS-GUTIERREZ looking around and reaching around inside of his vehicle and it appeared as if he was trying to move the vehicle. The vehicle was still running and it sounded as if the operator maybe trying to flee in the vehicle.

Officers Robert Wong # 303674 and Jeff Olson # 310727 were arriving on scene at this time and Sergeant Samuels directed them to the Expedition to remove the driver from the vehicle.

Officers Wong and Olson ran over to the Expedition and Sergeant Samuels could hear the officers yelling at OLIVOS-GUTIERREZ in a manner that lead Sergeant Samuels to believe that OLIVOS-GUTIERREZ was not following the orders given by officers.

Officer Olson observed OLIVOS-GUTIERREZ sitting in the driver's seat and was the only occupant of the vehicle. OLIVOS-GUTIERREZ unlocked the driver's side door, but it could not be opened due to damage. Officer Olson opened the front passenger side door; OLIVOS-GUTIERREZ looked at Officer Olson [REDACTED]



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[REDACTED] OLIVOS-GUITERREZ was taken out of the vehicle through the passenger side of the vehicle and placed in handcuffs by Officer Olson.

Sergeant Samuels stated that Officer Wong advised him that OLIVOS-GUTIERREZ had signs of being under the influence of suspected alcohol.

Sergeant Samuels looked at OLIVOS-GUTIERREZ lying on the ground next to the Expedition and it was obvious that he had a broken and/or dislocated ankle area of his right leg.

Sergeant Samuels had Officer Olson stay with OLIVOS-GUTIERREZ to record his observations of OLIVOS-GUTIERREZ and obtain any spontaneous or voluntary statement he made.

Officer Olson stated that while rescue personnel was treating OLIVOS-GUTIERREZ and asking him questions about his medical condition. Officer Olson heard OLIVOS-GUTIERREZ tell rescue personnel that he had been drinking [REDACTED]

Officer Sherrita Bishop # 310725 rode in that ambulance with OLIVOS-GUTIERREZ to the hospital to record any statements made by him. Officer Bishop stated that no statements were made by OLIVOS-GUTIERREZ.

Sergeant Samuels stayed with the Camaro as Dr. Lemery of University Hospital was contacted by Aurora Fire Department personnel for a field pronouncement on Dominguez-Palomino. Dominguez-Palomino was pronounced dead at 0034.

Officer Ryan Marker # 304914 arrived on scene to conduct the DUI investigation. Officer Marker took several pictures of OLIVOS-GUTIERREZ who was already in the ambulance and followed the ambulance to University Hospital where OLIVOS-GUTIERREZ was placed in ER Room #2 for assessment for injuries.

Officer Marker over heard OLIVOS-GUTIERREZ tell the ER staff that he "Drink a lot" [REDACTED] Officer Marker observed the OLIVOS-GUTIERREZ to speak very good English and he did not have any problems understanding the ER staff speaking to him in English.

Officer Marker spoke with OLIVOS-GUTIERREZ after ER staff finished speaking with him and advised him that he was not in custody at this time. OLIVOS-GUTIERREZ was lying in a hospital bed. Officer Marker observed a strong odor of an unknown alcoholic beverage on his breath, slurred speech, and bloodshot/watery eyes.

Officer Marker asked OLIVOS-GUTIERREZ how much he had to drink prior to the



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[REDACTED]

Officer Marker asked OLIVOS-GUTIERREZ if he would consent to a PBT. OLIVOS-GUTIERREZ nodded up and down in a "yes". Officer Marker than gave OLIVOS-GUTIERREZ the opportunity to blow and the results on the PBT was .250%.

Officer Marker based on his observed observations of alcohol indicia, the death of the victim, OLIVOS-GUTIERREZ's own statements Officer Marker advised OLIVOS-GUTIERREZ that there would be three blood draws that would be taken an hour apart.

DUI Nurse Gary Sanders arrived and the first blood draw was taken at 0057 from OLIVOS-GUTIERREZ's. The second draw was taken at 0157 from the right arm, and the third draw was taken at 0257. All blood draws were taken out of the right arm.

Officer Marker stated that OLIVOS-GUTIERREZ had nothing to drink from the time of the stop to the time of the tests. OLIVOS-GUTIERREZ was given an IV drip for treatment, but he refused any medications or painkillers by the ER staff until 10 minutes prior to the third draw at which time he received 2mg of morphine.

Officer Marker stated that at 0230, as OLIVOS-GUTIERREZ was being taken to [REDACTED]

Officer Marker stated that prior to leaving the hospital he asked OLIVOS-GUTIERREZ if he had any questions. [REDACTED]

Officer Josh Stuteville # 25640 contacted witness Christian Erron Dante McGhee 8.4.87 (self identified) and learned the following.

Officer Stuteville observed that McGhee was obviously distraught with the accident and was in shock. McGhee stated that he was going west on Colfax Ave and had stopped in the left turn lane at Dayton for a red light for westbound traffic. As he sat at the red light he observed a vehicle going south bound on Dayton St making a left turn to go east on Colfax Ave. As the vehicle started to turn another vehicle going eastbound on E. Colfax Ave at a high rate of speed ran the red light and struck the vehicle which was turning to go east.

Officer Stuteville asked McGhee to describe the vehicles that were involved in



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the accident and McGhee stated that it happened so fast that he didn't know the model of either vehicle.

Officer Delbert Tisdale # 308073 contacted witness Candace Bridgetts 7.2.82 (self identified) and learned the following.

Bridgetts stated that she was at the westbound bus stop at E. Colfax Ave and N. Dayton St with an unidentified male. Bridgetts saw the bus approaching N. Dayton St on E. Colfax Ave and the bus stopped for the red light.

Bridgetts stated that she heard a vehicle approaching eastbound on E. Colfax Ave at a high rate of speed. She looked up and saw an SUV approaching the intersection "going really fast". Bridgetts stated that she believed that the SUV sped up as it approached the intersection.

Bridgetts stated that there was a car turning from southbound N. Dayton St on to eastbound E. Colfax Ave when the SUV struck the car.

Bridgetts stated that after the accident she ran across the street and attempted to help the driver of the car. She stated that she tried to find a pulse on the driver.

Officer Tisdale stated that Bridgetts was very upset and kept repeating "I don't know why he was driving that fast".

Your affiant contacted Mary Jo McCawley # 23444 who conducted the analysis of the blood draws from OLIVOS-GUTIERREZ and learned the following. The results for the blood draws are 1st BAC 0.289 gms Ethyl Alcohol/10ml blood, 2nd BAC 0.259 gms Ethyl Alcohol/10ml blood, and 3rd BAC 0.224 gms Ethyl Alcohol/10ml blood.

Julian Harley #303390 print examiner compared the right index finger impression from Dominguez-Palomino with the DMV dossier in the name of Juan Carlos Dominguez-Palomino and was found to have originated from the same finger.

Your affiant contacted DMV Master Files via telephone and was advised that OLIVOS-GUTIERREZ was revoked as a habitual traffic offender from 4.27.07 to 4.26.12 in reference to case # 07-51315. DMV stated that OLIVOS-GUTIERREZ was personally served as HTO on 11.11.10 by the Arapahoe County Sheriff's Office.

Your affiant contacted Department of Motor vehicles and requested the following information concerning OLIVOS-GUTIERREZ. Dossier/Photograph, Certified Driving Record, Request for Proof of Service, and Habitual Offender Revocation Order.





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Your affiant received a PDF file of the requested information from DMV and learned the following.

DUI/BAC 0.10 or More conviction date 05.05.04 Douglas County Case # 2000T1555

DUI/BAC 0.08 or More conviction date 12.12.07 Douglas County Case # 2007T190

Your affiant went to University Hospital Room 325 to speak with OLIVOS-GUTIERREZ about the accident. Your affiant asked OLIVOS-GUTIERREZ if he spoke and understood English. He said that he did. Your affiant then told OLIVOS-GUTIERREZ that I would like to speak with him concerning the accident and asked if he would speak with your affiant. OLIVOS-GUTIERREZ said that he would.

Your affiant then advised OLIVOS-GUTIERREZ of his rights utilizing an APD preprinted form. OLIVOS-GUTIERREZ initialed the form on the Spanish language side indicating that he understood his rights and that he would speak with your affiant. As your affiant asked the first question OLIVOS-GUTIERREZ asked if he could have a Spanish interpreter, so that he could understand better. Your affiant told OLIVOS-GUTIERREZ that I would have to get an interpreter and come back to speak with him.

Your affiant returned to the hospital to speak with OLIVOS-GUTIERREZ. Interpreter Irma Creamer # 25428 was present to translate.

Your affiant advised OLIVOS-GUTIERREZ of his rights utilizing an APD preprinted form. Your affiant read the rights and Creamer translated them to OLIVOS-GUTIERREZ. OLIVOS-GUTIERREZ initialed that he understood his rights and he agreed to speak with your affiant.

Your affiant learned the following.

OLIVOS-GUTIERREZ said that he only remembers driving and he reacted at the impact. When asked if he had been drinking that night, he responded with yes. He stated that he was drinking in a bar, but does not know the name or where it was.

When asked how many drinks he had at the bar. [REDACTED]

[REDACTED] When your affiant asked OLIVOS-GUTIERREZ what his friends name was. OLIVOS-GUTIERREZ stated that he met him there, doesn't know him.

Your affiant asked OLIVOS-GUTIERREZ if he was going home when the accident



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happened. He said yes. OLIVOS-GUTIERREZ stated that the vehicle belongs to his daughter's boyfriend Eric Guerra (unknown DOB).

Your affiant asked OLIVOS-GUTIERREZ if he has a driver's license. He responded with No. When asked if he ever had a driver's license, he again responded with No.

Your affiant asked OLIVOS-GUTIERREZ if he has ever had a drinking and driving ticket before. He said yes. When asked how many, he responded with I had three of those problems.

Your affiant asked OLIVOS-GUTIERREZ if he was ever notified that he was a Habitual Traffic Offender. He said yes. When asked when that was. OLIVOS-GUTIERREZ responded after his second DUI.

Your affiant asked OLIVOS-GUTIERREZ if he ever had to attend DUI classes. He responded with yes.

Your affiant asked OLIVOS-GUTIERREZ what kind of things they talked about in those classes. OLIVOS-GUTIERREZ stated, exactly the most serious thing when someone dies. That and how one affects society and the family members. Your affiant said so they kind of talked about if you drink and drive bad things could happen and the very worst thing is that someone could die. He said yes, which is this case.

Your affiant asked OLIVOS-GUTIERREZ if he knows how fast he was going. He said really I don't know how fast, I don't know exactly how fast. But upon feeling the impact I knew that I was going really fast.

Your affiant asked OLIVOS-GUTIERREZ if he knew where he was when the accident happened or were you just on auto pilot. He said he was on Colfax (street) and was between Dallas or Dayton. Your affiant asked if that is where the accident happened on Dayton. He stated that he thinks so.

Your affiant asked OLIVOS-GUTIERREZ if he had taken any type of drug with the Liquor. [REDACTED]

Your affiant asked OLIVOS-GUTIERREZ if he drives the car all of the time. He stated no. Guerra loans it to him to work. He stated that there are other cars that they use. Your affiant asked if he drives other cars. He stated his wife does and she is the one that drives when they clean houses.



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Reports/additional pages stapled to this statement are incorporate into the statement.

Executed on the 25TH day of MARCH 2014 at 1922 AM X PM

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Original: Court File  
Copy 1: Arrestee Copy  
Copy 2: Detention Copy  
Copy 3: District Attorney Copy

*Casey N. Crowfoot* 25635  
Arresting Officer Signature & ID#

SGT BULLIOT  
Arresting Agency Supervisor's Name  
Author: CROWFOOT, CASEY N.  
Related date: Mar-25-2014 (Tue.)

\*\*\* END OF HARDCOPY \*\*\*