

## Chaffee County Sheriffs Office

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## Incident Report

09/26/2018 08:22

Incident 09-1757-1 ORI CO0080000

Incident Date/Time: 05/16/09 To: 05/21/09 09:30

Report Date/Time: 05/21/09 16:49

File#:

Time Arrived:

Time Cleared

Description: BURGLARY

<b>Complainant:</b>	HOBerecht,KIRK 7890 C.R. 146 ST  SALIDA,CO 81201	<b>DOB:</b> [REDACTED]	<b>Phone(H):</b> 719-539-6580 <b>Race:</b> W <b>Sex:</b> M <b>Ethnic:</b> N <b>Height:</b> 5'06" <b>Weight:</b> 165 <b>Hair:</b> BRO <b>Eyes:</b> BLU <b>DOC:</b>
<b>Occurred At:</b>	24500 CR 162  NATHROP, CO 81236		
<b>Location:</b>	C8 -- CHALK CRK & NATHROP AREA		
<b>Complainant Employer:</b>		<b>Occupation:</b>	<b>Phone(W):</b> - -

## Offenses:

IBR#	Offense Description	Statute	Status	Loc	Weapons
2204	Burglary - Residence w/no force	18-4-202	Completed	Home	
2399	Theft - All Other	18-4-401	Completed	Home	

<b>Referral:</b>		<b>Inv Due:</b>
<b>Children:</b>		
<b>Evidence Taken:</b>	<b>Photo:</b>	<b>Fingerprint(s):</b>
		<b>Other:</b>
		<b>Status Date:</b>

**Status:** Active**Exceptionally Cleared:****Investigator:** -**Inv Assgn:****Reporting Officer:** 3438 - BOS,DEREK

PAT

**Supervisor:** 2762 - WALKER,T.R.**Supervisor Approved:** 05/26/09**Entered By:** 3438 - BOS,DEREK**Records:** 2018 - KAERCHER,C.G.**Record Approved:** 05/26/09**Addendum Codes:** /**Copies To:**

## Person(s) Involved:

Description	Name	DOB	Address	City/State	Phone
Victim	MANNION,JOHN P	[REDACTED]	6930 N BELMONT LN	FOX POINT,WI 414699882	414-699-8823
Other	HOBerecht,KIRK	[REDACTED]	7890 C.R. 146 ST	SALIDA,CO 81201	719-539-5263

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##	Loss Type	Qnt	Make, Model, Style	Description	Serial #	Value	Recover Date	Recover Value
1	Eviden 1			FINGERPRINT		0.00		0.00
<b>Notes:</b> Item # 1 DMB: Fingerprint lift from refridgerator door								
2	Eviden 1			CORK		0.00		0.00
<b>Notes:</b> Item # 2 DMB: Bottle Cork								
3	Eviden 1			SWAB		0.00		0.00
<b>Notes:</b> Item # 3 DMB: Swab used to collect DNA sample								
4	Eviden 1			SWAB		0.00		0.00
<b>Notes:</b> Item # 4 DMB: Swab used to collect DNA sample								
5	Eviden 1			RECORDINGS		0.00		0.00
<b>Notes:</b> Photographs								
6	Stolen 1			CLOTHING		50.00		0.00
<b>Notes:</b> One Pair of Sorrel boots was stolen from residence								
7	Stolen 1			TOOLS		50.00		0.00
<b>Notes:</b> Tool box with miscellaneous hand tools was stolen from residence. Total value of tools and tool box was \$50								
8	Stolen 2			FISHING POLES		40.00		0.00
<b>Notes:</b> Two fishing poles, valued at \$40 each, were stolen from residence.								
9	Stolen 1			TACKLE BOX		30.00		0.00
<b>Notes:</b> Tackle box and contents, valued at \$30, was stolen from residence.								
10	Stolen 2			HOUSEHOLD		10.00		0.00
<b>Notes:</b> Two guitars, of unknoww value, were stolen from residence.								
11	Stolen 1			NIGHT VISION MONOCULAR		400.00		0.00
<b>Notes:</b> Nightvision Monocular, vlaued at \$400, was stolen from residence.								

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12	Stolen 1	BINOCULARS	100.00	0.00
<b>Notes:</b> One Pair of binoculars, valued at \$100, was stolen from residence				
13	Stolen 1	MONEY JAR	30.00	0.00
<b>Notes:</b> Empty wine bottle with loose change, between \$30 and \$40 in change, was stolen from residence.				
14	Stolen 1	RADIO/TV/VCR	100.00	0.00
<b>Notes:</b> TV, of unknoww value, was stolen from residence.				
15	Stolen 1	RADIO/TV/VCR	100.00	0.00
<b>Notes:</b> DVD player of unknown value was stolen from residence				
16	Stolen 20	MOVIES	100.00	0.00
<b>Notes:</b> Approximately 20 movies, of unknown value, were stolen from residence.				
17	Stolen 1	POP	2.00	0.00
<b>Notes:</b> Unknown quantity of pepsi was stolen from fridge in residence				
18	Stolen 1	ALCOHOL	20.00	0.00
<b>Notes:</b> Unknown quantity of beer was stolen from fridge and bottle of wine was stolen from cupboard in residence				
19	Stolen 1	HOUSEHOLD	30.00	0.00
<b>Notes:</b> One air mattress, valued at \$30, was stolen from residence.				
20	Stolen 1	HOUSEHOLD	20.00	0.00
<b>Notes:</b> Unknown quantity of books were stolen from residence.				

## Incident Narrative

### 09-1757\_1

On May 21, 2009, at approximately 13:42 hours, I, Corporal Derek Bos, was contacted by dispatch and asked to call a party at 539-5263 in reference to an on-going burglary investigation that was being handled by Deputy Marty Johnson. Dispatch advised that the party had new information and wanted to speak with Deputy Johnson, but Deputy Johnson was not on duty at the time of the call, so they requested that I contact the male party. I called this number and spoke with Mr. Kirk D. Hoberecht DOB 05-07-57. Mr. Hoberecht told me that he is the care taker for a residence near St. Elmo and that the residence had been broken into on May 16, 2009. He stated that Deputy Johnson was investigating that incident. Mr. Hoberecht told me that he had gone to check on the residence today, and had found that it had been broken into since the incident on May 16, and several items were missing. Mr. Hoberecht told me that he was not currently at the residence, but was in Salida. I made arrangements to meet him at the residence at 14:30 hours.

At 14:30 hours, I meet Mr. Hoberecht at 24500 County Road 162, in Nathrop, Colorado, in reference to this burglary. Mr. Hoberecht identified the owner of the residence as Mr. John Mannion out of Fox Point, Wisconsin. Mr. Hoberecht stated that after the incident on May 16, he and his girlfriend had come up to the residence on Monday, May 18, 2009, and had thoroughly cleaned up the residence. He stated that when they left he was very confident that he had locked the front door. When he arrived today to check on the residence, he found that the front door was unlocked. He entered the residence and discovered several items missing. There was no immediate indication of forced entry into the residence. He stated that it was around 9:30 hours this morning that he made this discovery.

Mr. Hoberecht told me that he believed it was possible that entry into the residence was made through the same window that had been broken out on the incident from May 16. He stated that the window had been shattered; he had covered the broken window with a piece of old plywood. He told me that he had covered the window with the ply wood from the outside of the residence. I asked Mr. Hoberecht to show me the window that he was referring to. I observed that there were no fresh tracks in the driveway or around the house. I also noted that it had been raining most of the day and was currently raining, so any tracks would have been washed out by the rain.

Mr. Hoberecht led me to the western side of the house and showed me where he had placed the plywood over the broken window. I observed that there were several screw holes in the plywood, and that two of the holes, one on the bottom right corner of the plywood, and one on the top center of the plywood were missing screws. I asked Mr. Hoberecht about this. He stated that before he placed the plywood over the window, there were no screw holes in the plywood, and he stated that he had placed screws in the two places where the screws were now missing.

I observed dried mud on the outside window sill of the broken window. I photographed the window, empty screw holes, and dried mud. These photographs will be turned in with this report.

Mr. Hoberecht led me inside and told me that upon entering the residence, he had handled both sides of the door knob and lock, and had inspected them to make sure they were in working order. Mr. Hoberecht stated that a pair of Sorrel winter boots that had been left near the front door was missing; he did not know the value of the boots or the size of the boots. He then showed me a utility room that was on the immediate left hand side of the entryway. He stated that a tool box, with miscellaneous hand tools in it, valued at \$50 (with the tools) had been taken from the utility room. Also taken from the utility room was a tackle box, valued at \$30, and two fishing poles, valued at \$40 each. The door to the utility room had been left open, so it was unlikely that someone would have had to use the door knob to open the door.

Next, Mr. Hoberecht showed me the living room and stated that a pair of binoculars, valued at \$100, and a night vision monocular, valued at \$400, had been taken. Both of these items had been on the fireplace mantle. He stated that at least one book, possibly more, had been taken from the coffee table in the living room as well. He stated that he was unsure how many books had been on and in the coffee table. Mr. Hoberecht also stated that there were two guitars in the corner of the living room that had been taken. He stated that he did not know the value of the guitars, but said that they were both very nice and in excellent condition.



## Incident Narrative

09-1757\_1

Mr. Hoberecht then led me into the master bedroom, which has a bathroom connecting to it. The bathroom window was the window that had been broken out. On the floor below the bathroom window, I again observed dried mud. Mr. Hoberecht observed that the rock, which had been used previously to break the window, was now missing. He stated that he had left the rock on the inside window sill to keep to show the owners. He stated that after they had cleaned the residence on Monday, the doors to the bathroom had been closed. I observed that all three doors, one accessing the master bedroom, one separating the bathtub and toilet from the sink, and the third allowing direct access to the main entry way, were now all open.

I also observed bits of dried mud leading from the bathroom window into the master bedroom, to the staircase, and up the stairs. Part way up the stairs the mud stopped. I did not observe dried mud anywhere else in the house. Mr. Hoberecht told me that there had been an empty wine bottle in the master bedroom that contained loose change. He stated that there was probably \$30 to \$40 dollars in loose change in the bottle.

Upstairs, Mr. Hoberecht showed me a sitting area, and indicated where the TV had been on a TV stand. He stated that the TV, DVD player, and approximately twenty movies, had been taken. He did not know the value of these items, nor did he know the brand of the TV and DVD player or what the movie titles were.

Mr. Hoberecht showed me the other two rooms upstairs and showed me that one of two air mattresses was lying on the floor next to a basket. He stated that the basket had contained two air mattresses, one of which was missing. He stated that the one left behind had a large hole in it; the hole was previously there and is not related to this incident.

Mr. Hoberecht also stated that he believed a night stand and lamp were taken from the upstairs bedroom. He showed me where these items were supposed to be next to the bed in this bedroom. I observed a night stand and lamp in an open sleeping area next to the upstairs bathroom and asked Mr. Hoberecht if these were the nightstand and lamp that he thought was missing. He stated that they were; he did not remember if he had previously moved them there or not.

Next, Mr. Hoberecht showed me the kitchen, which was back downstairs. He stated that nothing appeared to be disturbed in the kitchen, except an unknown quantity of cans of Pepsi and cans of beer was missing from the refrigerator. He stated that there was also a bottle of wine missing. He stated that after the incident on May 16, he found this bottle of wine left on the counter. He stated that he had asked Mr. Mannion if the wine was his, and he had said that it was not. Mr. Hoberecht placed the bottle in the cupboard over the fridge. He showed me where he had placed it, and it was no longer there. I did observe two bottle corks on the kitchen counter. Mr. Hoberecht stated that one of the corks had previously been there, but the other had not been. I collected this cork as evidence.

Nothing else was missing to Mr. Hoberecht's knowledge. He stated that he would contact Mr. Mannion and ask him for values on the items that he did not know the values of, mainly the TV, DVD player and guitars. He stated that he would have Mr. Mannion contact me either by phone or e-mail with this information. At the time of this report, I have not yet received this information.

I dusted for fingerprints and located a partial print on the refrigerator door. Mr. Mannion stated that they had cleaned the door on May 18. He also stated that he had only used the refrigerator door handle to open the fridge; the print I located was along the edge of the door, approximately three to four inches below the handle. After dusting, photographing and lifting the partial print, I obtained two swabs for possible DNA samples, using saline solution to moisten the swabs. The print lift and swabs were placed into evidence as evidence items 1DMB, 3DMB, and 4 DMB respectively.

After photographing the scene, I cleared from the residence. These photographs will be turned in electronically with this report.

## **Incident Narrative**

**09-1757\_1**

Please see Deputy Johnson's report # 09-1683 for additional information on the May 16<sup>th</sup> incident.  
I have no additional information at this time.  
End of Report.

Corporal Derek Bos

## **Incident Narrative**

**09-1757\_2**

On 06-04-09 I transported several pieces of evidence in this case to the Colorado Bureau of Investigation (CBI) laboratory in Pueblo to be analyzed. The items sent to CBI were item numbers 1DMB (fingerprint lift), 2DMB (wine bottle cork), 3DMB (DNA swab) and 4DMB (DNA swab). I asked that item number 1DMB be examined to determine if it is a usable fingerprint. I asked that item numbers 2DMB through 4DMB be analyzed for the presence of DNA. A copy of the CBI laboratory examination request report and cover letter will accompany this report.

Detective Sgt. Andrew Rohrich

## **Incident Narrative**

**09-1757\_3**

On 04-23-10 I placed item labeled DNA1 into the refrigerated holding facility. The item had been transported by Sheriff Tim Walker from CBI on 04-20-10 and placed into a temporary refrigerated holding facility.

Deputy J.L. Stephens

**Incident Narrative**  
**09-1757\_4**

On 04-24-10 items 2DMB through 4DMB were received from CBI via FedEx and placed into evidence.

Deputy J.L. Stephens

**Incident Narrative**  
**09-1757\_5**

On 04-26-10 I received a forensic laboratory examination report from the Colorado Bureau of Investigation (CBI) in reference to this case. According to the report evidence item number 1DMB (fingerprint lift) was analyzed by the lab however no suitable prints were found to compare known prints to or for entrance into AFIS (Automated Fingerprint Identification System). The CBI report will be included with my report.

Detective Sgt. Andrew Rohrich

## **Incident Narrative**

**09-1757\_6**

On 07-25-10 items from CBI were returned to the Chaffee County Sheriff's Office. These items were labeled 1DMB. The items were returned to the evidence room.

Deputy J.L. Stephens

**Incident Narrative**  
**09-1757\_7**

On 06-19-10 the Chaffee County Sheriff's Office received an email from an anonymous source (email address [hixman62@hotmail.com](mailto:hixman62@hotmail.com)) that read as follows:

*(hypothetically speaking)*

*old friend of mine and I were involved in incidents past couple of years. Hes gettin popped soon for home invasion. hes gonna rat me out. i thought if i talked first and turned myself in i would get an easier time of it. is this correct? tried turning myself in past tues but didn't have balls. how should i proceed. turn self in at jail? 9703333610*

*thanks*

Chaffee County Undersheriff Keith Pinkston and I then ran an Accurint (paid internet based person search program) report on the telephone number provided and it registered to Daniel Pesch. It should be noted that the initials "DP" were also on the email (included with this report) in the "from" section.

I received a copy of the email on 06-21-10 and immediately called the telephone number provided and spoke to a male party who identified himself as Daniel. I advised Daniel that I received his email and I was willing to sit down and talk to him. At that time Daniel explained that he was in a meeting and would need to return my call. I provided Daniel with my contact information and ended the telephone call.

Approximately a week passed and I did not receive a return telephone call from Daniel. During that week I attempted to contact Daniel several more times and left him messages to call me back. I returned to work on 06-28-10 and Daniel had left me a voice message over the weekend simply saying that he was returning my telephone call. I attempted to contact Daniel several times over the next month but was unable to speak to him again.

On 07-30-10 Chaffee County Crime Stoppers received a tip via email from an unknown person and it read as follows:

*i would like to submit a crime tip regarding some burglaries that happened between march and july of last year around the county including a veterans club in johnson village and some cabins around st elma.*

*my neighbor named dan cried his heart out tonight to me regarding his alcoholic days and how him and his friend used to cruise around lake and chaffee county cause some chaos, camp, one time he claimed they stayed in a cabin they broke into for a few days before leaving, and then leave and come back later in the month and repeat. his buddy lived in buena vista he said. He came back from a trip like this with a lawn statue type thing a week back. He told me about a breaking into a veterans memorial place in johnson village to get some liquor and cause havoc and some cabins and a random guy named mike they found while on bikes running around. He wouldn't get into too many details except he was drunk and he thought it sounded like a good idea at the time. he said he tried turning himself in at the jail the last time he was there and had talked to a detective named andy briefly but hadn't had the guts to call him back. his buddy apparently is on trial for a home invasion and is about ready to give him up and he's sweating pretty hardcore. i told him to call the detective back and come*



## Incident Narrative

09-1757\_7

*clean before he gets in more trouble and he said he would. hes kind of laughing about the fact he hasn't been caught but scared too. but just in case he doesn't i wanted to throw a tip to you folks. just trying to do my part. his last name i think is peicshe, hes late 20s, his phone number is 970-333-3610. thought it might be better to hurry the process along before he does something else really stupid.*

*really need to remain anonymous about this since hes my neighbor.*

I received this information through pass-on when I came to work on 08-02-10. I went to my office and noticed that I had another voice message from Daniel. The message just said, "this is Dan, I need to talk and was told you are the guy I need to talk to. My number is 970-333-3610." As of the time of this report I have had no further contact with Daniel. Once again I have left him several voice messages but he has not returned my calls.

I was familiar that around the middle of June, 2010 the Salida Police Department handled a "home invasion" case in which they made several arrests. Two of the subjects arrested in that case ([REDACTED] [REDACTED]) were both currently incarcerated in the Chaffee County Jail.

On 08-04-10 at about 1400 hours I spoke to John in the jail. [REDACTED] denied any knowledge of the case and denied knowing anyone named Daniel Pesch. [REDACTED] advised that he was living in the Pueblo area during the time of the incidents and was also periodically incarcerated in a detention facility during the time frame.

On 08-05-10 at about 1330 hours I spoke with [REDACTED] in the jail. [REDACTED] denied any knowledge of the case and explained that he does not know anyone named Daniel Pesch. [REDACTED] advised that during the time frame in question he was in prison in the Buena Vista area.

I will attempt to confirm the alibis of both [REDACTED] and [REDACTED] as well as interview anyone else associated with the Salida Police Department "home invasion" case. It should be noted that I received the first email from Daniel (06-19-10) only a few days after the "home invasion" case.

Because of the crime stoppers tip it appears that several cases that have been reported to the Chaffee County Sheriff's Office are possibly linked to Daniel as a main suspect. The case numbers I believe to be associated with the crime stoppers tip are 09-1757 (This case), 09-1683 (Burglary of cabin near St. Elmo), 09-0984 (Burglary of VFW in Johnson's Village), 09-1454 (Burglary of cabin near St. Elmo where a motorcycle was stolen) and 09-1022 (Burglary of VFW in Johnson's Village). This case will continue to be investigated.

Detective Sgt. Andrew Rohrich

## **Incident Narrative**

### **09-1757\_8**

Several days back I contacted several police agencies in the Vail and Breckenridge area in hopes of finding information on the whereabouts of Daniel Pesch. The Eagle County Sheriff's Office explained to me that their agency had contact with Daniel in July of this year and at that time he provided an address of 1001 Grand View Drive #C15 In Breckenridge, CO.

I had been attempting to contact Daniel on several occasions by telephone but he did not return any of my telephone calls. At this time (08-31-10) I decided to travel to Breckenridge in an attempt to contact Daniel at his residence. It should be noted that 11<sup>th</sup> Judicial District Attorney Investigator Alex Walker went with me to assist.

At about 1130 hours we arrived at Daniel's residence and I observed his vehicle (1993 black Toyota SUV bearing Colorado I license plate number 751SOC which registered to Daniel) parked in front of the apartment complex. I walked up to the vehicle and noticed that the engine compartment was warm to the touch possibly indicating that the vehicle had been very recently operated.

I then approached apartment number C15 and knocked on the door. I immediately heard what sounded like footsteps coming from the inside the apartment towards the door I knocked on however no one answered the door. After waiting for several minutes I left a business card on the door asking Daniel to call me. I provided Daniel with my cell-phone number on the card.

We then left the area and returned about one hour later and saw that the vehicle was still in its original location however my business card was missing from the door. I again knocked on the door but received no response. Before leaving for a second time I loudly said to Inv. Walker that I was next going to go to Daniel's place of work and contact him there. I said it loudly in hopes that Daniel would hear me and might try to contact me to avoid me going to his employer.

We then left the area and returned to Chaffee County. At 1611 hours (we were back in Chaffee County at the time) I received a telephone call from cell-phone number 970-333-3610 which I immediately recognized as Daniel's number as I have contacted him at that number in the past. I answered the telephone and a male party (I recognized the voice as being Daniel) identified himself as "Daniel Pesch". I thanked Daniel for calling me back and I explained to him that I needed to talk to him in reference to this case as well as four other burglary cases. I explained to Pesch that I had recently learned that he was responsible for the burglaries and he needs to stop running away from this and take responsibility for what he did. Daniel then said that he did want to talk to me and tell me everything but now was not a good time. Pesch asked that I call him back tomorrow (09-01-10) at 10:00 AM and he would talk to me about the case at that time.

On 09-01-10 I tried contacting Pesch several times by telephone but he would not answer his telephone and I received a recording saying that his voice mail box was full so I was unable to leave a message. On one occasion when I called someone answered the telephone but immediately hung it back up without saying anything. I will continue to try and contact Pesch and I will also try to obtain a rule 41.1 search warrant to get a sample of his DNA.

Detective Andrew Rohrich

**Incident Narrative**  
**09-1757\_9**

I prepared a search affidavit to secure the phone records of Daniel Pesch and on 10/12/10 Judge Charles Barton reviewed those documents and issued the warrant. The warrant requests the incoming and outgoing calls as well as the cell towers used for the outgoing calls for the month of March 2009. The warrant was then faxed to Sprint Nextel who maintains those records. Copies of those documents will accompany this report.

Undersheriff Keith Pinkston

**Incident Narrative**  
**09-1757\_10**

On 12-17-10 I received two separate forensic laboratory reports from the Colorado Bureau of Investigation (CBI). Both CBI reports were in reference to case number 09-1683 which is a case that has since been linked to this case with the same suspected suspects involved. One report was results on fingerprints from Daniel Pesch sent to CBI to compare against fingerprints found at the scene of the crime (09-1683). The report indicated that the fingerprints were not Daniel Pesch's. The second report was results on DNA from Pesch sent to CBI to compare against DNA found at the scene of the crime (09-1683). The report indicated that the DNA was not Pesch's.

Because the investigation in this case has lead to the possibility that there was more then one person involved in committing the crime, Pesch has not yet been ruled out as a suspect. Only one DNA profile was found at the scene meaning that it is possible that the second person's DNA was not left at the scene. It is possible that Pesch was this second person according to the investigation. The CBI reports will be included with this report and this case will continue to be investigated.

Detective Andrew Rohrich