

Crime / Incident (Primary)		Narrative		Incident #
Agency Assist Agency Assist		Attempt	Type	20-C00158
		<input type="checkbox"/>	REFERRED TO OTHER JURISD	Seq 1

On Tuesday, May 26, 2020 at approximately 1530 hours, I was contacted by Sheriff Dan Warwick of the Saguache County Sheriff's Office. Sheriff Warwick was requesting an outside investigation into the activities of a Saguache County Deputy. The Deputy, Wayne Clark, was involved in the selling of a firearm in which the other party, identified as [REDACTED], had given Clark \$600 for a Springfield .45 XD. Clark agreed to sell the weapon but after receiving the money, backed out of the deal. Clark retained possession of the firearm and only returned \$100 to [REDACTED]. It was suspected that Deputy Clark may be engaged in some type of criminal activity. I agreed to assist Sheriff Warwick.

On Thursday, May 28, 2020, at 0800 hours, I made contact with [REDACTED] near his residence at [REDACTED] Colorado, to obtain his statement. [REDACTED] stated that Clark was trying to gather money for a restaurant deal that his daughter (Clark's) was trying to start at the end of February or the beginning of March. Clark has many firearms and [REDACTED] was wanting to purchase a weapon. Clark showed [REDACTED] a .45 caliber Springfield XD. [REDACTED] and Clark agreed to a sum of \$600 for the sale of the gun. [REDACTED] initially had the \$400. Both parties agreed that Clark would hold the weapon until it could be paid in full.

On May 10, 2020, Clark drove [REDACTED] to Pueblo to pick up [REDACTED] Mother who had been hospitalized with a heart attack. [REDACTED] paid the remainder of the money owed on the gun. [REDACTED] was going to pick up the gun in a couple day after his mother was settled back into the residence. About a day and a half later (approximately May 12), Clark sent a text to [REDACTED] stating "we have to have a chat, I need to give you your money back". Clark advised [REDACTED] by phone call that [REDACTED] was under investigation and Clark could not sell the weapon. [REDACTED] was not upset about the deal but wanted to get the investigation squashed because he had not done anything wrong.

[REDACTED] made contact with Clark afterward via text on or about the 13th of May. He asked if he needed to get with Dan (Sheriff Warwick) to get the investigation going. [REDACTED] was still wanting the gun and believed if the investigation was concluded, he could still get the gun. Clark replied by text that [REDACTED] name got put down on paper. "It was always rumors before but now putting stuff down". Clark did not specify what the investigation was or why a report was being completed. Clark did advise [REDACTED] by text that he had not "turned it over yet" indicating the report had not been sent through the report writing process.

Around May 14th, [REDACTED] began texting Clark about getting his money back. Clark stated that he would not be able to get the money until the 17th of May. [REDACTED] understood that Clark would not have all the money and waited until the 17th to contact Clark again. Clark initially stated that he only had \$200 but changed that to \$100. Clark had told [REDACTED] that he would drop the money off but later changed the arrangement. [REDACTED] went to Clark's residence on May 18, where Clark had pinned \$100 his residence's door. This was because Clark was teaching some weapon's classes in Alamosa.

When [REDACTED] contacted Clark again over the money, Clark replied in a text to [REDACTED] "chatting with a few of your friends". There was no further explanation which led [REDACTED] to believe that the friends were related to someone snitching. This assumption was based upon a report being completed on an investigation and the

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friends may be the reporting party. [redacted] has tried calling Clark a couple of times but has not had contact with Clark since the 18th and [redacted] believes he is being bullied over the money owed.

[redacted] stated that he has known Clark for [redacted] years. [redacted] considers them as friends or close acquaintances. This is substantiated by Clark driving [redacted] to Pueblo to help with [redacted] mother. [redacted] has house-sitted for Clark on a several occasions and the two text daily. [redacted] stated that it was weird that Clark would not speak to him any longer.

The only possible explanation of a possible investigation volunteered by [redacted] was over [redacted] leaving some weed (marijuana) at a nearby house. [redacted] went to the house to wash his clothes and his Mother's clothes. The resident, known only as Shawn, allowed him to wash the clothes and [redacted] left him some weed as a gesture of thanks. [redacted] did have an argument with Shawn over a land deal while he was washing clothes and Shawn was drunk at the time. [redacted] believes the only reason for an investigation would be Shawn calling in on the marijuana being left.

A criminal history was completed on [redacted]. The history had only two arrests listed. One arrest for not appearing to court on a traffic charge (2007) and an underage possession charge (1998).

Follow up information from Contact:

I made contact with Sheriff Warwick following the initial interview with [redacted]. I requested information as to Saguache County Sheriff's Office policy which specifies a time frame within which deputy reports are to be submitted and if there was any procedure limiting investigations on friends and family. Sheriff Warwick advised that it is unwritten but deputies should turn in reports within 24 hours of the report being assigned. Sheriff Warwick additionally advised that while there is no set policy, he always expects Deputies to conflict out (remove themselves because a conflict of interest) when they have some relationship with possible suspects. This information is important as Deputy Clark has not filed any report involving [redacted] since the time Clark was to pay back the money to [redacted]. Based upon the statements of [redacted] Clark is a friend but Clark has not removed himself from any investigation of possible incidents.

I solicited information from Sheriff Warwick in reference to any knowledge of recent drug investigations in Moffat. Sheriff Warwick replied that there is always something going on in Moffat in regards to drug activity but he is unaware of any current investigations. This is relevant as the only investigation [redacted] believes he could be a part of is a drug investigation involving him giving marijuana to an acquaintance as a gesture of gratitude for using that acquaintance's washer and dryer for clothes.

The final piece of information I requested of Sheriff Warwick was any calls or local history on [redacted] excluding medical calls for his Mother. Sheriff Warwick stated that there was nothing in his local system involving [redacted]. This is significant as Deputy Clark has not advised his dispatch or the Sheriff in reference to any ongoing or recent investigation. There are no report

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numbers assigned to the incident of an investigation that Deputy Clark claims to [redacted] that he is conducting. A final check was made with Sheriff Warwick on June 1, 2020 at 1115 hours to ensure that no investigations had been started or reports made by Deputy Clark. There were no initiated reports, calls for service or investigations documented by the Saguache County Sheriff's or to the knowledge of Sheriff Warwick.

On June 1, 2020, at approximately 0850 hours, I received an email from [redacted] which included 15 screen shots of his phone starting at May 5th and ending on May 17th of the text conversations with Clark which substantiates the information that [redacted] gave me during his interview. The dates and timeline provided by [redacted] were slightly off but the information in the text messages confirmed the statement provided by [redacted] on May 28th.

The statement of [redacted] with the related text messages provide a solid belief that Deputy Clark is engaged in a form of criminal extortion. Deputy Clark, without legal authority and with the intent to induce [redacted] not to ask Deputy Clark for further funds to be returned in the attempted purchase of a .45 Springfield XD, fabricated an investigation on [redacted]. The investigation that Clark invented and is unsubstantiated in any Saguache County Sheriff's Office report or notification through the chain of command has stopped the private sale of a firearm to [redacted] and additionally stopped the return of monies paid to Clark for the gun. This fabricated investigation has stopped [redacted] from asking for the return of the money he used for the purchase of the firearm and creates probable cause for Criminal Extortion under CRS 18-3-207.

District Attorney Investigator Harry Alejo was notified of the preliminary investigation on June 1, 2020 at approximately 1030 hours and the belief of criminal wrongdoing on the behalf of Deputy Clark.

Video is available of the preliminary interview of [redacted] and copies of the screen shots from [redacted] phone are available under Center Police Case # 20-C00158, Assist Other Agency.

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