

State of Colorado
Eighteenth Judicial District
County of Elbert

Elbert County Sheriff's Office

751 Ute Avenue, P.O. Box 486

Kiowa, CO 80117

Phone No. (303) 621-2027 / Fax No. (303) 621-2055

17CR156
Court Case No.

- ☒ DETERMINATION OF PROBABLE CAUSE TO DETAIN
☒ STATEMENT IN SUPPORT OF WARRANTLESS ARREST
☒ CUSTODY FORM

DATE FILED: December 19, 2017

CASE NUMBER: 2017CR156
DOB: 06/10/1983
Agency Case Report No.: 2010-581

Defendant's Name (Last, First, Middle): Pesch, Daniel James		Home Telephone No.: (970) 333-3610	
Complete Home Address - Including P.O. Box & Apt. No. (If Applicable): 4560 S. Balsam Way #8-206, Littleton, Colorado 80123-7354 (Denver County)		Business, Cell or Other Phone No.: (970) 333-3610	
Employed By - Business Name & Complete Address (If Known): Unemployed		Social Security #: [REDACTED]	
<input type="checkbox"/> Summons Issued	Summons No.	<input type="checkbox"/> Domestic Violence Involved	<input type="checkbox"/> Juvenile <input type="checkbox"/> Weapon Involved
<input checked="" type="checkbox"/> Jailed	Summons No.		
Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Race: Whi	Age: 34	Height: 509
		Weight: 180	Eyes: Blu
		Hair: Blk	Driver's License or ID No: [REDACTED]
			State: CO
THE ABOVE LISTED PERSON IS ORDERED TO REPORT TO THE BELOW LISTED COURT AS DIRECTED BY THE APPROPRIATE LAW ENFORCEMENT AUTHORITIES PER THE FOLLOWING INFORMATION			
Court Location: Elbert County Combined Courts 751 Ute Avenue Kiowa, CO 80117		Phone No. (303) 621-2131	Court Date: 12/19/2017
			Court Time: 1330 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Approximate Location of Offense in: <input type="checkbox"/> Incorporated <input checked="" type="checkbox"/> Unincorporated (check one) Elbert County & State of CO:			Approximate Time of Offense: 0000 Hours
Statute CRS Number	Charge	Bond Amount	Class
1. 18-3-102(1)(a),(3)	Murder in the First Degree	0	F-1
2. 18-8-103(1)(b),(4)	Resisting Arrest		M-2
3. 18-8-104(1)(a)	Obstructing a Peace Officer		M-2
4. 18-8-208.1(2)	Attempt to Escape		F-5

I, Investigator Chris Dennis, a Peace Officer with the Elbert County Sheriff's Office in the State of Colorado, states there exists probable cause for the warrantless arrest of the above named suspect, for the above listed criminal charge(s). This Officer further states the facts below are based on personal knowledge and/or interviews with witnesses, fellow Peace Officers and/or review of official Law Enforcement reports.

- The above listed crime(s) committed on June 13, 2010, at the location of Kiowa/Bennett Road and County Road 194, Town of Bennett, ☐ Incorporated ☒ Unincorporated (check one) Elbert County and State of Colorado.
- The suspect was arrested at 1714 hours on the 18th day of December, 2017.
- The brief facts in support of the probable cause for the warrantless arrest of the above named suspect are as follows:

On 6/14/10, Elbert County Sheriff's deputies responded to the area of Kiowa-Bennett Road and County Road 194, unincorporated Elbert County, town of Kiowa, state of Colorado, for a suspicious death on the southwest corner of Kiowa-Bennett and County Road 194. Original Elbert County case number (2010-581).

The victim was identified as WILSON, Randall (DOB 11/13/57). The report stated that Randy was found on the side of the road, with his hands bound behind his back, a white bag over his head, and a belt around his neck. [REDACTED]

On 6/28/17, Sheriff Shayne Heap received a message via Facebook from an individual identified as PESCH, Daniel (DOB 06/10/83), [REDACTED]

Through a series of four interviews, that Dan had volunteered to come to the sheriff's office to speak with investigators, conducted on 7/10/17, 8/1/17, 8/9/17, and 12/8/17, [REDACTED]

During each interview, Dan was advised he was talking on his own free will, he was not in custody, and was free to leave whenever he would like. Dan voluntarily left every interview that was conducted.

Supervisor Initials & Badge No. _____

Over the course of these several months, Dan had continued to contact myself, Investigator Chris Dennis, of the Elbert County Sheriff's Office, via text message in relation to the interviews. [REDACTED]

On 12/15/17 Dan was evicted from his place of residence located in Littleton. [REDACTED]

I received a series of text messages on 12/15/17 from Dan's phone [REDACTED]

On 12/18/17, Dan voluntarily made his way from the Georgetown area to Elizabeth. [REDACTED]

Personnel from the sheriff's office that were following Dan's car while en route to the sheriff's office ultimately made contact with Dan in the Wal-Mart parking lot in Elizabeth. Dan was placed into custody and transported to the Elbert County Sheriff's Office for further questioning.

At the sheriff's office, Dan was placed in the interview room, not restrained, and was advised of his Miranda Rights. Dan acknowledged he understood his rights and signed a Miranda waiver in front of myself and Sheriff Heap. Dan waived his Miranda Rights, and agreed to answer questions. [REDACTED]

After advising Dan he was under arrest Sheriff Heap and I began escorting Dan across the parking lot. Dan was not in handcuffs at this time. Dan stopped and attempted to move backwards as he was looking at the jail entrance. Myself and Sheriff Heap each grabbed an arm of Dan and told him to relax. Dan pulled away from both of our grips and attempted to run north through the parking lot of the sheriff's office. Sheriff Heap and I caught up with Dan. Sheriff Heap put Dan in a bear hug, and I grabbed Dan's left wrist, placing him in a wrist lock as we went to the ground. Dan was actively resisting once on the ground. After several clear verbal commands, Dan was rolled onto his stomach and began to comply with verbal commands. Dan was placed into handcuffs behind his back. I was unable to double lock the cuffs, due to the position we were in. Dan began moving his hands up against his back tightening the cuffs around his wrists. I advised Dan to stop moving his hands or the cuffs would become tighter because I had not had a chance to lock them yet. Dan's body began tensing up once more as I conducted a search of Dan's persons. We got Dan to his feet and began escorting him to the jail entrance. While walking to the jail entrance, Dan's body was very tense, as he was attempting to push against us from him walking. I placed Dan into an arm bar and proceeded to escort him to the jail. Once in the jail, Dan was still tense and actively resisting. Dan was placed into holding cell 1, where the handcuffs were removed and he was left. Dan began hitting the walls with his fists and head. Specialist Nate Moss, Deputy Shane McClure, Sergeant Eric Armstrong, Lieutenant Joel Heap, Undersheriff Troy McCoy, Sheriff Heap, and I all assisted in placing Dan into the restraint chair for his safety.

Dan has been placed into custody of the following charges:

- 18-3-102 Murder In the First Degree (F-1)
- 18-8-103 Resisting Arrest (M-2)
- 18-8-104 Obstructing a Peace Officer (M-2)
- 18-8-208.1 (2) Attempt to Escape (F-5)

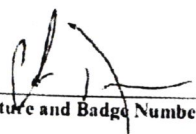
Nothing further.

Investigator Chris Dennis 1401

☒ Yes ☐ No Additional pages and/or reports attached with this probable cause statement form are incorporated into the above statement.

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I swear, under penalty of perjury, the above statements and all attached documents submitted or made by me are true and correct to the best of my knowledge and belief.

 1401
Signature and Badge Number of Officer Making Statement of Probable Cause

Probable Cause Determination
(Completed by Judge)

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

- ☐ Probable cause to believe 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 this person has committed a crime has not been shown and the person is ordered to be released pending further court proceedings and must appear before the court as directed above.

BY THE COURT:

Signature of Judge/Magistrate & Division

Printed Name

Date & Time
of Determination

Supervisor Initials & Badge No. _____