

COUNTY COURT, ARAPAHOE COUNTY, COLORADO
APD Case Number: 2020-15436

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT DATE PRINTED: May 15, 2020 10:05 AM

I, Investigator Kristopher McDowell, of lawful age and being first sworn upon oath, state that I have probable cause for believing that:

Daniel James Pesch, DOB 06/10/1983, SSN 5[REDACTED], CO OLN [REDACTED], Hair Blonde, Eyes Blue, Height 5'09", Weight 200, White Male

did commit the crime (s) of:

18-4-501 Criminal Mischief (F5), CRS
18-4-509(b) Defacing Property (M1), CRS
18-9-111(1)(e) Harassment (M3), CRS

on/between: **April 15, 2020 to May 11, 2020**

WITHIN THE County of Arapahoe, State of Colorado, and as grounds therefore states as follows:

Your Affiant informs the Court that he is a commissioned police officer with the Aurora Police Department (APD) and that the following information was obtained by me personally and from the official records of the aforesaid police department. Your Affiant has worked for APD for 12 1/2 years and is currently assigned to the Aurora Police Department, District 3 Investigations Unit. Your Affiant was previously employed with the Brighton Police Department as a police officer, for 4 1/2 years.

The Affiant, Kristopher McDowell #303143, Detective, Aurora Police Department, a peace officer, being duly sworn upon oath, says that the facts stated herein are true.

Your Affiant, Kristopher McDowell, states that he is a Commissioned Aurora Police Investigator, and has worked for the Aurora Police Department (APD) for 12 1/2 years and is currently assigned to the Aurora Police Department, District 3 Investigations Unit. Your Affiant was previously employed with the Brighton Police Department as a peace officer for four (4) years. Your Affiant says that the facts stated herein are true and the facts below are based on personal knowledge and/or interviews with witnesses and fellow officers and /or review of official law enforcement reports.

Furthermore, your Affiant informs the Court that on May 6, 2020, he received and reviewed APD Case Number 2020-15436, written by Commissioned Aurora Police

Defendant: Pesch, Daniel J. DOB 06/10/1983

Officer Steven Spanos (ID # 26213) reference damage to property, perpetrated by a known suspect, resulting in a loss of approximately **\$5,000.00**.

Specifically, on May 4, 2020, at approximately 1102 hours, Officer Spanos was dispatched to Aurora Tri-County Health (15192 E. Hampden Avenue). Officer Spanos contacted the reporting party, Sheldon Irons. Sheldon is a Safety & Security Specialist for the Tri-County Health Department. Sheldon advised over the weekend while Tri-County Health was closed an unknown suspect damaged glass windows on their storefront.

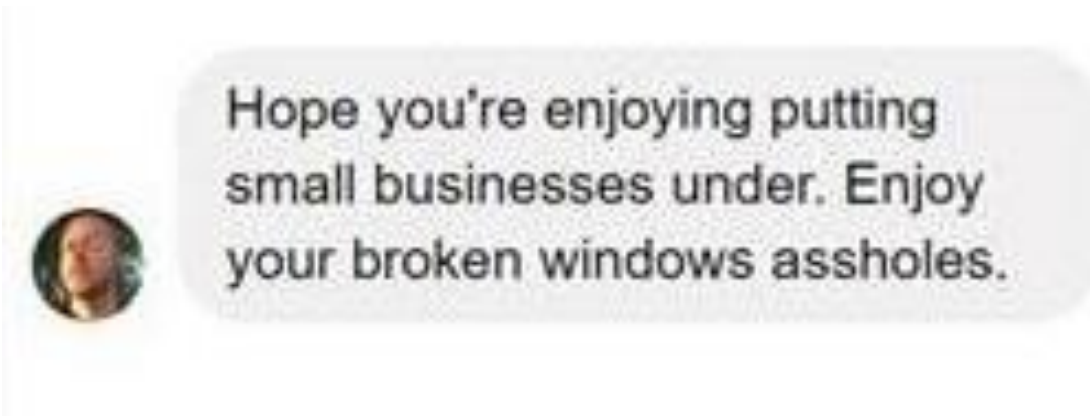
Sheldon reported that three windows were sprayed painted with black paint. One of the three had the words "Ass Holes" on it, written in black marker.



Defendant: Pesch, Daniel J. DOB 06/10/1983



Sheldon added that Tri-County Health received a Facebook message from a “Dan Pesch” on May 2, 2020, at 2018 hours. The Facebook message stated, "Hope you're enjoying putting small businesses under. Enjoy your broken windows assholes."



Defendant: Pesch, Daniel J. DOB 06/10/1983

Sheldon advised Officer Spanos that this is the fourth incident of damage to their windows.

Officer Spanos received security footage of the suspect hitting the front window of the storefront and a digital screenshot of the Facebook message. A surveillance clip titled, "IMG_0063" which was a short clip from inside the facility. It showed what appears to be a male party, wearing a dark coat, tan pants, and carrying a backpack, walk past the front of the facility. There were no clear face shots from this clip by slowing down or zooming.

On May 6, 2020, Your Affiant was assigned as lead detective on this case. Your Affiant made telephone contact with the reporting party, Sheldon Irons (720-633-2907). Sheldon confirmed that they are willing to press charges in this case and that the damage estimate is still \$5,000 to replace the damaged windows.

Your Affiant found the following prior property damage cases at Tri-County Health:

APD Case 2020-81353, occurred on April 15, 2020. It was reported that between 1700 hours on April 15, 2020, and 0730 hours on April 16, 2020, a large rock was used to break a window on the front of the office. Entry was not gained due to the window being cracked but not breached.

APD Case 2020-13796, occurred on April 18, 2020, at approximately 2015 hours. A passerby observed a party throw a rock through the front window. The suspect was wearing a backpack and had a beanie on. The responding officer observed the window, two panes to the east of a boarded-up window at the business were broken. Only the outside pane of glass was broken. The inside pane was still intact. A large rock was found lying on the sidewalk in front of the window.

APD Case 2020-14012, occurred on April 20, 2020, at approximately 2200 hours. Responding officers observed that at the front entrance, which already had two boarded-up windows from previous vandalism, had a third window broken. Only the outer pane of glass was broken on this third window. Another rock was found on the ground below the broken window.

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S.S.: FOR ARREST WARRANT

APD Case Number: 2020-15436

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Original Picture



Zoomed Picture Showing Damage



After Three Windows Broken and Boarded

Your Affiant examined the Facebook conversation Sheldon sent. The first of the message string was from March 25, 2020. It was an incoming message from a Facebook profile named, "Dan Pesch" and said, "I missed beginning of the call. When will the order go into effect?"

Tri-County responded, "The state Stay-at-Home order went in to effect on Thursday, March 26th."

Dan Pesch then followed up on April 18, 2020, with, "Hope you're enjoying putting small businesses under. Enjoy your broken windows assholes."

Defendant: Pesch, Daniel J. DOB 06/10/1983



I missed beginning of the call.
When will the order go into
effect?

APR 7, 2020, 2:26 PM

The state Stay-at-Home order
went in to effect on Thursday,
March 26th.

Sent by Caitlin Gappa [?]

SAT 8:21 PM



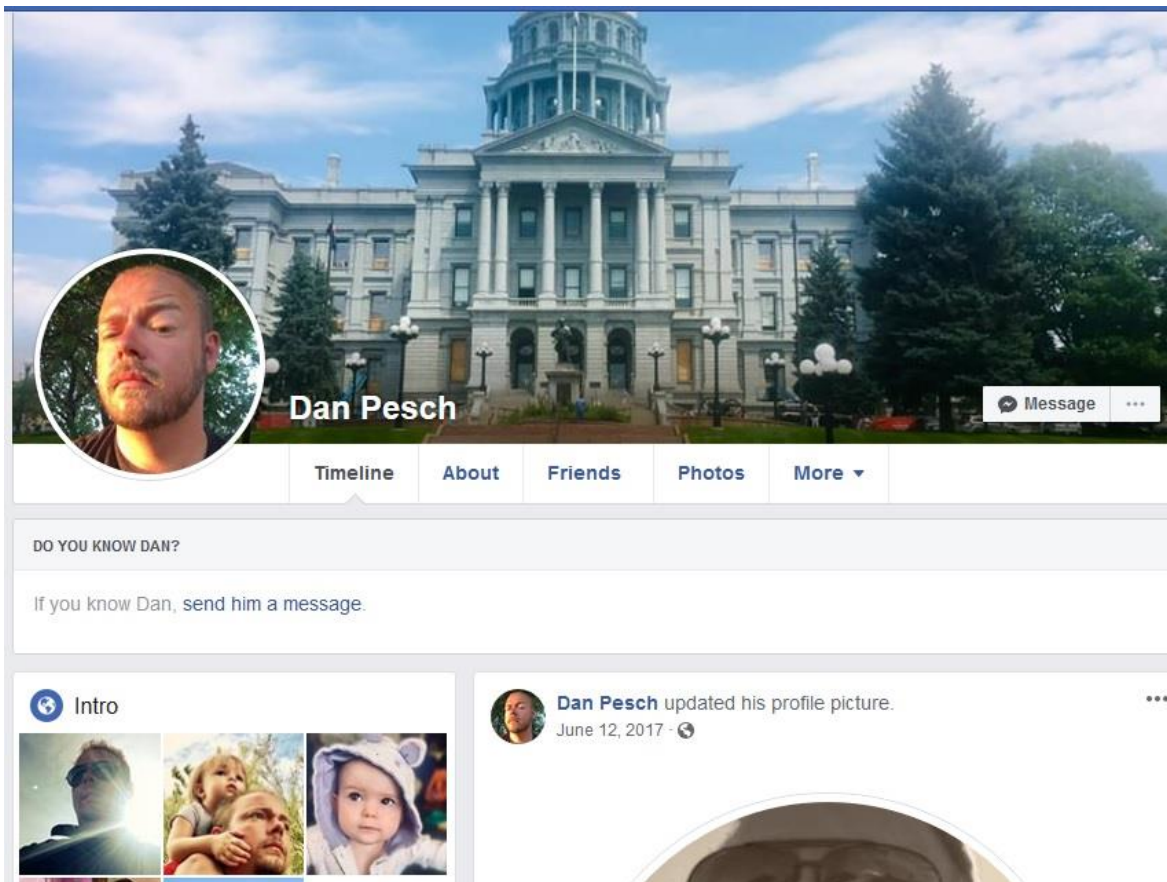
Hope you're enjoying putting
small businesses under. Enjoy
your broken windows assholes.



Dan Pesch

A Facebook search came up with a "Dan Pesch" profile, and it matched that of the Facebook message sent to Tri-County Health. The cover photo was a picture of the Colorado State Capital Building, and his location said he lived in Denver. Several screenshots of the Dan Pesch profile were made.

Defendant: Pesch, Daniel J. DOB 06/10/1983



A Versadex search revealed a possible suspect match of Daniel Pesch (DOB 06/10/1983). A side by side comparison of prior booking photos of Daniel and photos from the Dan Pesch Facebook profile showed that they seemed to be the same person.

An Aurora Police Department, Versadex records management history search, as well as a law enforcement online source, revealed that Daniel has the following case history with a similar M.O. to this case:

12/18/2019 - Denver PD (Case 2019-796904) Pesch broke the windows of a parking garage at (Auraria Campus Tivoli Parking Garage) 950 Walnut Street, in the City and County of Denver, CO

11/06/2019 - Denver PD (Case 2019-708556) Pesch confessed to damaging property on the second floor of the Tivoli Parking Garage.

11/19/2019 - Denver PD (Case 2019-714907) Pesch confessed to damaging an emergency phone and window on the 4th floor of the Tivoli Parking Garage.

Defendant: Pesch, Daniel J. DOB 06/10/1983

11/16/2019 - Denver PD (Case 2019-731359) Pesch confessed to damaging (2) windows at 950 Walnut Street on Auraria Campus.

09/23/2019 - Denver PD (Case 2019-610572) Destruction of property at 950 Auraria PKWY

09/17/2019 - Aurora PD (Case 2019-36292) Broken window at 10401 E Colfax Ave (Bank of the West)

09/16/2019 - Aurora PD (Case 2019-36197) Broken window at Prince of Peace Church, 1590 N Elmira St.

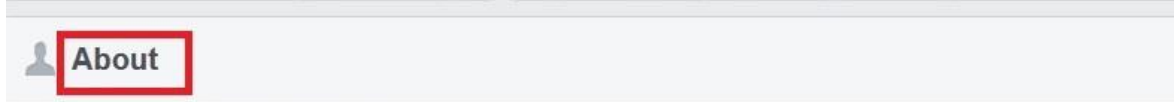
On May 7, 2020, Sheldon Irons contacted Your Affiant and stated some additional graffiti was applied to the employee entrance last night. Sheldon pulled a new case number (APD 2020-15768).

Your Affiant proceeded to Tri-County Health (15192 E. Hampden Avenue) and conducted a canvas for surveillance. Digital photographs of the new graffiti on the employee entrance door were taken. It was graffiti made with black spray paint and appeared to be a random, scribble pattern.

Your Affiant made telephone contact with Steele Tips Bar owner, Danielle Jurinsky (DOB 08/01/1984). Danielle claimed to have seen the suspect twice, but could only describe him as a white male, approximately 5'6" tall. Danielle said she never got close enough to see his face very well. Danielle did say that the suspect was very brazen when approaching Tri-County Health and breaking the window.


Your Affiant also spoke to Steele Tips Bar employee, Patricia "Patty" Woten (DOB 07/11/1989) via the telephone. Patricia said that she saw the suspect on April 15, 2020, and April 18, 2020, both around 2000 hours. Patricia said she was not close enough to get a solid look at his face. Patricia described the suspect as a white male, 5'7" tall, wearing a beanie, and carrying a backpack. Patricia added that when the suspect fled, he got onto a Chambers Road RTD bus. Patricia said that the cameras they have at Steele Tips do not cover the area that the suspect traveled.


On May 8, 2020, Your Affiant made contact with Sheldon's Denver Parole Officer. Your Affiant was given a contact phone number for Daniel of **720-219-6608**. This phone number matched the phone number listed on the Dan Pesch, "About/Details" Facebook profile.





If you know Dan, send him a message.

Overview
Work and Education
Places He's Lived
Contact and Basic Info
Family and Relationships
Details About Dan

No workplaces to show

No schools to show

Lives in Denver, Colorado
Lived in Orlando, Florida - Lived in Port Orange, Florida


 (720) 219-6608



About

Added Details

Edit

 (720) 219-6608

 + Email

 June 10

 Aurora, CO, United States 80011

Facebook

View Profile

 Local time 3:31 PM

 Lives in Aurora, Colorado

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Your Affiant made telephone contact with Daniel Pesch using the 720-219-6608 telephone number. Daniel said he was just arriving at work, and said he works at the King Soopers (15109 E. Colfax Avenue). Daniel went on to explain that he works until 2000 hours tonight. Daniel seemed willing to talk but requested a call after he got off.

A surveillance operation was set up to watch the Tri-County Health facility at 15192 E. Hampden Avenue.

At approximately 2020 hours, Your Affiant received a telephone call from Sergeant C. Poppe (ID # 207970) who stated that Daniel Pesch was just arrested by undercover officers in front of Tri-County Health. Daniel didn't cause any new damage to the facility before he was arrested. Daniel resisted arrest and was eventually transported to Columbia Aurora South Hospital.

Your Affiant responded to the hospital and contacted Officer J. Declaire (ID # 306074). Officer Declaire advised me that the medical staff had to administer two doses of sedative to Daniel, because of his combative behavior. The sedative had up to a six-hour recovery time. An interview with Daniel was not possible at the time. Daniel was released from the hospital on new charges, not related to this case.

On May 11, 2020, Sheldon Irons emailed me an additional screenshot from the Dan Pesch Facebook message thread. Additional messages were shown after April 18, 2020, "Hope you're enjoying putting small businesses under. Enjoy your broken windows assholes." Message.

The message directly after the April 18, 2020 message stated, "Hey assholes! Hope youre enjoying the broken windows. Going to give you a spray paint facelift next. Keep hurting the common folk dickwads." The timestamp stated, "Tue 8:58 PM".

This message was directly followed up by, "Best part of your policy is that I can keep vandalizing the shit out of your building and the cops wont do shirt about it lol." The final message in this thread stated, "Spray paint and broken windows are just the beginning fuckers." This final message was time stamped as, "Sun 9:09 PM".

Rectangular Snip

APR 18, 2020, 8:21 PM



Hope you're enjoying putting small businesses under.
Enjoy your broken windows assholes.

TUE 8:58 PM



Hey assholes! Hope youre enjoying the broken windows.
Going to give you a spray paint facelift next. Keep hurting
the common folk dickwads.



Best part of your policy is that I can keep vandalizing the
shit out of your building and the cops wont do shit about
it lol

SUN 9:09 PM



Spray paint and broken windows are just the beginning
fuckers.

On May 12, 2020, Sheldon Irons emailed Your Affiant and stated that the Tri-County Health facility was vandalized again. Sheldon gave the timeframe of sometime between 0930hrs on May 11, 2020, and 1030hrs today. Sheldon reported this latest incident via a desk report (APD Case # 2020-16315).

Sheldon emailed photographs of the latest vandalism. It appeared to be large black marker, on the employee entrance that stated, "ASSHOLES WATCH OUT!"



A review of Officer Declaire's body camera footage from the May 8, 2020 arrest showed that a large, Sharpie looking, black marker was found on Daniel's person during the search incident to arrest. This marker appeared consistent with what was used to write on the Tri-County Health door.



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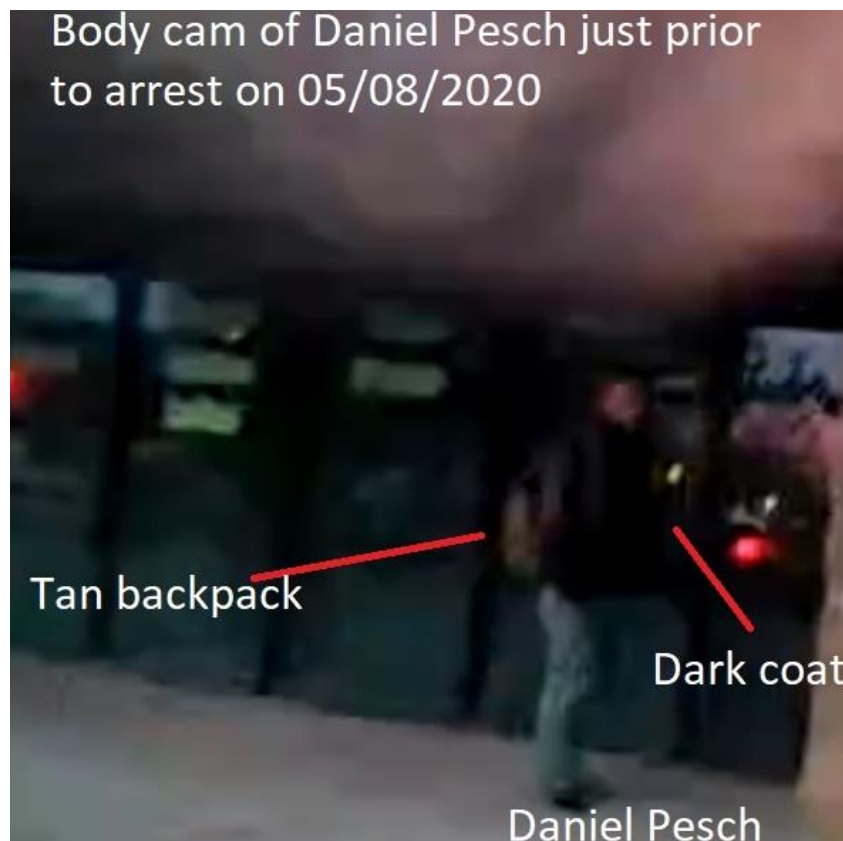
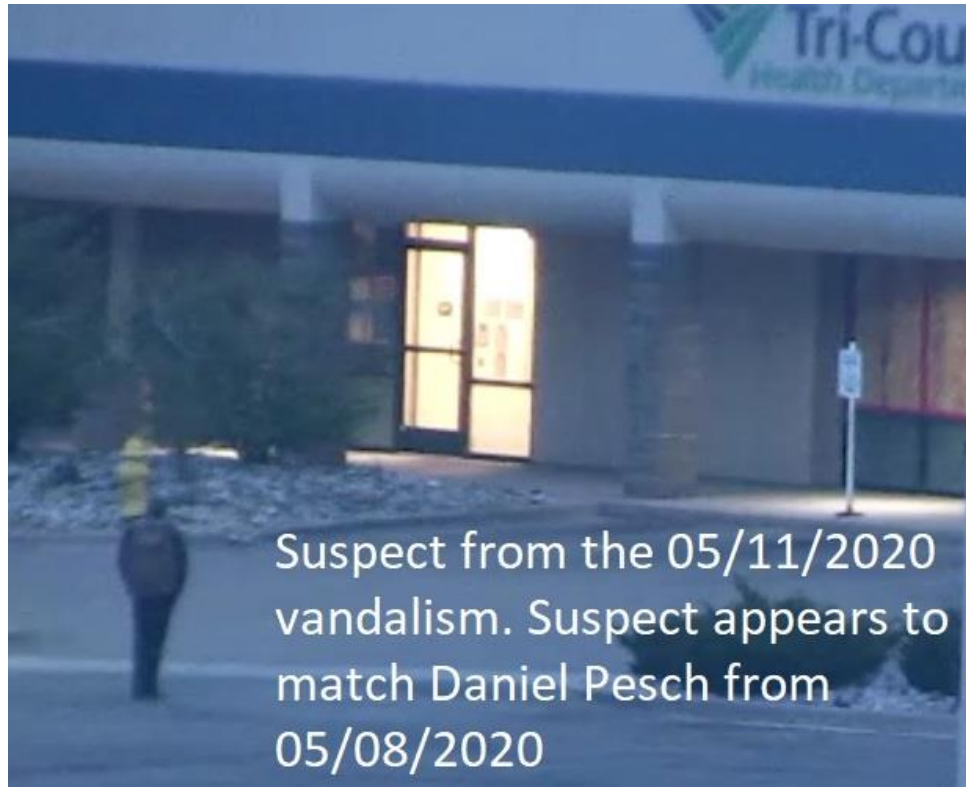
A review of the mesh/pole camera that was installed on May 8, 2020, facing Tri-County Health revealed the incident from May 11, 2020. On May 11, 2020, at 2008 hours, an adult male is seen entering the camera view from the north.

The suspect walks south across the parking lot wearing a dark hat, dark coat and dark pants. The suspect was also carrying a tan/light brown backpack on his back. The suspect walks up to the glass, employee entrance and stands there facing it for approximately 10 seconds. The suspect then walks off towards the east.

A review of the mesh/pole camera from May 8, 2020, when Daniel was arrested showed that Daniel approached on May 8, 2020 from the same direction. On May 8, 2020, Daniel was wearing a dark jacket, tan jeans and a tan/light brown backpack. Daniel's walk and demeanor seemed to match that of the suspect from May 11, 2020.

The backpack on Daniel's back also appeared identical in both mesh camera videos. Additionally, a review of body camera video from the May 8, 2020 arrest of Daniel revealed that the backpack and coat Daniel had on when arrested, was identical to the suspect from May 11, 2020.





Your Affiant made telephone contact with Daniel on May 12, 2020, at approximately 1613 hours. Daniel agreed to meet Your Affiant in the Aurora Police Department, Headquarters Lobby (15001 E. Alameda Pkwy) for an interview on May 13, 2020 at 0830 hours.

Your Affiant received a call back from Daniel at approximately 1630 hours. Daniel inquired why he needed to meet and what it was about. Your Affiant attempted to convince Daniel that it was better to talk in person, but he wanted to know what this was about. Below are excerpts from the phone interview, the full interview was digitally recorded.

Your Affiant told Daniel that Your Affiant's intent was just to talk to him about some incidents that have happened. Daniel was asked if he had an idea what it was about. Daniel replied, "Not really, no."

Daniel was asked what was on his mind or what he thought. Your Affiant then told him that Your Affiant thought he probably had an idea what Your Affiant wanted to talk to him about. Daniel responded, "I kinda have an idea."

Daniel was asked what his idea was. Daniel said, "I think it's about Tri-County." Your Affiant asked Daniel what was going on with Tri-County. Daniel replied, "I just think it has to do with that, I don't know."

Your Affiant asked Daniel if he wanted to tell Your Affiant anything about it. Daniel went back and forth saying, "Yeah, uh, I don't know. Uh yeah."

Daniel was asked again what was going on with Tri-County and asked if he was angry at them. Daniel said, "Yeah, kind of."

Your Affiant asked Daniel why he was angry with Tri-County and he responded, "They're a bunch of dick holes that think they can control everything. So, it's just ridiculous. Um, yeah, um, yeah it's fucking retarded, and they're just a bunch of pompous assholes. I mean, yeah you know. They think they can just fuck with everyone, it's just not okay."

Later in the interview, Daniel stated, "They deserve to pay, that's all." Your Affiant asked Daniel what he was trying to accomplish, or what message he was trying to convey to Tri-County. Daniel responded, "They need to stop being dick holes. You know, they're just not getting the message. So, I just have to keep increasing the intensity, you know."

Your Affiant asked Daniel where he first got the idea. The question was clarified by asking if he was just walking by the facility and got the idea, or if he has been stewing about it for a while. Daniel said, "I've been stewing about it for a little bit."

Defendant: Pesch, Daniel J. DOB 06/10/1983

Daniel informed Your Affiant that he does know some people in the Hampden Avenue/Chambers Road area and confirmed that he does stay around there.

Your Affiant asked Daniel about the message he was trying to get across to Tri-County. Your Affiant told him that he was initially breaking windows and is now writing stuff on the windows. Daniel responded, "I never said that." Daniel was asked if he was trying to get a message across to Tri-County. Daniel said, "Well I have other plans. So, you know." I asked him to tell me what that statement was about. Daniel replied, "I just have other stuff, you know." Your Affiant asked Daniel, "For who, Tri-County?" Daniel said, "Yeah."

Daniel was asked what stuff he was referring to. Daniel said, "I just, I, you know. Just um...I...yeah, just stuff."

Your Affiant asked Daniel what he wrote last night, referring to APD Case # 2020-16315. Daniel responded, "I didn't say I wrote anything last night." Your Affiant informed him that Your Affiant had pictures and that there were cameras covering Tri-County. Your Affiant quoted the "ASSHOLES WATCH OUT!" graffiti that was written in marker on May 11, 2020. Your Affiant asked Daniel what he meant by that statement. Daniel replied, "They just need to watch themselves, that's all."

Your Affiant asked Daniel how they needed to watch themselves, or what he was trying to get Tri-County to do. Daniel said, "Um, tha...that's just for me." Your Affiant asked Daniel if he had thoughts of going to Tri-County and hurting any of the staff members there. Daniel replied, "They don't get it."

Daniel was asked what he was thinking inside his mind and where his head was. Daniel replied, "I'm just super pissed." Your Affiant asked Daniel if his other plans were to hurt people. Daniel answered, "I never said that."

Your Affiant asked Daniel if he just wanted to send a message by smashing some windows and writing some stuff. Daniel said, "Well, more than that. But yeah." Your Affiant inquired about what he meant by his, "More than that" statement. Daniel was asked again if he had thoughts of hurting somebody. Daniel replied, "I don't know." Your Affiant asked him if so far it was just about breaking windows and writing stuff. Daniel replied, "Yeah."

Daniel was asked when he thinks it will end. Daniel answered, "When they get the point." Your Affiant informed Daniel that there are no Tri-County employees currently working out of the facility. Daniel said, "It still affects them though."

Your Affiant then attempted to reason with Daniel and talk him out of doing any additional damage. Your Affiant asked him again, how much longer he thought he could continue with this. Daniel said, "Until they fucking get it."

Your Affiant asked Daniel to stop causing damage to Tri-County multiple times. Daniel's reply was, "No, they still haven't got the message." Daniel said repeatedly that he wouldn't stop damaging Tri-County and said, "They don't deserve it." Daniel also said, "When I get mad I just can't control it."

Daniel wouldn't agree to stop causing damage to the Tri-County Health facility. Daniel did agree to still meet with me on the morning of May 13, 2020, if he could. Your Affiant told Daniel Your Affiant would call him in the morning to confirm.

At approximately 1942 hours, Your Affiant received a phone call from Officer Kyle Villamor (ID # 316960). Officer Villamor advised Your Affiant that he was in a marked police vehicle at the Tri-County Health facility. Officer Villamor said that a male, fitting the description of Daniel, came into the parking lot. The male walked by Tri-County and continued towards the 7 Eleven. Then the male then walked back by Tri-County, saw the marked police cars posted there, and left the area.

On May 13, 2020, Your Affiant made calls to Daniel at approximately 0730 hours. The phone calls were not answered, and Daniel never came to the Aurora Police Headquarters lobby to meet.

Sheldon Irons emailed Your Affiant another screenshot of a new Facebook message to Tri-County. The timestamp on the message was sent on May 12, 2020, at 2034 hours. The message stated, "Cops can't be posted at your building every night. I'll get you, you fuckers. All of you."

TUE 8:34 PM



Cops can't be posted at your building every night. I'll get you, you fuckers. All of you.

Your Affiant received an email response from the 18th Judicial District Probation Officer, Sara Schoder. Sara confirmed that Daniel's cell phone number is 720-219-6608. She believed that Daniel was currently staying at a residential treatment center but couldn't say where.

Defendant: Pesch, Daniel J. DOB 06/10/1983

On May 14, 2020, Sheldon Irons emailed Your Affiant another screenshot of a new Facebook message to Tri-County. The timestamp on the message was sent on May 13, 2020, at 2024 hours. The message stated, "Watch out motherfuckers. It's coming. You have destroyed lives. Payback's going to be a bitch.

8:24 PM

Watch out motherfuckers. It's coming.



You have destroyed lives. Payback's going to be a bitch.

Daniel called and left Your Affiant a message, saying he wanted to talk. Your Affiant called Daniel back at approximately 1240 hours. Your Affiant asked him about not answering Your Affiant's calls yesterday morning to meet. Daniel said, "That's fine." Daniel stated that he would still meet with Your Affiant at the headquarters lobby.

Your Affiant determined that Aurora Police Department cases:

2020-81353 occurring on April 15, 2020
2020-13796 occurring on April 18, 2020
2020-14012 occurring on April 20, 2020

Were all separate damaged/broken windows cases, resulting in a minimum of \$5000.00 in damage.

Additionally, the following Aurora Police Department cases:

2020-15436 occurring on May 2, 2020
2020-15768 occurring on May 6, 2020
2020-16315 occurring on May 11, 2020

Were all separate damaged/graffiti windows cases, by paint or marker ink, resulting in an unknown amount of damage.

All six above listed cases are sufficiently believed to be an ongoing pattern crime, committed by Daniel Pesch.

At the conclusion of Your Affiant's investigation, it was determined that there is probable cause to believe the following criminal elements occurred:

Defendant: Pesch, Daniel J. DOB 06/10/1983

Daniel Pesch knowingly damaged the real property of Tri-County Health Department, in the course of a criminal episode, as evidenced by the broken windows, documented and photographed for multiple Aurora Police Department cases. The accumulated damage of the broken windows was estimated by Tri-County Health as a minimum of **\$5000.00**. These elements fit the crime of Criminal Mischief at the felony level.

Daniel Pesch knowingly defaced glass windows and glass doors of Tri-County Health Department without the consent of Tri-County Health Department, by painting, drawing, and writing, by use of paint, spray paint and ink. These elements fit the crime of Defacing Property.

Daniel Pesch knowingly, with intent to harass, annoy, or alarm staff members of Tri-County Health Department, directly initiated communication with staff members of Tri-County Health Department, and directed language toward Tri-County Health Department staff members, anonymously or otherwise, through Facebook, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage. These elements fit the crime of Harassment.

Based upon the foregoing facts and circumstances, your Affiant feels has probable cause to believe that the offenses, as defined by CRS, were committed:

18-4-501 Criminal Mischief (F5), CRS
18-4-509(b) Defacing Property (M1), CRS
18-9-111(1)(e) Harassment (M3), CRS

And, those offenses were committed by: **Daniel James Pesch, DOB 06/10/1983, SSN 564-75-2159, CO OLN 07-312-0440, Hair Blonde, Eyes Blue, Height 5'09", Weight 200, White Male**

Your Affiant, therefore, respectfully requests that a warrant be issued for the arrest of the Defendant above-named.

STATE OF COLORADO
COUNTY OF ARAPAHOE

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AFFIDAVIT OF PROBABLE CAUSE
S.S.: FOR ARREST WARRANT

APD Case Number: 2020-15436

Defendant: Pesch, Daniel J. DOB 06/10/1983


AFFIANT

Subscribed and sworn to before me this 14th day of MAY, 2020.


NOTARY PUBLIC

EVERLEY THOMPSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124010253
MY COMMISSION EXPIRES 02/17/2024

My commission expires: 2/17/24