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PITKIN COUNTY

09 DEC 28 AM 8:39

ASPEN, COLORADO

District Court, Pitkin County, Colorado Court Address: 506 E. Main Street, Aspen, CO 81611	↑ COURT USE ONLY ↑ Case Number: <i>09A-16475</i> Div: Ctr:
PEOPLE OF THE STATE OF COLORADO	
vs. Defendant: Carlos Irwin Estevez	
AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST	

Agency Case Report No: 09A-16475

ARRESTING AGENCY: Aspen Police Department

DATE OF ARREST: December 25, 2009

DEFENDANT: Carlos Irwin Estevez

DATE OF BIRTH: September 03, 1965

Crimes:

1. Assault in the second degree, in violation of C.R.S. 18-3-203(1)(b), as amended a class F4
2. Menacing, in violation of C.R.S. 18-3-206(1)(A), as amended a class F5
3. Criminal Mischief, in violation of C.R.S. 18-4-501(1), as amended a class M1
4. Domestic violence, in violation of C.R.S. 18-6-801

Your Affiant, Rick Magnuson being duly sworn upon oath says that there is probable cause for the warrantless arrest of the aforementioned defendant for the charges stated above, and that the following facts are true and correct to the best of his knowledge, information, and belief and support the arrest of the defendant; to wit:

1. My name is Rick Magnuson and I am a Police Officer for the City of Aspen, County of Pitkin, State of Colorado and have been so employed for all times pertinent to this affidavit.
2. On December 25, 2009 at approximately 0835 hours Aspen Pitkin County Combined Communications (hereafter referred to as "Dispatch,") aired a domestic violence call at [REDACTED] in Aspen Colorado, County of Pitkin, State of Colorado.

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3. Dispatch aired that the husband, later identified as Carlos Irwin Estevez, date of birth, [REDACTED], and the reporting party, Brooke Mueller, date of birth [REDACTED] were separated, adding that Estevez had a knife.
4. I responded to the location from the Pitkin County Courthouse with Officer Casey Ward. While we were driving to [REDACTED], Aspen Colorado, dispatch aired that Mueller said "It's happened before."
5. At approximately 0838 hours on December 25, 2009 Officer Ward and I arrived on scene. Dispatch aired that Estevez's knife was a "switch blade, like a pocket knife," adding that he was attempting to leave the residence.
6. Officer Ward responded to the back of the house, I went to front door, where I was let in by an unknown person. Inside the residence, I observed Mueller standing in the kitchen; Mueller was crying, uncontrollably. I did not notice any obvious injuries on Mueller. Mueller told me that Estevez was upstairs in the residence.
7. I identified myself as a Police Officer and asked Estevez to come downstairs; he complied. Aspen Police Officer Ward and Officer Valerie McFarlane began talking to Mueller. I asked Estevez to speak with me in the basement and he agreed to. I spoke with Estevez and learned the following:
 - a. Estevez and Mueller have been married for two years and have two children together.
 - b. Estevez stated that he and Mueller have been having marital problems lately, adding that Mueller abuses alcohol.
 - c. Estevez stated that he and Mueller began arguing at approximately 0330 hours on December 25, 2009.
 - d. Estevez stated that the argument escalated when Mueller threatened to divorce him and take the children.
 - e. Estevez, upon further questioning, added that the catalyst of this argument began when he shared a song for his daughter, whom he fathered with another woman.
 - f. Estevez added that Mueller was jealous of this relationship with his daughter.
 - g. Estevez stated that the argument was predominantly verbal; adding that both parties were yelling at each other. Estevez added that he and Mueller slapped each other on the arms during the course of the verbal altercation.
 - h. Estevez denied pushing or striking Mueller.
 - i. Estevez added that during this argument, Mueller became irate, threatening to divorce him and take the children away.
 - j. Estevez stated that he became very upset with this threat because of prior experiences.
 - k. Estevez stated that he took two of Mueller's eyeglasses and broke them in front of her. He demonstrated this by making a breaking gesture with his hands.
 - l. Estevez denied threatening Mueller with a knife or strangling her.
 - m. Estevez stated that he had a folding knife in his travel bag. I asked to see that knife. Estevez told me that the knife was in his travel bag, which was in his travel bag, near the upstairs bedroom. We went upstairs to the hallway near the bedroom. Estevez reached into his travel bag and I observed a dark colored locking knife, with a four inch blade. The blade was locked in the open position. Estevez retrieved the knife from the bag, laying it on the floor, where I retrieved it.
 - n. I observed that the travel bag containing the knife was just outside the bedroom door where the altercation occurred.

8. I then spoke with Police Officer Valerie McFarlane, who was speaking with Mueller. I learned the following from McFarlane:
- Mueller and Estevez were in an argument in the upstairs bedroom. The argument started early in the morning of December 25, 2009.
 - Mueller told Estevez that she wanted a divorce and would get custody of the children.
 - Mueller stated that Estevez became enraged by this; he grabbed Mueller by the upper part of the throat while straddling her on the bed.
 - Mueller added that Estevez then pulled out a knife, holding it to her throat, saying, "You better be in fear. If you tell anybody, I'll kill you. Your mother's money means nothing, I have ex-police I can hire who know how to get the job done and they won't leave any trace." Mueller told Officer McFarlane that she was in fear of her life.
 - Mueller said that Estevez then got off her after she told him, "You're right, you're right, you're right. I'm sorry, I love you."
9. I then spoke with Mueller. Mueller had red marks on the upper part of the front of her neck. I asked Mueller if the was normal and she stated that it was not, adding that Estevez caused the marks on her neck while he was holding her down on the bed.
10. Mueller added that Estevez placed a medium sized folding knife, blade exposed, next to her throat, while he straddled her on the bed. Mueller told me that she was afraid she was going to die at that moment, adding that she was in pain while Estevez's other hand was around her throat. Mueller demonstrated this incident by lying on the bed; she had one hand around her throat and the other was next to her neck, mimicking the holding of a knife.
11. I then place Estevez under arrest, Officer Ward handcuffed him, and I transported him to the Pitkin County Jail at approximately 0947 hours on December 25, 2009.
12. Officer McFarlane retrieved the eyeglasses belonging to Mueller. Officer Ward researched the value of the eyeglasses: Miu Miu SMU54H prescription glasses are worth approximately \$235. Blinde Natural Born Thriller are worth approximately \$285 dollars. The total value of the damaged eyewear is approximately \$520.

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WHEREFORE, I believe and have probable cause to believe that Carlos Irwin Estevez, date of birth September 03, 1965, committed the crimes of: Assault in the second degree, in violation of C.R.S. 18-3-203(1)(b), as amended a class F4, Menacing, in violation of C.R.S. 18-3-206(1)(a), as amended a class F5, criminal mischief, in violation of C.R.S. 18-4-501(1) as amended a class M1, domestic violence, in violation of C.R.S. 18-6-801, in the City of Aspen, County of Pitkin, State of Colorado.

[Signature]
Affiant's Signature

Subscribed and Sworn to before me this 25 day of DECEMBER, 2007.

[Signature]
Notary Public

My Commission Expires on

MY COMMISSION EXPIRES 10/25/2011

The undersigned Judge, having reviewed the attached affidavit, determines that there is sufficient probable cause to detain Carlos Irwin Estevez; Date of Birth: 9/3/65

[Signature]
Judge

Date: 12/25/07 Time: 6:14 PM

The undersigned Judge, having reviewed the attached affidavit, determines that there is insufficient probable cause to detain _____; Date of Birth _____

Judge

Date: _____ Time: _____

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