



City of Union Gap POLICE DEPARTMENT

Gregory Cobb, Chief of Police
102 W. Ahtanum Rd Union Gap, WA 98903
PHONE 509.248.0430 FAX 509.452.5099

Date: 01/14/2022
UGPD 21-06

Lieutenant Chad Janis, Internal Affairs Unit
Yakima Police Department
200 S 3rd Ave
Yakima, Washington 98901

Lieutenant Janis,

I investigated the information you gave from your December 15th letter in regards to investigating Officer Elias Huizar for sexual misconduct in the first degree. As a result of the investigation, I interviewed his estranged [REDACTED] to investigate the circumstances from the beginning of their relationship. In the interview, I was unable to establish probable cause for RCW 9A.44.093, sexual misconduct with a minor in the first degree.

First, [REDACTED] is not a cooperating victim. In her statement she was willing to enter into a relationship with Huizar. She expressed what appeared to be a genuine concern about Huizar being arrested and what that would do to her safety. She mentioned often that Huizar is not of sound mind, has told her he hears voices, was short tempered and controlling of her actions.

Second, I learned [REDACTED] and Huizar met in the fall of 2009. She was likely 17 years and three months old. Huizar was an alumni with Sunnyside High School and was still active in the wrestling program. His age at the time was 24 years old (89 month older). Huizar had two younger brothers actively competing in the Sunnyside High school wrestling program, the same program [REDACTED] was participating in. He had returned to assist in practices. This activity was very common and one that [REDACTED] stated she participated in herself once she graduated from high school and was competing at a college level.

I called Sunnyside school district and spoke to their Human Resource Director. I asked them to see if Huizar was ever employed with the school district. On 01/04/2022, I heard back with a confirmation that Huizar was not an employee before, during or after this time period and he was not in any voluntary positions.

Additionally, I investigated the information provided about a previous relationship with a women only identified to me as Angela Aguilar. There was concern about the age difference and whether or not there was any criminality to their relationship. I was unsuccessful in locating contact information of Aguilar. However, in my interview with



City of Union Gap POLICE DEPARTMENT

Gregory Cobb, Chief of Police
102 W. Ahtanum Rd Union Gap, WA 98903
PHONE 509.248.0430 FAX 509.452.5099

██████████ she stated she received a past police report from Dickinson North Dakota from 2006 or 2007. Huizar attended college in this town and dated an Angela Aguilar during that timeframe. According to ██████████ this police report identified Aguilar as the then girlfriend. In that report, Aguilar was questioned for the then criminal investigation and was Huizar's alibi.

I contacted the Dickinson Police department and was provide two police reports DPD08-014047 and DPD08-014107. In the report DPD08-14107, officers contacted and interviewed a female identified as Angela Aguilar who stated she was dating Huizar at the time. Those reports are attached to this letter.

██████████ also understood that Aguilar went to Sunnyside schools and her father was Dan Aguilar, an employee with the Sunnyside School district. This was confirmed and I was able to locate Angela Aguilar (DOB 04/05/1987). I learned that she was indeed a student at Dickinson State University and graduated in 2009 and the person identified in the Dickinson report DPD08-014107. As a result, the concern about her dating Huizar at age fifteen and the unknown of age difference has been solved. Aguilar is just twenty-seven months younger than Huizar.

For any concern with, RCW 9A.44.079, rape of a child in the third degree, the perpetrator must be at least forty-eight months older than the victim. The victim must be fourteen but less than sixteen years of age at the time. I am unable to establish probable cause for the rape of a child in the third degree.

Based on the above information and the task assigned to me, I see no reason to continue my investigation and interview Angela Aguilar. On January 10th I met with my command staff and briefed them of this case. I was instructed to get a copy of the Dickinson police reports and provide them with this letter as reference. As of January 14th 2022, I have concluded the criminal investigation into Elias Huizar as unfounded.

If you have any further questions or need for additional follow up please feel free to contact me. For your records our case number is Internal at 21-06 for agency assist.

Respectfully,

Detective Curtis Santucci
Union Gap Police Department
509-249-9237
Curtis.santucci@uniongapwa.gov

DICKINSON POLICE DEPARTMENT

Chief Dustin Dassinger

2475 State Avenue North | Dickinson, North Dakota 58601
PHONE 701.456.7759



Case DPD08 014107

Printed on January 14, 2022

Status	Approved
Report Type	Master
Primary Officer	Jeremy Moser
Investigator	None
Reported At	09/07/08 00:58
Incident Date	09/07/08 00:58 - 09/07/08 05:49
Incident Code	BURG : Burglary/Breaking
Location	312 8 W AV, DICKINSON, ND 58601
Zone	
Beat	
Disposition	Closed - Converted Data
Disposition Date/Time	09/07/08 00:58
Review for Gang Activity	None

Case Comments

Comment Date Time: 2008-09-07 23:57:40

Received a report of a burglary at 312 8th Ave W.

Comment Date Time: 2008-11-04 13:07:02

Eli Huizar came to the LEC with his Lawyer with more information regarding this case.

Complainant

MARTINEZ, NATALIE

Unknown

841 8 AV W

DICKINSON, ND 58601

12.1-22-03 - Criminal Trespass, knowingly enter dwelling, or high secure

12.1-31-01 - Disorderly Conduct

12.1-22-03 - Criminal Trespass, Knowingly Enter Structure

12.1-31-01 - Disorderly Conduct

12.1-22-03 - Criminal Trespass, Knowingly Enter Structure

12.1-22-03 - Criminal Trespass, knowingly enter dwelling, or high secure

12.1-22-03 - Criminal Trespass, knowingly enter dwelling, or high secure

12.1-22-03 - Criminal Trespass, Knowingly Enter Structure

12.1-31-01 - Disorderly Conduct

Offender

FERNANDEZ, DANIEL ANTHONY

Male, DOB 10/28/84

606 S FAREMONT ST APT 4
SAN MATEO, CA 94402

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

HUIZAR, ELIAS ZUNIGA

Male, DOB 12/7/84

141 11 AV W
DICKINSON, ND 5860

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

HUIZAR, RICHARDO

Male, DOB 9/16/83

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

LANG, NICHOLAS JON

Male, DOB 3/10/89
177 10 AV E APT 25
DICKINSON, ND 58601

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

LEWIS, LOGAN SCOTT

Male, DOB 10/30/85
130 1 AV SE APT 24
DICKINSON, ND 58601

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

PLASCENCIA, WALTER

Male, DOB 8/17/86
1425 14 ST W APT 7
DICKINSON, ND 58601

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

SANCHEZ, STEVEN
Male, DOB 9/23/86

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

SWEET, DYLAN
Male, DOB 6/17/88

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

YATES, DUSTIN ELMER
Male, DOB 3/7/89
858 ELM AV
DICKINSON, ND 58601

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

Victim

WEBSTER, SARA JANE
Female, DOB 7/10/89
312 8 AV W APT
DICKINSON, ND 58601

12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, knowingly enter dwelling,
or high secure
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
12.1-31-01 - Disorderly Conduct

Primary Narrative By Jeremy Moser, 09/08/08 05:29

Converted

I responded to a Burglary/Breaking and Entering call at 841 8 Ave. W. Upon arrival in the area we were unable to locate the residence. I called dispatch to confirm the address with the 911 caller and again the caller stated 841 8 Ave W. I informed dispatch there is no 841 8 Ave. W. The caller told dispatch it was the home we were at on the morning of 09/06/08, which is 312 8 Ave. W.

Upon arrival at 312 8 Ave. W. Officer Lee and I spoke with some residents from the home. They stated 8 males from the DSU wrestling team came to the front of their home through the backyard and kicked the front door in. They stated the wrestlers took a 45" flat screen TV and DVD player.

I left the scene to try to locate the individuals. I was unable to locate them at the time and returned to secure the scene. Officer Koskovich informed me CIU had been contacted and was en route.

The residents of the home told me they shut off all the lights, went to an upstairs bedroom and locked the door behind them. One resident hid behind a chair in the corner of the living room where the front door is located. The resident who was hiding behind the chair watched the individuals come through the front door saying, "We re going to find you." He said the individuals flipped the table and chairs in the kitchen, went down stairs and left.

I had the residents filled out written statements. Detective McNamee arrived, questioned the residents and took pictures of the scene. Detective McNamee collected the written statements.

I heard, over the radio, Officer Lee state 3 males ran from a vehicle when he approached it. I informed Detective McNamee I was going to respond to Officer Lee s location, approximately the 10 block of S 11 Ave. W. Upon arrival, a male and female were standing outside of a Ford F-150. I approached the back of the vehicle. I noticed two moving blankets and tarp straps laying loosely in the box of the truck. I asked the male what the items were for. He stated he was moving from Bozeman, Montana and was hauling a TV in the box of the truck.

Officer Wallace responded to the area. Officer Lee informed us that the 3 males went into trailer #8. Officer Wallace approached the trailer and knocked on the door. Officer Wallace spoke with an individual at the door and returned to speak with Officer Lee. Officer Wallace stated a female answered the door and he asked her who else is in the residence. She told him another female and two children were the only people inside.

Officer Lee informed Officer Wallace that he saw the 3 males enter trailer and that one of the males was Richie Huizar. Officer Wallace went to the front door of the residence and knocked again. The female came to the door and, once again, stated they were the only people in the trailer. Officer Wallace asked her if he could walk through the inside of the trailer to confirm the occupants. She told him no because she had children sleeping. Officer Wallace informed her we would be back with a search warrant.

Officer Lee got their information and informed them they were free to leave. Officer Lee contacted Detective McNamee and she responded to the scene. Officer McNamee approached the residence and knocked on the door. The female answered the door again. The female agreed to do a quick walk through with Detective McNamee. Detective McNamee located two males inside the trailer. She spoke with one of the males on the front steps of the trailer. He said Richie was not there.

Officer Lee and Detective McNamee left the area to procure an arrest warrant for Richie.

Officer Wallace and I secured the area around the trailer until the arrest warrant was obtained.

Officer Lee, SPO Koskovich, SPO Holding Eagle, and Detective McNamee returned with an arrest warrant for Richie Huizar. Officer Lee, SPO Holding Eagle, and I approached the residence. SPO Holding Eagle knocked and

announced, "Police Department. Arrest Warrant." The female answered the door and we informed her of the arrest warrant for Richie. We entered the trailer. Officer Lee and I approached the front of the trailer and located Richie in a bed clearly pretending to be asleep. We informed Richie of the arrest warrant and placed him in properly fitted double locked handcuffs. Detective McNamee read Richie his Miranda Rights.

I transported Richie to the LEC and placed him in the middle interview room. Detective McNamee later spoke with Richie in the interview room.

After Detective McNamee finished her interview with Richie, I transported him to the SWMCC. I took no further action in the matter.

Supporting Narrative By Corey Lee, 09/07/08 23:57

Converted

[Image]

Supporting Narrative By Amanda Mcnamee, 09/25/08 09:04

Converted

On 09-07-08 at approximately 0125 hours dispatch contacted me and stated officer s were asking for my assistance with a fight. I contacted the shift commander, Senior Patrol Officer Brian Koskovich and asked him to brief me. SPO Koskovich stated a residential break-in occurred. The break-in occurred at 312 8 Ave W. SPO Koskovich said his shift had been dealing with this residence all weekend. A large fight occurred at this residence the night prior to the break-in.

I responded to the address. I met with Officer Lee and Officer Moser. Officer Lee and Officer Moser briefed me. Officer Lee said the residence was broken into while the occupants of the residence were home. Officer Lee said 7 to 8 individuals entered the home. The individuals were carrying baseball bats. The occupants of the residence hid in a back bedroom.

I entered the residence. The front door (facing south) was damaged. The frame of the door was broken. A piece of the frame was laying in the living room. The kitchen table was laying on it s top. The kitchen table chairs were strewn about the kitchen. The sliding glass door blinds were broken.

I met with the occupants of the residence. I visited with seven to nine occupants. They were all seated in the living room. The renters of the residence are Ana Bru and Sara Jane Webster. I asked the occupants to tell me what happened. Ana Bru stated there was a fight at her residence the night prior. A juvenile was beat up due to this juvenile hitting on female party goers. The juvenile s brothers came back to the residence, after the fight, with knives. They were "calling out" the people inside the house. Ana said a couple of baseball players beat up the juvenile.

At approximately 0530 on 09-06-08 Ana and Sara woke up to glass being broken. They noticed their kitchen window (facing east) was broken. There were also several basement windows (facing east) broken. Ana and Sara reported this incident to the police department. Later in the afternoon on 09-06-08 Ana had several contacts with the brother s of the juvenile. One incident occurred outside 141 11 Ave West. Elias Huizar lives at this residence. He is one of the brothers to the juvenile.

Ana was visiting the apartment complex next to 141 11 Ave E. Elias and some of his friends were waving baseball bats in Ana s direction. They were also "throwing gang signs." Ana said Elias and his friends were yelling and swearing at her and her friends. Ana filed a police report with the police department.

I asked Ana and the occupants of the residence to explain the circumstance of the break-in. Ana said she and her friends were at a friends house. They came back to Ana s residence around 0045 hours. Ana said there was several cops outside her residence. A fight broke out at the college dance located at the Student Center. Ana and her friends drove around the area of the Student Center. Ana noticed Elias and several other wrestlers standing outside her residence Ana parked her car behind the residence. Ana and her friends went inside. Ana told her friends not to turn on any lights. Ana said she did not want Elias and the wrestlers to know they were home. These are Ana s friends that were inside Ana s residence on 09-07-08:

Jason Kellar

Ana Bru

Sara Jane Webster

Rubin Solis

Richard Gonzalez

Krystin Gemar

Erika Arvizo

2 to 3 other females

Ana said approximately 5 minutes later she and her friends heard a slight knock on the back door. Ana thought maybe one of her friends got locked out. Ana and her friends went to the door. They looked out the window. Ana said she saw 7 to 8 people standing around her residence. They were all wearing dark hoodies. One individual was wearing a white shirt with blue stripes. Ana and her friends watched the individuals through the windows. The individuals walked

around the house and proceeded to the front door.

Ana and her girlfriends locked themselves in Sara Jane Webster s room. Jason Kellar and Ruben Solis stayed in the living room. The front door was busted open. Jason ran to Sara Jane Webster s room. Ruben stayed in the living room. Ruben hid behind a couch.

Ruben said he saw a large male walk into the living room. Ruben said he was unable to identify any of the people who entered the residence. The intruders were yelling, "WHERE ARE YOU GUYS, WE KNOW YOU'RE HOME." "GAYLAND WHERE ARE YOU!"

The suspects proceeded to the basement. After several minutes the suspects exited the residence through the back door. Ana and her friends exited Sara s bedroom. Ana went downstairs. Ana noticed her large flat screen TV missing. She also noticed her DVD player missing.

I asked the other friends if they saw anything. Jason Kellar stated he saw the wrestlers approach the house. They were all dressed in black except for one individual. This individual was wearing a white zip-up hoodie with blue lettering. Jason said this is the male that was mouthy towards officers on the night of the first fight. Jason said this individual was the older brother of the juvenile who got beat up. Jason said this individual was placed into a patrol car on the night of the fight. Officer Lee asked if this individual s name was Richie. Jason replied yes. Ana also stated she remembered this individual from the fight. Ana said Richie was one of the people outside of her residence. See Officer Lee s report for more details.

I continued to visit with Ana and her friends. I photographed the damage to the residence. I asked all the individuals to complete written statements. Officer Lee left the residence. I made arrangements with Ana and her friends to meet with me on 09-07-08 for further interviews. See the written statements attached to this report.

Officer Lee contacted me and stated he witnessed three possible suspects flee from a pickup and run into a trailer house at South Side Trailer Court. I responded to the West Side Trailer Court. Officer Wallace and Officer Lee were on scene. They were standing outside trailer #8. Officer Wallace said he visited with a female occupant of the trailer. She stated she, another female and her kids were the only ones inside the trailer.

Officer Lee made contact with a pickup and two occupants. This pickup was parked in front of trailer 8. Three occupants got out of the pickup and ran west towards trailer 8. Officer Lee spoke with Nick Lang and his girlfriend, Cassie Jubb-Ouellette. Nick stated the three individuals ran into trailer 8. Nick was evasive with Officer Lee s questions. Nick stated that Richie was one of the individuals that ran into trailer 8. Nick allowed Officer Lee to search the pickup. There were moving blankets in the bed of the pickup. See Officer Lee s report for details.

I knocked on the door to trailer 8. Richie s wife, Roxie, answered the door. I introduced myself and explained my presence. I asked Roxie if she would grant me consent to do a walk through of the trailer. Roxie agreed. Roxie and I walked throughout the trailer. The juvenile male, David, was present along with David s girlfriend and two small children. Roxie walked me around the trailer. She allowed me to look in closets and under beds. I located another male, dressed in all black, laying on a bed in one of the bedrooms. This male sat up and rubbed his eyes. He asked what was going on. He then laid back down. I did not locate a TV inside the residence.

Officer Lee contacted SA Jim Hope. SA Hope did not feel we had enough probable cause for a search warrant. Officer Lee explained the facts of the case to SA Hope. SA Hope felt we had enough for an arrest warrant for Richie Huizar for Criminal Trespass. Officer Lee and I responded to the County Court House. Officer Wallace and Officer Moser stayed at trailer 8.

Officer Lee was granted the arrest warrant for Richie Huizar. Officer Holding Eagle, Officer Koskovich, Officer Lee and myself responded to trailer 8. Richie Huizar was located inside the trailer and arrested. Steven Sanchez was the other male inside the residence.

Richie was transported to the LEC. I met with Richie and advised him of his Miranda Rights. Richie did not want to visit with me. Richie was escorted to SWMCCC by Officer Lee.

On 09-07-08 I met with Ana Bru, Sara Webster, Rubin Solis, Richard Gonzalez and Jason Kellar. I showed them photographs of others suspected of burglarizing Ana and Sara s residence. I showed them pictures of several wrestlers. Ana picked out Elias Huizar and Steven Sanchez as two individuals that were outside her house the night of the break-in. Ana signed and dated the pictures. I called SA Hope and informed him of Ana s statements.

I responded to 141 11 Ave W with Sgt. Dave Wilkie and Officer Poikus. I knocked on the front door. Elias answered the door. I told Elias he was under arrest for Criminal Trespassing. SPO Holding Eagle and Officer Schumann located Steven Sanchez at the West Side Trailer Court #8. Steven was picked up and arrested for Criminal Trespass. Steven and Elias were transported to the LEC. Elias and Steven were placed in separate interview rooms. I advised Elias of his rights. Elias did not have anything to say. Elias requested an attorney. Elias was escorted to SWMCCC.

I met with Steven. I advised him of his rights. Steven was uncooperative and would not let me talk. He kept interrupting and telling me I had nothing on him and that I ruined his life. It was obvious I was not going to get anywhere with Steven. Steven was escorted to SWMCCC.

On 09-08-08 I completed follow up work. I visited with Ana Bru and her father, Louis Bru on several separate occasions. Lt. Shirey visited with the witnesses, Krystin, Vanessa, Erika and Natalie. See his report for details. Angela Aguililar, Elias girlfriend, came to the LEC to visit with me. She brought Jamal Forbes with her. Angela said Jamal had information relating to Elias and his whereabouts on the night of the break-in. See Jamal s written statement. I visited with Angela for a while.

Angela stated the following:

Angela stated she was not at the fight that occurred on Friday night. On Saturday night, the night of the break-in, Angela was working at the college dance. Angela said around 9 pm Elias, Richie, Steven, Dusty and Nick went to Colt Goff's residence. A few other wrestlers were also at Colts. The DSU wrestling coach told Elias and Shane Bennett to tell the other wrestlers to stay away from the baseball team.

At 2330 hours Angela saw Elias at the dance. Elias approached Ryan, a member of the baseball team. Elias and Ryan were attempting to make peace between the two teams. Richie and Steven approached Elias and Ryan. At 0100 hours the dance was over. Elias, Richie and Steven were standing in the lobby area of the Student Center. Angela said there were two other wrestlers standing with them. Jamal Forbes stated he watched Elias walk towards his (Elias) residence on 11 Ave W.

Around 0200 hours Elias, Richie, Steven, Nick Lang and Dusty Yates showed up at Elias residence. Angela said there were other people at Elias. Angela said she heard Richie, Steven, Dusty and Nick talking. She gathered that they had broken into a residence. Elias told everyone they needed to leave his house. Richie told Elias they needed to get out and "hide the stuff." Elias said, "What stuff?" Richie told Elias, "Don't worry about it bro." Angela said she did not actually hear this conversation between Elias and Richie. Elias told Angela this after everyone left.

Angela said later in the night Richie called her cell phone looking for Elias. Angela linked the call to Elias cell phone. Angela listened to the phone conversation between Richie and Elias. Richie said to Elias, "Bro, bro you have to do something the police are all here to take us in. Call in a false complaint." Angela told Richie that a false complaint is illegal and will implicate Elias. Angela told Richie even if a false complaint is made only one officer will leave. Richie told Elias, "We need the cops out of here." Elias didn't respond. Richie said, "Alright bro I see you're not going to call. I wish you the best in life." At 0350 hours on the 7th of September a false 911 call was placed. See CFS 08-14109.

Angela said she will attempt to get Elias to come to the LEC to visit with me about the above conversations. Around 1800 hours, Elias and Angela came to the LEC. I visited with them. Elias told me he never heard Richie say anything about hiding stuff. Elias did say that Richie asked him to place a fake 911 call. Elias would not divulge any more information to me.

On 09-09-08 I visited with Ana Bru, Jason Kellar and Sarah Jane Webster again. They all relayed the same information as my previous conversations with them. Ana stated Dusty Yates approached Sarah and her in the library. Dusty apologized to Sarah and Ana about the break-in and the stolen TV. Ana thought this was odd. Sarah stated she and Dusty are really good friends and felt Dusty was only trying to make amends between the two teams. Sarah felt Dusty was also apologizing for the entire team. Ana thought Dusty, for sure, had something to do with the break-in. Sarah felt differently. Sarah said Dusty has been text messaging her through out the day. There was nothing significant about the text messages.

Later in the day Ana Bru and her father came to the LEC to visit with me. Ana brought pictures of people she felt were involved in the fight, the baseball incident and the break-in. The pictures she brought in are as follows:

Dusty Yates - Ana claimed he was involved in the break-in. She also stated he brought a knife to the fight. He also approached Ana and Sarah in the library and apologized to them.

Colt Goff- he was involved in the fight

Steven Sanchez - He was involved in the break-in

Elias Huizar Zuniga- he was involved in the fight, baseball bat incident and the break-in

Kyle Johnson- he was involved in the fight and the baseball bat incident

Shane Bennett- he was seen leaving Ana and Sarah's residence the day of the break-in. He told Sarah and Ana he was looking for David's phone. Apparently David lost his phone the night of the fight.

I called Sarah and asked her to meet with me at the LEC for another interview. Sarah agreed. We talked about the case. I told Sarah I wanted her to tell me what she knew about the case. I told Sarah not to tell me what Ana has told her. Sarah stated the following:

Sarah is friends with most of the wrestlers. She wishes this "whole thing" would just go away. Sarah said she does not want anyone to get into trouble. Sarah agreed that Ana and her father are making this case harder due to the many names and implications they are bringing forward. I showed Sarah the pictures that Ana brought in. Sarah said she knows that Richie and Elias are involved in the break-in. She felt that Shane Bennett was also involved but was not 100% sure. Sarah said she cannot positively identify anyone who broke into her home. Sarah said she only saw one guy enter her home. This was a white male with dark hair. He was wearing a gray hooded sweatshirt. Sarah felt this male was Shane Bennett.

Sarah said she does not know how Ana can implicate anyone when she did not see anyone enter their home. Sarah said Ana was in Sarah's bedroom when the men entered the home. Sarah said the only time Ana could have seen anyone was when the men were outside her residence. Sarah said she too saw the men outside the home. Sarah said she remembers one individual wearing a blue and white sweatshirt. The other men were wearing black sweatshirts. Sarah said she was at the library at DSU when Dusty Yates approached her and asked her if she was ok. Dusty told Sarah he was really sorry about everything. Sarah asked Dusty if he knew anything. Dusty told Sarah he didn't know much about the incidents.

Sarah provided me with a written statement. A few days following my interview with Sarah, Detective Klauzer met with Sarah and showed her the video footage from Officer Lee's vehicle. Sarah was able to identify Steven Sanchez,

Cassie Ouellette, Nick Lang and Dusty Yates.

On 09-09-08 I made contact with Dusty Yates. He agreed to visit with me at the LEC. Dusty and I visited about wrestling for a while. He said he heard about the case. Dusty stated he heard a couple of things were taken. I asked Dusty if he was present during the break-in. Dusty said he was not. Detective Klauzer joined the interview. Dusty said, on the night of the break-in, he was with Richie and Joe. Joe is Richie s younger brother. They went to a party at Andrew Wassenbeger s residence around 8 pm. Almost all the wrestlers were at Andrew s party. Richie, Joe and Dusty left the party and went to the dance at DSU. Approximately one hour after arriving at the dance a fight broke out and the dance was shut down.

Dusty said he visited with Officer Corey Lee. Officer Lee was on scene for the fight. Officer Lee told Dusty and his friends to go home. Dusty said he dropped Richie and Joe off at Richie s residence. Dusty went home because he was going hunting in the morning

Dusty said he saw Nick Lang and Dylan Sweet at the dance but did not see them after the fight broke out. Dusty continued to deny knowing anything else about the break-in. Dusty stated he was not lying but only telling me his story. Dusty said Richie, Elias, Stevie and Joe were upset that David got beat up. Dusty said he heard them say, "When the time comes we ll get them." Dusty said he did not know anything else that could help with the investigation. See Dusty s written statement. I thanked Dusty for his time. Dusty left the LEC.

I contacted Shane Bennett. I visited with Shane for some time. Shane completed a written statement. Shane was ruled out as a suspect.

Officer Lee informed me he had in-car video of the people leaving the DSU dance. It shows a group of people walking together in front of Officer Lee s patrol car. The group consists of:

Dusty Yates
Richie Huizar
Nick Lang
Cassie Ouellette
Dylan Sweet
Stevie Sanchez
Joe Huizar
possibly Elias Huizar

On 09-10-08 I contacted Nick Lang. Nick agreed to meet with me at the LEC. Nick stated the following:

Nick and his girlfriend Cassie went to a party at Andrew Wassenberger s residence. They arrived at the party around 8:30 pm - 9 pm. Around 10:15 - 10:30 pm Nick and Cassie went to the dance. Nick said he talked with Jamal Forbes and some other football kids. Nick said the fight broke out and the dance was shut down. Nick and Cassie visited with Officer Lee. Nick said he did not meet with anyone after the dance was over. After visiting with Officer Lee, Nick and Cassie went to Nick s apartment to get a drink of water. Nick and Cassie met up with Stevie at Elias residence. Nick and Cassie gave Stevie a ride to Richie s residence. This was around 0130 hours. Stevie and Nick talked about the fight involving David. Officer Lee stopped and visited with Nick and Cassie outside of Richie s residence.

I told Nick I had a video of him leaving the DSU dance with a group of people. Nick said that couldnt be true. I offered to show Nick the video. Nick said he wanted to see the video. Nick, Detective Klauzer and myself watched the video in my office. At first Nick denied being a person in the group. I pointed out Nick s girlfriend. Nick s girlfriend is in the video holding hands with Nick. I asked Nick if Cassie was cheating on him. Nick said no and stated that was him in the video. Nick identified the other individual s in the video. They were identified as the individuals listed above. Nick stated he wanted nothing to do with it. I asked Nick to elaborate. Nick stated the following:

The group left the dance after the fight broke out. The group consisted of Nick, Cassie, Stevie, Dusty, Dylan, Elias, Joe and Richie. Cassie walked to Nick s pickup and stayed inside the pickup. The rest of the group walked to Ana Bru s residence. They walked around the house for a while. The group decided to enter the house to find the kid that beat up David. Nick stood in front of the house. Richie, Stevie and Joe entered the house. Dylan, Elias and Dusty waited outside the house with Nick. Nick heard Richie, Stevie and Joe come out the back door of the house. Nick watched them put a flat screen T.V. in the trunk of Elias car. Nick went to his pickup. He and Cassie went back to Nick s place. They later returned to Elias place. Stevie was standing outside. Stevie asked for a ride back to Richie s place. Nick and Cassie gave Stevie a ride to Richie s. Nick said he doesn t know what happened to the T.V. See Nick s written statement. I thanked Nick for his time. Nick left the LEC.

On 09-11-08 Detective Klauzer and I went to DSU to visit with Dusty Yates and Dylan Sweet. We located both individuals in the athletics department. They came to the LEC to visit with us about this case. I told Dusty I did not believe that he didn t know anything about this case. I told Dusty I had him on video tape leaving the dance with the group of suspects. Dusty asked to see the video. Detective Klauzer and I showed Dusty the video. I told Dusty I was not giving him anymore chances to tell me the truth. Dusty stated the following:

Dusty and the wrestlers (Dylan, Nick, Stevie, Richie, Joe and Elias) met at the dance. The dance was over due to the fight. The group drove to Ana Bru s residence. They were intending to fight whoever beat up David the night prior. Dusty said Richie and Joe rode with Dusty in his car. Dusty parked about one block away from Ana s house. Dusty said he and Nick hid in the bushes around the house. Dylan, Joe Stevie and Richie went into Ana s house. Nick and Dusty waited outside for the group to come out of the house with the baseball kids so they could fight. After some time

Richie, Joe, Dylan and Stevie came out of the backdoor. Richie was carrying a T.V. Dusty helped Richie put the T.V. in the trunk of Dusty's car. They dropped the T.V. off at Richie's residence. Dusty said they group broke up and they all went their separate ways. Dusty said he does not know what happened to the T.V. Dusty provided a written statement. I thanked Dusty for his time. Dusty left the LEC.

Detective Klauzer and I attempted to interview Dylan. Dylan denied having anything to do with the break-in. Dylan was booked into SWMCCC for criminal trespass. A while later Dylan requested to talk to me or Detective Klauzer. Detective Klauzer met with Dylan. Dylan provided a written statement. See his attached statement.

Dylan stated he met with Elias earlier in the evening at Elias' residence. Elias, Dusty, Nick, Cassie, Stevie and a few other people went to a party at Andrew's residence. They stayed at the party for a while. The group went to the dance. Elias talked to a few baseball players at the dance. Elias was trying to find out who beat up David. Nick, Cassie and Dylan went to Nick's pickup to drink some beer. They noticed a rush of people leaving the dance. The dance was over due to a fight that broke out. Nick and Dylan exited Nick's pickup and met with Richie, Joe and Dusty at Ana Bru's residence. They proceeded into the backyard of Ana's residence. They walked to the front of the house. Dylan said someone from the group tried to kick in the front door. They were unsuccessful. Dylan booted the door and they entered Ana's residence. Dylan was the first person to enter Ana's home.

They were unable to find anyone inside the home. Richie took the T.V. from the basement. Dusty or Nick took the DVD player. They exited the house (via the back door) and placed the T.V. and DVD player in the trunk of Dusty's car. Dylan, Dusty, Richie and Joe went to Richie's residence. The T.V. and DVD player were placed inside a shed on Richie's property. The shed is approximately 10 feet from Richie's home. The group proceeded back to Elias' residence. They talked about the incident. Richie went back to his residence and relocated the stolen property. Dylan went back to his dorm room.

09-12-08 I called Nick Lang. Nick agreed to come to the LEC for another interview. I told Nick I believed parts of his story but did not believe that he did not enter Ana's house. Nick started to cry and said he was so scared to tell the truth. After some time Nick said he wanted to be honest about the break-in. Nick stated the following:

Nick said he called Dusty Yates after the dance was over to see what was going on. Dusty told Nick he was at Ana's residence because "they" planned on fighting whoever beat up David. Dusty told Nick he needed to be present at Ana's house. Nick arrived at Ana's house. He met with Richie, Dylan, Dusty and Joe. Dylan kicked in the front door of Ana's residence. They all went inside Ana's residence. They were unable to locate anyone inside the residence. They proceeded to the basement. Richie told them to grab the T.V. and the DVD player. Dusty and Richie grabbed the T.V. and the DVD player. They exited the house through the backdoor. Nick went back to his pickup and left the scene. Nick said he does not know what happened to the T.V. or DVD player. Nick provided a written statement. I placed Nick under arrest and escorted him to SWMCCC.

A few days later I located Dusty. I placed Dusty under arrest for trespass. Dusty said he would only speak to me with a lawyer present. I escorted Dusty to SWMCCC.

I located Joe Huizar and Richie Huizar. I placed them under arrest. Joe and Richie refused to speak to me without a lawyer present.

The victims and persons present at the time of the break-in reviewed the in-car footage of the tape. Lt. Shirey interviewed them and showed them the footage. See his report for details. Also this was recorded. See the recording for details.

Copy sent to SAO

On 11-03-08 Elias and his attorney Kelly Armstrong came to the LEC to visit with Detective Klauzer, myself and ASA Ehlis. Elias was asked several questions about his knowledge of the break-in that occurred at 312 8 Ave W. Elias said he and Steven Sanchez went to the dance at DSU. The dance ended. Elias and Steve got into Elias' vehicle and went to Elias' residence. Elias said he was never with Richie, Dylan, Joe, Dusty or Nick. I told Elias I did not believe him. I told Elias I had video of him leaving the dance with Steven, Dylan, Joe, Richie, Nick, Cassie and Dusty. I offered to show the video to Elias. Elias agreed. I showed him the video footage. Elias watched the footage and identified the people in the video as:

Steven Sanchez
Richie Huizar
Joe Huizar
Dylan Sweet
Nick Lang
Cassie Jubb Oulette
Dusty Yates
himself

We went back into the interview room. Elias continued to deny knowing anything about the break-in. Kelly asked to speak to Elias alone. Kelly and Elias left the interview room. They returned. Elias stated the following:

He went to the dance with Steven Sanchez. After the dance Steven talked with Dusty, Richie, Joe, Dylan and Nick. They all agreed to go to 312 8 Ave W. Steven told Elias he wanted to go to 312 8 Ave West to look for David's cell phone. Elias drove Steven towards the house and parked on the street. Steven got out of the car and went into the alley behind 312 8 Ave W. Elias stayed inside the vehicle. A few minutes later Steven ran back to Elias' car and got in.

Steven said to Elias, "We got to get out of here." Elias and Steven drove to Elias residence.

A few minutes later Richie, Joe, Nick, Dylan and Dusty arrived at Elias residence. They told Elias the following: Dylan said he broke the front door down. Nick stated he flipped over the kitchen table. Dusty took the DVD player. Richie told Elias not to worry. Dylan said they got a TV and a DVD player from the residence. Elias told them they needed to leave. The group left and went to Richie's residence. A while later Steven called Elias and told him to make a fake 911 call so the cops would leave Richie's residence. Elias refused.

Elias said he has no idea where the TV or DVD player are. Elias said he did not tell me the truth prior because he didn't want to tell on his family. Elias said his family will hold a grudge against him. Elias said they will think he is the reason they got into trouble because Elias told the truth.

I thanked Elias for his time and cooperation. Elias and Kelly left the LEC. The interview was recorded and placed into evidence by Detective Klauzer.

updated copy sent to the SAO

11-08-08

Supporting Narrative By Rick Shirey, 10/27/08 11:33

Converted

On 09/08/08, I was updated regarding several related incidents over the weekend that involved DSU students, many of whom are members of DSU athletic teams. A staff meeting was held with all officers involved and members of the investigations unit. Inv. Klauzer was assigned follow-up on the fight that had occurred on 09/06/08, at 312 8th Av. W. Inv. McNamee was assigned follow-up investigation on a reported break-in and burglary that occurred at that same address on 09/07/08.

On 09/08/08, I assisted the investigation by conducting an initial interview with Steve Sanchez. Sanchez had been placed under arrest and housed in the SWMCC the previous day. Sanchez was brought down to an interview room. The interview was recorded to DVD. Sanchez was given his Miranda rights prior to beginning the interview. During the interview Sanchez told me that he was at the dance and had talked with the K-9 officer, Cory Lee, outside of the dance. After the dance he and Elias and Jose Cerado went to Elias's car which he said was parked in the lot behind Selke Hall. Steve said that he saw some people at the house at 312 8th Av. W. and they drove past as he wanted to get his cousin's cell phone. The house was dark so they drove down the alley but were told to leave the area by others Steve described as Bahamanians. They then drove over to Elias's place. They were hanging out there when some other members of the DSU wrestling team came to the apartment. He identified the other wrestlers as Dylan Sweet, Dusty Yates and Nick Lang. Steve said he then went to the trailer where he stays. He had just been dropped off and saw the police car approaching but kept walking and went into the trailer and went to sleep until he was awakened by officers later. Sanchez denied being one of the group at the house or entering the house or any knowledge of the incident.

I assisted Inv. McNamee by interviewing 4 witnesses to the break-in.

At about 5:00pm on 09/08/08, 4 DSU students; Kyrstin Gemar (01/22/87), Vanessa Adams (08/27/90), Erika Arbizo (02/16/90), Nathalie Martinez (02/26/88), came to the LEC. I interviewed them as a group at this time. I was told that they and several others, see other reports, were in the house at 312 8th Av. W. shortly before 01:00am on 09/07/08. They had seen some of the other student athletes involved at the fight at this residence standing across the street by the Student Center where there was a dance taking place. Because they were afraid, they kept the lights off and watched out the windows. They watched a group of young men approach their house through the alley and back yard. They were able to follow the movements of the group around the side of the house and up to the front door. They said the guy that appeared to be the leader and who later tried to break down the door was wearing a grey hooded sweatshirt and dark jeans or pants. He appeared to be Caucasian. They also gave a description of another in the group, a Hispanic male with a fade/buzz cut hairstyle and wearing a white polo-style shirt that had horizontal stripes. They thought that there were as many as 8 men outside of the house. They also thought that one of the cars was a smaller tan/white 4 door that they saw in the alley.

When the group began to break down the front door, Jason Kellar, Sara Jane's boyfriend, gathered everyone together in the front bedroom. Everyone was in the bedroom except for Rueben Solis, who hid behind a chair in the living room. Erika said that she was the last one to go into the room and was just closing the door to the bedroom when the front door gave way. She saw a tall Caucasian male enter the living room. He had on a dark color hooded sweatshirt with the hood down. He was yelling "where the fuck are you" and whispering to someone that he could hear them but couldn't find them. She could make out a second person in the living room but was not able to give a description. She managed to close the door without being noticed. They continued to hear yelling and things being tossed or overturned. They also heard someone go down into the basement.

Nathalie told me that she dialed 911 and was on the telephone with the dispatcher. She gave the wrong address to the residence. She told the dispatcher that she could see a police officer standing right outside (by the DSU Student Center).

As the police arrived at the right house, the intruders went out the back door.

On 09/12/08, I was again contacted by Steve Sanchez who wanted to come to the LEC to speak with me. I asked him

to bring me the clothes he was wearing the night in question. Upon his arrival he was taken to an interview room and reminded of his rights and that he had contacted me. Sanchez then told me that when they left the dance he was with Elias and Jose and that they went into the alley. Steve told me that there were already 4 other guys there who left as they arrived. Steve still maintained that he never went into the yard and stood only at the back of the property by the alley. Steve then showed me the clothing. There was a white polo-style shirt that had thin darker horizontal grey/blue stripes. I gave Steve a property receipt for the shirt.

Also on 09/12, Nathalie, Venessa, Kyrstin and Erika came to the LEC at my request. I had since obtained the in-car video from Officer Lee. His video recorder was left on when he responded to the disturbance call at the DSU Student Center at about 12:30pm on 09/07/08. The recorder captured video of several persons leaving the dance at the center. At one point a person I recognized as Steve Sanchez walks in front of the camera. There is a large group of persons to his right walking toward the parked vehicles along Campus Drive. Sanchez walks over to a parked pickup identified as the one belonging to Kassi Oulette. The group of people split and some go to the pickup and the rest get into a smaller dark color car. Sanchez walks over and gets inside of the car which then follows the pickup up the street. In the video, Sanchez is wearing a white polo-type shirt that has thin dark horizontal stripes. Another person in the group is wearing a grey hooded sweatshirt.

Each woman was brought in separately to view the in-car video. The first, Nathalie, pointed out Sanchez immediately as one of the guys she saw outside of the house. She then pointed at the person in the grey hoody. She did not see either enter the residence and could not say positively that the person in the grey hoody was the same one who broke down the front door. She was certain that Sanchez was one of the persons who walked around to the front of the residence.

Next, Vanessa viewed the video. She pointed out Sanchez and the person in the grey hoody. Again, she was certain about Sanchez, having seen him in the backyard. She was not able to make a positive ID of the person in the hoody. Kyrstin then viewed the video. She pointed out Sanchez and said that she was pretty sure he is one of them - the guy in the stripped shirt. Again, she did not see Sanchez in the residence, only outside. She told me that the only one she saw in the house was a white guy with a shaved head and darker clothes.

Erika pointed out Sanchez and said that she knows Steve as she has a class with him. She recognized him as being one of the group that came to the house through the backyard and up to the front just before the front door was broken down. She also pointed out the person in the grey hoody. She, again, said it was a guy in a grey hoody that she saw trying to break down the front door while she watched through the window. She went into the bedroom and did not see who entered the house.

I had no further involvement in the case.

Supporting Narrative By Kylan Klauzer, 11/04/08 10:47

Converted

On 11-03-08, Elias came to LEC with his attorney Kelly Armstrong to give more information in regards to the CFS# 08-14047 and 08-14107. Refer to CFS#08-14-47 in regards to that information. As stated in my supplement to 08-14047, Elias had spoke with his attorney and was talking to me voluntarily.

Elias told Det. McNamee, SA Ehliis, and I the following in regards to the break-in [this is a synopsis, not verbatim]: He was at a DSU school dance at the DSU student center. There was a fight at the dance and it was shut down by DSU. When he left the dance, he initially claimed to have left with Jose and Steve. Elias and Jose got to Elias car first and waited a couple minutes for Steve to show up and get in. Steve told Elias he was over at 312 8 Ave W looking for David s cell phone. Elias was parked to the west of the student center. After Steve got into his car, Elias claimed he immediately drove to his house on 11 Ave W. Elias said he never went over by 312 8 Ave W. A while after he arrived at his house, Dylan, Nic, Dusty, Ricardo, and Joseph came to his house. Elias felt something was suspicious when the five began to talk. Apparently, Dylan admitted to breaking in the door, Dusty admitted to taking a DVD player, and Nic admitted to breaking a table. While these individuals were talking about this stuff, Ricardo approached Elias and told him not to worry about anything. The five left Elias residence and Elias does not know where they went from there. I questioned whether or not Elias left from the DSU student center and went directly home. Elias had told us Steve was not with him immediately after he left the DSU Student Center. Elias later stated Steve claimed he went over to 312 8 Ave W after the dance to look for David s cell phone he had lost the night before. Elias said this is why Jose and him had to wait for Steve in his car after the dance.

A video from a squad car shows Steve was with Elias immediately after the dance and never left Elias sight. After showing the video to Elias and Elias talked to his attorney, Elias admitted to lying about going over to 312 8 Ave W. Elias said he left the student center with Steve and drove over to the 700 Blk of 4 St W and parked. Steve got out of his car and ran over to 312 8 Ave W. Elias thought Steve was going to look for David s cell phone. After a short time, Steve came running back to Elias car and got in. Steve was breathing heavy and told Elias to get out of there. Elias went to his house and Dylan, Nic, Dusty, Ricardo, and Joseph showed up several minutes later. Elias kept to his story that he does not know where any of the stolen property from 312 8 Ave W is. This interview will be placed into evidence and report will be forwarded to SAO for recommendation of charges.

DICKINSON POLICE DEPARTMENT

Chief Dustin Dassinger

2475 State Avenue North | Dickinson, North Dakota 58601
PHONE 701.456.7759



Case DPD08 014047

Printed on January 14, 2022

Status	Approved
Report Type	Master
Primary Officer	Corey Lee
Investigator	None
Reported At	09/06/08 01:34
Incident Date	09/06/08 01:34 - 09/06/08 04:54
Incident Code	TERROR : Terrorizing
Location	312 8 W AV, DICKINSON, ND 58601
Zone	
Beat	
Disposition	Closed - Converted Data
Disposition Date/Time	09/06/08 01:34
Review for Gang Activity	None

Case Comments

Comment Date Time: 2008-09-06 06:44:05

Received a report of a large fight with 20 to 30 participants in the 300 block of 8th Ave W.

Comment Date Time: 2008-11-04 10:47:09

Elias came to the LEC with his lawyer to give more information regarding this fight CFS #08-14047 and the break-in CFS# 08-14107.

Offender

ESCOBEDO, TURVY

Male, DOB 8/28/83

821 7 AV W

DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter Structure

FERNANDEZ, DANIEL A
Male, DOB 10/28/84
208 9 AV E
DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

GONZALES, RICHARD M
Male, DOB 9/22/87
711 11 AV W APT B11
DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

[REDACTED]
JUVENILE, [REDACTED] DOB [REDACTED]
[REDACTED]

[REDACTED]

HUIZAR, ELIAS ZUNIGA

Male, DOB 12/7/84
141 11 AV W
DICKINSON, ND 5860

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

LEWIS, LOGAN S

Male, DOB 10/30/85
130 1 AV SE APT 24
DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

MADRID, LEO F

Male, DOB 9/14/88
1 CITY
DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

PLASCENCIA, WALTER
Male, DOB 8/17/86
1425 14 ST W APT 7
DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

SOLIS, RUBEN
Male, DOB 10/28/88
127 11 AV W APT 3
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

VOLPENDESTA, GALEN
Male, DOB 11/25/87
127 11 AV W APT 6
DICKINSON, ND 58601

25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure

Suspect

LOVERIDGE, BRANDON

Male, DOB 12/30/86

1612 PRAIRIE AV APT 24

DDI, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

Victim

BRU, ANA L

Female, DOB 10/12/89

312 8 AV W

DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter Structure
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

[REDACTED]
JUVENILE, [REDACTED], DOB [REDACTED]
[REDACTED]

[REDACTED]

Witness

ACOSTA, JAMIL

Male, DOB 5/17/88

123 11 AV W
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

ADAME, VANESSA

Unknown

841 5 ST W APT
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

BRU, ANA L

Female, DOB 10/12/89

312 8 AV W
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

LANG, NICK

Male, DOB 3/10/89
177 10 AV E APT 23
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

LICEA, JODY

Female, DOB 3/23/90

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

MARTINEZ, NATHALIE M

Female, DOB 2/26/88
HIDDEN OAKS
BAKERSFIELD, CA 93306

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

NEUFELD, ASHLEY

Female, DOB 3/4/88
1612 PRAIRIE AV APT 15
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

OUELLETTE, KASSI

Female, DOB 3/21/89
1052 ALDER AV
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

WEBSTER, SARA JANE

Female, DOB 7/10/89
312 8 AV W APT
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter
Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

YATES, DUSTIN ELMER
Male, DOB 3/7/89
858 ELM AV
DICKINSON, ND 58601

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-17-04 - Terrorizing
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct

12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct
25.16.08.010 - Minor In Consumption
12.1-17-04 - Terrorizing
12.1-31-01 - Disorderly Conduct
12.1-22-03 - Criminal Trespass, Knowingly Enter Structure
25.16.08.010 - Minor In Consumption
12.1-31-01 - Disorderly Conduct
12.1-31-01 - Disorderly Conduct

Other

ARMSTRONG, KELLY M
Male, DOB 10/8/76
830 5TH ST W
DICKINSON, ND 58601

Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-17-04 - Terrorizing
Mentioned: 25.16.08.010 - Minor In Consumption
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 25.16.08.010 - Minor In Consumption
Mentioned: 12.1-17-04 - Terrorizing
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-22-03 - Criminal Trespass, Knowingly Enter Structure
Mentioned: 25.16.08.010 - Minor In Consumption

MONLUX, DUANE
Unknown
1629 3 AV E
DICKINSON, ND 58601

Mentioned: 25.16.08.010 - Minor In Consumption
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-17-04 - Terrorizing
Mentioned: 25.16.08.010 - Minor In Consumption
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 25.16.08.010 - Minor In Consumption
Mentioned: 12.1-17-04 - Terrorizing
Mentioned: 12.1-31-01 - Disorderly Conduct
Mentioned: 12.1-22-03 - Criminal Trespass, Knowingly Enter Structure

Primary Narrative By Corey Lee, 09/06/08 19:19
Converted

Officers arrived in the 300 block of 8th Ave W and discovered approximately 20 to 30 angry college students involved in a verbal and physical altercation in the middle of the street.

Officers Koskovich, Moser, Trooper Skogan, and myself approached the crowd and attempted to diffuse the situation. We were not immediately successful as the situation was well out of hand and most of the individuals were not being compliant. At one point during the calamity I identified whom I believed to be the major instigator at the time and I placed him in handcuffs and put him in the back of Officer Moser's patrol car. He made several references to his rights and I informed him that he was not under arrest but was being detained as he was attempting to instigate another altercation.

Stark County deputies were called to the scene and once they arrived I turned my attention towards the residence. I spoke with several males behind the residence that stated the fight had started inside of the residence and that the bloody male had provoked the incident by making unwanted advances toward a female subject.

I asked the males if any of them resided at this residence. They replied no. The back door was open and I could see blood inside the doorway. I entered the residence and looked around the main floor. No one could be located on the main floor.

I continued on and checked the basement level of the home. I discovered several individuals in a bedroom in the basement. I asked if they had witnessed this evening's scuffle. They stated that they had. I asked each of them to fill out a written statement and they agreed.

Each of their statements are attached to this report and have approximately the same theme. They mention the male [REDACTED] was making advances toward a girl when a fight ensued. Some of the statements make reference towards a knife but it is unclear as to when the knife came into play. The statements also suggest that the fight moved from the residence and into the street.

Once the scene was under control I went to St. Joe's E.R. and met with [REDACTED] and [REDACTED] Elias Huizar. Elias was fairly calm but had trouble understanding the laws of our state. The group of family and friends with Elias were extremely animated and disrespectful. Sgt. Wilkie and I made several attempts to explain the situation to these individuals and they did not seem to grasp the concept. Instead they chose to go on mocking and berating us, the State of North Dakota, and our legal system.

These discussions went on for approximately two hours while two males (one juvenile and one adult) were being treated for their injuries. During this time I asked if any of these individuals wished to fill out written statements. Four of the individuals stated that they wished to do so.

These statements are also attached to this report and mention one larger male getting into an initial altercation and a larger brawl then ensuing. However these statements go into greater detail about a mob of approximately 6 to 10 males hitting and kicking [REDACTED] while he was down on the ground. The statements go to state that the males were pouring beer on [REDACTED] and were berating him.

Sgt. Wilkie interviewed [REDACTED] with Elias present and added that interview as a supplement to this report. Officer Moser took pictures of [REDACTED] wounds and those are attached to the report as well.

Further investigation is being done on this matter, to determine exactly whom the other individuals involved might be. This case will be forwarded to C.I.U. for their review.

Supporting Narrative By David Wilkie, 09/06/08 08:34

Converted

I was contacted at home by dispatch advising me that officers from D Shift were requesting backup and a sergeant in the 300 block of 8 Ave W.

I arrived and found a gathering of people standing in the roadway at that location. Both ND Highway Patrol and Stark Co. S.O. units were on scene.

I spoke with SPO Koskovich. SPO Koskovich advised me of the situation.

[REDACTED] was walking around the scene with a bloody face and appeared to very intoxicated. I was informed that [REDACTED] was the victim in this incident. I directed an officer to place [REDACTED] in the rear of a squad car.

After speaking to [REDACTED] guardian, Elias Huizar, it was determined [REDACTED] would be transported to the St Joseph's ER. I spoke with [REDACTED] in the emergency room of St Joseph's hospital. Elias was present as we spoke.

[REDACTED] told me the following: [REDACTED] and Dusty Yates went to a party at the residence. [REDACTED] recognized several of the people at the party as DSU baseball players. [REDACTED] approached a female and introduced himself. [REDACTED] felt the female was being friendly towards him. [REDACTED] gave the female a hug. The female was standing near another female. A group of DSU baseball players were standing near the female. A Hispanic male said to [REDACTED] "Don't hug her like that." [REDACTED] said he was sorry and apologized for hugging the female. As [REDACTED] turned away, the Hispanic male struck [REDACTED] in the head with a closed fist. [REDACTED] fell to the ground. Several of the baseball players started kicking and punching [REDACTED] in the ribs, head and face. [REDACTED] tried to get up and leave, but was being held down by other baseball players. The people kicking [REDACTED] began to pour alcohol on him. [REDACTED] was forced to drink the alcohol due to the fact that he felt he would drown if he did not do so. They began to throw bottles at [REDACTED] head. [REDACTED] said the bottles struck near his head, but he was not hit directly in the head with a bottle. [REDACTED] was not sure, but felt he may have blacked out at

some point during the assault.

█████ was able to get up and run out of the house. █████ was chased out of the house by 10 to 15 people. █████ was caught and held down in the street by the group. █████ was hit and kicked several times before he was able to get up and run again.

█████ ran towards his residence and found his brother. █████ and his brother returned to the party to determine who had assaulted █████ At this time, the police arrived on scene.

█████ said he would be able to identify the person who hit him the first time, but was unsure if he would be able to identify anyone else involved in the assault.

Photos were taken of █████ injuries.

█████ said he would write a statement to the facts. I am awaiting █████ statement.

Statements were gathered from other persons at the ER who had witnessed the fight. Those statements were collected by Officer Lee.

I contacted Hal Haynes from DSU. I advised Haynes on the incident. Haynes said he would arrange a meeting between the coaches to get things settled down on campus. Haynes stated he would request a copy of the report.

I contacted Lt Banyai to advise him of the incident.

No further action on my part at this time.

Supporting Narrative By Brian Koskovich, 09/07/08 19:15

Converted

Officers responded to a report of a knife fight in front of 312 8 Ave. W.

Upon arrival, there were approximately 20-30 people standing in the street yelling at each other. Officer Lee, Officer Moser and I attempted to calm the situation down. The yelling and screaming began to escalate and I called for additional officer assistance. There were a number of individuals saying a 16 yr old male had been beaten up and was bleeding. Officer Lee and I saw the male sitting in the rear of a vehicle parked in the middle of the street. The 16 yr old had blood on his face and blood coming from his mouth.

Three Stark County Deputies and two North Dakota Highway Patrol officers responded and arrived on scene.

The scene continued to get out of control. There were people pushing each other, grabbing each other and some were engaging in physical confrontations. I had dispatch call in four additional officers to assist with crowd control. Sgt. Wilkie, Officer Hanel, Officer Grosz and Officer Leintz arrived on scene and assisted with crowd control. During this time I located a small kitchen knife laying on the ground in the middle of the street and Officer Moser located a large kitchen knife near the scene. The knives were placed in evidence.

At this point the crowd started to subside and people began to leave the area. Officer Lee began collecting suspect and victim information. I stayed outside and continued to monitor the scene to ensure that no other confrontations occurred.

I was informed that the individuals involved in this incident were DSU wrestlers and DSU baseball players.

After some time the scene finally calmed down and officers were able to clear the scene.

This ended my involvement in this matter.

Supporting Narrative By Jeremy Moser, 09/08/08 02:03

Converted

Officer Koskovich, Officer Lee, and I responded to a call of individuals fighting with knives.

Upon arrival, there was approximately 35 to 50 individuals and a vehicle parked in the middle of the street. Some individuals were yelling, "they have knives." We located a knife on the street and another was located on the Campus property. I took the knives and secured them in my squad car.

Additional officers were called in to help. Three Sheriff Deputies, Two Highway Patrolman, and Three Police Department Officers arrived later on scene.

As we were trying to sort out the situation, many of the individuals were arguing and pushing each other. One individual stated his 16 year old brother, █████ had been beaten up at the party. He told us 15 of the baseball players beat up his brother. He said they held him down, punched him, kicked him, threw beer bottles at his head, and poured beer in his mouth.

I spoke with █████ He was located in the back seat of the vehicle parked in the middle of the street. █████ was bleeding from his lips, nose, and behind his ear. His shirt was torn and he had scratches on his elbows. An ambulance was dispatched to the scene to have him checked out.

I escorted █████ to the ambulance to receive medical attention. Elias, █████, came running over and told me he was his █████ and he needs to go with him. I informed Elias he cannot go in the ambulance with █████ He refused to let █████ go in the ambulance by himself and refused █████ medical attention. The ambulance received a call of a drug overdose in which they left the scene. I informed Elias █████ should go to the hospital and get checked out.

At this time █████ pointed out one of the individuals who had punched him first. █████ and Elias ran over to him and started fighting. We broke up the fight and separated the individuals. █████ told me he is the one that punched him first

inside the house party. Elias demanded he be arrested. Officer Koskovich informed him he would be taken care of. We received written statements from the individuals on scene.

Elias, [REDACTED] and relatives went to the hospital to received medical attention for [REDACTED]

Supporting Narrative By Kylan Klauzer, 09/10/08 13:51

Converted

On 09-08-08 I talked to [REDACTED], a juvenile, about the fight that took place on 09-06-08 at 312 8 Ave W. He was placed in an interview room and talked to as a victim.

[REDACTED] told me the following [This is a synopsis, not verbatim]:

He went to a baseball/softball college party with Dusty Yates, Nick Lang, and a couple girls. When he arrived he began to talk to people and meet new people. [REDACTED] is new in town. At one point, [REDACTED] was approached by a girl who he felt was interested in him. [REDACTED] could not remember this girls name, but said this girl showed a liking for him. [REDACTED] said he put his arm around the girl in a friendly manner and an individual identified as Tury Escobedo told him not to touch the girl. [REDACTED] said Tury grabbed him and started to push him outside. While he was getting pushed outside, he was struck by an unknown individual. After he was pushed outside, a group of male individuals [according to [REDACTED] from the DSU baseball team started swinging at him and pushed him on the ground. [REDACTED] was able to get up and run a couple times and each time the group put him back on the ground, held him down, and continued to assault him. [REDACTED] stated the individuals assaulting him were pouring beer on him and trying to make him drink it. [REDACTED] felt he was knocked out a couple times during this altercation. He eventually was able to get away from the crowd and went to get help. [REDACTED] returned with one of his [REDACTED] Elias Huizar, to identify who had assaulted him. After they returned the police arrived.

[REDACTED] brought pictures of the individuals he said were involved. Since he was unable to locate pictures to all of the people he felt were involved, I took him to the DSU baseball practice and did a lineup with the team. The names of the individuals [REDACTED] identified as being involved in the fight were Richard Gonzalez, Tury Escobedo, Logan Lewis, Brandon Loveridge, Galen Volpendesta, Ruben Solis, Leo Madrid, and Walter Plascencia. [REDACTED] felt there were more involved in kicking and punching him while he was on the ground but he was only able to identify these people. He was sure the individual that gave him the majority of the assault outside was Tury.

[REDACTED] had a severe cut on his lip that required stiches and numerous bruises on his face. Sgt Wilkie told me [REDACTED] did have minor scrapes on his body the night he went to the hospital. A waiver for medical information was given to [REDACTED] temporary guardian, Eli Huizar. I have not received it back.

While at the scene of the party on 09-06-08, officers were told by several unknown individuals [REDACTED] had a knife when he returned to the fight. Officer s did locate a knife and [REDACTED] admitted to having a knife when he returned to the fight. The knife [REDACTED] had was placed into evidence.

Late in the afternoon on 09-08-08 Dickinson State University [DSU] baseball coach Duane Monlux approached me while I was at Dickinson State University. He said one of his players, Daniel Fernandez admitted to him he had struck [REDACTED] at one point during the fight.

On 09-09-08 I talked to Tury Escobedo and Danny Fernandez in regards to the fight that took place on 09-06-08. I spoke with them individually in an interview room. Each signed a waiver of rights form.

Tury Escobedo told me the following [This is a synopsis, not verbatim]:

He was at a party that was a going away party for a DSU female softball player. The party consisted of mostly baseball and softball players. During the party he noticed a younger Hispanic male, later identified as [REDACTED], hanging around a couple girls. Tury saw [REDACTED] put his arm around one of the girls and start bothering her and her friend. He did not think this was appropriate and told [REDACTED] to knock it off. [REDACTED] became defensive and would not leave the girls alone. Tury eventually grabbed [REDACTED] and pushed him out of the room and back into the living room. [REDACTED] pushed Tury back and asked him what his problem was. Tury did not want a fight and only wanted [REDACTED] out of the house. This is where the fight began. Daniel Fernandez was going to assist Tury in removing [REDACTED] from the residence. When Daniel began to assist Tury, [REDACTED] pushed Daniel. Tury said he heard Daniel punched [REDACTED] but did not see it. A group of people gathered, took over, and pushed [REDACTED] out the front door. Tury saw a guy he knew as Jeremy start getting involved with the fight. Tury pushed him on the couch to keep him out of the fight. The fight went outside and after approximately three minutes Tury went outside . When he got outside he saw there were a couple individuals with knives. The police showed up and were in the process of talking to people. Tury said one of the wrestlers approached him and punched him while the polcie were talking to people.

After interviewing Tury for a while, he told me he heard Logan Lewis had struck [REDACTED] outside. Tury thought Logan had struck him because he pulled a knife on Logan. Tury did not see this happen.

Tury was adamant he never left the house when the fight went outside. Tury did agree DSU baseball players were outside assaulting [REDACTED] but said he did not know who they were. Tury was very uneasy when telling me this.

Tury was videoed for this statement and it was logged into evidence.

Later I spoke with Daniel Fernandez. Daniel told me the following [This is a synopsis, not verbatim]:

He was at a DSU s female softball players going away party. He was hanging out drinking a beer when he noticed Tury having a confrontation with an individual, later identified as [REDACTED] Daniel told me he became involved with the fight

when he noticed Tury removing [REDACTED] from the party. Daniel was assisting in the removal of [REDACTED] by pushing him out the front door. [REDACTED] pushed Daniel back. Daniel reacted and punched [REDACTED] in the face. The crowd from inside the party gathered at this time and took over, pushing [REDACTED] out the door. Daniel showed me he had several scratches and cuts on his left hand from where he said he hit [REDACTED]. Daniel was adamant he did not go outside the house when the fight went outside. He agreed [REDACTED] was assaulted outside by a group of DSU baseball players but said he did not know who they were. Daniel was very uneasy when telling me this.

Ana Bru came to the LEC to file a sexual assault report [CFS#08-14047] after I spoke with Daniel. Ana was accusing [REDACTED] of sexually assaulting her at the party. Reference this report for findings. While she was talking to me she mentioned the fight that occurred at her residence.

Daniel was videoed for this statement and it was logged into evidence.

Ana told me the following [This is a synopsis, not verbatim]:

She was hosting a going away party for one of her DSU softball teammates [Jaime]. After [REDACTED] had arrived and touched her in some inappropriate ways, he went on to bother her roommates Sarah Webster and Vanessa Adame. While harassing Sarah and Vanessa, Tury Escobedo told [REDACTED] to leave the girls alone and leave. [REDACTED] did not listen to Tury and continued to harass the girls. Tury and some baseball players picked [REDACTED] up and took him outside her residence. When they put [REDACTED] down, he began swinging punches. In self-defense the group of guys that took [REDACTED] outside started to swing back. Ana stayed inside and after a few minutes a grayish/black car drove by with four individuals in it. One was wearing a red shirt and one was wearing a white shirt. They claimed to be Eli's brothers. When they all got out of the car, she noticed the male wearing the red shirt, the male wearing a white shirt, and Eli all had knives. They threatened to kill whoever beat up their [REDACTED]. Everyone on the street began to run and the police arrived.

Ana stated the group of people assaulting [REDACTED] were DSU baseball players. Ana said there was a group of them and she could not identify them. Ana's written statement is attached.

Next I spoke to the individuals [REDACTED] identified when I took him to the DSU baseball practice. The individuals are Richard Gonzalez, Brandon Loveridge, Logan Lewis, Tury Escobedo, Galen Volpendesta, Ruben Solis, Leo Madrid, and Walter Plascencia. Their statements are attached.

Logan Lewis told me the following [This is a synopsis, not verbatim]:

He was at Ana's house for a party. Almost all of the baseball players were there drinking and socializing. After a while a group of wrestlers joined the party. Approximately forty five minutes after the wrestlers arrived, he heard someone say the wrestlers were groping a softball player. Tury Escobedo asked a wrestler, later identified as [REDACTED], to leave. [REDACTED] pushed Tury when Tury approached him. Daniel Fernandez approached [REDACTED] and asked him to leave. [REDACTED] swung at Daniel and punched Daniel. Daniel reacted and punched [REDACTED] back. Logan pulled Daniel back into a hallway to calm the situation. The fight escalated and went into the street. He stayed inside and drank with Daniel while Daniel cleaned off his hand. Logan admits baseball players were involved with the fight that went on outside. He did not see who was involved. Logan felt everything was settling down when someone yelled the wrestlers were back with knives. He went outside to see what was happening and was approached by a wrestler with a knife. Logan admits he hit the wrestler after the wrestler waived a knife at him.

Galen Volpendesta told me the following [This is a synopsis, not verbatim]:

He was at this party drinking some beer. All was well and he was socializing. Out of no where he saw a bunch of tension take place in the living room between Daniel Fernandez and some other kid, later identified as [REDACTED]. Daniel told the kid to leave the party. [REDACTED] pushed Daniel and swung at him. Daniel dodged the punch and swung back at [REDACTED]. A whole mob took the kid to one side of the room. This is the last Galen saw [REDACTED] in the house. Galen said he stayed in the house and was approached by a white kid. This white kid was being held back by someone and eventually broke through. When this white kid came at Galen and Galen hit him twice. On the third swing Galen missed the white kid and struck a wall in the house. Galen said he punched a hole in the wall of the house. He went to the kitchen, cleaned off his hand, and left through the back door. He left with a person named Derek and went to meet up with Walter Plascencia and Andrew Ontai. Walter and Ontai were coming from Galen's house.

Galen had several scratches and cuts on his right hand. By the description Galen gave me on who he hit in the party, I believe the victim is Nick Lang. Nick reported a Galen had indeed struck him.

Walter Plascencia told me the following [This is a synopsis, not verbatim]:

He went to his friend, Jaime's, going away party. He was not feeling well and decided not to drink. Walter felt out of place for not drinking and decided to leave. While he was leaving a male, later identified as [REDACTED], approached him. [REDACTED] started asking Walter if he was involved in any gang activity. Walter walked away from [REDACTED] and left the party with his friend Andrew Ontai and a softball girl that goes by the name "Ashley". Walter walked home and was getting undressed when someone text him and said there was a big fight happening at the party.

Brandon Loveridge told me the following [This is a synopsis, not verbatim]:

When the fight started he was in the kitchen area. He didn't know why the fight started until after the fact. Brandon admitted he followed the crowd outside and watched the kid, [REDACTED], get beat up in the middle of the street. After the fight everyone went back into the house. [REDACTED] came back with a knife and everyone went back outside. Brandon followed and saw [REDACTED] standing with a knife threatening to kill everyone. [REDACTED] threatened him and he never had a

part of ██████ beat down. He didn't throw a punch or push ██████ He is unsure why ██████ mentioned his name. Brandon only observed what happened. Brandon only remembers the people who confessed to hitting other people being involved in the fight.

Brandon told me the only ones that were still in the house when the fight went outside the first time was some girls. Leo Madrid told me the following [This is a synopsis, not verbatim]:

He was at the party with some friends. The only names he knows are Logan, Walter, Galen, Jamil, and Danny. At approximately 2330 some wrestlers showed up. Leo remembers two brothers came with one white male and one white female. Walter left at approximately 0015. When Walter left the party, Leo stayed at the party with Jamil. Next, Leo was in the kitchen with Daniel. There was a commotion in the party and Daniel went over to tell some guy, identified as ██████, to chill out. ██████ told Daniel "Fuck You" and pushed Daniel. Daniel reacted and punched ██████ Leo pulled Daniel back and told him to just leave. Leo escorted Daniel out the back door at this time. When Leo came back through the house everyone had gone out the front. Leo stayed inside and tried to figure out what happened. Approximately 5-10 minutes later Leo walked out the front door. Leo saw some wrestlers with knives and grabbed his friend Logan. He thought Logan looked mad and didn't want him to do anything dumb. Leo went back inside after the police arrived and helped clean up the residence.

Richard Gonzalez told me the following [This is a synopsis, not verbatim]:

He was at a party for a softball player named Jaime. While at the party he noticed a male, identified as ██████, saying west coast this and west coast that. Later in the party, he was in a room with Sarah Webster, Vanessa Adame, and Tury Escobedo. ██████ came into the room touching Sarah and Vanessa. ██████ was asked to leave by Tury and refused. Tury threw ██████ out of the party. When people realized what was going on outside, it became a huge brawl. Richard stayed inside and saw Logan and Ana run through the back door. Richard grabbed Sarah, a male by the name of Jason, and ran through the back door of the residence.

This is the last Richard saw of the fight.

Ruben Solis told me the following [This is a synopsis, not verbatim]:

He was at a party for a girl named Jaime. A little bit into the party, Ruben went out the back of the residence to go to the bathroom. When he walked back into the residence, there were some girls crying. Ruben asked what happened. They told him there was a fight outside. Ruben felt the police were going to show up so he decided to leave through the back alley and walk home.

Video from the squad cars in-car camera are logged into evidence. Tury and Daniel's interviews are also logged into evidence. All written statements and waiver of right forms are attached.

Supporting Narrative By Kylan Klauzer, 11/04/08 10:06

Converted

On 11-03-08 Elias Huizar and his lawyer came to the LEC to talk to Det. McNamee, SA Ehlis, and I. Elias wanted to us more information in regards to CFS#08-14047 and CFS#08-14107. I placed Elias and Kelly in a interview room. The interview was recorded.

Before I began to interview Elias he told me he was coming in voluntarily and had spoke to Kelly about it. Elias interview went as follows: [this is a synopsis, not verbatim]

On 09-06-08 Elias was at a party with a bunch of wrestlers when he received a phone call from Steve Sanchez. Steve told Elias, ██████ was just beat up by a bunch of baseball players and he needed to come to the house where it happened. Elias got into a car with approximately 9 wrestlers and drove over to the residence where the fight took place. Elias found the residence because of the police lights and the location was close to where he had been partying. When he arrived at the residence, he noticed Ricardo Huizar, Steve Sanchez, and Joseph Huizar were already there. ██████ had been beat up and the fight was done. Officer's were talking to witnesses and the ambulance arrived to check on ██████ Elias found out later from Joseph Huizar that while Ricardo, Steve, and Joseph were driving down the street, they coincidentally ran into ██████ running from the fight. They picked up ██████ and went back to the residence where the fight happened. Elias never pulled a knife on anyone and feels the witness who placed him with a knife mistaken him for one of his ██████ There are a lot of similarities between his ██████ and him. Elias feels if anyone pulled a knife at the party it was probably ██████

The next topic Elias talked about was the residential break-in on 09-07-08 at 312 8 Ave W. Refer to CFS# 08-14107 for this report.

This interview will be placed into evidence and report will be forwarded to SAO for review.